

CALIFORNIA COASTAL COMMISSION

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Th12a

CITY OF LOS ANGELES COASTAL DEVELOPMENT PROGRAM

SECOND AMENDMENT

June 5, 2023

Correspondence

palisades preservation association

May 29, 2023

California Coastal Commission,
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

**Thurs.
12**

Re: Application of City of Los Angeles Ordinance Amendment

Honorable Commissioners:

The membership of the Palisades Preservation Assn. (PPA) voted unanimously to **SUPPORT**, with exceptions, the Staff Report approving the Application of the City of Los Angeles to that allows the City to approve coastal development permits before certification of its LCP. However, it is of the opinion that a number of amendments to the Ordinance, which are discussed further in this letter, are necessary to ensure that the City complies with and enforces the Coastal Act. Our concern is that while the proposed changes to SEC. 12.20.2 of the Los Angeles Municipal Code regarding Coastal Development Permits are much needed, that in practice, they will be ignored.¹

The reason for our concern is because the City has consistently approved Coastal Development Permits in the Pacific Palisades, which clearly violate the Coastal Act, its Guidelines, and the *Regional Interpretive Guidelines, South Coast Los Angeles County*. In doing so, the City Planning Department frequently violates the mandates of SEC. 12.20.2. There have been failures of (1) Notice; (2) failures to allow at public hearings, all interested persons sh a reasonable opportunity to testify and present evidence; (3) providing persons who have requested in writing, that the Notice of Decision be mailed to them; and (4) that the Notices of Decision clearly state the date that an Appeal must be filed, and where and how it may be filed.

The latter is important to the Coastal Commission because unless an aggrieved party who

¹Our Committee, for the past 32 years, has strongly supported the application of the Coastal Act in the Pacific Palisades. Our Chair helped State Senator Pete Wilson get the Coastal Act enacted and from the beginning, represented environmental organizations challenging projects that were not in compliance with the Act. Our Chair also worked with the Commission in developing the Regional Interpretive Guidelines for the Pacific Palisades. He has also chaired the Pacific Palisades Residents Assn., which also has consistently challenged projects that did not comply with the Coastal Act. He has represented many clients and organizations, usually *pro bono* before the Commission.

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requested the Notice of Decision receives the Notice, that party cannot file an appeal to the Area Planning Commission. Therefore, the aggrieved party has not exhausted their administrative remedies and cannot appeal to the Coastal Commission. The result is that the City approves projects that are in violation of the Coastal Act and the approvals cannot come before this Commission to reverse or modify the action of the City.

Compliance with all provisions of the Coastal Act is very important to the Palisades community. The Pacific Palisades forms the bulk of the coastal area within the jurisdiction of the City of Los Angeles and it one of the most sensitive areas in the Coastal Zone. It's beaches are heavily used. It has spectacular views of the Santa Monica Bay, particularly from its high bluffs and adjoining hillsides. But its bluffs are one of the most geologically sensitive in the world, prone to landslides, which are exacerbated by the presence of Jarosite. Jarosite is a basic hydrous sulfate of potassium and ferric iron. It is the mineral that makes Mars look red. However, when it is present in soil, it substantially weakens the bonds between soil particles, thus making slopes in which it is present, more likely to slide. It is why the bluffs in the Pacific Palisades are considered one of the major slump zones in the world. However, the City Building and Safety Department has never factored in the presence of Jarosite in the slopes in determining the safety factor for development on hillside slopes in the Pacific Palisades.

As an example of the City cavalier attitude toward complying with and enforcing the Coastal Act, as well a complying with its own regulations in Section SEC. 12.20.2., are two applications granted by the City for over the height seven and a half (7 ½) foot high fences in the front yards of two properties located at 14914 and 14930 Corona Del Mar in June 2022. Both of the lots are located on the bluffs overlooking the beach and the Santa Monica Bay. Corona Del Mar is a well traveled street, both for vehicles, and for pedestrians. The view from the two lots of the Bay are spectacular.

A neighbor saw the Notice of Hearing posted on the properties and advised PPA of the hearing. PPA then submitted a letter to the Zoning Administrator stating its opposition to the approval of the projects as violating the Coastal Act. See Exhibit A attached hereto.² Subsequently, the President and the Secretary appeared at the Hearing and requested to be heard. However, when the Applicant requested that the hearing be continued to a later date so that the Applicant could obtain a Permit from the Coastal Commission, the Hearing Officer stopped the hearing and did not allow the representatives from PPA to testify. It was assumed by PPA that the hearing would be rescheduled at a later date and that its representatives would be allowed to testify at that time.³

² Note that the last paragraph of the letter request that PPA receive timely notice regarding the decision of the Zoning Administer.

³ PPA is only including the letter and the Notice of Decision for just 14914 Corona Del Mar because the documents for both properties are duplicates.

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After hearing the one case, the Hearing Officer opened the second case and proceeded to hear from the Applicant. He then arbitrarily cut off the hearing without hearing the representatives from PPA, who both had requested to be heard. In protest, PPA then sent a letter to the City Director of Planning complaining about the conduct of the Hearing Officer in not allowing us to speak. We also complained that after previous hearings on other Applications, we had not received copies of the Notices of Determination even though we requested them. We received no reply from the Director of Planning.

On August 25, 2022, the Hearing Officer issued his Notices of Decisions for both properties. If he had held any additional hearings between the hearing on June 22, there is no record of it. The Notice of Decision for the property at 14914 Corona Del Mar is attached as Exhibit B. As noted before, the Notice of Decision for the property at 14930 is identical.

The Notice of Decision Does Not Discuss the Coastal Act Requirements.

In the letters submitted by PPA to the Hearing Officer, there was extensive discussion of the applicability of the Coastal Act to the two properties, particularly the preservation of the views. However, the Hearing Officer made no mention of the Coastal Act and its requirements anywhere in his Notices of Decision. In his zeal to approve the Applications, he just ignores the Coastal Act. It has been our experience with this particular Hearing Officer in a number of cases, is that, with the exception of a Councilmember opposing an Application, he will let nothing get in his way of approving Applications. Pay your \$3,000 and automatically get what you ask for.⁴

Because of this cavalier attitude about enforcing the law, the regulations regarding the Coastal Act matters before the City, specifically SEC. 12.20.2. need to be revised even further than recommended by the Commission Staff.

The Provisions For Notice of Hearing Are Inadequate.

Where a Notice of Hearing includes both a Coastal Development Permit and another Application, the proposed provisions for Notice of Hearing are inadequate if the Notice is intended to ensure that there is full opportunity for public input into the process regarding compliance with the Coastal Act.

The City and Commission staff propose that Sec. 13B.9.C..2 Notice of Public Hearing read as follows:

- “2. Notice of Public Hearing – Mailing
 - a. Hearing on Coastal Development Permit Combined with Other Hearing

⁴PPA, as well as others, have had similar experiences with other Hearing Officers within the City’s Office of Zoning Administration, but unlike this particular Hearing Officer, they allow others to speak at hearings, and they give Notice of their decisions to those who request it.

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The applicant shall furnish to the City, accompanying the application, a list containing the name and address of each property owner of record and the addresses of all residences, including apartments within 300 feet from each boundary of the site of the proposed development. Where the hearing on the Coastal Development Permit is to be combined with a public hearing otherwise required by this Code for the proposed development, and the provisions of this Code require notification to persons beyond 300 feet of the site of the proposed development, no separate list shall be required, and all persons notified of the hearing for the proposed development shall also be notified that the hearing shall include the application for a Coastal Development Permit. Notice of such hearing, at least 24 days prior, shall also be sent to an occupant of all residences, including apartments within 300 feet of the boundary of the proposed development, all persons known, or thought to have a particular interest in the application, *the Certified Neighborhood Council representing the area in which the property is located, and all other persons requesting notice.*”

Our concern is the italicized language for two reasons. First, what if there is no *Certified Neighborhood Council* in the area in which the property is located. The Pacific Palisades, which has a major portion of the coastline in Los Angeles, does not have a *Certified Neighborhood Council*. It does have a Community Council. It’s Community Council, which was formed in 1973 (celebrating it’s 50th Anniversary) is the granddaddy of the Neighborhood Councils formed in Los Angeles and was the model upon which the City adopted the Neighborhood Council format in 1999.

