

CALIFORNIA COASTAL COMMISSION

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Hearing Date: 4/13/2005
Commission Action:



STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Los Angeles **RECORD PACKET COPY**

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-PPL-05-063

APPLICANT: Palisades Landmark, LLC

PROJECT LOCATION: 17331-17333 Tramonto Drive, Pacific Palisades (County of Los Angeles)

PROJECT DESCRIPTION: Demolition of two apartment buildings and construction of 82 unit condominium project with 130,000 cubic yards cut and 80,000 cubic yards fill to stabilize Revello landslide on 173,496 square foot lot in RD2-1 and RE9-1 Zoned site; designated Low Medium II Residential and Low Residential in the community plan.

APPELLANTS: Palisades Landmark LLC; Alice M. Beagles, Pacific Palisades Residents Association, Pacific Palisades Community Council, Castellammare Mesa Homeowners Association, Dr. Todd Sadow, Mr. Congdon, Mr. and Mrs. Hirschman, Mr. And Mrs. Knotz, Mr. and Mrs. Mirkin, Mrs. Heidt, and the Executive Director

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that a **substantial issue exists** with respect to the proposed projects' conformance to the Chapter 3 policies of the Coastal Act. The project involves major grading and construction of a four-level (over parking) 82-unit multi-family structure (described as an 82-unit condominium project) on the face of a mesa located between Pacific Coast Highway and the Los Liones Canyon unit of Topanga State Park. The project site includes an active landslide and requires excavation of the lower portion of the landslide, resulting in 130,000 cubic yards cut and up to 80,000 cubic yards fill, raising issues with Section 30253.

Appellants assert that the project involves possible conflicts with the functioning of the habitat in and the public use of a state park, raising issues with Section 30240. Since the project is within 250 feet of a state park, requires clearance of cover near the park, and during construction, will share parking with park visitors, staff concurs that the project

raises issued of consistency with Section 30240(b). The project raises issues of height, scale, and density and will have impacts on public views from the beach, from Sunset Boulevard and from Pacific Coast Highway, raising issues with Sections 30250 and 30251. Since only conceptual elevations were available during review of the local government's coastal development permit approval, it was difficult to determine the nature and extent of the impacts of the project on views from public spaces such as the beach and Pacific Coast Highway, raising issues of consistency with Section 30251. While the project is described as a condominium, the coastal development permit does not include or describe a tract map, raising procedural issues, since a tract map is needed to accomplish a condominium subdivision, which is development as defined in Section 30106. Staff, after consideration, recommends that this issue does not raise a substantial issue with the approval of this portion of the City's approval, which is for the grading and for the construction of the buildings. If the applicant proceeds with the subdivision without receiving a coastal development permit from the City for the subdivision, it would be unpermitted development, but not a basis for finding the appeal to raise a substantial issue. City staff indicates that the tract map is still under review by the Planning and Land Use Management (PLUM) committee of the City Council, which is approving the subdivision independent of the coastal development permit, over which it has no jurisdiction. The **motion** to carry out the staff recommendation is on **Page 7**.

SUBSTANTIVE FILE DOCUMENTS:

1. ENV-200-2696-EIR (SCH No. 2002051086)
2. Coastal Development Permit ZA-200-2697-CDP-1A
3. Los Angeles City Planning Commission Resolution approving Vesting Tentative Tract No. 52928-1A.
4. United States Army Engineer District Corps Of Engineers, Los Angeles, California, in cooperation with the U.S. Department of The Interior, Geological Survey, Denver, Colorado, "Report of the Landslide Study, Pacific Palisades, California, September, 1975."

I. APPELLANTS' CONTENTIONS¹

The appellants make the following assertions and raise the following issues:

1. The City's requirements under the Mello Act are excessive (Sections 30011 and Government Code 65590.)
2. An active landslide occupies about a third of the project site; reconstruction of the landslide is a risky and uncertain business (Section 30253.)
3. The impacts on access to the Los Lions Canyon unit of Topanga State Park, which is about 250 feet down slope of the project and which gains access off the same road, Los Lions Drive, would violate Coastal Act requirements regarding access and the protection of parks and recreation areas (Sections 30213 and 30240(b).)

¹ The full text of the appellants' contentions is found in Exhibits 9-16.

