

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA OFFICE
200 OCEANGATE, SUITE 1000
LONG BEACH, CA 90802-4302
(562) 590-5071



W15d

A-5-PPL-18-0036 (Loving Family Trust)

July 11, 2018

EXHIBITS

Table of Contents

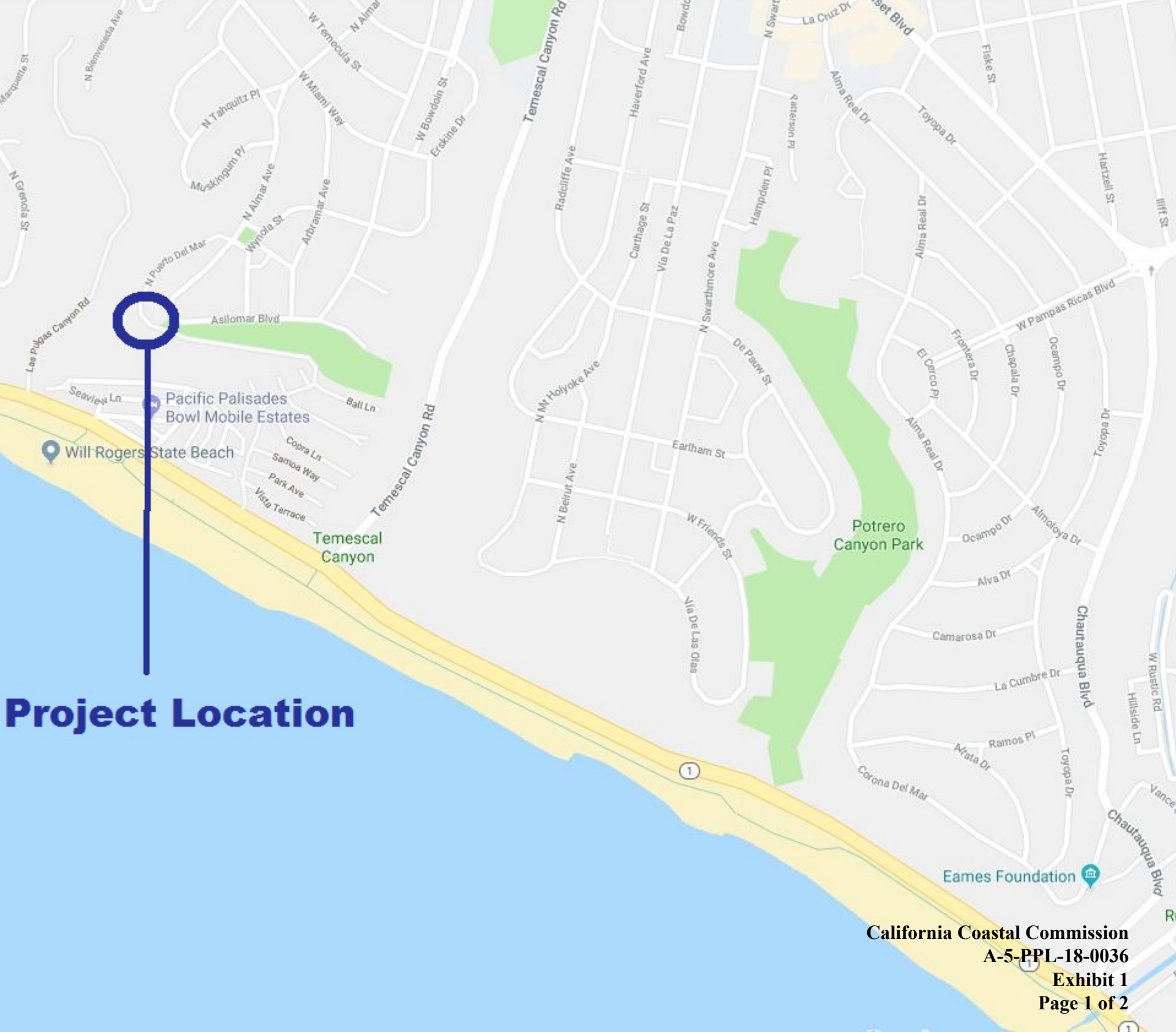
Exhibit 1 – Vicinity Map and Project Location

Exhibit 2 – Property Line Boundaries for Coastal Bluff

Exhibit 3 – Project Plans

Exhibit 4 – City of Los Angeles CDP Determination

Exhibit 5 – Appeal



Project Location



Asilomar View Park

Scenic Overlook

Project Site

**Tahitian Terrace
Mobile Home Park**

Pacific Palisades Bowl Mobile Estates

Palisades Gift Baskets

Space30

Pacific Coast Highway



Project Site

Asilomar Blvd

Asilomar View Park

Palisades Bowl Mobile Home Park

**Tahitian Terrace
Mobile Home Park**

Pacific Coast Hwy

Kontiki Way
Tahiti Ave

Park Ave

Pacific Coast Hwy

California Coastal Commission

A-5-PPL-18-0036

Exhibit 2

EXHIBIT "A"

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Case No. DIR-246-3107-COP-MEL

Slope Analysis

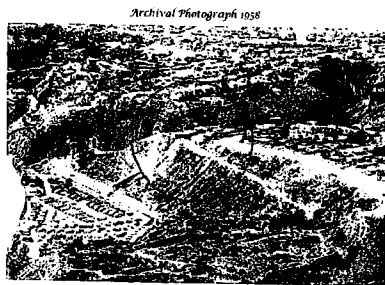
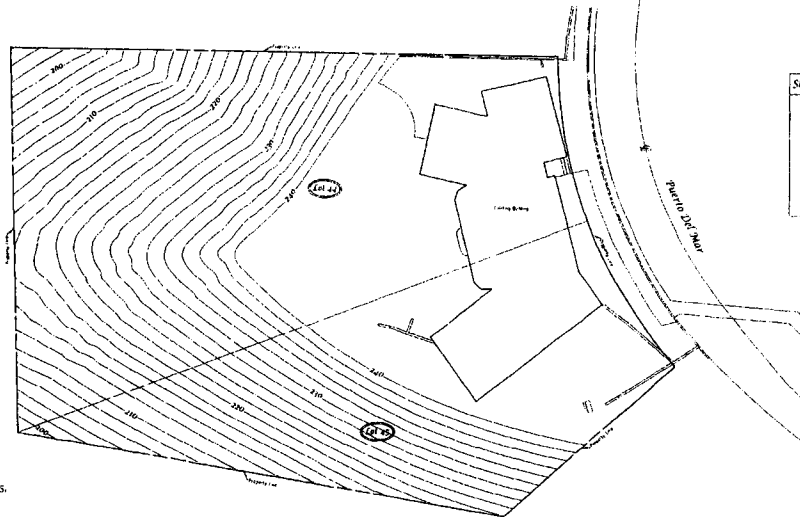


Exhibit "A"



Slope Bands (%)	Area (sq-ft)	JAR (R)	Residential Floor Area
0 - 14.99%	11,086	0.30	5,543.00
15 - 29.99%	179	0.45	80.55
30 - 44.99%	3,730	0.40	1,492.00
45 - 59.99%	11,160	0.35	3,907.15
60 - 99.99%	216	0.30	64.80
+100%	0	0.00	0.0

Total Area: 26,580 square feet, 0.61 acres

Slope Bands (%)	Area (sq-ft)	JAR (R)	Residential Floor Area
0 - 14.99	11,086	0.30	5,543.00
15 - 29.99	179	0.45	80.55
30 - 44.99	3,730	0.40	1,492.00
45 - 59.99	11,160	0.35	3,907.15
60 - 99.99	216	0.30	64.80
100+	0	0.00	0.0

Maximum Residential Floor Area = 11,159.50



Legal Description: Lots 44 and 45, Block 120 of Tract No. 93101, Map Book 125, pages 55-78.

Bench Mark: The elevation of 257.8 on Sever Manhole Station 2+79.08 as shown on Sever "Y" Map No. 126-121-4 on file in the city of Los Angeles was used as datum for this survey.

Boundary: Record information adjusted to found city center-line monuments.

Date of Survey: February 14, 2012

Site Address: 405 Puerto Del Mar, Pacific Palisades

Total Area: 26,580 square feet, 0.61 acres
 Lot 44: 16,584 square feet, 0.38 acres
 Lot 45: 9,996 square feet, 0.23 acres

Note: Topography shown was derived in part from archival photography [See Exhibit "A"]

Topography Note: Contours shown hereon represent our best interpretation of site conditions before any slope failure occurred.

