

## **BACKGROUND – APCW-2022-3943-SPE-CDP-MEL-HCA**

### **Project Description**

The proposed project is the construction of a 3523 square foot; 49 feet 11 inches in height; four (4)-story single family dwelling with an attached Accessory Dwelling unit (ADU) on a vacant down-sloping lot located at 237 Montreal Street, Playa Del Rey. The property is located within Subarea 3 of the Coastal Bluffs Specific Plan.

The main house will contain 2,453 square feet of floor area and the ADU will contain 742 square feet of floor area.

According to the grading plan the foundation supporting the house will be using a combination of caissons, deepen footings for the retaining walls/house footings, and the excavation of the lowest level of the slope that is needed to accommodate the proposed ADU. The retaining walls are not freestanding as they will be constructed as part of the house foundation.

The project will require a cut of 388 cubic yards of earth and a fill of 40 cubic yards of earth. The remaining 348 cubic yards of earth will be exported offsite. A Haul Route permit is not required.

The project is required to comply with the Conditions of Approval that will be imposed by the Grading Division of the Department of Building and Safety (DBS), once the Geology and Soils Report (log no. 123442) has been completed and accepted by Grading.

It should be noted that the subject property is one of eight lots located within Subarea 3 that fronts Montreal Street. The remaining seven lots were developed between the years 1954 to 1975, well before the adoption of both the Coastal Bluff Specific Plan (1994) (Specific Plan) and the State Coastal Act (1976). The applicant of the proposed project has a legal right to build a single-family dwelling with an ADU at 237 Montreal Street in Playa Del Rey, as the property is zoned R-1-1 and designated for Low Residential Land Use within the Westchester-Playa del Rey Community Plan.

## **Site and Surrounding Neighborhood Characteristics**

The subject property is a steep down-sloping, irregularly shaped lot that fronts Montreal Street. The property is comprised of one parcel with a total area of 3,456.2 square feet. The subject property has a frontage of 40.9 feet along Montreal Street and a lot depth of 88.09 feet. The slope of the lot from the front property line to the rear property line is 45% with a 39-foot elevation drop as measured from the front property line to the rear property line. Compared to a standard R1 lot with a lot area of 5,000 square feet, a lot width of 50 feet, and a lot depth of 100 feet, the subject lot is substandard, which makes development of the proposed project challenging. The subject property is zoned R-1-1 and designated for Low Residential Land Use within the Westchester-Playa del Rey Community Plan.

A survey conducted by the applicant's surveyor indicates that the front property line of the subject lot is at least 16 feet 11 inches from the edge of the sidewalk. In addition, the subject property's front property line has a six-foot elevation drop downward from the sidewalk. The portion of the lot below the edge of the sidewalk to the front line of the applicant's property is a City right-of-way.

The subject property is in a Dual Permit Jurisdiction Area of the California Coastal Zone and is required to obtain a local Coastal Development Permit (CDP), as well as a State Coastal Permit. The subject property is also subject to the provisions of the Coastal Bluffs Specific Plan relative to Subarea 3 and the Los Angeles Coastal Transportation Corridor Specific Plan. The subject property is in the designated Bureau of Engineering Special Grading Area and within a Very High Fire Hazard Severity Zone. The subject property is located 7.7 kilometers from the Palos Verdes Fault Zone. The subject property is not located within a Landslide or Liquefaction Area.

The larger area of surrounding properties is zoned R1-1 and developed with similar single-family dwellings ranging from one to three stories in height. The surrounding properties are also characterized by sloping topography.

The existing 7 homes located along Montreal Street (Subarea 3) were built prior to the adoption of the Coastal Bluff Specific Plan Regulations (Specific Plan Regulations). So, the builders did not have to comply with these Regulations requiring a five-foot minimum front-yard setback and a maximum height of 9 feet for the first 38 feet of the dwelling, as measured from the front property line, as well as an overall 45-foot height maximum.

These seven lots have variable front-yard setbacks from one foot to three feet in depth; one of the houses located westerly of the subject site is two stories in height and exceeds the 9-foot height limitation within the first 38 feet of the dwelling, which is currently required by the Specific Plan Regulations.

### **Content and Character Analysis.**

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. A recent Department of City Planning policy requirement that will assist the Planning Department in reaching its findings addressing section 30251 of the Coastal Act, requires the applicant to submit a Content and Character Analysis which will provide information about the massing and scale of the proposed project and whether these are consistent and compatible with the character and massing of the existing neighborhood homes.

In examples provided by staff this analysis is required to include in the study area both sides of a neighborhood block. However, the examples given by staff show that this sample study area within the Venice Coastal Community is flat on both sides of the block. The subject property, as well as the entire block face located northerly of Montreal Street, are located on steeply down-sloping lots. Homes located southerly of Montreal Street are located on steep up-sloping lots. The northerly lots are located in Subarea 3 of the Specific Plan and the southerly lots are located in Subarea 1. Each Subarea has different height restrictions, side-yard setbacks, and lot coverage standards. The results of a Content and Character Analysis studying both sides of Montreal Street which are in different Subareas, and have different development standards, as is the situation with this project, are comparing apples and oranges.

As shown in Exhibit D, the proposed project is consistent with the massing of the homes on the northerly side of Montreal Street (Subarea 3). The proposed house is required to provide a 5-foot front yard setback, whereas the remaining seven homes have front yard setbacks which vary from one foot to three feet in depth.

In addition, Exhibit D indicates that approving the Specific Plan Exception to allow the height of the project's first 38 feet to be measured from the midpoint at the top of the curb height (datum point 82'-0), instead of the midpoint of

the front property line (datum point 76'-0), is compatible with the massing and height of the seven other properties.

The project's surveyor measured the height of the seven existing homes and the proposed home from the midpoint of the lot at the top of the curb. According to the surveyor's chart listed on Exhibit D, the height of the proposed house at nine feet for the first 38 feet as measured from the midpoint at the top of the curb is lower in height by one foot to 13 feet 9 inches than the seven existing homes included in the study. It is clear, when viewing the photograph of the proposed house superimposed on the photograph in Exhibit D, that the proposed house is compatible with the existing heights and massing of the north block face.

The view of the proposed home from Culver Drive as depicted in the photograph in Exhibit D shows that the proposed home will be consistent and compatible with the existing four-story homes along the Bluff. In addition, as depicted on Exhibit E, the overall 49-foot 11-inch height of the proposed home is no higher than the homes located on the east and west side of the proposed home.

The viewsheds from private property are not protected either by the State Coastal Act or the City of Los Angeles Municipal Code. Section 30251 of the State Coastal Act "states that 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 in visually degraded areas." This section has been interpreted to **only** protect public viewsheds such as a viewshed from a scenic turnout.

As depicted in the attached Exhibit D (Content and Character Analysis), the requested two Specific Plan Exceptions will not impact the public viewshed because the proposed house will be following the downslope topography, and the front of the house will be lower than the existing homes along the northerly side of Montreal Street. Montreal Street is a 60-foot-wide local street that has street parking along both sides, and therefore, there is no public scenic turnout.

## **Requested Entitlements**

The applicant has requested the following entitlements:

- 1) Pursuant to LAMC Section 11.5.7 F, a Specific Plan Exception from Section 5(A)(3)(a) of the Coastal Bluff Specific Plan to allow the height of the project's first 38 feet to be measured from the midpoint at the top of the curb height (datum point 82'-0), instead of the midpoint of the front property line (datum point 76'-0), which is six feet lower in elevation than the top of the curb is being requested.
- 2) Pursuant to LAMC Section 11.5.7 F, a Specific Plan Exception from Section 5(A)(3)(d) of the Coastal Bluff Specific Plan to allow the overall Height as defined by the Specific Plan to be 49 feet 11 inches instead of 45 feet as required by the Specific Plan, is being requested.
- 3) Pursuant to LAMC Section 12.20.2, a Coastal Development Permit to allow the construction of a Single-Family Dwelling and Accessory Dwelling Unit (ADU) on a vacant lot is being requested.
- 4) A Mello Act Determination that the construction of a single-family dwelling on a vacant lot is not subject to the provisions of the State Mello Act.
- 5) A Housing Crisis Act Determination.