4. The impacts of clearance of vegetation from a continuous band of cover that connects with habitat in the vegetated canyon of Los Liones Canyon Park would violate Coastal Act requirements regarding habitat protection (Section 30240(b).)
5. Geologic stability both during excavation and after construction of the proposed project raises an issue with Section 30253.)
6. The cumulative impacts on both regional roadways and on neighborhood streets of increased traffic from the project raises an issue with the development policies of the Coastal Act. (Section 30250.)
7. Impacts on both public and private views raise issue with Section 30251.
8. The density and intensity of the project raises issues with Section 30250.
9. The project's compatibility with the character and scale of the neighborhood raises issues with Section 30251.
10. Construction impacts of the proposed project, including dust and noise raise issues with 30653 (c).
11. The project will prejudice the ability of the City to develop a local coastal program that is consistent with the Coastal Act.

II. LOCAL GOVERNMENT ACTION

On November 4, 2004, the Los Angeles City Planning Commission conducted a public hearing on the Vesting Tentative Tract Map 52928 and appeals of CDP AZA-2000-2697-CDP and the EIR, ENV-2000-2696-EIR, for the development from the action of the Advisory Agency. The City Planning Commission approved the Vesting Tentative Tract Map, denied four appeals, granted one appeal in part, and sustained the action of the Advisory Agency in approving the coastal development permit. As part of this action, the City Planning Commission approved the conditions of approval of the coastal development permit and adopted the Mitigation and Monitoring program developed in the EIR. The Vesting Tentative Tract Map was appealed to the City Council, but the action on the coastal development permit was not appealable except to the Coastal Commission. On February 14, 2005, the City issued a notice of final action on the coastal development permit indicating that the West Los Angeles Area Planning Commission approval was effective on January 18, 2005. The West Los Angeles Area Planning Commission is agency of Los Angeles City government that hears appeals on planning matters with the exception of larger subdivisions and major projects. The WLAAPC also provides notices of final action to the Coastal Commission. The Los Angeles City Planning Commission hears appeals on larger subdivisions, including this one and major projects. The City Charter establishes the two bodies and allocates the division of labor between them. February 17, 2005, the Coastal Commission received the notice of final action and established an appeal period, which extended to March 18, 2005. The Commission appeal period, established in Sections 30602 and California Code of Regulations, Title 14, Section 13313, began on the day after the receipt of the first notice of final action and extended for 20 working days (terminating on March 18, 2005), after which date the local approval, had it not been appealed, would have been final. Seven appeals were received during that period.

After receiving the notice of the first appeal, City staff contacted Commission staff and explained that the Vesting Tentative Tract Map had been appealed to the City Council, so the City Planning Commission action was not final, and the City had not completed its review of the project. On March 15, 2005, the Los Angeles City Planning Commission issued a corrected notice of coastal development permit issuance, indicating that the coastal development permit was approved effective March 15, 2005, but based on the November 4, 2004 hearing by the Los Angeles City Planning Commission. On March 15, 2005, the Zoning Administrator Emily Gabel-Luddy, acting as the Deputy Advisory Agency, signed the Notice of Determination for the California Environmental Quality Act. The Commission received both the notice of determination (per CEQA), and the notice of final action (per the Coastal Act) on March 18, 2005. The corrected notice corrected the identity of the approving agency and made technical corrections to conditions imposed to carry out the City's responsibility under the Mello Act (GC.65590.) The City also added a finding on public views. The Deputy Advisory Agency and City Planning Commission findings, the draft and final EIR and the EIR appendices accompanied the corrected notice. Both notices indicated that either an appeal was not filed with the City Council during the mandatory appeal period or no appeal to the City Council was permitted from the Commission's action.

Pursuant to Section 30621 of the Coastal Act, a hearing on a Coastal Development Permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. In accordance with Section 13320 of the California Code of Regulations, staff requested on February 22, 2005, that the City of Los Angeles forward all relevant documents and materials regarding the subject permit to the Commission's South Coast Office. The City must transmit all relevant documents within five working days of their receipt of a Notice of Appeal.

The package that the Commission received on March 18, 2005 included the draft and final EIRs, the appendices to the EIR, the staff reports provided to the Los Angeles City Planning Commission as well as the Los Angeles City Planning Commission's final conditions and findings. The package did not include the correspondence, the application, the geotechnical reports, (with the exception of the one incorporated into the EIR,) or the mailing list. While staff questions whether this is the complete record, nevertheless, since there is adequate information to judge whether the appeals raise a substantial issue, the staff has proceeded with this report.