The language “*...and all other persons requesting notice.*” is vague. There are no provisions in SEC. 13B.9. on how a person (or organization) can request Notice of Hearings involving Coastal Development Permits. Thus, it has to be provided in the proposed Ordinance.

The following revision is recommended:

“...the Certified Neighborhood Council, and any other organization or person that has requested notice of any application for a Coastal Development Permit involving property located within the Community Plan Area provided that the organization or person has provided the City Planning Department with a Notice that includes the name and address where the Notice shall be sent.”

The proposed revision will ensure that any party interested in ensuring that the Coastal Act is complied with, will have the opportunity to participate in any hearing which involves the application of the Coastal Act. This will make it more likely that its provisions are either being ignored or not being applied correctly.

For the same reason, the following sub-section 13B.9.C.2.b.v should be revised. Instead of reading “v. All other persons requesting notice.” it should be revised to read:

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“v. any other organization or person that has requested notice of any application for a Coastal Development Permit involving property located within the Community Plan Area provided that the organization or person has provided the City Planning Department with a Notice that includes the name and address where the Notice shall be sent.”

Filing an Appeal From a Determination is Difficult.

It is our experience that when the City issues a Notice of Determination, the provisions regarding how to appeal from that Decision, are vague and difficult to navigate for any one not experienced in filing appeals from such Determinations. As an example, the following language from the Notice of Determination for 14914 Corona Del Mar shows how vague it is.⁵

“APPEAL PERIOD - EFFECTIVE DATE

....The Zoning Administrator's determination in this matter will become effective after September 9, 2022 unless an appeal therefrom is filed with the Department of City Planning. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>.”

It is not clear when the last day to file an appeal . Better to say: “ Any Appeal from the Zoning Administrator’s determination in this matter must be filed on or before (date.)”

The last statement: “ Forms are available on-line at <http://planning.lacity.org>.” Is not helpful. The URL is the main web page for the Department of Planning and there is no mention whatsoever on that page of Forms to file an Appeal from. It can only be found by opening the Development Services web page and scrolling down to the bottom of the page where the following appears:

“Filing of Appeals

For time-sensitive materials such as appeals, we recommend filing online through our Online Application System (OAS). If you must drop off hard copies, you may do so at either the Metro or Valley DSC locations. Please refer to the Appeal Filing Procedures information available here.”

Once an appellant accesses the Online Application System, the appellant is then required to create an account with “Angeleno” with a user name and a password. Then and only then, can an Appellant obtain the necessary forms. The next step is to complete and upload all the

⁵ Exhibit B, pp. 5-6

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documents but then the process is not complete because there is a “Submit” button at the bottom which for many users, particularly those using laptops, is not visible. So if the appellant thinks that the process is complete because all the documents are uploaded, it is not complete until the “Submit” button is pressed. Only then, will the staff review the appeal and determine whether it is complete and provide the appellant the amount of the fee that must be paid to complete the appeal.

It would be better if the following URL was used:

<https://planning.lacity.org/development-services/development-services>

The Staff Recommendation That Sub-section 13B.9.D.1 General Procedures Be Replaced With a Short Revised Section Provides No Specifics and Is Useless.

The City proposed amendments to its Coastal Development Permit processing included a Section that set forth 10 specific requirements regarding the approval of a Permit. Thus, the applicants, hearing officers, and the public reading the Code, would have knowledge of what was required. However, the Commission Staff proposes to eliminate the specifics and instead, replace them with the following;

“1. Proceedings and Hearing

a. To the extent possible, any Permit application for a Development within the Coastal Zone shall be processed in accordance with established policies and procedures of a permit granting authority in conformance with the provisions of this Code.”

That is not informative. Moreover, the use of the language “To the extent possible”, allows a wide amount of discretion, and can lead to an abuse of the Coastal Act, as well as litigation. Therefore, it is recommended that the General Procedures as proposed by the City be adopted.

However, the City’s version of Sub-section 13B.9.D.1 General Procedures includes a sub-section that cites a Code section which has not been provided to the Commission or to the public

“d. Each process described in *Part B. (Processes & Procedures) of this Article* includes standards and/or findings for approval. In approving an application, the decision maker must find that the project substantially conforms to the standards and/or findings for approval.”

Neither the Commission or interested members of the public have access to the italicized regulations to determine if they adequately ensure that the reviewing authority is complying with the Coastal Act requirements. Before the Commission acts on this item, it and the public should be provided with the Part B of the cited provision.

The Misuse of Precedents by the City Hearing Officers Needs to be Addressed.

When Hearing Officers for the City approve applications for permits, including Coastal

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Development Permits, they will use other similar uses of property as justification for approval of a permit application. As an example, this is what the Hearing Officer used in approving the application for an over the height fence on 14914 Corona Del Mar:

“There are two properties on Corona Del Mar previously approved for over in height fences in the front yard located at 14904 West Corona Del Mar (14889-14901 West Pacific Coast Highway) and 14880-14901 West Corona Del Mar.”⁶

Then in the required Finding No. 1, the Hearing Officer finds that:

“In this instance, the proposed project will provide security and privacy to the occupants of the residence and keep with the existing over in height fence character on Corona Del Mar. Previous over in height approvals have been granted at 14904 West Corona Del Mar (14889-14901 West Pacific Coast Highway) and 14880-14901 West Corona Del Mar. Additionally the applicant has provided a list of similar over in height fence approvals within 1,000 feet of the subject site located at 239 North West Channel Road (ZA-2021-1749-F); 456 East Rustic Road (ZA-2005-7723-F), 390 Chautauqua Blvd (ZA-2002-5029-F); 438 East Rustic Road (ZA-1998-431-F), 401 Vance Street (ZA-1996-53-F), 343 Sycamore Road (ZA-2000-3729-F), and 202 Vance Street (ZA-1999-611-F) Based upon the observations from the applicant and previous actions of the Zoning Administrator, this project would not create a new negative precedent for the area and will be consistent with the spirit and intent of the zoning regulations. Therefore, the proposed project will enhance the built environment in the surrounding neighborhood as well as perform a function that is beneficial to the community.”

There are a number of problems with this finding. First, only the two properties on Corona Del Mar have views of Santa Monica Bay. The over the height fence on the property at 14904 Corona Del Mar was never approved by the City and is therefor illegal. Nor was the over the height wall at 14880 Corona Del Mar approved by the City. The remainder of the addresses comprise less than one per cent of the properties in the area.

The height limit for fences, walls, and hedges in the front yard set back in the single family residential areas in the City of Los Angeles, is three and a half feet. The purpose is to present a more open street landscape, and to allow police (and the public) to see whether there is any suspicious activity occurring in the front yards. In the case or the Coastal Act, it is to provide views of the shoreline and the sea.

a. Two Wrongs Don't Make a Right

The purposes of a zoning regulation or a Coastal Act requirement are defeated when exceptions are granted where there is not a necessity for granting an exception. Precedents are not a justification to determine necessity. Two wrongs do not make a right.

⁶ Exhibit B. pp.6-7

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The justification for using precedents arose out arguments by applicants for permits or exceptions, that another property had previously been granted a permit or exception, therefore, it would be unfair not to grant the applicant the same permit or exception. Thus, when applicants present evidence to the hearing officer of previous grants, hearing officers invariably grant the application, regardless of whether or not it is justified.⁷

It is a misuse of the term “precedent” to use it to justify granting an application. The use of precedents arise from the use by courts of precedents to make decisions, but the precedents used by courts were changes of policy which were thoroughly debated and usually involved interpretations of the law. That is not the case in City zoning hearings. Often, there is no opposition to the application. And thus, no discussion as to whether the precedent is justified. Changes in policy as to how regulations are to be interpreted are in cases involving Coastal Development Permits, the functions of the State Legislature and the Coastal Commission.