## **Previous Discretionary Approvals on Subject Property**

None.

## **Relevant Discretionary Approvals on Surrounding Properties**

### Area Planning Commission - West Case No. APCW-2003-5392-SPE-CDP.

On February 4, 2003, the West Los Angeles Area Planning Commission approved a Specific Plan Exception to permit a 26-foot in height building as measured from the midpoint between the side property lines to the highest point of the roof or parapet wall and within the area between the front lot line and an imaginary line located 38 feet in depth towards the rear lot line and not to exceed 9 feet, as measured from the centerline of the street. Approved a Specific Plan Exception to permit an overall 49 foot in height building and approved a Coastal Development Permit to permit the construction of a single-family dwelling at 7779 Veragua Drive located within Subarea 3 of the Specific Plan.

City Planning Commission Case No. CPC-2000-0406-SPE. On June 8, 2000, the Planning Commission granted a Specific Plan Exception to permit a 26-foot in height single family dwelling as measured from the midpoint of

the front property line to permit the construction of a single-family dwelling at 7769 Veragua Drive located within Subarea 3 of the Specific Plan.

City Planning Commission Case No. CPC-1999-2743-5392-SPE. On March 9, 2000, the City Planning Commission granted a Specific Plan Exception to permit a 24-foot in height single family dwelling as measured from the midpoint of the front property line to permit the construction of a single-family dwelling at 7763 Veragua Drive located within Subarea 3 of the Specific Plan.

Director of Planning Case No. DIR-2019-5106-CDP-MEL. On December 15, 2020, the Director of Planning approved a Coastal Development Permit authorizing the construction of a new, three-story, 4,468 square-foot single-family dwelling with a basement on a vacant lot at 210 Montreal Street.

Director of Planning Case No. DIR-2021-4352-CDP-MEL. On January 18, 2023, the Director of Planning approved a Coastal Development Permit for the addition of 202 square feet to the ground floor of an existing single-family dwelling, the remodel of the existing two-car garage, and the addition of a new 530 square-foot attached Accessory Dwelling Unit (ADU) above the garage with a 400 square-foot roof deck and trellis, resulting in a 3,846 square-foot single-family dwelling with attached two car garage and 530 square-foot ADU at 223 Rees Street.

Director of Planning Case No. DIR-2017-3158 CDP-MEL. On February 21, 2018, the Director of Planning approved a Coastal Development Permit authorizing the construction of an approximately 653 square-foot Accessory Dwelling Unit (ADU) with a 113 square-foot balcony above an existing 446 square-foot detached two-car garage at 7009 S. Earldom Avenue.

Director of Planning Case No. DIR-2022-2229-CDP. On November 10, 2022, the Director of Planning approved a Coastal Development Permit authorizing the remodel of and a two-story 1,852.02 square-foot addition to an existing one-story single-family dwelling, resulting in a two-story, 3,337 square-foot single-family dwelling maintaining a basement (with habitable area) and an existing attached two-car garage at 403 Manchester Avenue.

Director of Planning Case No. DIR-2021-576-CDP. On February 11, 2022, the Director of Planning approved a Coastal Development Permit, authorizing the remodel and 870 square-foot addition to an existing one-story, single-family dwelling, the demolition of an existing detached two-car garage, and new construction of a 400 square-foot detached two-car garage at 414 E. Campdell Street.

Zoning Administrator Case No. ZA-2013-21-CDP-ZAA. On April 14, 2014, the Zoning Administrator approved a Coastal Development Permit authorizing the construction of a 5,237 square foot, 45 foot in height four-story single-family dwelling at 7829 Veragua Drive.

### **Project Conformance to Coastal Bluff Specific Plan and State Coastal Act**

Except for relief from the restrictions on where to measure the project's height and a slight increase in the project's overall height, the proposed project meets the remaining Specific Plan Development Standards for a project located in Subarea 3, as well as the State Coastal Act.

### **Legislative History of Development Standards for the Coastal Bluffs Area**

#### *Westchester Bluffs Interim Control Ordinance (ICO)*

On February 7, 1990, the Los Angeles City Council adopted the Westchester Bluffs Interim Control Ordinance (ICO) (Ordinance No. 165,508 – CPC-87-331-ICO). The ICO required more restrictive building heights, setback requirements, lot coverage, design considerations, landscaping, grading, drainage, and erosion control than the Los Angeles Municipal Code (LAMC).

Under the Section of the ICO entitled Height Restrictions for Projects on Downslope Lots, any proposed single-family dwelling was required to comply with the following development standard: "Notwithstanding the provisions of Sections 12.03 and 12.21.1A of the Los Angeles Municipal Code 1 for a Project on a Downslope Lot of which 50% or more of the Building Area is to be constructed on the downslope of the Bluff Face, the height of the Project shall not exceed five feet for a minimum width of 20% of the length of the front lot line, as measured from the curb level to the highest point of the roof structure or parapet wall. The height for the remainder of the Project shall not exceed nine feet as measured from the curb level to the highest point of the roof structure or parapet wall.

It should be noted that the ICO required the measurement of height for downslope lots on the Bluff Face to be measured from the top of the curb at the midpoint of the subject lot.

#### *Coastal Bluffs Specific Plan (Specific Plan)*

The Specific Plan was adopted by the City Council on September 27, 1994 (Ordinance No. 170,046, effective October 6, 1994). The Specific Plan

regulates all development of the land use, density, height, bulk, and other factors to provide for the protection and enhancement of views of scenic features visible from scenic corridors and scenic highways, and to assure that development is compatible and in character with the existing community. The Specific Plan replaced the ICO.

In reviewing the legislative history of the Specific Plan there are a few inconsistencies as to how and where to measure the height from, relative to the height limitation as required by the Specific Plan Regulations for Subarea 3. At the conclusion of the Public Hearing for the Specific Plan (CPC-92-0598 (SP)), the Hearing Examiner's Recommendation Report to the City Planning Commission dated November 19, 1992, stated that the height in Subarea 3 was to be measured from the top of the curb (see the Examiner's Recommendation and Revised Draft Specific Plan, attached to the case file).

This recommendation assumed that the curb is flat along the entire property frontage, so that measured height would be consistent along the entire curb. The Examiner's recommendation did not take into consideration that along Montreal Street where the subject site is located, the roadway slopes significantly from east to west, resulting in height variances along the curb. The Commission recognized that the Hearing Examiner's recommendation did not account for the east-west slope of a street, such as Montreal Street. Therefore, in the revised Draft Specific Plan, the City Planning Commission recommended to the City Council that "Height shall be measured from the midpoint between the side property lines to the highest point of the roof structure or parapet wall."

However, the Draft Specific Plan approved by the City Planning Commission did not state where the height was to be measured from. Consequently, this omission leaves us with the following questions: Is the height to be measured from the midpoint at the top of the curb as recommended by the Hearing Examiner or the midpoint of the height at the centerline of the street (similar to how height is measured in the Venice Specific Plan) or at the midpoint of the front property line?

This omission was carried forward to the final Specific Plan language for this Subarea, leaving it up to the Department of Building and Safety (DBS) to determine where the midpoint should be measured. This legislative omission leaves the height issue as an arbitrary decision in the hands of the DBS, instead of a legislative decision.



DBS has determined, and the Planning Department's Coastal Unit has concurred that the height for properties located within Subarea 3 is to be measured from the midpoint at the front property line, even if the front property line is located at a significant distance from the edge of the sidewalk and has a significant downslope from the street. This decision for the subject lot precludes by-right development of a single-family dwelling with an ADU on the applicant's lot.

It should be noted that the Revised Appendices to the Draft Specific Plan, which were approved by the Commission and City Council, provide clarification that the midpoint is to be measured from the top of the curb for down-sloping lots, such as those in Subarea 3. (See attached Revised Appendix A, November 1992). This illustrates the intent of the Commission and City Council to measure the midpoint of the lot in Subarea 3 from the top of the curb. This was not the midpoint used by DBS in its calculation.

As illustrated above under Discretionary Approvals on Surrounding Properties, the City Planning Commission or the West Los Angeles Area Planning Commission approved three Specific Plan Exceptions in Subarea 3 to allow height exceptions: (Area Planning Commission - West Case No. APCW-2003-5392-SPE-CDP; City Planning Commission Case No. CPC-2000-0406-SPE; and City Planning Commission Case No. CPC-1999-2743-5392-SPE).