Plan Prepared For: Martin Redford
 405 Puerto Del Mar
 Pacific Palisades, CA 90272

Plan Prepared By: M & M & Co.
 16145 Roscoe Boulevard
 North Hills, CA 91343
 (818) 891-9100
 Gregory M. Amoroso, L.S. 6771

PRE-SLIDE TOPOGRAPHY & SLOPE ANALYSIS

NOT TO SCALE

level
 ARCHITECTURE DESIGN CONSULTING
 9728 Avenida Las Arroyas, Suite 230, Los Angeles, CA 90048
 www.levelinc.com License #44260225

ARCHITECTURAL SEAL

CONSULTANT SEAL

SMITH RESIDENCE
 405 PUERTO DEL MAR
 PACIFIC PALISADES, CA 90272

PROJECT DESCRIPTION

DRAWING REVISIONS

CONCEPT

PHASE

a-o

DATE | 7_28_2016

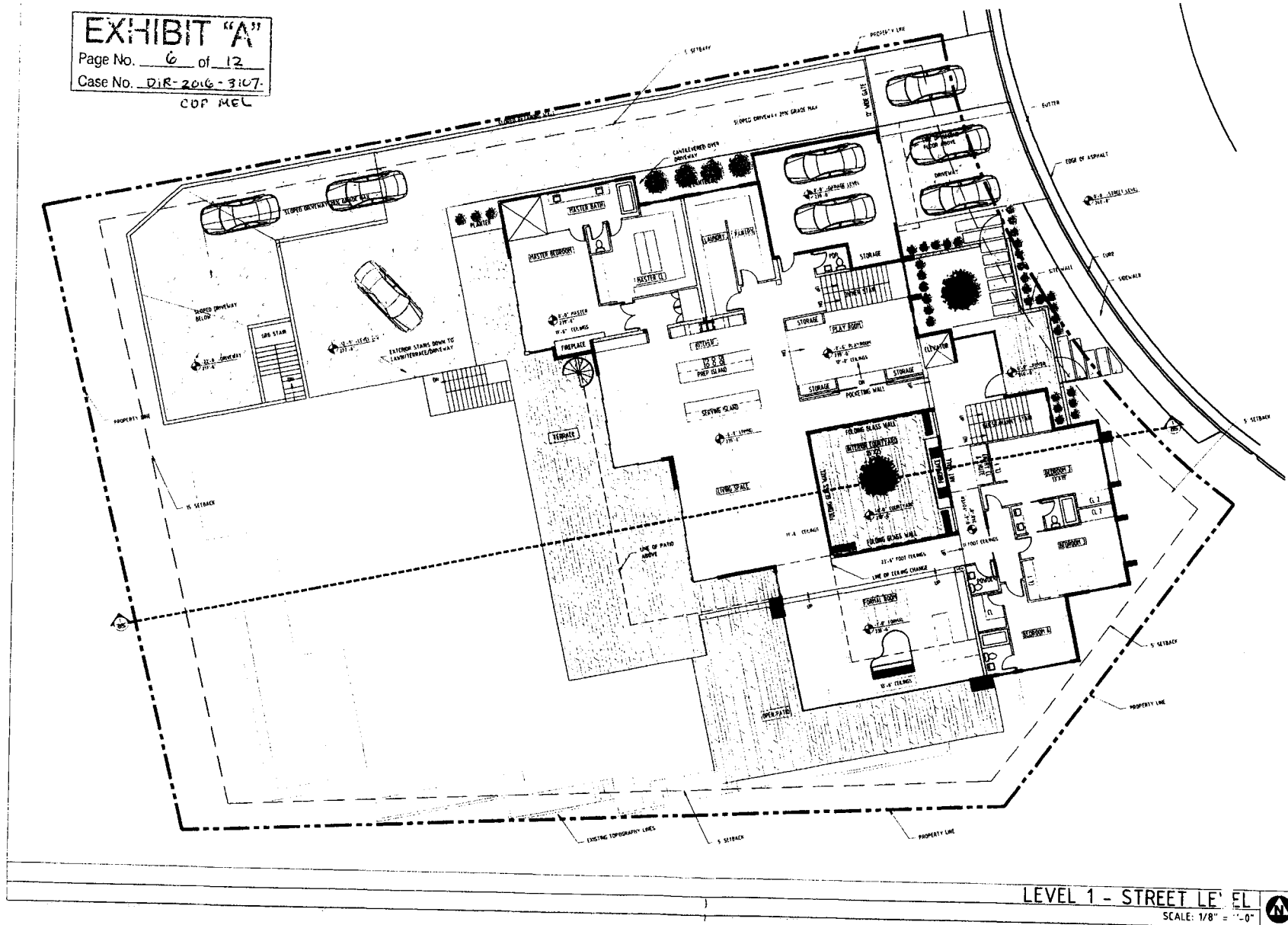
California Coastal Commission

A-5-PPL-18-0036

Exhibit 3

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 COP MEL



level
 ARCHITECTURE DESIGN CONSULTING
 9108 STRAUB PARKWAY, SUITE 200, PALISADES, CA 90272
 (415) 239-8777
 www.level-arch.com

ARCHITECTURAL SEAL

CONSULTANT SEAL

SMITH RESIDENCE
 405 PUERTO DEL MAR
 PACIFIC PALISADES, CA 90272

PROJECT DESCRIPTION

DRAWING REVISIONS

CONCEPT PHASE

a-i

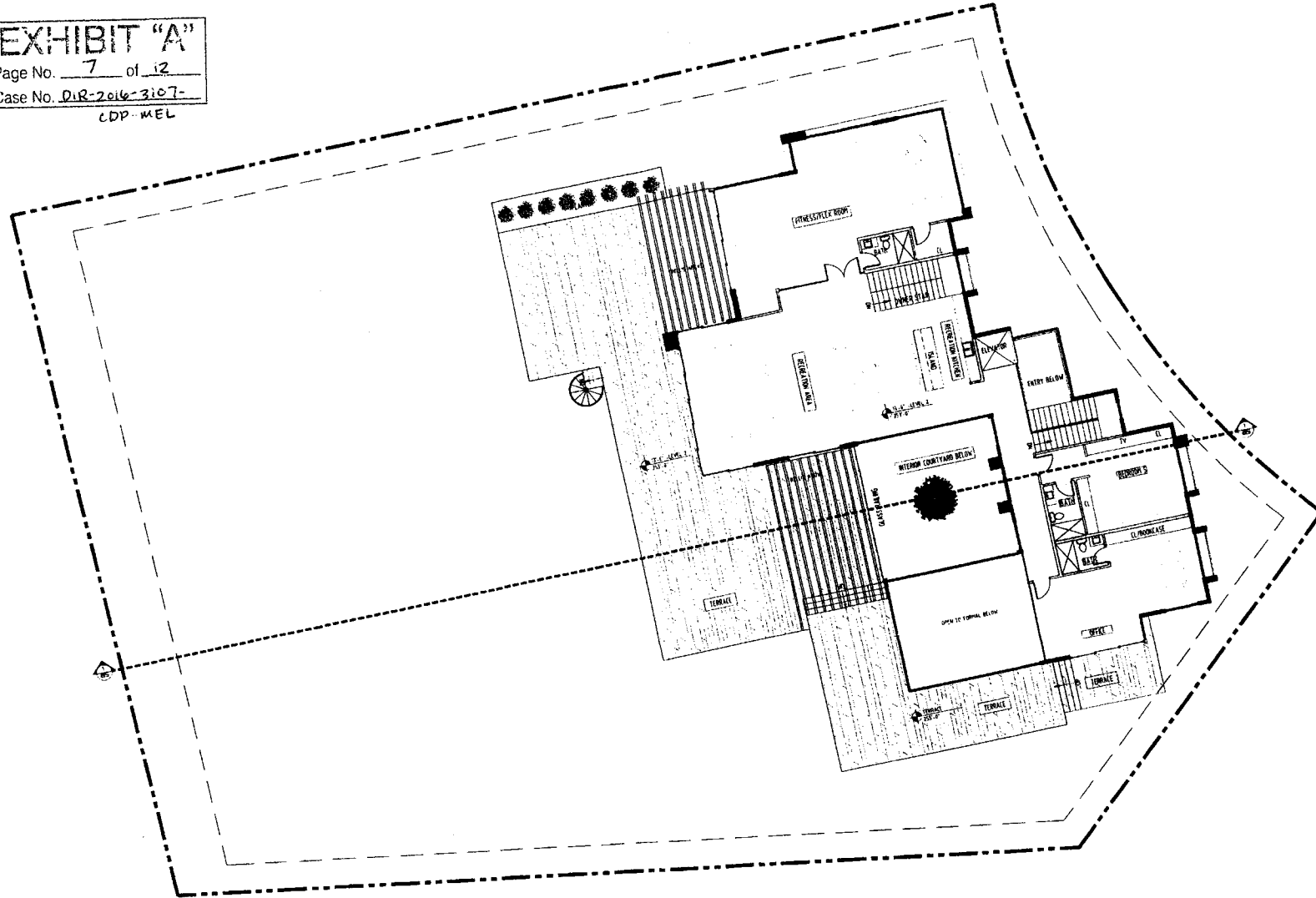
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EXHIBIT "A"