Thus, the City officials charged with approving Coastal Development Permits should be prohibited from using precedents in making their decisions regarding the Permits. Because the topic of this meeting is the approval of proposed City Regulations regarding Coastal Development Permits, the appropriate location for such a restriction should be in these Regulations.

We submit that the following be inserted into Sub-section 13B.9.D.1 General Procedures

“In making findings regarding the approval of an application for a Coastal Development Permit, the decision maker shall not use the approval of similar applications for Coastal Development Permits on other properties as a justification for approval of the application being considered.”

CONCLUSION

For the reasons stated herein, the Commission is urged to approve the proposed Coastal Development Permit Provisions as recommended by the Commission Staff with the proposed corrections as set forth herein.

Attachments:

EXHIBIT A, PPA letter, 14424 Corona Del Mar
EXHIBIT B, Notice of Determination

cc: Pacific Palisades Residents Assn.
Councilmember Traci Park
Director of City Planning
Pacific Palisades Community Council

Respectfully submitted,



JACK ALLEN, *President*
Palisades Preservation Assn.

⁷ While Hearing Officers automatically grant permits based on precedents, the Area Planning Commissions, more often than not when acting on appeals, do not use precedents to justify approvals.

palisades preservation association

June 26, 2022

Nick Vasuthasawat,
Planning Assistant
c/o Office of Zoning Administration,
Department of City Planning,
City Hall, Room 750,
200 N. Spring Street,
Los Angeles, CA 90012

Case No.: ZA-2022-2207-F
CEQA No: ENV-2022-2208-CE
14914 West Corona Del Mar
Pacific Palisades, California
Applicant: Lara Porzak, Pacific Palisades Real Estate, LLC
OPPOSITION

Dear Mr. Vasuthasawat,

The Executive Board voted unanimously to object to the Applicant's Application for a the construction, use, and maintenance of a proposed 7-foot 6-inch high, fence pedestrian gate, and vehicular gate in the front yard area of the property located at 14914 West Corona Del Mar in the Pacific Palisades. Our objections are (1) the application violates the California Coastal Commission Regional Enterpretive Guidelines, Sou'th Coast Reglon, Los Angeles Ccunty for the Pacific Palisades, in particular:

“c. PUBLIC ACCESS TO COASTÁL. ZONE RESOURCES.

1.1. - Views to the public shoreline and the Santa Monlca Mountains from roads should be preserved and protected ((30251, 30210)”

and (2) the application violates LAMC Section 12.21.C.1(g) which states:

“(g) Every required front, side and rear yard shall be open and unobstructed from the ground to the sky, except for those projections permitted by Sections 12.08.5, 12.09.5, and 12.22.”

EXHIBIT A

1. The Project Requires a Coastal Permit:

Corona del Mar borders the bluffs that overlooks Will Rogers Beach and Santa Monica Bay. The street is a popular viewing site for both residents and other visitors that enjoy the scenic view of the Bay. The proposed 7 and a ½ foot high fence clearly blocks the view of the Bay for those walking or driving on Corona del Mar.



The fence is a structure that will be located in the California Coastal Zone and thus it will require Coastal Permits from both the City of Los Angeles and the Coastal Commission. Public Resources Code Section 30106 defines “Development” as:

“Development” means, on land, in or under water, the placement or erection of any solid material or structure ...”

Public Resources Code Section 30600 states:

“(a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.”¹

¹Section 21066 defines “Person” as any any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies and political subdivisions of those entities, and, to the extent permitted by federal law, the United States, or any of its agencies or political subdivisions.

A. Any Fence That Exceeds 3 ½ Feet in Height Will Significantly Interfere With The Scenic View of The Public Traveling on Carona del Mar.

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 landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality to visually degraded areas. and by local government shall be subordinate to the character of its setting.” 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 (Emphasis added)

The California Coastline Preservation and Recreation Plan states that:²

“ It is evident that there are more people and consequently more demands being placed on the coast's resources than the shoreline can possibly support. The resulting problems can be categorized as follows:

2. PUBLIC ACCESS, VISUAL AND PHYSICAL

Structures are being developed at the ocean's edge at the expense of both visual and physical access. Views of the ocean along whole segments of the coast are now obliterated by residences, industrial developments, parking lots, campgrounds, commercial establishments, and billboards. Hundreds of miles of the publicly-owned tidelands have been walled off from people by freeways, private clubs, residential and industrial developments, and military ownership. All of these uses severely restrict the shoreline visitor's access to, and use of, the state-owned sovereign lands.”

The Plan sets forth methods for maintaining scenic quality by stating:

“Local government, through zoning ordinances, can preserve, maintain, and enhance the coastal scenic quality of their jurisdiction and, in some cases, have done just that. Unfortunately, economic and political pressures are brought to bear on local governing bodies to amend the zoning of a natural area in favor of development. The arguments generally presented are that preservation imposes financial hardships on the private owner, or that development will provide desperately needed dollars to the local tax base. In the process of protecting the private owner or increasing the tax base the public's natural resources are bargained away. Natural resources that may be of state and national significance are often lost

² California Coastline Preservation and Recreation Plan , California Department of Parks and Recreation. (1972) p.13

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forever as a result of this process.”³

Unfortunately, the City of Los Angeles all too often ignores preserving the scenic quality of its coastline in favor of private development. That is why it is necessary for the Coastal Commission to maintain jurisdiction over the Coastal Zone located within the City.

The Coastline and Preservation Plan sets forth the following Landscape Protection Policy using Land Use Controls to protect views:

“Local government must continue to assume the primary responsibility for protecting the quality of the environment. This will require firm stands by local planning commissions and legislative bodies. Developments should be set back from beach and bluff lines, and should not be allowed to obscure views of long stretches of the coast.”⁴

Public Resources Code Section 30604 requires that:

“c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).”

Thus, the Zoning Administrator must find that the proposed fence and gate conform with the provisions of Public Resources Code Section 30251 set forth above on page 2, a finding that cannot be made I view of the facts in this application.

2. The Restrictions on the Height of Walls and Fences Are To Protect Public Safety.

Restrictions on the height of walls, fences, and hedges are an exercise of the police power by the City. There must be a rational reason to support the use of the police power. Restrictions on the such heights are justified by the need to preserve the openness of the street scape and also for security purposes so that the police and neighbors can see whether suspicious persons are on the property. Front walls, fences and hedges are invariably required to be shorter is because roads tend to border them and taller fences can obscure the vision of drivers. At the east side of this particular property, the street curves to the south and thus, a high fence will block the view of driver’s vision of people or bicyclists around the curve. For instance, a driver in this case may not be able to see kids playing in the road right around a bend.⁵ Additionally, most driveways located on lots facing a street or highway

³ Id. at p.57

⁴ Id at p. 84

⁵ Model Zoning Ordinance, with Commentary, by Fred H. Bair, Jr. and Ernest R. Bartley, Public Administration Clearing Service of the University of Florida, 1958.

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require the occupants to back their vehicles out of the driveway. Thus, the prohibition on walls, fences and hedges exceeding 3 ½ feet in height not only protects people and particular children using the sidewalks in front of the property.



A. There is a Conflict Between Various Municipal Code Sections.

There is a conflict between various sections of the Municipal Code. LAMC Section 12.21.C.1(g) prohibits any fences, walls and hedges in the front yard setbacks and that clearly serves the purpose or preserving the openness of the street scape and security purposes. However, other Code sections allow fences, walls and hedges in the front yard setback as long as they do not exceed 3 ½ feet in height. (LAMC Sec.12.22.C.20.(f).(2) fences, walls, and landscaping features surrounding guard railings around depressed ramps; Section 12.22 C.20(f) establishes a height limit of 3 ½ feet (42 inches) for fences in front yards in residentially (R) zoned properties.)

However, LAMC section 12.24.X.7.(a) Fences or Walls in A or R Zones provides that :

(a) A Zoning Administrator may, upon application, permit fences, walls or gates not to exceed eight feet in height, including light fixtures, in the required front yard, side yard or rear yard of any lot or on the side lot line along the street of a reversed corner lot in the A and R Zones.