These exceptions were granted due to the hardship created by the topography of the lot, where the front property line was located downslope from the edge of the sidewalk/curb, so long as the height of the house did not exceed 9 feet within the area between the front property line, adjacent to and parallel to the street, and an imaginary line located 38 feet toward the rear lot line.

## **Discussion**

### **Height Measurement from Top of Curb**

The Height Development Standard of the Specific Plan applicable to Subarea 3 in Regulation Section 5(A)(3)(a) states that the proposed single-family dwelling must conform to the following: "Within the area between the front lot line, adjacent to and parallel to the street, and an imaginary line located 38 feet toward the rear lot line therefrom, no Project shall exceed nine feet in Height. Height shall be measured from the midpoint between the side property lines to the highest point of the roof structure or parapet wall."

The above Subarea 3 definition of height does not state where the height elevation is to be measured from once the midpoint elevation has been established. As stated above, is it the height elevation measured from the midpoint at the top of the curb or from the midpoint as measured from the centerline of the street (similar to how height is measured in the Venice Specific Plan) or from the midpoint at the front property line?

DBS has determined, and the Planning Department's Coastal Unit has concurred, that the height for Subarea 3 is to be measured from the midpoint at the front property line, even if the front property line is located at a significant distance from the edge of the sidewalk and has a significant downslope from the street. Based on this interpretation, this proposed by-right project cannot be built without securing a Specific Plan Exception (SPE) to this decision.

As depicted on the attached site and section plans (Exhibits A and B), due to the steep downward-sloping nature of the subject site, the elevation point at the midpoint of the front property line is .76 feet above sea level. As depicted in Exhibit A, the attached section plan, if the nine-foot maximum height requirement is measured from the .76 datum point, the Code-required garage will be only two feet and three inches in height. Obviously, a vehicle cannot fit in a garage that is only 27 inches tall. To comply with the height restrictions contained in the Specific Plan Section 5(A)(3)(a), the applicant would have to build a steeply sloping driveway down the slope, and the project would have to be built several feet below the street curb. Since the garage and driveway access will not be able to conform to the City's Zoning and Building Code by the current interpretation of the height measurement by DBS, this project cannot be built by-right without an exception.

A survey conducted by the applicant's surveyor shows that the front property line of the subject lot is at least 16 feet 11 inches from the edge of the sidewalk. In addition, the subject property's front property line begins six feet downward in elevation from the sidewalk. Consequently, the proposed project will have to be built farther down the slope than any of the seven existing homes on Montreal Street. These homes were built prior to the Specific Plan Regulations and so, the builders did not have to comply with the Regulations requiring a five-foot minimum front-yard setback and a maximum height of 9 feet for the first 38 feet of the dwelling, as measured from the front property line. The applicant is proposing to access the residence and garage in a similar manner to adjacent properties by building

a bridge from the street to the property line over the slope and City right-of-way.

In CPC-2000-0406-SPE under Finding 2a, the City Planning Commission found that “the applicant’s front property line is also approximately 17-feet below the existing curb. This grade difference and the 9-foot height limitation from the front property line would set the structure’s roof 8 feet below the curb and require an extremely steep driveway to enter the garage from the street. After reading the white papers of the CBSP (Coastal Bluff Specific Plan) and the summary language from the Proposed Specific Plan, the intent was clearly to have the height measured from the existing curb and to restrict the height to 9-feet from the level of the curb. [Underlining added]. The language in the CBSP ordinance (#170,046) uses the term front property line, but all references in the background of the plan use the term curb. The applicant's project is below the height limitation of 9 feet from the curb, thus meeting the intent of the Specific Plan.”

In conclusion, granting of this Specific Plan Exception would be consistent with the intent of the Specific Plan to measure the height within the first 38 feet of the dwelling from the midpoint of the top of the curb, instead of the midpoint at the front property line. In addition, the project as designed meets the intent of Revised Appendix A, November 1992 (See Exhibit C). Approval of the project will be consistent with previous Specific Plan Exceptions referenced above, which were granted for properties within Subarea 3.

#### Increase In the Permitted 45-foot Overall Height as Defined by the Specific Plan

As stated above, the slope of the lot from the front property line to the rear property line is 45% with a 39-foot elevation drop as measured from the front property line to the rear property line.

LAMC Section 12.21.1 B 2 allows for an increase in the permitted overall height for properties that are being built on steeply sloping lots. However, the Specific Plan does not allow this exception for sloping lots. In addition, the Specific Plan also requires rooftop projections to be no higher than 45 feet in height. Such an absolute height for rooftop projections, coupled with the maximum overall height of 45 feet, imposed on a steeply sloping topography, makes it impossible to build a home that will comply with the overall height limits of the Specific Plan.

In addition, when the required front-yard setback (5 feet) and the rear-yard setback (15 feet) and 6-foot side-yard setbacks are taken into consideration, the placement of the building on the remaining portion of the lot, the steepest part of the property, makes conforming to the 45-foot overall height also not possible.

Without a 4-foot 11-inch increase in the height as measured by the Specific Plan, the proposed roof deck that provides most of the home's open space needs would have to be eliminated. In addition, without the slight increase in the overall height, the height of the garage would have to be reduced by two feet, which would make it unusable. A covered garage or carport is required by the City's LAMC.

Lastly, the seven homes already built only had to conform to a 45-foot height limit as measured from the ground directly below the building to the top of the highest point of the building at any point along the building's perimeter. If measured today with the 45-foot overall height standard (as defined by the Specific Plan), the homes to the east and west of the subject property would exceed the permitted height. It is important to note that when viewed from the properties north of the subject site, the proposed height will be compatible with the height of the homes on both sides of the subject site.

Granting the slight increase in the overall 45-foot height would allow the project equity in comparison to the other seven dwellings built prior to the current height limitations.

### **Conclusion**

In conclusion, denial of one or both requested Specific Plan Exceptions to Section 5(A)(3)(a) and 5(A)(3)(d) would not allow the applicant to build the proposed dwelling and ADU, thereby creating a taking in violation of the U.S. Constitution.

## JUSTIFICATION FOR APPROVAL OF THE REQUESTED ENTITLEMENTS

**General Plan.** The subject property is located within the Westchester - Playa del Rey Community Plan, adopted by the City Council on June 13, 1974. The Plan map designates the subject property Low Residential with corresponding zones of RE, RS, R1, RU, RZ, and RW1. The use complies with the land use designation. Approval of both the Specific Plan Exceptions and Coastal Development Permit will be consistent with the following Plan Objectives and Policies as they relate to development of this single-family dwelling:

### Residential

Objective 1-1 - Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Westchester-Playa del Rey Community Plan Area to the year 2025.

Objective 1-6 - Preserve visual resources in residential areas.

Policy 1-6.1 - The preservation of existing scenic views from surrounding residential uses, public streets and facilities, or designated scenic view sites should be a significant consideration in the approval of zone changes, conditional use permits, variances, divisions of land and other discretionary permits. The possible impacts to existing scenic resources, designated scenic highways or public view sites, and the overall visual quality of adjacent residential areas, shall be considered in the approval of all discretionary permits.

Policy 1-6.2 - Protect the public views and scenic quality of the highly unique residential areas in this community, such as those located along the coast and on the Westchester Bluffs.

The granting of the requested Specific Plan Exceptions will grant the property owner the fundamental right to develop his lot with a single-family home and an Accessory Dwelling Unit. The height of the house will be limited to 9 feet within the first 38 feet of the building. The remainder of the house will comply with the remaining height provisions except for a slight increase of 4 feet 11 inches in the overall 45-foot height. This is the last vacant property of eight lots that make up the portion of Subarea 3 fronting on Montreal Street and given that the sloping nature of the street in front of the subject property does

not allow for a turnoff from Montreal, which would be necessary to have a Public View, the granting of the Specific Plan Exception will not impact a Public View.

In addition, the construction of a single-family dwelling will be consistent with the Goal, Objectives, and Policies of the 2021-2029 Housing Element.