Page No. 7 of 12

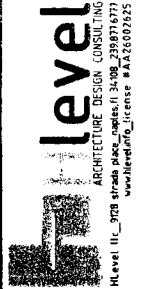
Case No. DIR-2016-3107-

CDP-MEL



LEVEL 2 - SECOND LEVEL

SCALE: 1/8" = 1'-0"



level 115_970 strada plaza, mesa, il 3408 23987677
level115_970 strada plaza, mesa, il 3408 23987677



ARCHITECTURAL SEAL



CONSULTANT SEAL

SMITH RESIDENCE
405 PUERTO DEL MAR
PACIFIC PALISADES, CA 90272

PROJECT DESCRIPTION

△

DRAWING REVISIONS

CONCEPT

PHASE

a-2

DATE 1.28.2016

California Coastal Commission

A-5-PPL-18-0036

Exhibit 3

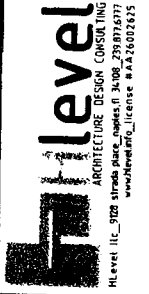
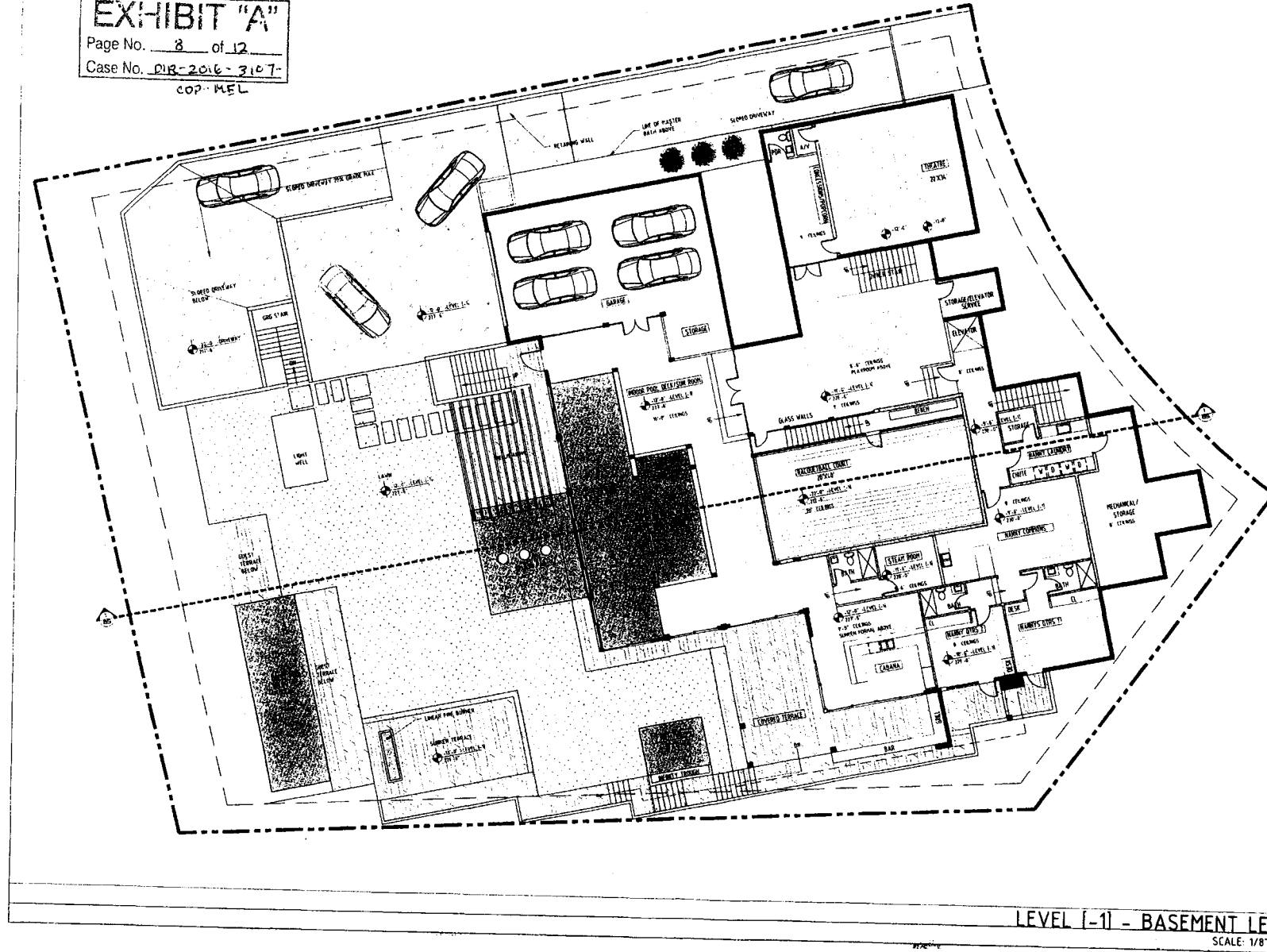
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Case No. DIR-2016-3107-

COP-MEL



SMITH RESIDENCE
405 PUERTO DEL MAR
PACIFIC PALISADES, CA 90272

PROJECT DESCRIPTION

DRAWING REVISIONS

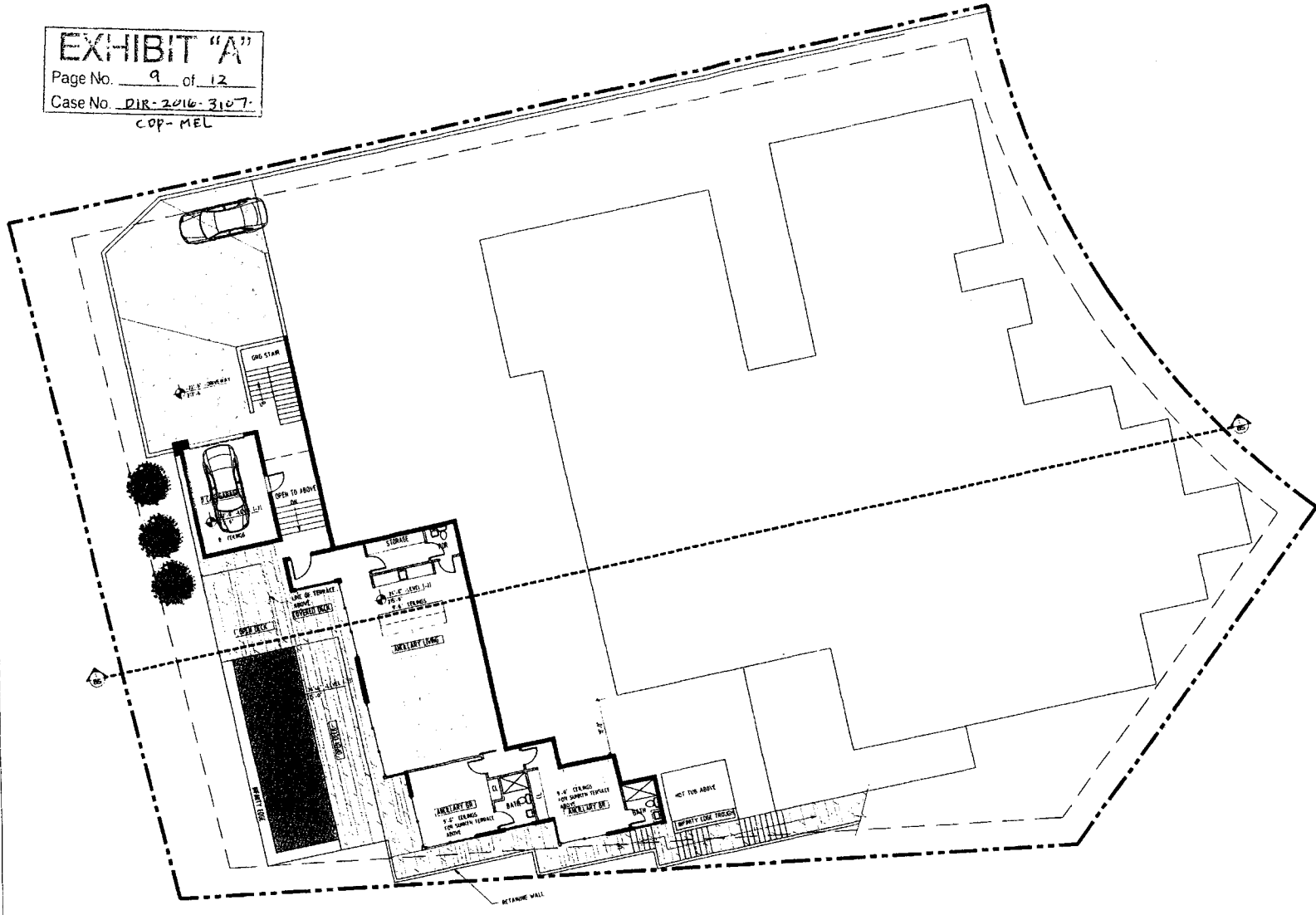
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A-3