In its approval of the coastal development permit, the City imposed 23 conditions of approval. (Exhibit 17) Among other requirements, the City coastal development permit conditions required following the Municipal Code and conformance with the elevations shown in illustrative sections prepared to analyze private view blockages (A1-through A9 and B1 and B2, reproduced as pages 16-23 of Exhibit 17). With respect to geologic safety, the City required that grading be carried out to the satisfaction of the Department of Building and Safety, that the applicant post a bond for completion of grading, implement mitigation measures numbers 1-100 in Section 1 of the EIR, notify neighbors of grading

and assume the risk of development. The conditions also required widening of portions of Tramonto Drive, the public road giving access to the project, road safety, parking, and re-installation of landscaping on Tramonto Drive and on the adjacent condominium property. They required the provision of off-site affordable units and replanting the roadside of Tramonto Drive and the adjacent condominium property. With respect to habitat, the conditions required a pre-construction survey for nesting birds, avoiding disturbance to their nests during clearance of the site, and fencing off trees if raptors' nests were discovered. There are other environmental and water quality conditions. The City's coastal development permit conditions are attached as Exhibit 17.

III. APPEAL PROCEDURES

The City of Los Angeles issued this permit under its pre-certification coastal development permit program. In 1978, the City assumed permit jurisdiction under Section 30600(b) of the Coastal Act, which allows a local government to assume permit authority prior to certification of a local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. Section 30600(b) of the Coastal Act provides that prior to certification of its local coastal program (LCP), a local jurisdiction may, with respect to 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. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits.

Sections 13302-13319 of Title 14 of the California Code of Regulations provide procedures for issuance of coastal development permits by local governments under Section 30600(b) and appeals of such locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application pursuant to Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act.

After a final local action on a coastal development permit application, the local government must notify the Coastal Commission within five days. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Coastal Act Section 30602).

The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act [Section 30625(b)(1)]. If the Commission finds that the appeal raises a substantial issue of this sort, the Commission then holds a public hearing in which it reviews the coastal development permit application as a de novo matter.

At this point, the Commission may decide that the appellants' contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands. Alternatively, the Commission may find that a substantial issue exists with respect to the conformity of the action of the local government with the Coastal Act, if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Section 13114.

In this case, a significant portion of the project is located in the "dual permit area" established by Section 30601 of the Coastal Act. Section 30601 establishes that in certain areas, and in the case of certain projects, if a local government is authorized to issue permits pursuant to section 30600(b), a permit from both the Commission and local government will be required. Section 30601 states:

Prior to certification of the local coastal program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the commission for any of the following:

(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Any development which constitutes a major public works project or a major energy facility.

When the City of Los Angeles opted to issue its own coastal development permits, Commission staff prepared maps that indicate the area in which coastal development permits from both the Commission and the City are required. This area is commonly known as the "Dual Permit Area." Within the dual permit area, all development must receive a coastal development permit both from the City and from the Commission. The southerly portion of the project site is located in the dual permit area. If the Commission decides that this appeal raises a substantial issue, it will hear the matter as a *de novo* matter. This hearing will be scheduled after the applicant has submitted an application for the entire project directly to the Commission, so that it can hear the appeal and the "dual permit" at the same time². The

² While it is theoretically possible to proceed with the portions of a project that are outside the dual permit area while the Commission reviews a second permit for development that in the dual permit area, in this case, the project cannot be divided into portions outside the coastal zone and inside the coastal zone. This is

Commission will require that the applicant first obtain a coastal development permit from the local government for the tract map before any application for a tract map can be submitted.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a **substantial issue exists** with respect to whether the approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **NO** vote on the following motion:

MOTION: *"I move that the Commission determine that Appeal No. A-5-PPL-05-063 raises **NO** substantial issue with respect to the conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

Failure of the motion will result in a de novo hearing on the application and adoption of the following resolution and findings. A majority of the Commissioners present is required to pass the motion.

Resolution to Find Substantial Issue for Appeal A-5-PPL-05-063

The Commission hereby finds that Appeal No. **A-5-PPL-05-063** presents a substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project and Area Description

The project is located on the south face of Castellammare Mesa, a 200-foot high mesa on the southern edge of the Santa Monica Mountains, which is located between Los Liones Canyon on the north and Pacific Coast Highway on the south, extending from Parker Mesa on the west to Sunset Boulevard on the east. Sunset Boulevard is constructed in a canyon, Santa Ynez Canyon. When Castellammare Mesa was subdivided in the 1920's, winding roads were cut into the face of the sea bluff and into the side of the mesa that faced Sunset Boulevard. Minor drainages were filled and roads extended across them. Over the years, major landslides have occurred above Pacific Coast Highway, and along canyon walls, including along the steep sides of the mesa that face Sunset Boulevard and the walls of Los

because the new structures and the landslide are located on one lot that is located on both sides of the boundary of the dual permit area.