**Coastal Bluffs Specific Plan.** The subject property is located within Subarea 3 of the Coastal Bluffs Specific Plan. The Specific Plan was adopted by the City Council on September 27, 1994 (Ordinance No. 170,046, effective October 6, 1994). The plan regulates all development regarding land use, density, height, bulk, and other factors to provide for the protection and enhancement of views of scenic features visible from scenic corridors and scenic highways, and to assure that development is compatible and in character with the existing community. Except for relief from the restrictions on where to measure the project's height and a slight increase in the project's overall height, the proposed project meets the remaining Specific Plan Development Standards for a project located in Subarea 3.

**Specific Plan Exception Findings Pursuant to Section 1 1.5.7.D. 1 of the Municipal Code:**

*a. The strict application of the policies, standards, and regulations of the specific plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.*

**Height Measurement from Top of Curb.**

The proposed project is the construction of a 3,103 square foot; 49 feet 11 inches in height; four (4)-story single family dwelling with an attached accessory dwelling unit (ADU) on a vacant down-sloping lot located at 237 Montreal Street, Playa Del Rey. The property is located within Subarea 3 of the Coastal Bluffs Specific Plan.

The subject property is one of eight lots located within Subarea 3 along Montreal Street. The remaining seven lots were developed between the years 1954 to 1975, well before the adoption of the Specific Plan in 1994, as well as the adoption of the State Coastal Act in 1976. The seven lots have variable front yard setbacks from one foot to three feet compared to the project's required minimum five-foot front yard setback. One of the houses

located westerly of the subject site is two stories in height, exceeding the 9-foot height limitation currently required within the first 38 feet of the dwelling.

A survey conducted by the applicant's surveyor indicates that the front property line of the subject lot is at least 16 feet 11 inches from the edge of the sidewalk due to the 60-foot dedicated roadway. In addition, the subject property's front property line begins six feet downward in elevation from the sidewalk.

The Coastal Bluffs Specific Plan limits the height of structures to 9 feet within the area between the midpoint of the front property line, adjacent to and parallel to the street, and an imaginary line located 38-feet towards the rear lot line. The purpose of this regulation is to limit the height of structures to 9 feet above the street grade, to protect Public Scenic available views. Although the regulation is reasonable for those properties whose front lot line is at the street curb, it is a hardship for those properties where the front property line begins substantially below the street curb, as it does in this case.

As stated above subject property's front property line is located approximately 16 feet 11 inches downslope from the top of the curb and sidewalk. There is also a 6-foot grade differential from the edge of the sidewalk to the front property line. The area between the street curb and the applicant's front property line is a city owned right-of-way. As depicted on the attached site and section plans (Exhibits A and B), due to the steep downward-sloping nature of the subject site, the elevation point at the midpoint of the front property line is .76 feet above sea level. As depicted in Exhibits A/B, the attached section plans, if the nine-foot height is measured from the .76-foot datum, the Code-required garage will be only two feet and three inches in height. A vehicle cannot fit in a garage that is only 27 inches tall. To comply with the height restrictions contained in the Specific Plan Section 5(A)(3)(a), the applicant would have to build a steeply sloping driveway down the slope, and the project would have to be built several feet below the street curb.

Currently there are no homes along Montreal Street Drive with such a driveway configuration. Since the garage and driveway access will not be able to conform to the maximum allowable driveway grade and minimum grade height requirements of the LAMC, the current interpretation of the height measurement by the Department of Building and Safety (DBS)

ensures that this project cannot be built without the requested Specific Plan Exceptions being granted.

It was the intent of the Specific Plan to limit the height of structures from the street curb, under the assumption that everyone's property began at or within a few feet of the edge of the sidewalk.

In CPC-2000-0406-SPE under Finding 2a, the City Planning Commission found that “the applicant’s front property line is also approximately 17-feet below the existing curb. This grade difference and the 9-foot height limitation from the front property line would set the structure’s roof 8 feet below the curb and require an extremely steep driveway to enter the garage from the street. After reading the white papers of the CBSP (Coastal Bluff Specific Plan) and the summary language from the Proposed Specific Plan, the intent was clearly to have the height measured from the existing curb and to restrict the height to 9-feet from the level of the curb. [Underlining added]. The language in the CBSP ordinance (#170,046) uses the term front property line, but all references in the background of the plan use the term curb. The applicant's project is below the height limitation of 9 feet from the curb, thus meeting the intent of the Specific Plan.”

In conclusion, granting of this Specific Plan Exception would be consistent with the intent of the Specific Plan to measure the height within the first 38 feet of the dwelling from the midpoint of the top of the curb, instead of the midpoint at the front property line. In addition, the project as designed meets the intent of Revised Appendix A, November 1992 (See Exhibit D) and approval of the project as presented will be consistent with the following Specific Plan Exceptions cases granted for properties within Subarea 3: (Area Planning Commission - West Case No. APCW-2003-5392-SPE-CDP; City Planning Commission Case No. CPC-2000-0406-SPE; and City Planning Commission Case No. CPC-1999-2743-5392-SPE).

#### Increase In the (Overall) Height as Defined by the Specific Plan

The slope of the lot from the front property line to the rear property line is 45% with a 39-foot elevation drop as measured from the front property line to the rear property line.

LAMC Section 12.21.1 B 2 allows for an increase in the permitted overall height for properties that are being built on steeply sloping lots. However, the Specific Plan does not allow this exception for sloping lots. In addition, the Specific Plan also requires rooftop projections to be no higher than 45 feet



in height. Such an absolute height of both the overall height and rooftop projections, coupled with a steeply sloping topography, make it impossible to build a home that will comply with the height limits of the Specific Plan.

In addition, when the required front-yard setback (5 feet) and the rear-yard setback (15 feet) and 6-foot side-yard setbacks are taken into consideration, the placement of the building on the remaining portion of the lot, the steepest part of the property, makes conforming to the 45-foot overall height requirement of the Specific Plan also not possible.

Without a 4-foot 11-inch increase in the overall height as defined by the Specific Plan, the proposed roof deck that provides most of the home's open space needs would have to be eliminated. In addition, without the slight increase in the overall height, the height of the garage would have to be reduced by two feet, which would make it unusable. A covered garage or carport is required by the City's LAMC.

Lastly, the seven homes already built only had to conform to a 45-foot height limit as measured from the ground directly below the building to the top of the highest point of the building at any point along the building's perimeter. If measured today with the 45-foot overall height standard, the homes to the east and west of the subject property would exceed the permitted height. It is important to note that when viewed from the properties north of the subject site, the proposed height will be compatible with the height of the homes on both sides of the subject site.

Granting the slight increase in the overall 45-foot height would allow the property owner to enjoy a right and a privilege that is enjoyed by the other seven dwellings that were built prior to the current height limitations.

Denial of one or both requested Specific Plan Exceptions would not allow the applicant to build the proposed dwelling and ADU, thereby creating a taking in violation of the U.S. Constitution.

*b. There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

The subject property is a steep down-sloping, irregularly shaped lot that fronts Montreal Street. The property is comprised of one parcel with a total area of 3,456.2 square feet. The subject property has a frontage of 35.9 feet

along Montreal Street and a lot depth of 88.09 feet. The slope of the lot from the front property line to the rear property line is 45% with a 39-foot elevation drop as measured from the front property line to the rear property line. Compared to a standard R1 lot with a lot area of 5,000 square feet, a lot width of 50 feet, and a lot depth of 100 feet, the subject lot is substandard, which makes development of the proposed project challenging.

#### Height Measurement from Top of Curb.

The exceptional circumstance of the subject parcel is that the subject property as stated above is a substandard lot as to width and lot area. The front property line is setback 16 feet 11 inches from the existing street curb and substantially (6-feet) below the elevation of the street sidewalk/curb. If the home was to be designed to comply with the Specific Plan requirement pertaining to height, the home would have to be built below the street curb with a very steep driveway that will not conform to the City's Building and Fire Codes pertaining to driveway steepness and access. The size of the home would have to be greatly reduced to meet the Height and Lot Coverage limits. The applicant is proposing to access the residence and garage in a similar manner to adjacent properties by building a bridge from the street to the property line over the slope and City right-of-way. The existing seven homes in this Subarea 3 in the vicinity have property lines that are much closer to the curb, thus making construction of those sites more feasible in general and because they were built well before the adoption of the Specific Plan in 1994. These homes only had to conform to the Citywide Zoning Regulations which allow for less restrictive development standards. This height exception will still comply with the intent of the Specific Plan by limiting the height at street level to 9 feet. Lastly, the project as designed meets the intent of the Revised Appendix A, November 1992 (see Exhibit C), as well as being consistent with previous Specific Plan Exceptions granted for properties within Subarea 3.