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Before the Zoning Administrator can grant such a permit, the Zoning Administrator must find that:

“...the Zoning Administrator shall consider the environmental effects and appropriateness of materials, design and location of any proposed fence or wall, including any detrimental effects on the view which may be enjoyed by the occupants of adjoining properties, *and security to the subject property which the fence or wall would provide.*” (Emphasis Added)

However, this finding conflicts with another finding that LAMC Section 12.24.E.2 which requires the Hearing Officer to find that:

“ 2. that the project's location, size, height, operations and other significant features will be compatible with and *will not adversely affect* or further degrade adjacent properties, the surrounding neighborhood, or the *public health, welfare, and safety;*”(Emphasis Added)

Clearly the proposed wall will adversely affect the public safety. As previously discussed, the very purpose of restricting the height of fences in the front yard, is to protect not only the occupants of the property, but also pedestrians and children on the sidewalk in front of the property. Because there is a curve in the road next to the property, it is even more important that the height of the wall be restricted to 3 ½ feet and the Application denied.

But LAMC section 12.24.X.7.(a) completely negates the purposes that support the implementation of prohibiting walls, fences and shrubbery being restricted to 3 ½ feet in height. It makes the safety of the occupants of the property paramount to the safety of pedestrians, children, motorists and bicyclists and that is even questionable. While increasing the height permitted will make it more difficult for criminals to access the property, it will also conceal their activities.

Moreover, it makes the City a walled city. If the residents of any city need the security and privacy a high wall provides, it is the residents of Beverly Hills but that City does not permit any walls or landscaping in excess of 3 feet in the front yard setback under any circumstances. It does allow fences to exceed 3 feet but that portion of the fence higher than 3 feet must be transparent so that the police can observe any suspicious activity taking place on the property.⁶

Required Findings:

Pursant to Section 12.24.E, the Zoning Administrator must make the following findings:

“1. that the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;”

Granting the application will not in any way enhance the built environment of the

⁶ Beverly Hills Municipal Code, Sec. 22.08.150

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surrounding neighborhood. To the contrary, it will violate the Coastal Act by creating a visual obstruction to a scenic view of the Santa Monica Bay.

“2. that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;”

Building of a six foot wall is not compatible with the adjacent properties and the surrounding neighborhood. For certain it will degrade the safety of pedestrians and children using the sidewalk as well as obscure the vision of drivers approaching the intersection.

“ 3. that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

By allowing the Applicants to construct six foot wall in front of the property will interfere with the openness of the property which makes the property more scenic. The Brentwood-Pacific Palisades Community Plan states:⁷

“GOAL 5 PRESERVATION OF THE SCENIC AND VISUALQUALITY OF COASTAL AREAS.

Objective 5-1 To govern the manner in which the City of Los Angeles implements the California Coastal Act of 1976, as well as the establishment of land uses and their subsequent development.

Policies

5-1.1 The location and amount of new development should maintain and enhance public access to the coast.

Program: *Permitted development shall be sited and designed to protect views to 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 the visually degraded areas.” (Emphasis Added)*

Program: *Coastal Development Permits are required for new development which establish conditions for new development.” (Emphasis Added)*

Thus, the project violates the Community Plan.

Lastly, the Zoning Administer must make a finding under LAMC Section 12.24.X.7.(a)

“ **Findings.** In addition to the findings otherwise required by this section, the Zoning

⁷ p. III-15

Case No.: ZA-2022-2207-F

Administrator shall consider the environmental effects and appropriateness of materials, design and location of any proposed fence or wall, including any detrimental effects on the view which may be enjoyed by the occupants of adjoining properties, and security to the subject property which the fence or wall would provide.”

The most important environmental effect will be the negative impact on the scenic views of Santa Monica Bay and it will create a significant adverse environmental impact.

A FOCUSED EIR IS REQUIRED.

Because the Project requires discretionary review, it is not entitled to being exempt from the California Environmental Quality Act as a ministerial project. Because it will significantly impact the scenic view from Corona del Mar, it is not entitled to a Categorical Exemption. Normally, construction of a fence would be categorically exempt under Category 3.⁸ However, although the fence would ordinarily be considered insignificant in its impact on the environment, because the fence is located in a particularly sensitive environment, its impact may be significant so it loses its status as a Categorical Exempt project.⁹

The fence also loses its Categorical Exemption under State Guidelines Sections 15300.2.(c) “an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (the fence will obstruct the scenic view of Santa Monica Bay). Moreover, the fence is not entitled to a Negative Declaration because the fence has potentially significant negative impacts on the environment which will block public views of a scenic resource. The impact cannot be mitigated except if the fence is reduced to 3 1/2 feet. Therefore, a Focused EIR is required.

Conclusion.

For all the reasons stated above, the Zoning Administrator must deny the Application.

Lastly, PPA requests that it receive timely notice of the decision of the Zoning Administrator regarding the subject application so that if the Application is granted, PPA can timely file an appeal with the West Los Angeles Planning Commission.

Respectfully,



JACK ALLEN,
President



MARIA FOREMAN,
Secretary

⁸ State Guidelines, Sec.15303.(f)

⁹ State Guidelines, Sec. 15300.2 (a)

Case No.: ZA-2022-2207-F

OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 763
LOS ANGELES, CA 90012-4801
(213) 978-1318

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
JONATHAN A. HERSHEY, AICP
THEODORE L. IRVING, AICP
CHARLES J. RAUSCH JR.
CHRISTINA TOY LEE

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

LOS ANGELES DEPARTMENT
OF CITY PLANNING
EXECUTIVE OFFICES

VINCENT P. BERTONI, AICP
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DEPUTY DIRECTOR
ARTHI L. VARMA, AICP
DEPUTY DIRECTOR
LISA M. WEBBER, AICP
DEPUTY DIRECTOR
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August 25, 2022

Lara Porzak (A/O)
Pacific Palisades Real Estate LLC
109 Columbia Heights
Brooklyn, NY 11201

Nick Leathers (R)
Crest Real Estate
11150 West Olympic Boulevard, #700
Los Angeles, CA 90064

CASE NO. ZA-2022-2207-F
ZONING ADMINISTRATOR'S
DETERMINATION - FENCE HEIGHT
14914 West Corona Del Mar (14915
West Pacific Coast Highway)
Brentwood - Pacific Palisades Planning
Area
Zone: RE20-1
D. M.: 123B129
C.D.: 11 - Bonin
CEQA: ENV-2022-2208-CE
Legal Description: Lot 1, Block 6, Tract
6753

Pursuant to CEQA Guidelines Section 15061, I hereby **DETERMINE**:

based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the CEQA pursuant to CEQA Guidelines, Section 15303, Class 3, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects, unusual circumstances, scenic highways, hazardous waste sites or historic resources applies; and

Pursuant to Los Angeles Municipal Code Section 12.24 X.7, I hereby **APPROVE**:

a Zoning Administrator's Determination to allow the construction, use, and maintenance of an over-in-height fence, vehicular gate, and pedestrian gate with a maximum height of seven-feet six-inches in the front yard setback of the property in lieu of the maximum height of three-feet six-inches otherwise permitted by LAMC Section 12.21-C.1(g).

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government / regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein

EXHIBIT B

- specifically varied or required.
2. The authorized use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked "Exhibit A" except as may be revised as a result of this action.
 3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
 4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
 5. The applicant shall obtain all necessary building permits for the new construction to the satisfaction of the Department of Building and Safety.
 6. 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.
 7. Approved herein is the construction, use, and maintenance of an over-in-height fence, vehicular gate, and pedestrian gate with a maximum height of seven-feet six-inches within the required front yard setback.
 8. No other deviations from the provisions of the Los Angeles Municipal Code have been requested or approved herein.
 9. Site Development. 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 Los Angeles Department of City Planning, West/South/Coastal Project Planning Division, 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 Municipal Code, the project conditions, or the project permit authorization.
 10. Prior to the issuance of any permits relative to this matter, 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

11. 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 "Plans Approved". A copy of the Plans Approved, supplied by the applicant, shall be retained in the subject case file.
12. 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.
13. 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.
14. 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.
15. 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
16. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

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

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

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

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after September 9, 2022 unless an appeal therefrom is filed with the Department of City Planning. It is strongly advised that appeals be filed early during the appeal period

and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.**

Public offices are located at:

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

West Los Angeles Office
 Development Services Center
 1828 Sawtelle Boulevard,
 2nd Floor
 Los Angeles, CA 90025
 (310) 231-2901

Valley Office
 6262 Van Nuys Boulevard,
 Suite #251
 Van Nuys, CA 91401
 (818) 374-5050

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

NOTICE

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

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on July 7, 2022 all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

The subject property is located within the Brentwood – Pacific Palisades Community Plan Area and is zoned RE20-1 with the General Plan Land Use Designation of Very Low I Residential. The project site is located in a Hillside Area, Dual Permit Jurisdiction of the Coastal Zone, Very High Fire Severity Zone, a Special Grading Area (BOE Basic Grid Map A-13372), and within .22 kilometers of the Santa Monica Fault Zone.

