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December 3, 2020

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

17346 WEST SUNSET BOULEVARD; CF 20-1302

The City Planning Commission approved Case No. CPC-2018-504-DB-DRB-SPP-CDP-MEL on August 27, 2020; a Determination Letter was issued on September 15, 2020.

One appeal was filed by Thomas M. Donovan representing both the Edgewater Towers Condominium Association and Pacific Palisades Residents Association Inc. The appeal is for the approved entitlements related to Case No. CPC-2018-504-DB-DRB-SPP-CDP-MEL and associated CEQA review under Case No. ENV-2018-505-MND.

The following provides a summary of the appeal points raised by the appellant and staff's responses:

Appeal Point No. 1: *The project does not comply with the Community Plan or Specific Plan for the project site area.*

Staff Response:

The subject property is located within the Brentwood - Pacific Palisades Community Plan Area and the Pacific Palisades Commercial Village and Neighborhoods Specific Plan. The Appellant specifically states the project does not meet Objective 2-1.3 of the Brentwood-Pacific Palisades Community Plan requiring projects to be designed to achieve a high level of compatibility with existing uses and Objective 2-4.2 of the Community Plan which regulations are intended to preserve the community character and scale. The Appellant states the proposed five-story project is not compatible with the area, specifically citing one and two-story nearby structures.

The properties immediately adjacent to the site are developed with a one-story, multi-tenant commercial building to the northeast, a five-story mixed-use building to the northwest, an eight-story residential building to the southeast, and a one-story commercial building to the southwest.

The Pacific Palisades Commercial Village and Neighborhoods Specific Plan allows a maximum height of the 30 feet with two stories and a maximum floor area ratio (FAR) of 1:1. The City Planning Commission approved two (2) off-menu Density Bonus incentives to allow a maximum height of 60 feet 9 inches with five stories and an FAR of 2.15:1. Finding No. 1 of the Determination provides a discussion of the required findings in approving the Off-Menu Incentives for increased height and FAR. Pursuant to LAMC Section 12.22-A.25(g)(3) Density Bonus Ordinance, the City Planning Commission's decision on Off-Menu Incentives and Waivers of Development Standards are final. Therefore, the CPC's decision to approve the Off-Menu Incentives is not subject to appeal.

Furthermore, as discussed in Finding No. 2 of the Determination, the proposed development is visually compatible with the character of the mixed-use development along Sunset Boulevard and incorporates recessed entries and step-backs on the upper levels to reduce the massing of the structure. The proposed project is consistent with the policies and regulations of the Community Plan, Specific Plan, and zoning code as the development complies with the underlying zone, applicable provisions of LAMC Section 12.22 A.25, and provisions of the Specific Plan.

Appeal Point No. 2: *The project does not comply with the Coastal Act.*

Staff Response:

The Appellant states the project does not comply with Public Resources Code Sections 30250, 30251, and 30253, but does not provide substantial evidence to support the claim. The Appellant further cites the provisions of Density Bonus state law that address the provisions of the Coastal Act; that any density bonus, incentives, waivers, or parking ratios must be permitted in a manner consistent with the provisions of the Coastal Act.

Government Code Section 65915(m) states:

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner that is consistent with this section and Division 20 (commencing with Section 30000) of the Public Resources Code.

Finding No. 2 of the Determination provides the required findings to approve a Coastal Development Permit. As discussed in Finding No. 2.a, the proposed development is consistent with the Chapter 3 policies of the Coastal Act. The proposed height, FAR, and massing are consistent and visually compatible with the surrounding area. The surrounding area and Sunset Boulevard corridor are developed with commercial and residential structures ranging from one to eight stories in height. The proposed parking is adequate for the proposed development. The project is not located near recreational areas or in an area with a greater demand for parking. The project is located 1,100 feet from the Pacific Ocean shoreline and 800 feet from the edge of the nearest beach, in an urbanized area, in a commercial corridor, and adjacent to commercial and residential uses.

The Appellant further states the project does not conform with the Regional Interpretive Guidelines. As discussed in Finding No. 2.c of the Determination:

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

The provisions of the Regional Interpretive Guidelines were not intended to replace the requirements of the Community Plan, Specific Plan, or underlying zone. As discussed in Finding No. 2.c, the Pacific Palisades residential guidelines address parking, density, special provisions for development on bluffs and hillside areas, and coastal access. The applicable provisions of the California Coastal Commission’s Regional Interpretive Guidelines have been reviewed and considered in preparation of these findings in addition to the State Density Bonus Laws. The Project is not located on a bluff and would not significantly alter the existing natural landforms beyond the minimum required by the City to stabilize the slope, nor would it impact access to the coast. Furthermore, the proposed mixed-use development is comprised of commercial and residential uses and density permitted in the C2 zone.

Therefore, the Determination adequately addresses the required findings to approve a Coastal Development Permit; the proposed development is consistent with the Chapter 3 policies of the Coastal Act and Regional Interpretive Guidelines.