#### Increase In the 45-foot Overall Height As Defined by the Specific Plan

The slope of the lot from the front property line to the rear property line is 45% with a 39-foot elevation drop as measured from the front property line to the rear property line.

LAMC Section 12.21.1 B 2 allows for an increase in the permitted overall height for properties that are being built on steeply sloping lots. However, the Specific Plan does not allow this exception for sloping lots. In addition, the

Specific Plan also requires rooftop projections to be no higher than 45 feet in height. Such an absolute height for rooftop projections, coupled with the maximum overall height of 45 feet, imposed on a steeply sloping topography, makes it impossible to build a home that will comply with the overall height limits of the Specific Plan.

In addition, when the required front-yard setback (5 feet) and the rear-yard setback (15 feet) and 6-foot side-yard setbacks are taken into consideration, the placement of the building on the remaining portion of the lot, the steepest part of the property, makes conforming to the 45-foot overall height as defined by the Specific Plan not possible.

Without a 4-foot 11-inch increase in the overall 45-foot height, the proposed roof deck that provides most of the home's open space needs would have to be eliminated. In addition, without the slight increase in the overall height, the height of the garage would have to be reduced by two feet, which would make it unusable. A covered garage or carport is required by the City's LAMC.

Lastly, the seven homes already built only had to conform to a 45-foot height limit as measured from the ground directly below the building to the top of the highest point of the building at any point along the building's perimeter. If measured today with the 45-foot overall height standard, the homes to the east and west of the subject property would exceed the permitted height. It is important to note that when viewed from the properties north of the subject site, the proposed height will be compatible with the height of the homes on both sides of the subject site.

*c. The requested exceptions are necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

Most of the seven homes on the downslope lots along Montreal Street which are in Subarea 3 have a low-profile garage that meets the intent of limiting the front portion of the house to 9 feet or lower except for the house located at 235 Montreal Street which is two stories in height. If the exception is denied, the property owner would have to substantially grade the slope to access the residence, and the resulting home would be far shorter in height than the surrounding homes and in fact be below the street grade. Due to

the location of the property line substantially below (at datum point .76 feet) and away from the street a (16-foot 11-inch setback from the edge of the sidewalk), the applicant needs to raise the home high enough to make an acceptable driveway approach.

Granting the slight increase in the overall 45-foot height would allow the property owner to also enjoy a right and a privilege that is enjoyed by the other seven dwellings that were built prior to the current height limitations.

Although the home will be technically 4 feet 11 inches above the 45-foot height, allowing the height to be measured from the midpoint at the top of the curb instead of the front property line means that the house will still be at the allowed height at the street level and in compliance with the intent of the Specific Plan. Without approval of these Specific Plan Exceptions, the home cannot be built and therefore, the requested exceptions are necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity.

Denial of one or both requested Specific Plan Exceptions would not allow the applicant to build the proposed dwelling and ADU, thereby creating a taking in violation of the U.S. Constitution.

*d. The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

Granting the request will not be detrimental to the surrounding properties in that the proposed structure meets the intent of the Specific Plan of maintaining the 9-foot height limit at the street curb. The home will not be any taller than adjacent homes and the proposed square footage of the home will be compatible with the abutting properties.

*e. The granting of the exceptions is consistent with the principles, intent, and goals of the Specific Plan.*

A few of the stated purposes of the Coastal Bluffs Specific Plan are to: 1) protect the Public Views and scenic features of the bluffs; 2) to prepare specific development and environmental regulations tailored to the general policies of the adopted Los Angeles General Plan and the Westchester-Playa del Rey Community Plan; 3) to regulate all development, including use,

height, density, bulk and other factors in order to provide for the protection and enhancement of views of scenic features visible from scenic corridors and scenic highways, and to assure that development is compatible and in character with the existing community; and 4) to assure that development in areas adjacent to environmentally sensitive habitat areas are sited and designed to prevent impacts.

The granting of these two exceptions will fulfill these stated purposes by allowing the property owner to build on one of the last remaining vacant parcels on Montreal Drive. By granting the property owner the right to measure the project height from the mid-point of the top of the curb and permitting an overall height of 49 feet 11 inches, the proposed project will be located at a height that is consistent with the height of existing homes along this portion of the bluff. These exceptions do not grant the applicant any more height than existing homes and comply with the intent of Section 5 (A)(3) of the Specific Plan.

### **COASTAL DEVELOPMENT PERMIT FINDINGS**

#### **1. The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).**

The proposed project is the construction of a 3523 square foot; 49 feet 11 inches in height; four (4)-story single family dwelling with an attached Accessory Dwelling unit (ADU) on a vacant down-sloping lot located at 237 Montreal Street, Playa Del Rey. The property is located within Subarea 3 of the Coastal Bluffs Specific Plan.

The main house will contain 2,453 square feet of floor area and the ADU will contain 742 square feet of floor area.

The subject property is one of eight lots located within Subarea 3 along Montreal Street. The surrounding properties are zoned R1-1 and developed with similar single-family dwellings ranging from one to three stories in height. The surrounding properties are also characterized by sloping topography. The remaining seven lots were developed before the adoption of the Coastal Bluffs Specific Plan in 1994 as well as the adoption of the State Coastal Act in 1976.

The subject property is a steep down-sloping, irregularly shaped lot that fronts Montreal Street. The property is comprised of one parcel with a total

area of 3,456.2 square feet. The subject property has a frontage of 35.9 feet along Montreal Street and a lot depth of 88.09 feet. The slope of the lot from the front property line to the rear property line is 45% with a 39-foot elevation drop. The subject property is zoned R-1-1 and designated for Low Residential Land Use within the Westchester-Playa del Rey Community Plan.

The subject property is in a Dual Permit Jurisdiction Area of the California Coastal Zone and is required to obtain a local Coastal Development Permit (CDP). The subject property is also subject to the provisions of the Coastal Bluffs Specific Plan Subarea 3 and the Los Angeles Coastal Transportation Corridor Specific Plan. The subject property is in the designated Bureau of Engineering Special Grading Area and a Very High Fire Hazard Severity Zone. The subject property is located 7.7 kilometers from the Palos Verdes Fault Zone. The subject property is not located within a Landslide or Area but is located within the Santa Monica Fault Zone Area.

Chapter 3 of the Coastal Act includes provisions that address the impact of new coastal development on public access, recreation, marine environment, land resources, and existing coastal development. The applicable provisions are as follows:

- a. *Section 30244 requires reasonable mitigation measures to reduce potential impacts on archaeological or paleontological resources.*

The project will require a cut of 388 cubic yards of earth and a fill of 40 cubic yards of earth. The remaining 348 cubic yards of earth will be exported offsite. These exported cubic yards of earth will be from the spoils of the construction of caissons, deepen footings for the retaining walls/house footings and the excavation of the lowest level of the slope that is needed to accommodate the proposed ADU.

The project is required to comply with the Conditions of Approval that will be imposed by the Grading Division of the Department of Building and Safety (DBS), once the Geology and Soils Report (log no. 123442) has been completed and accepted by Grading. The subject property is not located in an area with known archaeological or paleontological resources. However, if such resources are discovered during excavation or grading, the project shall comply with existing Federal, State, and Local regulations already in place.

- b. *Section 30250 states that new developments shall be located in areas able to accommodate it, areas with adequate public services, and in areas where such development will not have a significant impact on coastal resources.*

The project construct on a vacant lot is a single-family dwelling with an attached accessory dwelling unit (ADU) that is consistent in size and height with similar single-family dwellings that have been constructed over the years in the surrounding neighborhood. The project is an infill project and, as such, will have access to public services and will not have a significant impact on coastal resources.

