

**CALIFORNIA COASTAL COMMISSION**

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# W15d

## ADDENDUM

February 7, 2023

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W15d, APPLICATION NO. 5-22-0659 (Girgis) FOR THE COMMISSION MEETING OF WEDNESDAY, FEBRUARY 8, 2023.**

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This addendum is designed to provide a response to the submitted correspondences.

### I. RESPONSE TO CORRESPONDENCE

Since the publication of the staff report, the Commission has received comments from two interested parties. The comments are included within the Correspondence for this item. Commission staff recommends that the Commission incorporate the response into the findings included in the January 19, 2023 staff report. Therefore, the following is added as a Response to Comments section to the staff report dated January 19, 2023 (as section G on staff report page 15, thus renumbering the CEQA section as section H):

a) Comment from the Gabrieleno Band of Mission Indians – Kizh Nation

The commentator notes that CEQA treats tribal cultural resources as their own element and separately from archeological resources, and requests that staff report Special Condition 4 be revised to address tribal cultural resources as their own element, separate from archeological resources. While the Commission refers to Assembly Bill 52 to guide Tribal Consultation process, the Commission is not subject to AB 52 as the Commission is a responsible, not lead, agency for purposes of CEQA. Section 30244 of the Coastal Act relates to both archeological and paleontological resources. The Commission has consistently interpreted this policy to include tribal cultural resources and has typically required monitoring and mitigation for projects that have a potential to impact tribal cultural resources, as well as archeological and paleontological resources, through a shared condition. More importantly, Special Condition 4 already requires equal monitoring of the project site by both Native American Monitor and archeologist to avoid any potential adverse impacts to cultural resources. Therefore, the Commission finds that, as conditioned by Special Condition 4, the project can be found consistent with Section 30244 of the Coastal Act. The Commission appreciates the comments provided and will continue

coordinating and collaborating with representatives of affected tribes, including the Kizh Nation, to improve protection of tribal cultural resources.

b) Comment from Dianne Doesserich and Tim Nugent

In addition, a letter in opposition to both projects were received from two neighboring property owners (Dianne Doesserich and Tim Nugent). The commentors oppose the project for five reasons. The first and second reasons concern the City of LA Coastal Bluffs Specific Plan, the Westchester-Playa del Rey Community Plan and the Los Angeles General Plan. The commentors claim the proposed project is inconsistent with these plans because its scale is out of character with the existing community. The Commission finds that the aforementioned Plans are not the standard of review for this subject application. The third and fourth reasons concern the project's impact on community character and visual resources, as the commentors assert that the proposed structures are too large for the lot size and are identical in design. The Commission addressed the community character and visual resource issues on pages 10-13, finding that the proposed development conforms to the mass, scale, height, setbacks, and design of the surrounding homes, and would not contribute to any significant adverse effect on community character and visual resources. Finally, the commentors claim that the earthwork quantity calculations for the proposed development are inadequate and leave little room for possible over excavation. The subject application includes 985 cu. yd. of cut and export, which is subject to review and final approval by the Department of Building and Safety. In addition, the City found that all grading work will be subject to the requirements of the Building, Zoning, and Fire Safety Codes that will minimize risks to life and property in geologic and fire hazard areas. The Commission further notes that the applicant is required to report any proposed changes to the approved plan, as Special Condition 1 and 3 stipulate no changes to the approved plan shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally required.