Liones Canyon. A 1975 Corps of Engineers study³ attributed the slides to failures of improperly constructed fill, failures of oversteepened slopes and reactivation of ancient rotational slides. The report suggested that many of the slides, including the Revello Slide, the landslide on this property, were triggered by grading or by the introduction of water. On Castellammare Mesa, slides and failures of improper fills damaged several streets that were built across the bluff face, so that some of the originally continuous streets are interrupted. Most of the stable or remediable lots on Castellammare are developed, in many cases with the installation of caissons. Most of Castellammare is developed in single-family houses, including the area to the south and west of this project. However, there are also a number of apartment buildings on the northerly side of the mesa, overlooking Pacific Coast Highway or Sunset Boulevard. (See Exhibits 2, 3, 21, and 22.)

The present project is located on the sloping easterly face of the mesa, between Tramonto and Castellammare Drives. The site, according to the City Staff report "overlooks Sunset Boulevard and has views of the Pacific Ocean." It is 3.98 net acres and has 157 feet of frontage along Tramonto Drive. The applicant's roughly rectangular lot extends from outside the dual permit area just above Los Liones Canyon south to a single-family neighborhood that is located on the seaward face of the mesa. It extends from the slope above Castellammare Drive upward 75 feet and east 148 feet to the first row of single-family residential lots on the top of the mesa (that face Revello Drive.) It is located in a partially developed area that is developed with a mix of multi- and single-family residential structures. The site abuts a 39-unit condominium structure, which is also located on the east side of the mesa, and is north, east, and down-slope of a number of single-family houses. The City staff report indicates that there are a 4-unit and a 14-unit building southwest of site. Along Sunset Boulevard, east of Castellammare Drive and downslope of the site, there are two three- and four-story commercial structures and a plant nursery. The site is zoned RD2-1 and RE9-1 and designated for Low Medium II Residential and Low Residential uses in the Brentwood Palisades Community Plan.

In 1965, a slide occurred on this site that demolished 12 apartment units. In 1969, the slide moved again. The current project includes demolition of two twenty-unit apartment buildings that survived the slide, removing the portions of the slide located on the applicant's property, shoring the excavation with 40 soldier piles, filling the resulting excavation; shoring the fill with caissons, and building an 82 unit residential structure on the resulting engineered fill. The project is described as a condominium structure, but there is yet no coastal development permit for the subdivision. The project would take access off Tramonto Drive, a thirty-six foot wide side neighborhood street. Tramonto is served by Los Liones Drive, a four-lane road, which, in addition to Tramonto Drive, serves Los Liones Canyon unit of Topanga State Park, a church, and the service entrance of the Getty Antiquities Museum. Many residents of the mesa use Tramonto Drive as access to their homes.

³ United States Army Engineer District Corps Of Engineers, Los Angeles, California, in cooperation with the U.S. Department of The Interior, Geological Survey, Denver, Colorado, "Report of the Landslide Study, Pacific Palisades, California, September, 1975."

The City staff report describes the project as a residential development consisting of 82 condominium units, divided among six buildings. Three buildings are proposed to contain three stories, including 25 three-bedroom town homes with parking below each unit. The other three buildings are proposed to contain four stories, including 57 three-bedroom flats with parking being provided in a subterranean garage. None of the proposed buildings will exceed 45 feet in height. The City coastal development permit conditions refer to Exhibits A1 through A9, B1 and B2, attached as Exhibit 17, pages 17-24, and requires that the height of the structure not exceed that depicted in the exhibits. There are conceptual site plans in the EAR, but no elevations in the record with the exception of an artists' rendering. The City staff report indicates that grading for the proposed project will require 130,000 cubic yards of cut and 80,000 cubic yards of fill. Approximately 100,000 cubic yards of the cut material will be exported off-site and approximately 75,000 cubic yards of fill would be imported to the site for permanent stabilization of the project site. The report indicates that the soils on the site may not be suitable for fill, but it does not explain the apparent inconsistency of the figure, except it does reference compaction as one reason for the difference.

B. Factors to be Considered in Substantial Issue Analysis

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a **substantial issue** does exist with respect to whether the approvals of the projects are consistent with the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

C. Public Recreation.

Several sections of the Coastal Act protect visitor serving uses.