- c. *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 in visually degraded areas.*

The subject property is located over 0.4 miles inland via Culver Drive to Montreal Street. The subject property is located on a mesa that runs along the East/West oriented Westchester Bluffs and is therefore separated from the coast by residential development, undeveloped open space areas, and several streets. There are no Public Views to and along the ocean and scenic coastal areas from the subject property. The project will not alter the surrounding single-family zoned neighborhood. The project will be visually compatible with the character of the surrounding area.

As shown in Exhibit D, the proposed project is consistent with the massing of the homes on the northerly side of Montreal Street (Subarea 3). The proposed house is required to provide a 5-foot front yard setback, whereas the remaining seven homes have front yard setbacks which vary from one foot to three feet in depth.

In addition, Exhibit D indicates that approving the Specific Plan Exception to allow the height of the project's first 38 feet to be measured from the midpoint at the top of the curb height (datum point 82'-0), instead of the midpoint of the front property line (datum point

76'-0), is compatible with the massing and height of the seven other properties.

The project's surveyor measured the height of the seven existing homes and the proposed home from the midpoint of the lot at the top of the curb. According to the surveyor's chart listed on Exhibit D, the height of the proposed house at nine feet for the first 38 feet as measured from the mid-point at the top of the curb is lower in height by one foot to 13 feet 9 inches than the seven existing homes included in the study. It is clear, when viewing the photograph of the proposed house superimposed on the photograph in Exhibit D, that the proposed house is compatible with the existing heights and massing of the north block face.

The view of the proposed home from Culver Drive as depicted in the photograph in Exhibit D shows that the proposed home will be consistent and compatible with the existing four-story homes along the Bluff. In addition, as depicted on Exhibit E, the overall 49-foot 11-inch height of the proposed home is no higher than the homes located on the east and west side of the proposed home.

Grading for the project and the export of earth will be minimal. The house will be built on a combination of caissons, grade beams, and deepen footings that will be integrated into the house's foundation structure. No alteration of natural landforms will occur. The requested two Specific Plan Exceptions for an increase in height will not impact the Public Viewshed because the proposed house will be following the downslope topography, and the front of the house will not be any higher than the existing homes along Montreal Street. Montreal Street is a 60-foot wide Local Street that has street parking along both sides, and therefore, there is no Public Scenic turnouts. The scenic and visual qualities of coastal areas were considered and will remain protected.

- d. *Section 30252 states that new development should maintain and enhance public access to the coast.*

The subject property is located over 0.4 miles inland and separated from the coast by residential development, undeveloped open space areas, and several streets. The project will not change the permitted use of the subject properties' Zoning or Planned Land Use. The project is an infill development within a developed single-family subdivision. The project will not conflict with any public access policies of the



Coastal Act.

- e. *Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard; minimize impacts along bluffs and cliffs; and protect special communities and neighborhoods that are popular visitor destination points for recreational uses.*

The subject property is located on Westchester Bluff. The subject property is the last vacant lot to be developed along the bluff. The seven existing developed single-family homes along the bluff, were built before the State Coastal Act's creation. There is no Scenic turnoff in front or nearby the subject property that would cause construction of a single-family home on the site to limit Public Scenic Views. The subject property is in the designated Bureau of Engineering Special Grading Area and a Very High Fire Hazard Severity Zone. The subject property is located 7.7 kilometers from the Palos Verdes Fault Zone. The subject property is not located within a Landslide or Liquefaction Area.

The project is required to comply with the Conditions of Approval that will be imposed by the Grading Division of the Department of Building and Safety (DBS) once the Geology and Soils Report (log no. 123442) has been completed and accepted by Grading. The project will require a cut of 388 cubic yards of earth; a fill of 40 cubic yards of earth; and 348 cubic yards of earth will be exported offsite. These cubic yards of earth will be from the spoils of the construction of caissons, footings for the retaining walls and the excavation of the lowest level to accommodate the proposed ADU.

The project will also have to comply with the City's Building, Grading and Fire Codes relating to development in geologic, fire hazard, and other environmentally sensitive areas. Compliance with the requirements of various City departments will minimize risks to life and property and ensure stability and structural integrity and will not create or contribute significantly to erosion, geology instability, or destruction of the subject property or surrounding area.

The subject property is not a popular visitor destination point for recreational uses. The project will not produce any adverse impacts

related to public access, recreation, marine environment, land resources, or existing development, as the subject property is located within an urbanized area, located over 0.4 miles inland, and buffered from the coast by residential development, undeveloped open space areas, and several streets.

The project will neither interfere nor reduce access to the shoreline or along the coast. The project will not adversely impact any recreational uses and activities, the marine environment, and other environmentally sensitive habitat areas.

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

Currently, there is no adopted local coastal program (LCP) for this portion of the Coastal Zone. Presently, the adopted Westchester-Playa del Rey Community Plan serves as the functional equivalent. The Plan map designates the subject property for Low Residential with corresponding zones of RE, RS, R1, RU, RZ, and RW1 and the use complies with the land use designation Low 1. The property is zoned R1-1.

The subject property is also subject to the provisions of the Coastal Bluffs Specific Plan. The plan regulates all development regarding land use, density, height, bulk, and other factors to provide for the protection and enhancement of views of scenic features visible from scenic corridors and scenic highways, and to assure that development is compatible and in character with the existing community.

Therefore, the construction of an infill single family home within a well-established single-family subdivision will not conflict with any known regulations and policies of the California Coastal Act and said Plan.

**3. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission (revised October 14, 1980) and any subsequent amendments thereto have been reviewed, analyzed, and considered in light of the individual project in making this determination.**

The Los Angeles County Interpretative Guidelines were adopted by the

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 Interpretive 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 Regional Interpretive Guidelines address residential development in the Playa del Rey area relating to use, parking, density, and public access. They also include special provisions for development on bluffs and hillside areas. The Regional Interpretive Guidelines have been reviewed, analyzed, and considered in preparation of these findings.

The property is required to comply with the development standards contained in the City's Zoning, Building and Fire Codes. The applicant has requested no deviations from Chapter 1 of the LAMC.

**4. The decision of the permit-granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code. This section of the California Public Resources Code provides that "prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976".**

The decision of the West Los Angeles Area Planning Commission has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code. The grant is consistent with previous Coastal Commission grants for related single-family projects. These Coastal Commission grants include the construction of new single-family homes and additions to existing single-family homes, including 7775-7779 Veragua Drive [APCW 2003-5392-SPE-CDP]; 210 Montreal Street. [DIR-2019-5106-CDP-MEL]; 223 Rees Street [. DIR-2021-4352-CDP-MEL] -.7009 S. Earldom Avenue [DIR-2017-3158 CDP-MEL] 403 Manchester Avenue. [DIR-2022-2229-CDP]; and 7829 Veragua Drive [ZA-2013-210021-CDP-ZAA].

Approval of the proposed project will be consistent with these prior decisions. As such, the decision of the permit-granting authority has been guided by the applicable decisions of the Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.

**5. The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

The subject property is located over 0.4 miles inland and separated from the coast by residential development, undeveloped open space areas, and several streets. The subject property is located on top of a mesa along the Westchester Bluffs therefore, there are no views to and along the ocean and scenic coastal areas from the subject property. The project will not change the permitted land use on the subject property. The project will not conflict with any public access policies of the Coastal Act. In addition, the subject project is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