Appeal Point No. 3: *The MND is deficient in failing to identify and mitigate the adverse impacts on land use, geology, traffic, parking, and rooftop outdoor noise/space.*

Staff Response:

The Appellant contends the Mitigated Negative Declaration (MND), ENV-2018-505-MND, does not adequately evaluate the proposed development. As discussed in the MND, the Geotechnical Report prepared AES dated January 24, 2017 was reviewed and approved by the Department of Building and Safety (LADBS) Grading Division. A Geology and Soils Report Approval Letter was issued on April 19, 2018, outlining conditions for site development. The Appellant does not provide substantial evidence to support their claim that the geotechnical reports are inadequate or that the conclusions are flawed. The Appellant states the geological reports prepared by AES does not adequately address the soil conditions and slope stability of the site. The Appellant cites a study submitted to the Department of City Planning from ENGEO dated July 13, 2020 which recommended “supplemental exploration of at the top of the slope or mid-slope” and “supplemental slope stability analysis....”. The letter from ENGEO was submitted more than one year after the close of the public comment period for the MND and further it states that the review was limited to “the documentation provided by Edgewater” (the Appellant). Additionally, the letter from ENGEO does not state what documentation was reviewed. AES submitted a letter dated August 26, 2020 providing responses refuting the claims from the ENGEO letter and in support of the Grading Division approval.

The Appellant states the analysis of traffic and parking impacts is insufficient. Parking is not an impact under CEQA. As discussed in the MND, a Traffic Impact Analysis was prepared by Overland Traffic Consultants, dated April 2018, and submitted to the Department of Transportation (LADOT). LADOT issued a Traffic Impact Assessment, dated May 10, 2018, stating the traffic study and analysis adequately describes the project related impacts and outlines additional project requirements.

The Appellant states the rooftop open space area will adversely affect the Edgewater residents; that the area will be used for parties and will generate noise and sources of light/glare. As discussed in the MND, operational noise would be typical of residential development and would be subject to the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances which prohibit the emission or creation of noise beyond certain levels. No commercial uses are proposed on the rooftop level. Exterior light for the project would be shielded and downward facing to reduce glare and eliminate light being cast into the night sky.

Therefore, the MND adequately evaluates the proposed project and includes mitigation measures that would reduce any potential impacts to a less than significant level.

Appeal Point No. 4: *The City Planning Recommendation report is insufficient and fails to address significant points of opposition to the project.*

Staff Response:

The Appellant contends that the Department of City Planning recommendation report failed to address significant points of opposition to the project. Specifically, the Appellant cites letters submitted in opposition to the project, addressing geological concerns, coastal access, noise, precedent, landscaping, and the action of the Pacific Palisades Design Review Board. Comment letters received from members of the public and the Applicant were included as Exhibit E in the Staff Recommendation Report to the City Planning Commission. The Report also provided a summary of issues and comments received.

The City Planning Commission approved the Density Bonus Off-Menu Incentives, Coastal Development Permit, Project Permit Compliance and Design Review, and Mello Act Compliance Review, making the required findings for each of the requested actions.

Appeal Point No. 5: *The Findings to approve a density bonus are insufficient.*

Staff Response:

Pursuant to LAMC Section 12.22-A.25(g)(3) Density Bonus Ordinance, the City Planning Commission's (CPC) decision on Off-Menu Incentives and Waivers of Development Standards are final. Therefore, the CPC's decision to approve the Off-Menu Incentives is not subject to appeal.

Appeal Point No. 6: *Sufficient mitigating conditions were not imposed.*

Staff Response:

The Appellant contends that the City Planning Commission failed to impose sufficient mitigating conditions with its approval of the project. The Appellant states conditions that should be imposed on the siting/operation of the rooftop area and new landscaping, but does not provide substantial evidence that the noise from the rooftop nor the proposed placement of the rear retaining wall

would result in any adverse impact. Therefore, no mitigation measures were required or imposed. Additionally, the project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances which prohibit the emission or creation of noise beyond certain levels. The Ordinances cover both operational noise levels (i.e. post-construction), as well as any noise impact during construction.

As discussed in Staff Response to Appeal Point No. 3, the MND adequately analyzes the proposed development and identifies mitigation measures to address potential impacts related to Air Quality, Hazards, Noise, Transportation, and Tribal Cultural Resources.

Recommendation

Department of City Planning staff recommends that the PLUM Committee and City Council deny the appeal and sustain the Determination of the City Planning Commission to approve the requested actions for the proposed Project. Upon in-depth review and analysis of the issues raised by the appellants, no substantial evidence exists of errors or abuse of discretion committed by the City Planning Commission in regards to the appeal points raised. The appeals cannot be substantiated and therefore should be denied.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning


Juliet Oh
Senior City Planner

VPB:FR:JO:JT:NV