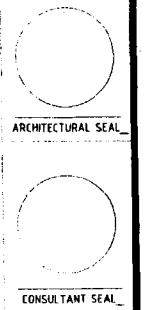
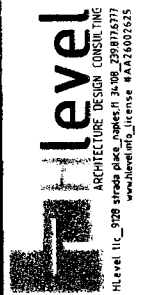
DATE 7.28.2016

EXHIBIT "A"

Page No. 9 of 12
 Case No. DIR-2016-3107
 COP-MEL



LEVEL I-21 - GUEST HOUSE LEVEL
 SCALE: 1/8" = 1'-0"



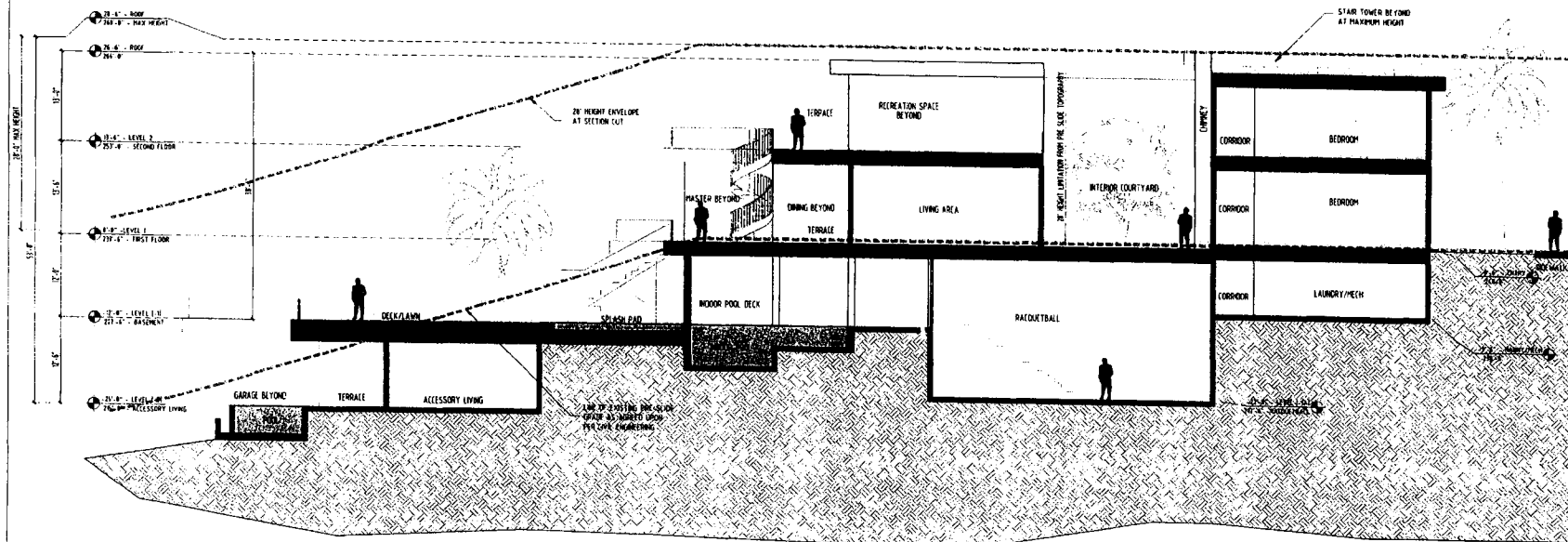
SMITH RESIDENCE
 405 PUERTO DEL MAR
 PACIFIC PALISADES, CA 90272

PROJECT DESCRIPTION
 DRAWING REVISIONS
 CONCEPT
 PHASE

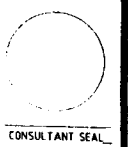
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EXHIBIT "A"

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COP MFL



SECTION 1



SMITH RESIDENCE
405 PUERTO DEL MAR
PACIFIC PALISADES, CA 90272

PROJECT DESCRIPTION

DRAWING REVISIONS

CONCEPT
PHASE

0-5

DATE 7_28_2016

ARCHITECTURAL SEAL
CONSULTANT SEAL

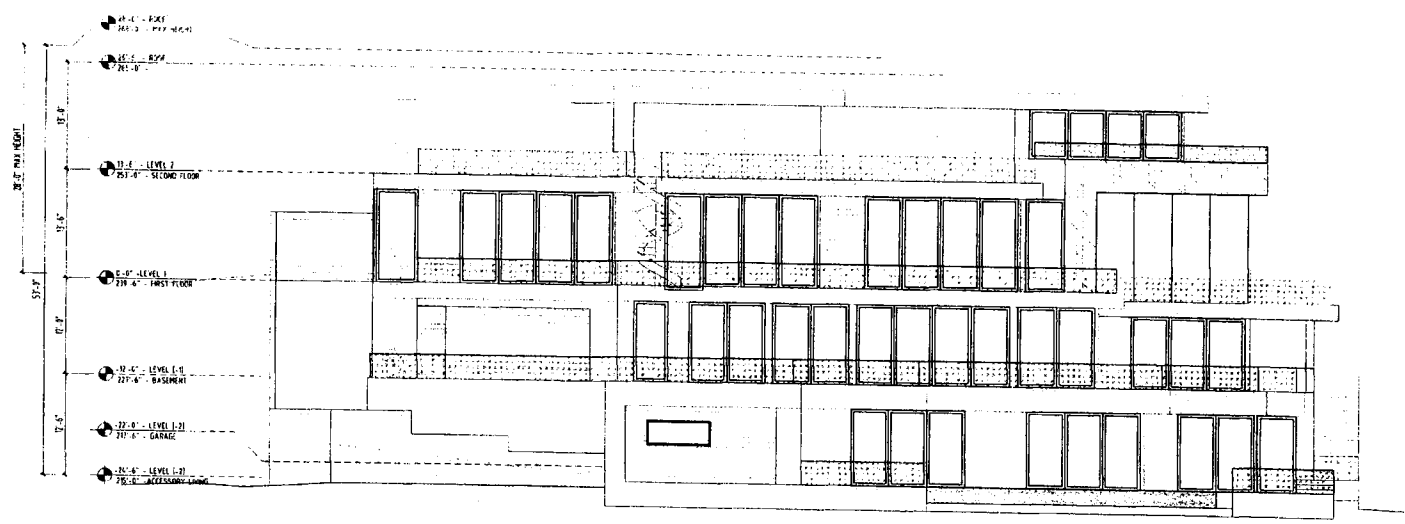
SMITH RESIDENCE
405 PUERTO DEL MAR
PACIFIC PALISADES, CA 90272