Surrounding properties are zoned RE20-1, OS-1XL, and R1-1-O with a land use designation of Very Low I Residential, Open Space, and Low Residential. The neighborhood is characterized by one to two-story single-family dwellings on hillside and non-hillside lots with varying topography. There are two properties on Corona Del Mar previously approved for over in height fences in the front yard located at 14904 West

Corona Del Mar (14889-14901 West Pacific Coast Highway) and 14880-14901 West Corona Del Mar. There are two additional applications currently pending review for similar requests located at 14930 West Corona Del Mar (14925 West Pacific Coast Highway) and the subject site.

Corona Del Mar, adjoining the subject property on the northeast, is designated as a Collector Street with a right-of-way width of 66 feet and a paved roadway width of 40 feet, and is improved with curbs, gutters, and sidewalk.

Pacific Coast Highway, adjoining the subject property on the southwest, is designated as a Boulevard II with a right-of-way width of 110 feet and a paved roadway width of 80 feet, with unimproved sea cliffs on the northeasterly side of the right of way and an asphalt roadway on the southwesterly side.

The subject site is on an irregular shaped through lot measuring approximately 33,341 square feet, with an approximately 117 feet of street frontage along Corona Del Mar and 116 feet of street frontage on Pacific Coast Highway. The property has approximately 287 feet in lot depth along the northwest property line and 284 feet of lot depth along the southeast property line.

The subject property is currently under construction with a two-story, single-family dwelling with an attached two-car garage, a basement and a swimming pool/spa. Recent and pending building permit associated with the property are provided as follows:

Building Permit Records		
Status	Permit Number	Description
Verification in progress 3/10/2022	16010-30000-03881	Supplemental permit to 16010-30000-03881 for small addition and changes to elevation and roof plan not resulting in a change to overall building height.
Permit issued 2/21/2018	16010-30000-03881	New single-family dwelling, basement, and garage.
Permit issued 2/21/2018	16047-30000-01521	New pool and spa for single-family dwelling.
Permit issued 2/21/2018	16020-30000-02561	New retaining wall.
Permit finalized 8/28/2019	18019-30000-00301	Demolish existing single-family dwelling with attached garage to clear lot.

The applicant is requesting a Zoning Administrator’s Determination for the construction, use, and maintenance of an over-in-height fence, vehicular gate, and pedestrian gate with a maximum height of seven-foot six-inches within the required front yard setback of the property in lieu of a three-foot six-inch height limit. The project will feature a seven-foot concrete block wall with plaster finish, seven-foot wood gates, vines to cover front of wall and hedges behind the block wall, and seven-foot six-inch columns finished with stack stone and light fixtures.

Previous zoning related actions on the site:

Case No. DIR-2016-2532-CDP-MEL – On May 5, 2017, the Director of Planning approved a Coastal Development Permit authorizing the demolition of an existing one-story single-family dwelling and the construction of an 8,884 square foot two-story single-family dwelling with a 3,100 square foot basement, a 2,070 square foot garage with 4 covered parking spaces, and a swimming pool, for a maximum building height of 31 feet, and a haul route for the export of approximately 5,000 cubic yards of earth, all located in the dual permit jurisdiction area of the Coastal Zone and a Mello Act Compliance Review for the demolition and construction of one Residential Unit in the Coastal Zone for the property located at 14914 West Corona Del Mar (14915 West Pacific Coast Highway).

Case No. DIR-2003-5825-CDP – On December 12, 2003, the Director of Planning approved a Coastal Development Permit authorizing the installation of soldier piles, construction of a retaining wall and grade beam system on a hillside property for a proposed single-family dwelling within the dual permit area of the California Coastal Zone for the property located at 14914 West Corona Del Mar (14915 West Pacific Coast Highway).

Previous zoning related actions in the area (500-foot radius):

ZA-2022-9064-F – On November 1, 2021, a case was filed for a six-foot over in height fence located at 14930 West Corona Del Mar (14925 West Pacific Coast Highway) and is pending review.

Case No. ZA-2018-7599-F – On August 30, 2019, the Zoning Administrator approved a Zoning Administrator's Determination for the construction, use and maintenance of an over in height fence not to exceed eight feet at any point, two eight-foot-high return walls, a seven-foot wood sliding vehicle gate, two seven-foot three-inch high pedestrian gates, and twelve eight-foot-high masonry pilasters on property in the RE20-1 Zone located at 14904 West Corona Del Mar (14889-14901 West Pacific Coast Highway).

Case No. ZA-2016-3124-F – On August 1, 2017, the Director and Zoning Administrator approved a Coastal Development Permit of a two-story, 3,185 square-foot single-family dwelling and the construction of a two-story, 6,816 square-foot single-family dwelling with an attached 652 square-foot three-car garage and a maximum height of 30 feet, located in the dual permit jurisdiction area of the Coastal Zone, a Mello Act Compliance Review for the construction of a new single-family dwelling in the Coastal Zone, a Zoning Administrator's Adjustment for an existing pool to remain in the front yard setback, and a Zoning Administrator's Adjustment for the continued use and maintenance of a five foot high fence along the western and southern side of the pool in lieu of the maximum permitted three-feet six-inches on a property in the RE11-1 Zone located at 14880-14901 West Corona Del Mar.

PUBLIC HEARING

A Notice of Public Hearing was sent to nearby property owners and/or occupants abutting a proposed development site for which an application, as described below, had been filed

with the Department of City Planning. All interested persons were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. In accordance with Government Code Section 54953, subsections (e)(1) and (e)(3), and in light of the State of Emergency proclaimed by the Governor on March 4, 2020 relating to COVID-19 and ongoing concerns that meeting in person would present imminent risks to the health or safety of attendees and/or that the State of Emergency continues to directly impact the ability of members to meet safely in person, the Office of Zoning Administration Public Hearing was conducted telephonically on July 7, 2022 at approximately 9:30 a.m. The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. The hearing was conducted by the Associate Zoning Administrator, Theodore Irving for Case No. ZA-2022-2207-F and CEQA No. ENV-2022-2208-CE. The following testimony was provided at the hearing:

Benjam Eshagian – Representative, Crest Real Estate:

- The subject property is rectangular shaped, with a frontage of 117 feet and zoned RE20 -1; the surrounding properties are zoned RE20-1,
- The property is currently under development for a single-family residence,
- The home is in the final stages of construction,
- The property is next door to another over-in-height fence,
- A Coastal Development Permit for the single-family dwelling was approved in 2017, and a haul route for 5,000 cubic yards within the dual jurisdiction of the coastal zone,
- The applicant proposes to construct a 7-foot 5-inch plaster wall fence within the front yard setback,
- The project has a 7-foot six inches maximum fence as well as pedestrian and vehicular gates,
- The gates will be built with wood gates and flanked with stone columns covered with vines,
- In the surrounding neighborhood, numerous other single-family dwellings within the 500 feet radius contain over-in-height fence
- This property is subject to the 1965 determination that allowed a 6-foot high fence,

Correspondence

On June 26, 2022, the Palisades Preservation Association submitted a letter in opposition to the requested action, asserting the application violates the California Coastal Commission Regional Interpretive Guidelines and violates the LAMC Section 12.21 C.1(g).