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

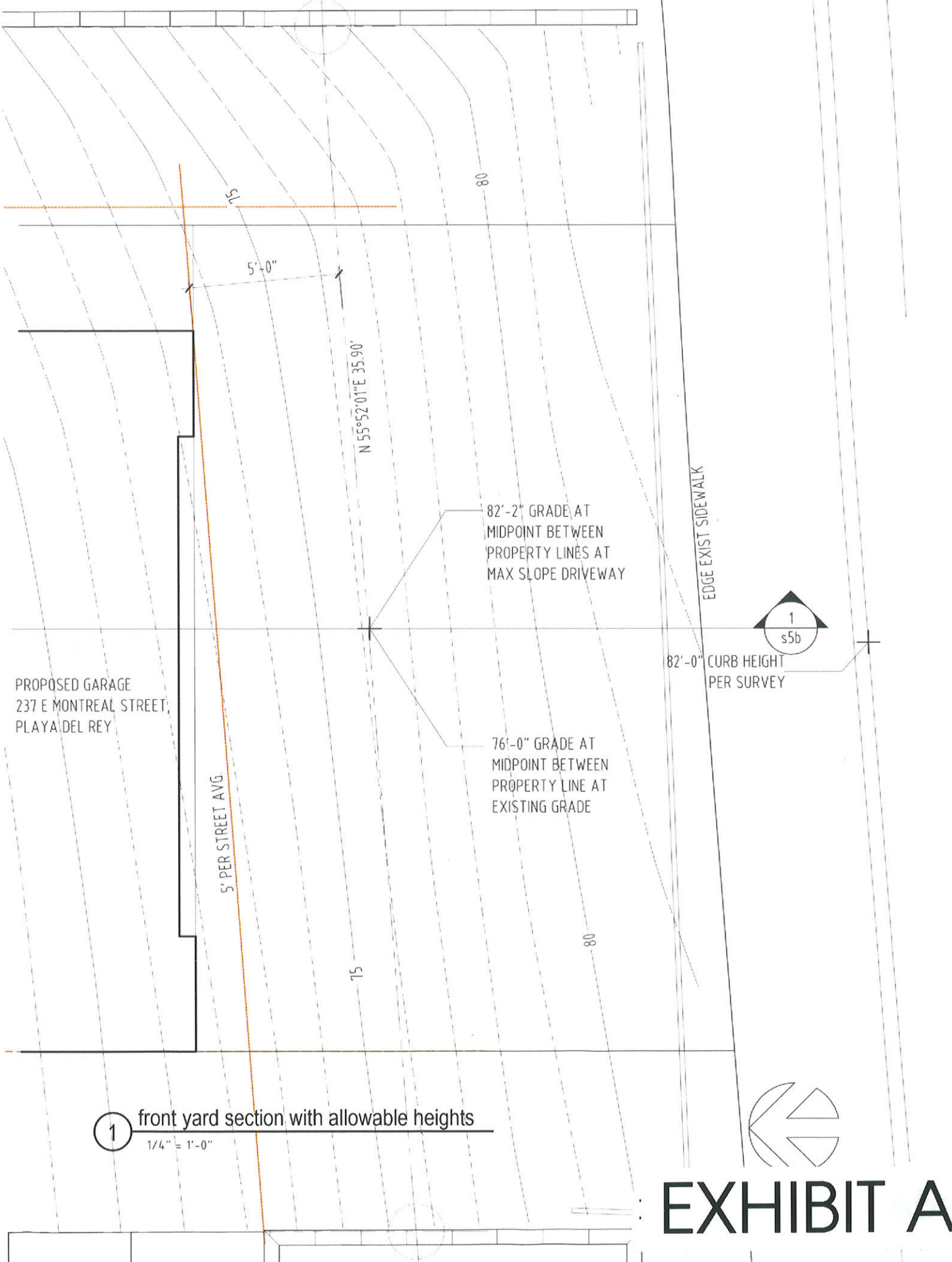
The project was issued a Notice of Exemption (Article III, Section 1, and City CEQA Guidelines), log reference ENV 2022-3944-CE, which is adequate to satisfy the requirements of the California Environmental Quality Act of 1970, as amended. The Class 3 Categorical Exemption allows for the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor work is involved.

### **Mello Act Compliance Review**

Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly,

pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the Mello Act in the Coastal Zone Portions of the City of Los Angeles, the findings are as follows:

**Categorical Exemptions (Part 2.4) Small New Housing Developments**  
The project proposes the construction of one new Residential Unit on a vacant residential lot. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units are Small New Housing Developments and therefore, are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of one new Residential Unit is found to be categorically exempt.



PROPOSED GARAGE  
237 E MONTREAL STREET  
PLAYA DEL REY

5' PER STREET AVG.

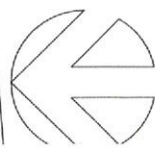
N 55°52'01"E 35.90'

82'-2" GRADE AT  
MIDPOINT BETWEEN  
PROPERTY LINES AT  
MAX SLOPE DRIVEWAY

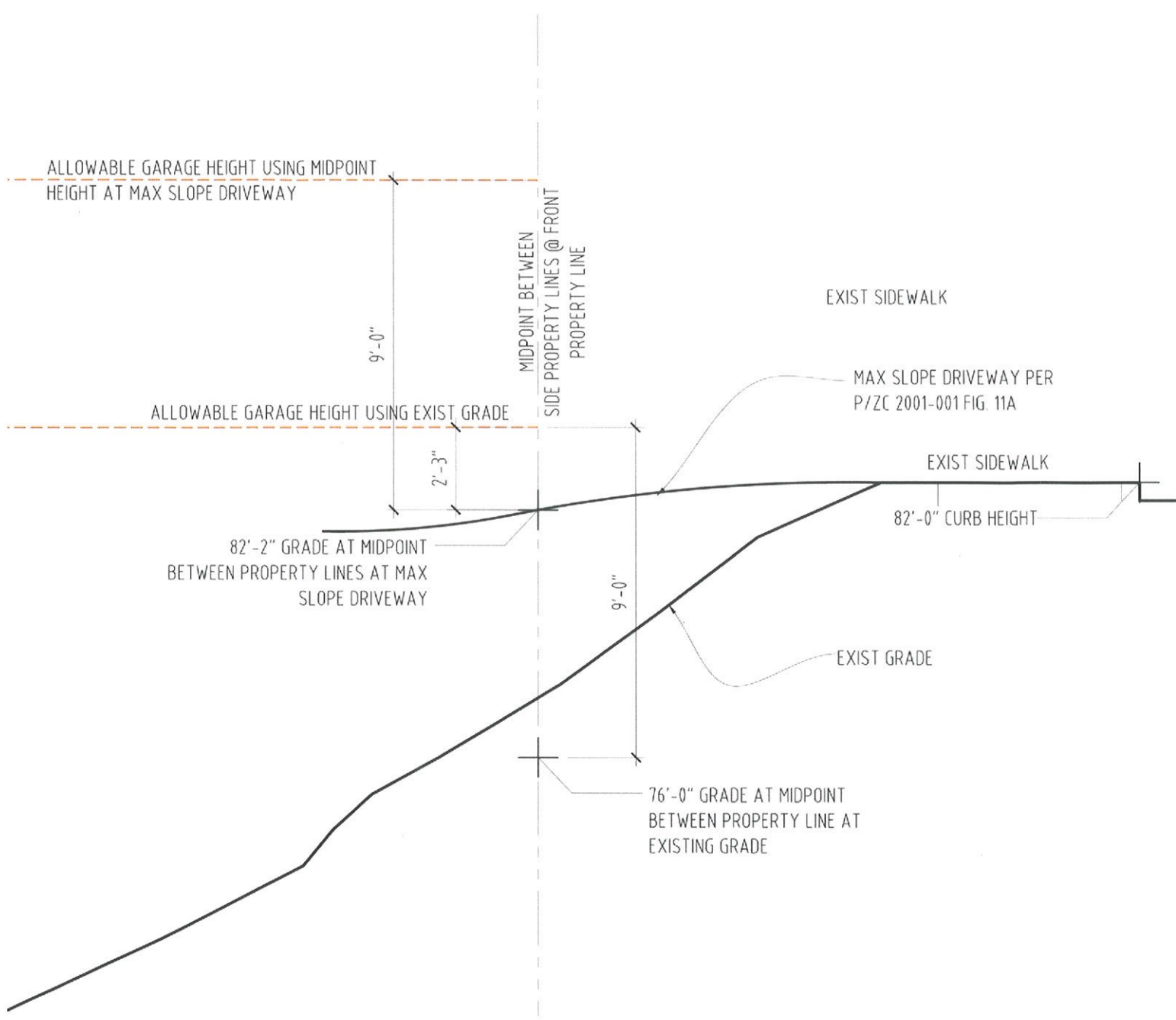
82'-0" CURB HEIGHT  
PER SURVEY

76'-0" GRADE AT  
MIDPOINT BETWEEN  
PROPERTY LINE AT  
EXISTING GRADE

1 front yard section with allowable heights  
1/4" = 1'-0"