PROJECT DESCRIPTION
△
DRAWING REVISIONS
CONCEPT
PHASE
a-7
DATE | 7_28_2016

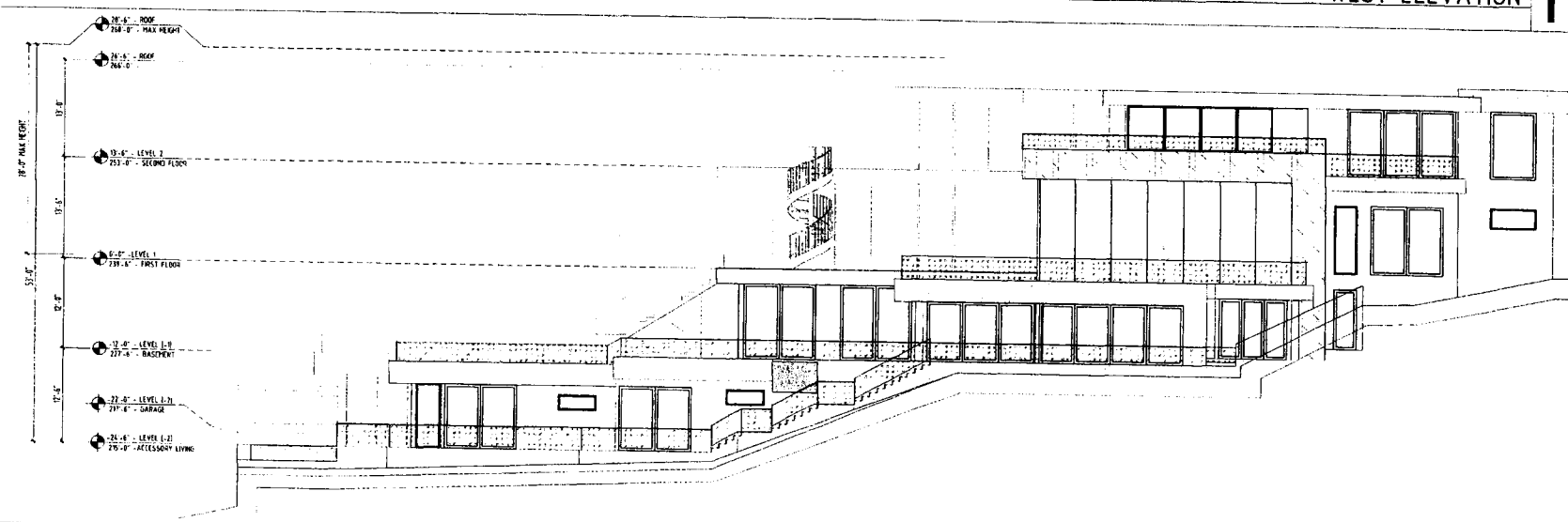
ELEVATION MATERIAL LEGEND

	PAINTED SMOOTH STUCCO
	WOOD OR CEMENTITIOUS WOOD SIDING
	STONE VENEER
	GLASS RAILING
	INFINITY EDGE POOL

EXHIBIT "A"
Page No. 12 of 12
Case No. DIR-2016-3107
CDP MEL



WEST ELEVATION |



SOUTH ELEVATION | **2**

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT

RENEE DAKE WILSON
VICE-PRESIDENT

CAROLINE CHOE
RICHARD KATZ
JOHN W. MACK
SAMANTHA MILLMAN
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VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
DEPUTY DIRECTOR
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

<http://planning.lacity.org>

DIRECTOR'S DETERMINATION

June 9, 2017

Owner/Applicant

The Lovely Family Living Trust
405 N. Puerto Del Mar
Los Angeles, CA 90272

Representative

Ben Eilenberg, Esq.
3600 Lime Street, Suite 125
Riverside, CA 92501-0911

Case No. DIR-2016-3107-CDP-MEL

CEQA: ENV-2016-3108-CE

Location: 405 North Puerto Del Mar

Council District: 11 – Bonin

Neighborhood Council None

Community Plan Area: Brentwood-Pacific Palisades

Land Use Designation: Low Residential

Zone: R1-1

Legal Description: TR 9300, Block 120, Lot 44/45

Last Day to File an Appeal: June 19, 2017

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

Approve a Coastal Development Permit authorizing the demolition of a single-family dwelling and the construction, use, and maintenance of a new 12,418 square-foot single-family dwelling with a 3,678 square-foot habitable basement, a 1,671 square-foot accessory dwelling unit, 2,060 square feet of garage area, a deck, and an indoor swimming pool, located within the dual-permit jurisdiction of the Coastal Zone; and

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

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

Determine, based on the whole of the administrative record, that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to the City of Los Angeles CEQA Guidelines, Section 1, Class 3, New Construction of Small Structures, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies.

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

CONDITIONS OF APPROVAL

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Los Angeles Municipal Code or the project conditions.
2. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. Authorization:
 - a. The demolition of an existing 2,637 square-foot single-family dwelling; and
 - b. The construction, use, and maintenance of a new 12,418 square-foot single-family dwelling with a 3,678 square-foot habitable basement, a 1,671 square-foot accessory dwelling unit, 2,060 square feet of garage area, a deck, and an indoor swimming pool; and
 - c. Grading of 4,120 cubic yards of earth, of which 700 cubic yards to be exported. A haul route application shall be submitted if exports exceed 1,000 cubic yards.
4. The maximum Residential Floor Area of the proposed project shall comply with Section 12.21-C,10(b) to the satisfaction of the Department of Building and Safety.
5. The proposed attic shall not be habitable. Any area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the Residential Floor Area calculation.
6. Parking shall be provided pursuant to Section 12.21-C,10(g) to the satisfaction of the Department of Building and Safety.
7. All conditions described in the Geology and Soils Report Approval Letter (LOG # 87800-01) dated July 31, 2015 shall be complied with to the satisfaction of the Department of Building and Safety.
8. Retaining Walls shall comply with all applicable provisions of Section 12.21-C,8 to the satisfaction of the Department of City Planning and the Department of Building and Safety.
9. Garage areas shall be designed and used for the parking and storage of vehicles. Such areas shall not be habitable.
10. Construction Noise:
 - a. A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.

- b. All construction equipment shall be equipped with muffler devices. Grading and construction contractors shall use quieter equipment as opposed to noisier equipment such as rubber-tired equipment rather than track equipment.
 - c. Temporary sound barriers, such as a sound attenuation blanket, shall be constructed such that the line of sight is blocked from active construction areas to adjacent sensitive land uses.
 - d. The proposed project shall comply with the City of Los Angeles Noise Ordinance such that construction activities shall be performed in accordance with the applicable City noise standards. The construction contract shall specify that noise intensive construction or repair work shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m. the following day.
11. Prior to the issuance of a grading or building permit, the applicant shall submit a Construction Staging and Parking Plan to the Department of Building and Safety and the Fire Department for review and approval. The plan shall identify:
 - a. The proposed location of all construction materials, equipment machinery, and vehicles will be stored onsite or out of the public right-of-way through the grading and construction phases of the project; and
 - b. The proposed locations of all onsite and offsite staging areas for soil movers and construction delivery vehicles; and
 - c. The proposed location where all construction workers will park their vehicles so as to prevent obstruction of two-way traffic on streets nearby the project site.
 12. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
 13. 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.
 14. 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.
 15. 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.
 16. Prior to the commencement of site excavation and construction activities, a construction schedule with 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.
 17. Prior to the issuance of any permits, 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 Development Services Center 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.

Administrative Conditions

18. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
19. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
20. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
21. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
22. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
23. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and/or the Department of Building and Safety.
24. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to 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.

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

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

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

For purposes of this condition, the following definitions apply:

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

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

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

BACKGROUND

The proposed project was prompted by safety concerns described in an Order to Comply, dated January 21, 2011, issued by the Grading Division of the Department of Building and Safety. The Order indicated a Class I Slope Failure occurrence and specified requirements to address the slope failure. The proposed project includes the required slope repair pursuant to the Order to Comply, along with the demolition of the existing structure and the new construction of a single-family dwelling.

The subject site, 405 North Puerto Del Mar, consists of two irregularly-shaped, adjacent lots tied together by an existing single-family residence. The total lot area of the property is approximately 26,580 square feet. The property has a frontage of approximately 110 feet on Puerto Del Mar, with a depth of approximately 200 feet. The project site is located within the Brentwood – Pacific Palisades Community Plan with a Low Residential land use designation and zoned R1-1. The property is located within the dual-permit jurisdiction of the California Coastal Zone, Hillside Area, Baseline Hillside Ordinance Zone, Special Grading Area, Santa Monica Fault Zone, Landslide Zone, and a Very High Fire Hazard Severity Zone. The properties immediately surrounding the subject site are developed with one and two-story single-family dwellings in the R1-1 zone. The subject site is located on the southwest side of Puerto Del Mar at the end of a cul-de-sac, within an area developed with and zoned for single-family residential uses. Immediately south of the property at the bottom of the bluff is the Palisades Bowl, a mobile home park that houses more than 150 mobile home units.

The applicant is requesting a Coastal Development Permit authorizing the demolition of an existing 2,637 square-foot one-story single-family dwelling and construction of a new two-story, 12,418 square-foot, single-family dwelling with a 3,678 square-foot basement, a 1,671 square-foot accessory unit, three attached garages totaling 2,060 square feet, covered patio, and an indoor swimming pool. The building height is 28 feet 6 inches. In addition, the project is subject to review for compliance with the Mello Act.

Puerto Del Mar is a Standard Local Street with a right-of-way of 60 feet and a roadway width of 36 feet; with a concrete roadway, curb, gutter, and sidewalk.

Almar Avenue is a Standard Local Street with a right-of-way of 60 feet and a roadway width of 36 feet; with a concrete roadway, curb, gutter, and sidewalk.

Previous zoning related actions on the site/in the area include:

Case No. DIR-2016-2020-CDP-MEL – On December 29, 2016, the Director of Planning approved a Coastal Development Permit and Mello Act Compliance Review for the construction of a new 4,025 square-foot, two-story single-family dwelling with a two-car garage within the single-permit jurisdiction of the Coastal Zone, located at 920 North Las Pulgas Road.