MANDATED FINDINGS

In order for an over-in-height fence/wall request to be approved, all of the legally mandated findings in Section 12.24 X.7 of the Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the relevant facts of the case to same.

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject property is located within the Brentwood – Pacific Palisades Community Plan Area and is zoned RE20-1 with the General Plan Land Use Designation of Very Low I Residential. The project site is located in a Hillside Area, Dual Permit Jurisdiction of the Coastal Zone, Very High Fire Severity Zone, a Special Grading Area (BOE Basic Grid Map A-13372), and within .22 kilometers of the Santa Monica Fault Zone. The property is currently being constructed with a two-story, single-family dwelling with an attached two-car garage, basement and swimming pool/spa.

The applicant is requesting a Zoning Administrator's Determination for the construction, use, and maintenance of an over-in-height fence, vehicular gate, and pedestrian gate with a maximum height of seven-feet six inches within the required front yard setback of the property in lieu of a three-feet six-inch height limit. The project will feature a seven-foot concrete block wall with plaster finish, seven-foot wood gates, vines to cover front of wall and hedges behind the block wall, and seven-foot six-inch columns finished with stack stone and light fixtures.

Zoning regulations limit fence heights on residentially zoned property to provide visual consistency in neighborhoods and to limit bulk and mass. Such regulations, however, are written on a citywide basis and cannot take into account the individual, unique characteristics that a specific parcel and surrounding area may have. In this instance, the proposed project will provide security and privacy to the occupants of the residence and keep with the existing over in height fence character on Corona Del Mar. Previous over in height approvals have been granted at 14904 West Corona Del Mar (14889-14901 West Pacific Coast Highway) and 14880-14901 West Corona Del Mar. Additionally the applicant has provided a list of similar over in height fence approvals within 1,000 feet of the subject site located at 239 North West Channel Road (ZA-2021-1749-F); 456 East Rustic Road (ZA-2005-7723-F), 390 Chautauqua Blvd (ZA-2002-5029-F); 438 East Rustic Road (ZA-1998-431-F), 401 Vance Street (ZA-1996-53-F), 343 Sycamore Road (ZA-2000-3729-F), and 202 Vance Street (ZA-1999-611-F)

Based upon the observations from the applicant and previous actions of the Zoning Administrator, this project would not create a new negative precedent for the area and will be consistent with the spirit and intent of the zoning regulations. Therefore, the proposed project will enhance the built environment in the surrounding neighborhood as well as perform a function that is beneficial to the community.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The proposed over-in-height fence, vehicular gate, and pedestrian gate is consistent with the pattern of development in the neighborhood both on the immediate block and the general area. Additionally, prior grants have been previously authorized on other properties in the area determining over in height

fences in the front yard as not setting a negative precedent.

The proposed over-in-height fence, vehicular gate, and pedestrian gate will provide additional safety and privacy for the subject property and has been designed to ensure that both the vehicle and pedestrian gates open without impeding into the public right-of-way.

Conditions have been imposed upon the authorization to ensure that the proposed fence, vehicular gate, and pedestrian gate do not result in adverse impacts on surrounding properties. Therefore, as conditioned, the project's location, size, height, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

3. **The project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Brentwood-Pacific Palisades Community Plan area. The Community Plan Area Map designates the property for Very Low I Residential land uses, with corresponding zones of RE20 and RA. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The Plan does not have specific language limiting or addressing fence heights. In such cases, the Zoning Administrator must interpret the intent of the Plan and make the appropriate findings.

In accordance with Chapter 3, Land Use Policies and Programs of the Brentwood - Pacific Palisades Community Plan, the proposed project does not change or intensify the single-family residential use or density of the property. The height of the proposed fence, vehicular gate, and pedestrian gate are consistent with those which have been constructed and maintained within the immediate neighborhood. Thus, the request does not conflict with the policies of the General Plan and the Brentwood - Pacific Palisades Community Plan.

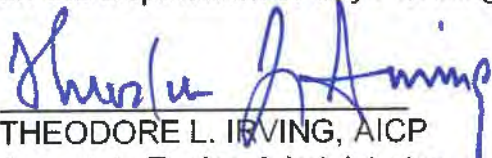
4 **Consideration has been given to the environmental effects and appropriateness of the materials, design and location, including any detrimental effects on the view enjoyed by occupants of adjoining properties and security to the subject property.**

The proposed over-in-height fence, vehicular gate, and pedestrian gate in the front yard will have no significant environmental impacts. The applicant proposes a design and construction material that is consistent with the design and materials of the proposed dwelling. The request will not impair any access to light and air or impede the views of any abutting property owners. The request is not anticipated to have any impacts on solar access, ventilation or privacy of adjoining properties. There are no known or voiced detrimental effects on views enjoyed by occupants of adjoining properties. Therefore, it is reasonable to conclude that the requested over-in-height fence, vehicular gate, and pedestrian gate will not result in detrimental effects on the view enjoyed by occupants of adjoining properties and security to the subject property and will be screened with climbing vines to minimize the amount of exposed wall surface when viewed from the right of way.

ADDITIONAL MANDATORY FINDINGS

5. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside 500-year flood plain.

Inquiries regarding this matter shall be directed to Nick Vasuthasawat, Planning Assistant for the Department of City Planning at (213) 978-1250.


THEODORE L. IRVING, AICP
Associate Zoning Administrator

TLI:JT:nv

cc: Councilmember Mike Bonin, Eleventh District
Adjoining Property Owners
County Assessor

Date: 6/02/2023

Subject: Public Comment & Opposition to Th12a - 2nd Amendment

The staff report for Th12a states in its introduction:

SYNOPSIS / SUMMARY OF LOCAL GOVERNMENT PERMIT PROGRAM AMENDMENT REQUEST

"The City of Los Angeles (City) issues coastal development permits (CDPs) according to the provisions of Coastal Act section 30600(b), which allows local governments to review CDPs prior to the Commission's approval of its Local Coastal Program (LCP). The Coastal Act provides that when a local government chooses this option, it shall submit its permit review ordinances for review by the Commission. Section 13304 of Title 14 of the California Code of Regulations further specifies that the staff shall analyze the ordinance within ten working days of the City's submittal of the notice to the Commission of the local government's intent to adopt the ordinance. After consulting with local government staff, Commission staff shall report any proposed modifications to the Commission at its next regularly scheduled meeting.

Since 1978, the City of Los Angeles has been issuing CDPs throughout its jurisdiction under the provisions of Coastal Act section 30600(b). **The City is the only jurisdiction in the state that issues its own CDPs prior to certification of its LCP.**"

On June 2, Eric Stevens, wrote (email below)

In 1978, the CCC approved the City's CDP Program. The City then approved Ordinance No. 151,603, which became the CDP Program.

In the 1996 CDP Program first amendment, the CCC approved amendments to the CDP Program pursuant to Council Files 89-1450 and 89-1450S1 (amending Municipal Code Sections 12.20.2 and 19.06).

The CDP Program second amendment pending CCC review next week includes Ordinance Nos: 173,268; 181,595; and 187712.

The Commission has not reviewed any other Ordinances related to the City's CDP Program. Approval of any other ordinance would either require submittal by the City like they did for the Ordinances listed above or the City could include the provisions as part of the pending LCP submittal.

The City of Los Angeles Ordinances (City) below for planning development policies in the coastal zone **were not sent** to the commission for review, potential modification, and a public hearing prior to local approval, **as required** under provisions of Coastal Act section 30600(b), and Section 13304 - Notice of Intent Alternative, and other sections of the Coastal Act, **but were implemented by the City:**

03/05/2001 – Ordinance No.173,754 – Sections 12.13; 12.22; 12.27; 12.23; & 12.36 of the Los Angeles Municipal Code (CF-00-2348)

04/30/2009 – Ordinance No. 180,647 - An ordinance amending Section 17.07 and Section 17.56 of the Los Angeles Municipal Code to extend the lives of tentative and vesting

tentative tract maps, parcel maps, and associated discretionary approvals. (CF 08-0954 and CF 08-3140)

05/05/2010 - Ordinance No.181,155 - Extension of Expiration Periods of Subdivision Maps (CF 09-2057)

08/19/2010 - Ordinance No. 181,269 - Extension of Expiration Periods of Subdivision Maps (CF 09-2057)

05/20/2012 - Ordinance No. 182,106 – Procedures for Review of Projects Requiring Multiple Approvals (CF 11-1140)

SB 1185, AB 333, AB 208, AB 116 granted extensions to (1) tract maps and (2) related entitlements issued by the state under the Subdivision Map Act.