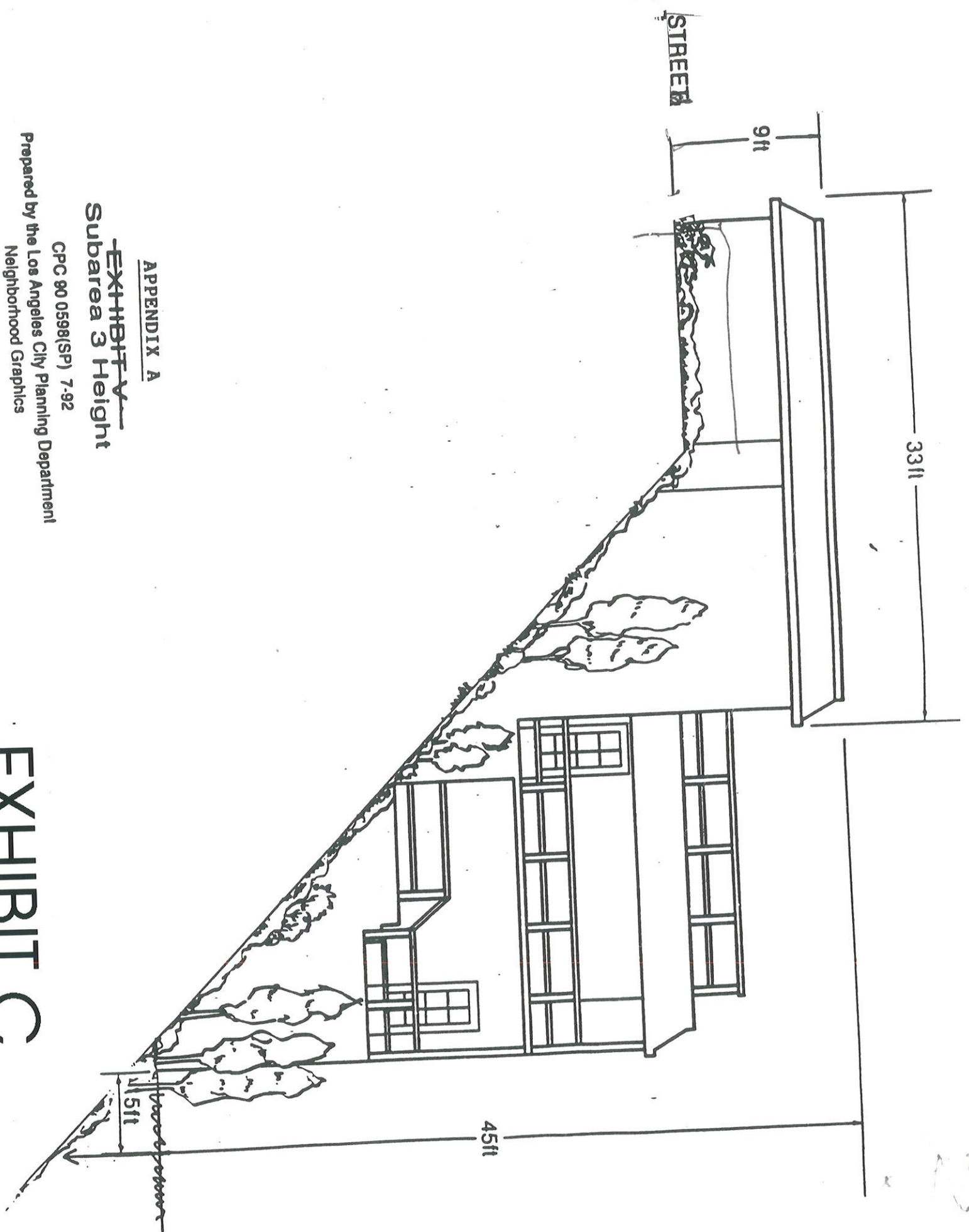
# EXHIBIT A



① front yard section with allowable heights  
 1/4" = 1'-0"

s5b

# EXHIBIT B



APPENDIX A

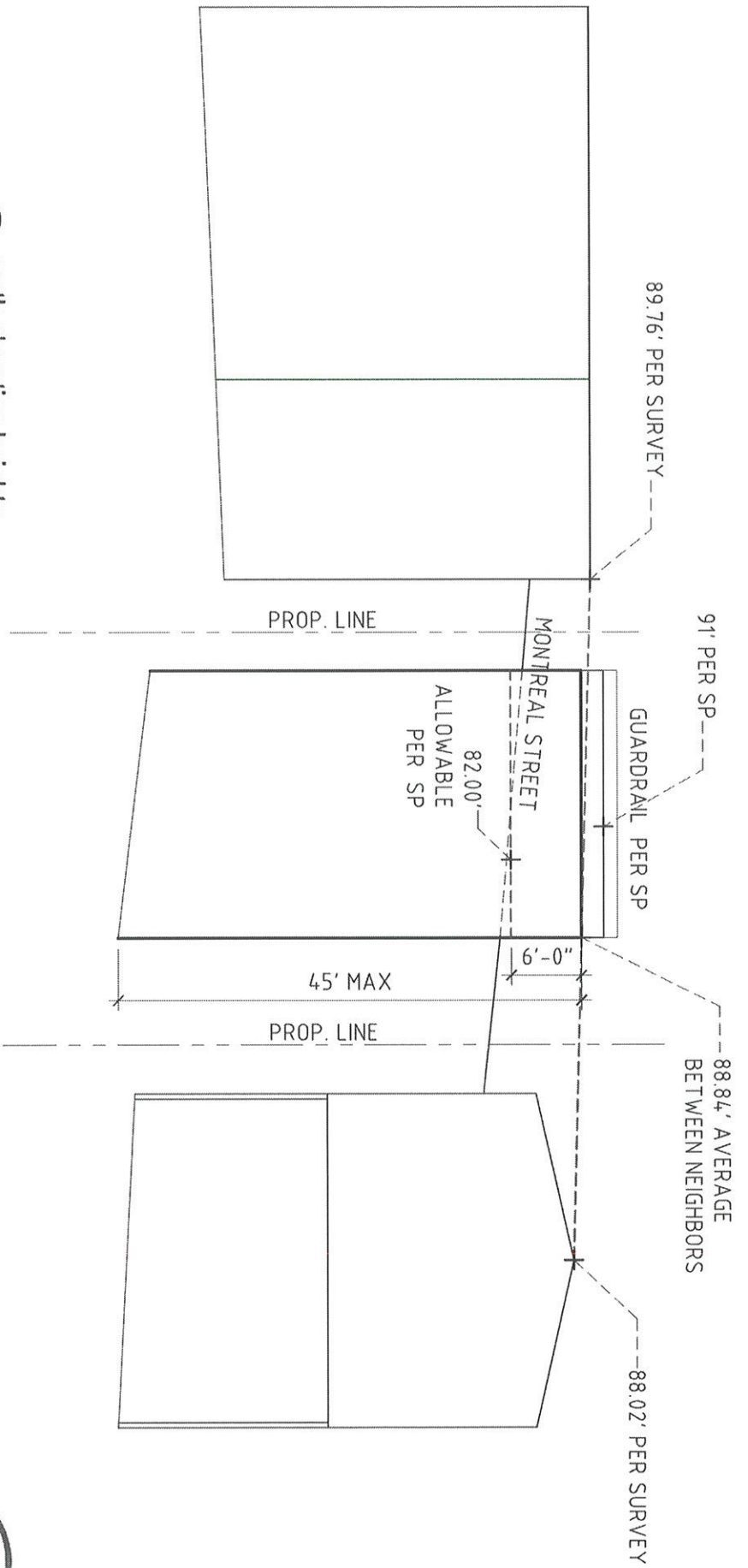
~~EXHIBIT A~~  
Subarea 3 Height

CPC 90 0598(SF) 7-92

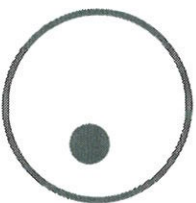
Prepared by the Los Angeles City Planning Department  
Neighborhood Graphics

EXHIBIT C





① north elevation heights  
1/16" = 1'-0"



s7b  
12 05 22

# EXHIBIT E