Case No. DIR-2016-1853-CDP-MEL – On November 22, 2016, the Director of Planning approved a Coastal Development Permit and Mello Act Compliance Review for the construction of a new two-story single-family dwelling with a garage within the single-permit jurisdiction of the Coastal Zone, located at 533 North Lombard Avenue.

Case No. ZA-2015-936-CDP-MEL – On February 17, 2016, the Zoning Administrator approved a Coastal Development Permit and Mello Act Compliance Review for the construction of a new single-family dwelling with an attached garage within the single-permit jurisdiction of the Coastal Zone, located at 16526 West Akron Street.

Case No. ZA-2014-0688-CDP-ZAD-MEL – on October 1, 2015, the Zoning Administrator approved a Coastal Development Permit and Mello Act Compliance Review for the demolition of a single-family dwelling and construction of a two-story single-family dwelling within the dual-permit jurisdiction of the Coastal Zone, located at 211 Alma Real Drive.

Case No. ZA-2014-2057-CDP – On January 30, 2015, the Zoning Administrator approved a Coastal Development Permit and Mello Act Compliance Review for the construction of a new two-story single-family dwelling with a basement and a garage within the single-permit jurisdiction of the Coastal Zone, located at 15238 West Friends Street.

Case No. ZA-2014-3098-CDP-MEL – On August 21, 2014, the Zoning Administrator approved a Coastal Development Permit and Mello Act Compliance Review for the construction of a new two-story single-family dwelling with a basement and an attached garage within the single-permit jurisdiction of the Coastal Zone, located at 301 Swarthmore Avenue.

Case No. ZA-2013-1231-CDP-MEL – On November 18, 2013, the Zoning Administrator approved a Coastal Development Permit and Mello Act Compliance Review for the construction of a new two-story single-family dwelling with a basement level and retaining wall within the single-permit jurisdiction of the Coastal Zone, located at 15225 West De Pauw Street.

Public Hearing

A public hearing was held on December 19, 2016 at the West Los Angeles Municipal Building at 11:30 a.m. The project engineer, applicant's attorney, and four community members were in attendance. The project engineer and attorney were representatives of the applicant. Juliet Oh was the hearing officer who presided over the case.

The project engineer, Jeff Roberts, presented on the proposed project. Property is located at an area with a history of landslides. His client, the Smiths, have been living there significant amount of time. The development will be the Smith's family house, he has five children and wants three more children. Mr. Roberts is aware of the slope issues associated with the development and understands that substantial slope repair is needed to maintain an existing 10-foot retaining wall. The plan is to grade and prepare the site for future development. He stated that the project is compliant with the maximum floor area and requests no variances in height or square footage. Although there are concerns this would be a party house, the property owner feels that this is not an issue because the swimming pool will be part of the basement as opposed to a rooftop deck. Construction will increase the value of the property and neighboring properties. A geology and soils report indicates that the property is compliant with grading standards set forth by the Department of Building and Safety.

Robin Rudisill, a community member, was the first speaker. She said a retaining wall along the western property line needs to be repaired for the new structure. Her questions were: How large is the current single family home? Any damage due to slope failure? Is the property subject to a neighborhood council or specific plan? Is basement completely underground, or sticking out?

The project engineer responded, stating that the current single family home is around 1,200 SF and that there was slight damage due to landslides. He also confirmed that all of the basement is underground. The hearing officer stated that the area is not part of a neighborhood council or specific plan.

Ellen Shanahan, a resident of the neighborhood who has lived in Palisades Bowl for the past 20

years, spoke next. She was concerned about the safety of the development, stating that 10 years ago a nearby road fell off the cliffs after a landslide and the backyard of the house fell with it. She said there is no level ground and that Sylmar Street is sinking. She stated that the development will be digging out half the hill, which is a dangerous proposition. She said she was troubled about having a swimming pool when there is no real solid ground. She submitted photos at the hearing to support the notion that the hillside is dangerous. These photos were subsequently added to the case file.

Elizabeth Chandler, the neighbor immediately adjacent to the Smiths, spoke thereafter. She said Stephanie and Craig Smith are very nice neighbors. She does not object to new construction, but is concerned about the size and scale of the project. She believes that, at 13,000 SF, this project is much larger than many of the surrounding homes. She emphasized that the project requires 70 caissons, which shows the extent of work that needs to be done to maintain the structure. She cites several issues: the surrounding streets and roads are damaged sink holes and mudslides; the caissons installation will require the removal of large quantities of dirt; and the movement of trucks will affect street parking; the noise from the drilling will be loud; cracks to the mortar and bedrock raise the possibility of destabilizing adjacent properties. She said that she is not against development, but wonders if some of these impacts would be mitigated if the project was smaller. She states that it is excessive and poses risks to neighboring properties. Also, her view of the canyon would be greatly affected. She mentioned that she had asked Craig to reduce the scale of the project but he had told her it was cost-prohibitive to change plans at this time. Overall, she believes the project is unfair, unsafe, and excessive.

The hearing officer responded to comments concerning safety by referring to the approval letter issued by the Department of Building and Safety, which deemed the geology and soils report acceptable. The project engineer reaffirmed the validity of the safety concerns and addressed plans to ensure the stability of the structure. He said he plans on compacting the excavated earth back into the basement area to reduce the amount of earth moved from the site. He stated the caissons will be drilled and casted with cement to prevent cracks in the bedrock. The caissons piles are used to stabilize the slope. He said there will be temporary shoring piles and that measures will be placed to prevent the soil from being moved via rain or wind. He mentioned the owner is willing to take steps to mitigate the impacts of construction.

The hearing officer instructed the applicant to submit a noise and vibration study to assess construction impacts related to noise. The case was kept open pending receipt of the requested study. No other comments were heard at the hearing.

Correspondence

Jenny Daggett, resident of 410 Puerto Del Mar, called the project planner on January 10, 2017 to speak against the proposed project. Her comments are documented in an email sent the same day, and are included in the case file. First, she is troubled by the size of the home, stating that the scale is much larger than any other home in the neighborhood. The design deviates from the character of the neighborhood. Second, she is worried about the safety issues associated with the movement of trucks and dirt, including wear and tear on the streets. The street is already in poor condition and the construction may worsen the damage. Lastly, she is concerned that the applicant did not have to go through the Pacific Palisades Civic League in order to obtain their approval. Ms. Daggett said she had previously applied for permits to develop her property and was required to obtain approval from the Civic League; she is upset that the applicant in this case was able to bypass this process.

On April 24, 2017, the applicant submitted a noise and vibration study which was requested by the hearing officer. The letter report quantified the noise impacts stemming from construction activities, as it related to the drilling and installation of piles. The report finds that, while

neighboring residents will experience substantial noise levels, local regulatory compliance measures will lessen noise impacts. The findings of the report do not propose any additional practices to further reduce noise impacts.

FINDINGS

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative.

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

The site currently maintains a 2,637 square-foot, one-story single-family dwelling with an attached garage. The applicant is requesting a Coastal Development Permit authorizing the demolition of the existing single-family dwelling and the construction of a new two-story 12,418 square-foot single-family dwelling with a 3,678 square-foot basement, a 1,671 square-foot accessory unit, 2,060 square feet of garage area, and an indoor swimming pool. The building height is 28 feet 6 inches. The proposed project meets all applicable requirements of the California Coastal Act of 1976 without seeking any special exemptions or nonconforming uses.

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. The applicable provisions are as follows:

Section 30211 requires that the new development shall not interfere with the public's right of access to the sea. Although the project site is located within a mile from the shoreline, the proposed development is within a residential tract that does not provide direct access to the beach and therefore does not interfere with the public's right of access to the sea. Per the applicant, the property lies within a residential enclave with indirect, distant, and incidental access to the shoreline and coast via Temescal Canyon Road and will not modify existing shoreline or coastal access. Other lots in the area are similarly developed with single-family residences. The proposed development does not request any deviations from the Municipal Code with respect to required parking, building height, or setbacks.

Section 30221 states that recreational use and development shall be protected. The proposed development does not adjoin any recreation and visitor serving facilities and as such will not result in any adverse impacts on such facilities. The project will not affect the recreational use of the beach because the proposed improvements do not hinder vehicular, bicycle, or pedestrian access to recreational areas.

Section 30230 states that marine resources shall be maintained, enhanced, and where feasible, restored. The proposed development would not affect any marine resources. Marine resources are broadly defined as all marine life and marine habitats that are considered to have exceptional value and public importance due to their aesthetics, function, or contribution to the ecosystem. The subject property does not have direct access to any body of water or beach. The development is well above the high tide line, over 4,500 feet from the shore, and therefore will not have any identifiable effect on the Pacific Ocean.