On January 31, 2023, Ms. Reed wrote:

From: "Reed, Jessica@Coastal" <Jessica.Reed@coastal.ca.gov>
Subject: Re: Question about City of Los Angeles extensions of Coastal Development Permits related to Tract Maps
Date: January 31, 2023 at 1:30:12 PM PST
To: Margaret Molloy <mmmolloy@earthlink.net>
Cc: "Warren, Louise@Coastal" <Louise.Warren@coastal.ca.gov>

Hello Ms. Molloy,

I apologize for the delay.

To your question, **when local CDPs related to Tract Maps are extended pursuant to extensions provided in the Subdivision Map Act, the Commission does not have a role.** Only active map approvals can be extended under the SMA, so it was appropriate for the City to rescind the earlier memo allowing applications for extensions after the expiration.

Regards,
Jessica

The language of the statutes clearly applies extensions to valid tract maps and related state-approved entitlements under the SMA. However, the City ordinances listed above apply SB 1185, AB 333, AB 208, and AB 116 extensions to tract maps but and related entitlements including City-issued CDPs. The City also added additional discretionary extensions beyond SMA-approved extensions. The Department of City Planning (DCP) issued Zoning Administrator (ZA) Memos related to these ordinances that state that City ordinance: “goes beyond state law” by adding additional extensions to entitlements including City-issued CDPs.

ZA MEMOS RELATED TO EXTENSIONS OF TRACT MAPS AND RELATED ENTITLEMENTS INCLUDING COASTAL DEVELOPMENT PERMITS:

12/18/2009 - ZA MEMO 117 – TIME EXTENSIONS – LATE FILINGS

12/08/2012 - ZA MEMO 118 - EXTENSION OF SUBDIVISIONS AND RELATED ENTITLEMENTS; SB 1185 AND AB 333; ORDINANCE NO. 180,647 REVISIONS TO LAMC SECTIONS 17.07-A AND 17.56-A

11/08/2010 - ZA MEMO 125 - EXTENSION OF SUBDIVISIONS AND RELATED ENTITLEMENTS - SB 1185 AND AB 333 - ORDINANCE NOS. 180,647 and 181,269 - REVISIONS TO LAMC SECTIONS 17.07-A AND 17.56-A

05/18/2012 - ZA MEMO 127 – EXPIRATION AND TIME EXTENSIONS RELATED TO THE MULTIPLE APPROVALS ORDINANCE (MAO) – ORDINANCE NO. 182,106

12/18/2013 - ZA MEMO 131 – EXPIRATION AND TIME EXTENSIONS FOR SUBDIVISIONS AND RELATED ENTITLEMENTS - MULTIPLE APPROVALS ORDINANCE (MAO) – ORDINANCE NO. 182,106) AND AB 116

07/15/2022 - ZA MEMO 140 - EXPIRATION AND TIME EXTENSIONS FOR SUBDIVISIONS AND RELATED ENTITLEMENTS; RECISSION OF ZA MEMO NO. 117 (ENTITLED “TIME EXTENSIONS – LATE FILINGS “); AND IMPLEMENTATION OF TIME EXTENSIONS PURSUANT TO ASSEMBLY BILL 1561

These City of Los Angeles Ordinances (City) **were not sent** to the commission for review, potential modification, and a public hearing prior to local approval, **as required** under provisions of Coastal Act section 30600(b), and Section 13304 - Notice of Intent Alternative, and apparently include violations of the Coastal Act and the Subdivision Map Act.

For example, “ZA MEMO 117 – TIME EXTENSIONS – LATE FILINGS” issued on 12/18/2009 announced a policy that violated the Coastal Act and the Subdivision Map Act: DCP approval of extensions to expired entitlements including tract maps and coastal development permits (below) That policy was rescinded on 07/15/2022, in ZA MEMO 140 - EXPIRATION AND TIME EXTENSIONS FOR SUBDIVISIONS AND RELATED ENTITLEMENTS; **RECISSION OF ZA MEMO NO. 117 (ENTITLED “TIME EXTENSIONS – LATE FILINGS “);** AND IMPLEMENTATION OF TIME EXTENSIONS PURSUANT TO ASSEMBLY BILL 1561.



OFFICE OF ZONING ADMINISTRATION

MEMORANDUM

ZA MEMORANDUM NO. 117

December 18, 2009

TO: Office of Zoning Administration
 Public Counters
 Interested Parties

FROM: Michael LoGrande *ML*
 Chief Zoning Administrator

SUBJECT: **TIME EXTENSIONS - LATE FILINGS**

The Department of City Planning will now accept late applications to extend the initial expiration periods for all approved discretionary entitlements. Typically, a time extension application must be filed before the end of the initial expiration period. Now, a late application will be accepted, but any lapsed time will be deducted from the extension period if the time extension is approved. See chart below.

Discretionary Action	Initial Expiration Period*	Maximum Extension Period
Coastal Development Permits	2	1
Conditional Use Permits	2	1
Variances	2	1
Adjustments and Slight Modifications	2	1
Specific Plan Adjustments and Exceptions	2	1
Zone and Height District Changes	6	0
Site Plan Review	3	0
Tract Maps	3	6
Parcel Maps	3	6

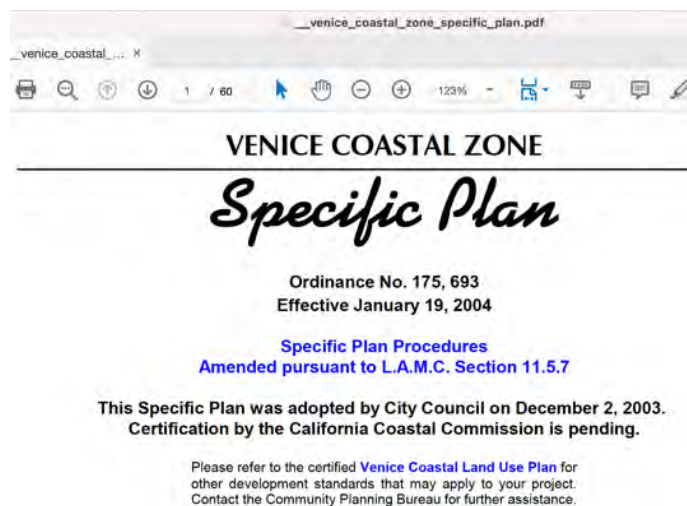
* does not include extensions granted by SB 1185 or AB 333

For example, a variance expiring on January 1, 2011 may be granted a one year time extension until January 1, 2012. If an applicant files a time extension application on May 1, 2011, the time extension may be approved for an 8-month period until January 1, 2012.

Questions should be directed to Tom Rothmann at 213-978-1370 or at Tom.Rothmann@lacity.org.

ML:AB:TR:Imc

Additionally, the VENICE COASTAL ZONE Specific Plan (VCZSP) was approved by the City of Los Angeles in Ordinance No. 175,693, effective January 19, 2004:



The first page of the VCZSP document states:

"This Specific Plan was adopted by City Council on December 2, 2003. Certification by the California Coastal Commission is pending."