Section 30240 states that environmentally sensitive habitat areas shall be protected. Environmentally sensitive habitats are areas where plant or animal life are either rare or valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments. No rare plant or animal life are known to exist within the property and surrounding area. The proposed development is limited to the lot line boundaries of the private property in an area that is improved with single-family dwellings. The project is in a developed, urbanized area and will not descript

or hinder any known habitats. The project will have no impact on the sensitive habitat areas and wetlands.

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archeological or paleontological resources. The project consists of the demolition of an existing single-family dwelling and the construction of a new single-family dwelling with a swimming pool. Approximately 700 cubic yards of earth will be exported, subject to review by the Department of Building and Safety. All grading activities will comply with the conditions stated in the Geology and Soils Report Approval Letter (LOG # 87800-01) dated July 31, 2015. The subject site is not located within an area with known Archaeological or Paleontological Resources. However, if such resources are discovered during excavation or grading activities, the project is subject to compliance with 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. Located in a residential neighborhood developed with single-family dwellings, the site currently maintains a one-story single-family dwelling which will be demolished and replaced with a new two-story, single-family home. The property is located along a designated Local Standard street with adequate vehicle access. The project provides access for emergency vehicles on Puerto Del Mar. Sufficient setbacks required by local zoning and building and safety requirements are provided. The newly constructed single-family home will maintain existing connections and access to all public services typically required for residential uses, including water and sewage, waste disposal, gas, and electricity. Because the project results in no net gain of dwelling units, the development will not overload the capacity of public services. Therefore, the proposed development will be adequately serviced and will not have a significant adverse impact on coastal resources or public services.

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. Puerto Del Mar is a local street located deep within a residential tract development along the Temescal Canyon and, as such, is not a popular destination for the general public. The subject site and immediate area are sloping with limited views to and along the ocean; no natural land forms will be altered as part of the project. The site is located within a fully developed tract in the Pacific Palisades neighborhood. Since the project location is surrounded by privately owned lots and is not adjacent to public areas with scenic views, the proposed project will not negatively affect the scenic and visual qualities of the Coastal Area. No natural land forms will be altered as part of the project. To minimize erosion and ensure stability in the hillside, shoring and grading activities will be performed in accordance with the requirements of the Los Angeles Building Code, including any applicable Regulatory Compliance Measures. The proposed development is an infill development of an otherwise established neighborhood in an area already developed with single-family homes, therefore making it contiguous and visually compatible with the character of the surrounding area. To enhance visual compatibility, retaining walls will be screened as required per LAMC. While the proposed single-family home has a greater floor area than other nearby homes, its massing is spread across two lots and pushed back from the front property line as the lot slopes downward. With respect to scenic views and compatibility with adjacent properties, the project will maintain a maximum height of 28 feet and 6 inches. The new structure will not tower above other

structures. Homes along Puerto Del Mar feature a mix of traditional and modern styled homes with varying degrees of articulation. More than half of the homes have flat roofs similar to the one proposed herein this project. Additionally, the project's façade will feature mixed materials and landscaping to create a seamless transition from the property line to the hillside's natural landscape.

Section 30252 states that new development should maintain and enhance public access to the coast. The project proposes the demolition and construction of a new single-family dwelling. The subject site is located within a residential neighborhood more than 0.14 miles north of the Pacific Coast Highway. All onsite parking requirements will be complied with. No permanent structures would be placed within the public right-of-way and public access to the coast would not be impacted. As such, the project will maintain public access to the coast.

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 property is located within 300 feet of the top of the seaward face of a coastal bluff. The property is in a Landslide Area, Very Fire Hazard Severity Zone, Special Grading Area, and within the Santa Monica Fault Zone. The applicant submitted a Geology and Soils Report for review and approval by the Department of Building and Safety (LADBS). A Geology and Soils Report Approval Letter (LOG # 87800-01) was issued by LADBS on July 31, 2015; the letter deems the report to be acceptable and outlines requirements for the excavation, grading, and proposed development of the site. In addition, the proposed project is required to comply with the LADBS and Fire Department's standards related to development in Fire Hazard Zones. As such, the project is subject to compliance with Zoning, Building, and Fire Safety Code requirements that will minimize risks to life and property in geologic and fire hazard areas. In addition, Puerto Del Mar is a local street located deep within a residential tract development along the Temescal Canyon and, as such, the property is not a popular visitor destination.

The replacement of a single-family dwelling in this neighborhood will have no adverse impacts on public access, recreation, public views or the marine environment, as the property is within a developed residential area and located more than 730 feet from the Pacific Coast Highway. The project will neither interfere nor reduce access to the shoreline or beach. There will be no dredging, filling or diking of coastal waters or wetlands associated with the request, and there are no sensitive habitat areas, archaeological or paleontological resources identified on the site. The proposed dwelling will not block any designated public access views. As conditioned, the proposed project is in conformity with Chapter 3 of the California Coastal Act.

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

There is no adopted Local Coastal Program (LCP) for the Pacific Palisades. The Brentwood-Pacific Palisade Community Plan contains the applicable land use policies and goals regarding that portion of the Coastal Zone. The Brentwood-Pacific Palisades Community Plan designates the property for Low Residential land use within an R1-1 Zone. The property is not within any specific plan area. The project is located within a Hillside Area and is therefore subject to the requirements of the Baseline Hillside Ordinance. The continued use of the property for single-family residential purposes is consistent with the Brentwood-Pacific Palisade Community Plan land use designation and zoning. As conditioned, the demolition of the existing single-family dwelling and the

construction of the proposed single-family dwelling on a lot zoned for such use shall not prejudice the ability of the City to prepare a 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 Interpretative Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement the Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620 (b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the coastal zone prior to the certification of a local coastal program. As stated in the Regional Interpretative Guidelines, the guidelines are intended to be used "in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources."

The Pacific Palisades residential 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 project includes the demolition of an existing single-family home and the construction of a new single-family home. No increase in density is proposed. The structure shall not exceed the maximum height of 33 feet. The project would not alter any natural land forms, nor would it impact access to the coast. A licensed engineer prepared a slope band analysis for the proposed project. A noise and vibration study was also submitted to address concerns about construction noise. The Interpretive Guidelines have been reviewed, analyzed, and considered in light of the individual project in making this determination, and the project as conditioned is 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.**

The Director of Planning has been guided by the actions of the Coastal Commission in its review of residential dwelling applications for other development applications in the Pacific Palisades community:

- In July 2016, the Commission approved the demolition of an existing structure and construction of a new 7,654 square-foot, two-story, single-family dwelling with a basement, located at 211 Alma Real Drive (Application No. 5-16-0294).
- In March 2016, the Commission approved an administrative permit for demolition of 2 single-family homes; and to request approval for the construction of an approximately 7,715 square-foot, 28-ft.-high, two-story single-family home over basement level with attached garage, outdoor swimming pool and lot-tie, at 301 & 321 Swarthmore Avenue (Application No. 5-16-0095).
- In August 2015, the Commission approved an administrative permit to demolish two-story single-family home and to construct a 11,550 square-foot, 32 ft.-high, two-story

single family home over basement level with attached garage, outdoor swimming pool and lot-tie, at 14926 Altata Drive (Application No. 5-15-0828).

- In June 2015, the Commission approved an administrative permit to demolish 1,843 square-foot single-family home and to construct two-story 5,597 square-foot single-family home with basement, garage, and swimming pool, at 15328 Friends Avenue (Application No. 5-15-0320).
- In February 2015, the Commission approved the demolition/replacement of 1,380 square feet, the addition of 34 square feet and a new 1,429 square foot basement in an existing 3,040 square-foot single-family dwelling, located at 17880 Vicino Way (Application No. 5-14-1858).
- In February 2014, the Commission approved the construction of a four-level, 4,535 square-foot single-family dwelling on a vacant lot, located at 17415 Castellammare Drive (Application No. 5-13-0770).
- In February 2014, the Commission approved the construction of a four-level, 3,783 square-foot single-family dwelling on a vacant lot, located at 17405 Castellammare Drive (Application No. 5-13-0771).
- In March 2011, the Commission approved the demolition of a 3,420 square-foot single-family residence and the construction of a 6,554 square-foot, two-story, single-family residence with a basement and detached garage, located at 356 Grenola Street (Application No. 5-11-001).

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 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 0.14 miles away from the closest body of water within the coastal zone. Despite the distance to the water, the project could have a

cumulative effect on public access to the coast if it resulted in a substantial loss of on-street parking spaces. The proposed project provides ample parking within the proposed four-car garage and guest garage. As proposed, the project will not conflict with any public access or public recreation policies of the Coastal Act.

6. An appropriate environmental clearance under the California Environmental Quality Act has been granted.

A Categorical Exemption, ENV-2016-3108-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The Categorical Exemption prepared for the proposed project is appropriate pursuant to Article III, Section 1, Class 3, Category 1 of the City CEQA Guidelines.

The Class 3 Category 1 categorical exemption allows for construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; this includes one single-family residence, or a second dwelling unit in a residential zone.

Furthermore, the Exceptions outlined in the State CEQA Guidelines Section 15300.2 do not apply to the project:

- (a) Location. The project is not located in a sensitive environment. Although the project is located within the Coastal Zone and Hillside Area, the residential neighborhood is not identified as an environmental resource. The proposed project is consistent with the scale and uses proximate to the area. The subject site is not located in a tsunami inundation or flood zone. Although the project is located within a liquefaction area, landslide area, watercourse area, and special grading area, the project will comply with the requirements of the Building and Zoning Code that outline standards to reduce the potential harms inherent to these areas.
- (b) Cumulative Impact. The project is consistent with the type of development permitted for the area zoned R1-1 and designated Low Residential use. The proposed addition of one new dwelling unit will not exceed thresholds identified for impacts to the area (traffic, noise, etc.) and will not result in significant cumulative impacts.
- (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typical to a residential neighborhood, therefore no unusual circumstances are present or foreseeable.
- (d) Scenic Highways. The project site is not located on or near a designated state scenic highway.
- (e) Hazardous Waste Sites. The project site is not identified as a hazardous waste site or is on any list compiled pursuant to Section 65962.5 of the Government Code.
- (f) Historical Resources. The subject site and existing structure have not been identified as a historic resource or within a historic district (SurveyLA, 2015), the project is not listed on the National or California Register of Historic Places, or identified as a Historic Cultural Monument (HCM).

The project is determined to be categorically exempt and does not require mitigation or monitoring measures; no alternatives of the project were evaluated. An appropriate environmental clearance has been granted.

Mello Act Compliance Review

Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

7. Demolitions and Conversions (Part 4.0).

The project consists of the demolition of an existing single-family dwelling located on a single lot in the Brentwood-Pacific Palisades Community Plan Area. A project in which the applicant proposes to demolish the existing single-family dwelling in which he or she currently resides, and proposes to replace it with another single-family dwelling in which he or she will reside, are exempted from further Mello Act compliance review.

The applicants, who are also the current owners, submitted an Owner-Occupied Single-Family Dwelling Exemption Affidavit, dated November 5, 2016, stating they currently own and reside at the existing single-family dwelling on the subject property, and will continue their ownership and residence on the newly constructed single-family dwelling. Additionally, the applicant representative submitted a recorded grant deed and property tax bills for the 2016-17 roll year from the Los Angeles County Tax Collector, indicating that the property was owner-occupied. No Affordable Existing Residential Units are proposed for demolition or conversion and the applicant is not required to provide any Affordable Replacement Units.

TIME LIMIT – OBSERVANCE OF CONDITIONS

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

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

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Constituent Service Center in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077, (818) 374-5050, or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

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

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

TRANSFERABILITY

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

APPEAL PERIOD - EFFECTIVE DATE

The Director's determination in this matter will become effective after **10 days** unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>**. Public offices are located at:

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

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

West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2912

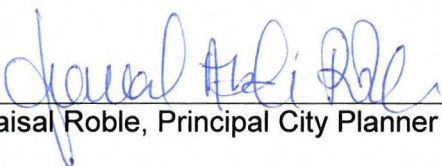
Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

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

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

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:


Faisal Roble, Principal City Planner

Reviewed by:


Debbie Lawrence, AICP, Senior City Planner

Reviewed by:


Alam Choudhury, City Planner

Prepared by:


Jeff Khau, Planning Assistant
jeff.khau@lacity.org

CALIFORNIA COASTAL COMMISSION

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

**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT****SECTION I. Appellant(s)**

Name, mailing address and telephone number of appellant(s):

Coastal Commission Executive Director, John Ainsworth
South Coast District
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles
2. Brief description of development being appealed: Demolition of 2,637 sq. ft. single-family residence and construction of a two-story, 28-foot high, 12,418 sq. ft. single-family residence with a 3,678 sq. ft. habitable basement, a 1,671 sq. ft. accessory dwelling unit, 2,060 sq. ft. garage, and indoor swimming pool. Approximately 4,100 cubic yards of grading is included in project, of which 700 cubic yards will be exported.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 405 Puerto Del Mar, Pacific Palisades, Los Angeles
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: XX
 - c. 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-18-0036

DATE FILED: 05/31/2018

DISTRICT: South Coast

California Coastal Commission
A-5-PPL-18-0036

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

- a. Planning Director/Zoning Administrator: _____
- b. City Council/Board of Supervisors: _____
- c. Planning Commission: XX
- d. Other: _____

6. Date of local government's decision: April 27, 2018

7. Local government's file number: Coastal Development Permit No. DIR-2016-3107-CDP-MEL-1A

SECTION III. Identification of Other Interested Persons

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

1. Name and mailing address of permit applicant:

The Loving Family Living Trust
405 N. Puerto Del Mar
Los Angeles, CA 90272
(310) 817-0740; 405puerto@gmail.com

2. Name and mailing address of permit applicant's agent:

Ben Eilenberg, Esq.
3600 Lime Street, Suite 125
Riverside, CA 92501

3. 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.

a. Lia Renee Memsic
334 Aderno Way, Los Angeles, CA 90272
(310) 888-0008; Lia@pilarus.com

b. Elizabeth Chandler
409 Puerto Del Mar, Pacific Palisades, CA 90272

c. Patrick Dunn
16001 Pacific Coast Highway, Pacific Palisades, CA 90272

- d. Robin Rudisill
3003 Ocean Front Walk, Venice, CA 90291

- e. Ellen Shanahan
16321 Pacific Coast Highway, Pacific Palisades, CA 90272

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page. Please 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.

Coastal Act 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. 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 consists of demolition of a 2,637 sq. ft. single family residence and construction of a 12, 418 sq. ft. single-family residence. The subject lot is located on a coastal bluff immediately inland of Pacific Coast Highway (PCH) in the Pacific Palisades region of the City of Los Angeles. This coastal bluff is visible both from PCH and from Will Rogers State Beach. The current residence is located on a corner lot that overlooks the coast, with neighboring residences located only to the north of the property. To the south of the current residence, there is only an undeveloped bluff face.

The City-approved project raises issue in regards to the visual policies, character policies, and landform alteration policies outlined in Coastal Act Section 30251. The neighboring residences range in size from approximately 1,100 sq. ft. to 5,300 sq. ft. The proposed 12,148 sq. ft. residence will be more than double the size of the next largest residence, and will therefore dwarf all of the residences around it. The city-approved residence will therefore be out of character with the surrounding development.

The city-approved project consists of approximately 4,100 cubic feet of grading to incorporate two subterranean levels. Considering that the project site is on a coastal bluff that has not been substantially altered from its natural state and that is visible from both PCH and Will Rogers State Beach, the grading proposed by the project does constitute substantial landform alteration on a coastal bluff.

The City-approved project will result in a single-family residence with a much larger footprint than the existing residence. This footprint not only includes a much larger building, but also a large paved driveway that extends to the rear of the residence. The rear of the residence is visible from PCH and Will Rogers State Beach; therefore, the new development, will be visible from PCH and Will Rogers State Beach.

Coastal Act Section 30253 states, in relevant 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.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The subject property is located in a Landslide area, High Fire Severity Zone, Special Grading Area, and Santa Monica Fault Zone. The city-approved project raises issue with subsections a and b of Coastal Act Section 30253 in that the project does not minimize risks in an area of high geologic hazard and that the project does not assure stability without requiring the use of protective devices that would substantial alter natural landforms along a coastal bluff.

The subject property has been subject to landslide damage. The Pre-planning application submitted to the City indicates that the subject site has already experience slope failure. A new residence that is over four times the size of the current residence also raises concerns regarding slope stability and substantial landform alteration. Indeed, the development is proposed to be supported through use of caissons as well as retaining walls. The caissons and retaining walls are protective devices that ultimately alter the natural coastal bluff. Furthermore, the City-approved project includes construction of a driveway, two below-grade swimming pools (one indoor pool and one outdoor pool) and one below-grade accessory dwelling unit that will all be built beyond the footprint of the residence. Previous Coastal Commission action has not allowed protection for accessory structures, which also includes driveways and pools, in areas of high geologic risk. Therefore, development in a geologically hazardous area that requires protective devices that substantially alters natural landforms (including coastal bluffs) and protective structures other than the main residence raise issues of consistency with Section 30253 of the Coastal Act.

SECTION V. Certification

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

Teresa Henry
Signature of Appellant(s) or Authorized Agent

5/31/18
Date