Section 8: REVIEW PROCEDURES. Applications for Venice Coastal Development Projects shall be filed and processed as follows:

- A. DIRECTOR OF PLANNING SIGN-OFF.** The following Venice Coastal Development Projects are exempt from the Project Permit Compliance procedures contained in LAMC Section 11.5.7 C. For these projects, no demolition, grading, building permit or certificate of occupancy shall be issued unless the Director of Planning has reviewed the application and determined, by signature, that the Venice Coastal Development Project complies with all applicable provisions of this Specific Plan.
1. In the Appealable Area, any improvement to an existing single or multiple-family dwelling unit that is not located on a Walk Street;
 2. In the Non-Appealable Area:
 - a. Any improvement to an existing single or multiple-family dwelling unit that is not located on a Walk Street;
 - b. New construction of one single family dwelling unit, and not more than two condominium units, not located on a Walk Street;
 - c. New construction of four or fewer dwelling units, not located on a Walk Street;
 - d. Demolition of four or fewer dwelling units.
 3. Any improvement to an existing commercial or industrial structure of any Venice Coastal Development Project that increases the total occupant load, required parking or customer area by less than ten percent.
 4. Any Venice Coastal Development Project that has been Categorically Excluded pursuant to a Categorical Exclusion order issued by the Coastal Commission.

The VCZSP introduced a Department of City Planning (DCP) Venice Sign Off (VSO).

As the commission knows, the VSO is a ministerial planning approval in the coastal zone area of Los Angeles that requires (1) no public notice, (2) no public hearing, and (3) is non-appealable. VSOs have been used widely in Venice, but especially in the historic Black Oakwood community. Oakwood is a part of the Oakwood-Milwood subarea defined in the certified Land Use Plan (LUP), but VSOs are not allowed for "walk streets" that are prevalent in the Milwood section of the Oakwood-Milwood subarea as well as other areas of Venice.

VSO-MEL

Compounding this, for more than ten years, DCP issued VSO-MELs combining required Mello Act Determinations (state law for replacement affordable housing in the coastal zone area) with non-appealable VSOs thereby treating Mello cases, which are discretionary by law, as de facto ministerial cases for several years, until challenged by Venice activist Robin Rudisill.

Section 8 of DCP's own Interim Administrative Procedures for Complying with the Mello Act (IAP) states that all Mello determinations are appealable.

The Oakwood area of Venice is the first and only remaining intentional Black coastal community on the entire West Coast. Oakwood is a 1.1-square-mile area formerly defined by restrictive covenant, from Hampton Drive on the west to Lincoln Boulevard on the east, and from Rose Avenue to the north to Electric Avenue to the south. All of these policies have compounded displacement of Venice's culturally, socially, and economically diverse residential community that is unique along the California coast. These impacts are most profound in Oakwood.

Section 30016 of the Coastal Act is embedded in its entirety in the Venice LUP, certified by the commission in 2001.

Cal. Pub. Resources Code § 30116

Current through the 2023 Legislative Session.

Section 30116 - Sensitive coastal resource areas

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
- (b) Areas possessing significant recreational value.
- (c) Highly scenic areas.
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
- (e) Special communities or neighborhoods which are significant visitor destination areas.
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
- (g) Areas where divisions of land could substantially impair or restrict coastal access.

Ca. Pub. Res. Code § 30116

Added by Stats. 1976, Ch. 1330.

The certified Venice LUP is the basis of the City of Los Angeles' legal authority under section 30600(b) approved in:

Issuance of CDPs by the City of L.A. - CCC Staff Report - Approved
October 1996 Staff Report (Amendments and Extensions)

The Staff Report for Issuance of CDPs by the City of L.A, states under I. Modifications:

1. No **fees** shall be charged for appeals to local government appellate bodies.
6. The Permit Program shall include a provision for notifying interested persons of the rights or appeal within the City processes and to the Commissions.
7. The Permit Program shall include a provision that the Regional Commission Executive Director will be sent a copy of the application and subsequent modifications to it and that interested persons shall be sent a notice of local decisions on coastal development permits that is identical with that sent to the Regional Commissions Executive Director except that a summary of the application originally filed may be substituted for a copy of the application.

The report states that those **modifications that must be made for compliance with the Coastal Act, and CCC approval. The City has violated these conditions.**

Section 30016 of the Coastal Act has not been used by DCP in **required findings** for planning approvals. Additionally, on March 8, 2019, the commission adopted an Environmental Justice Policy. Coastal projects are **required** to evaluate cumulative effects and cumulative impacts including, but not limited to Cal. Gov. Code Regs, Title 14, Sections 15355, 15364, 15366, 15369, 15374, 15382, and the Coastal Act.

Mandated analysis for cumulative effect and cumulative impacts have not been appropriately incorporated into required findings for City planning approvals or of the commission's review and potential appeal of City-issued approvals. The review and appeal requirement of City-issued planning approvals is a duty of the commission, not the burden of the public.

Section 30600(a) requires any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit." A VSO is not a coastal development permit. And the City of Los Angeles has limited authority under section 30600(b). Yet these policies appear to have continued for years without the checks and balances required by Coastal Act section 30600(b) and Section 13304 - Notice of Intent Alternative.

Since all of these ordinances pertain to development in the coastal zone area of Los Angeles, planning entitlements and CDP extensions, and fees for local appeals of coastal zone projects, have not been approved by the commission, then **Th12a: "SECOND AMENDMENT TO CITY OF LOS ANGELES (CITY) LOCAL GOVERNMENT COASTAL DEVELOPMENT PERMIT (CDP) PROGRAM TO CHANGE AND CLARIFY PUBLIC HEARING AND APPEAL PROCESSES RELATED TO CDPS"** is invalid because it does not address existing City of Los Angeles policies that violate the Coastal Act and the City's jurisdiction under Section 30600(b).

The DIRECTOR OF PLANNING SIGN-OFF aka Venice Sign Off planning approval policy must be discontinued immediately.

All policies and ordinances listed above, but not limited to that list, that effect City-planning approvals and policies in the coastal zone area of Los Angeles that were not reviewed by the commission in compliance with **Coastal Act section 30600(b) and Section 13304 - Notice of Intent Alternative, must be suspended immediately.**

Please incorporate these comments into consideration of **Th12a: "SECOND AMENDMENT TO CITY OF LOS ANGELES (CITY) LOCAL GOVERNMENT COASTAL DEVELOPMENT PERMIT.**

Appreciatively,

Laddie Williams

Ingrid Mueller

Margaret Molloy

PUBLIC RESOURCES CODE - PRC
DIVISION 20. CALIFORNIA COASTAL ACT [30000 - 30900]
(Division 20 added by Stats. 1976, Ch. 1330.)

CHAPTER 7. Development Controls [30600 - 30627]
(Chapter 7 added by Stats. 1976, Ch. 1330.)

ARTICLE 1. General Provisions [30600 - 30615]
(Article 1 added by Stats. 1976, Ch. 1330.)

30600.

(a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, **any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.**

(b) (1) Prior to certification of its local coastal program, a local government may, with respect to any 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. Those procedures may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local government.

(2) A coastal development permit from a local government shall not be required by this subdivision for any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled, or for any development by a public agency for which a local government permit is not otherwise required.

(c) If prior to certification of its local coastal program, a local government does not exercise the option provided in subdivision (b), or a development is not subject to the requirements of subdivision (b), a coastal development permit shall be obtained from the commission or from a local government as provided in subdivision (d).

(d) After certification of its local coastal program or pursuant to the provisions of Section 30600.5, a coastal development permit shall be obtained from the local government as provided for in Section 30519 or Section 30600.5.

(e) This section does not apply to any of the following projects, except that notification by the agency or public utility performing any of the following projects shall be made to the commission within 14 days from the date of the commencement of the project:

(1) Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

(2) Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(Amended by Stats. 1996, Ch. 825, Sec. 7. Effective January 1, 1997.)

On Jun 2, 2023, at 12:04 PM, Stevens, Eric@Coastal <eric.stevens@coastal.ca.gov> wrote:

Hi Margaret,

In 1978, the CCC approved the City's CDP Program. The City then approved Ordinance No. 151,603, which became the CDP Program.

In the 1996 CDP Program first amendment, the CCC approved amendments to the CDP Program pursuant to Council Files 89-1450 and 89-1450S1 (amending Municipal Code Sections 12.20.2 and 19.06).

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The Commission has not reviewed any other Ordinances related to the City's CDP Program. Approval of any other ordinance would either require submittal by the City like they did for the Ordinances listed above or the City could include the provisions as part of the pending LCP submittal.

Please let me know by 5 PM today if you want your email posted as correspondence.

Thanks,
Eric