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30240 Environmentally sensitive habitat areas; adjacent developments

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30250 Location; existing developed area

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The project is on a hill above Los Lions Park and shares an approach road with the park. The park is a popular hiking site. Park visitors park on the Los Lions Drive. Appellant Beagles and the staff raise assert that the proposed project could have impacts on the park and the public's use of the park, raising issues with Sections 30213, 30240(b), and 30250(a). The impacts are potentially from increased traffic (both during construction, and from an increase in residents), worker parking during construction, and clearance of vegetation for enhancement of traffic safety. The Commission finds that the project's potential impact on recreation and on the park raises a substantial issue with regard to the project's consistency with Sections 30213, 30240(b), and 30250(a) of the Coastal Act.

B. Habitat

Section 30240 of the Coastal Act provides:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30250(a) requires the Commission to examine the cumulative impact of new development.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The EIR does not identify sensitive habitat on the site. The site is urbanized, occupied by two apartment buildings, and partially covered with non-native trees. However, it is within 250 feet of Los Liones Canyon, and adjacent to lots that extend onto the vegetated walls of the canyon. The City report indicates that the Department of Fish and Game expressed reservations about the impacts of removal of vegetation for the project on nesting birds, particularly raptors. In response, the City permit requires surveys for nesting birds prior to removing trees and other vegetation, fencing off nest sites, and instruction of construction personnel on the sensitivity of the area. The permit does, however, allow the removal of the vegetation, regardless of its use by wildlife. It does not address the extent of the habitat or its connection with the habitat within Los Liones Canyon

In order to make safe access for the trucks that will be hauling earth on and off the site, the City has required in Condition 8 of its approval that the vegetation "between the roadway edge and the property line on the convex curve of Tramonto Drive in the vicinity of the project driveway be removed to protect sight distance." The improved Tramonto Drive is narrower than the dedicated road. The roadsides are covered with trees and bushes, many of which are introduced, but some of which are native. After construction, the applicant is required to re-landscape the area, but is not required to use materials that are compatible with existing habitat.

Tramonto Drive curves up the slope that faces Los Liones Canyon. This vegetation on the hillside is part of a continuous band of cover that extends up the side of the hill and up into the canyon and the park. The amount of clearance both on and off the site is not clearly described, and the possible impacts of vegetation clearance on the habitat of the park have not been analyzed in the City staff report. The Commission finds that this omission raises a substantial issue with Sections 30240(b) and 30250(a).

C. Views.

'Section 30251 requires the Commission to protect both the scenic and visual quality of coastal areas and the character of unique communities.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Appellants allege the building will be constructed on top of a fill pad and that the buildings and their retaining walls will be visible from PCH, Sunset Boulevard, and the beach. One appellant raises a question about the impact of a continuous structure on public views from Tramonto. The "corrected" City staff report found that "the proposed project does not obstruct views of public scenic resources." However, the report does not explain how it came to that conclusion, although it must be presumed that the conclusion is drawn from the EIR. The EIR states that the building will be visible from the beach, Sunset Boulevard, and Pacific Coast Highway and includes a rendering, but gives no indication of the point of view from which the rendering is drawn. The EIR analysis noted that the hillside is developed and that the present structures are visible from the beach, and concluded that one more building would not significantly change the views from public spaces, such as the beach and Pacific Coast Highway. Instead, the City concentrated on views from nearby residential structures and from Ocean Woods, the 39-unit condominium. The City condition 12 requires conformance with a conceptual cross section, which the City conditions reference as Exhibits A-1 through A7, B1, and B2 (See Pages 16 through 24 of Exhibit 17.) While the City finds that the Coastal Act does not protect private views, the cross-sections seem to analyze impacts on private views. The applicant has designed breaks in the building façade so that it will not appear to be a continuous building but no one questions that it will be highly visible.

Given the apparent mass and scale of the development, and the high retaining walls shown in the conceptual cross section, it is likely that the project will have impacts on public views both from the highway and from neighborhood streets. Since only conceptual elevations were available during review of the local government's coastal development permit

approval, it was difficult to determine the nature and extent of the impacts of the project on views from public spaces such as the beach and Pacific Coast Highway, raising issues of consistency with Section 30251. Therefore, the Commission finds a substantial issue to exist with respect to the project's consistency with Section 30251. However the Commission does not agree that there is a substantial issue of consistency with any Chapter 3 policy emanating from the effects of the building on private views from the Ocean Woods Condominium or from nearby homes.

Other appellants have raised issues with mass and scale indicating that the majority of structures in Castellammare are much smaller; many are "historic." While Ocean Woods Condominiums, located to the northwest of the proposed structure, is as long and wide as the proposed structure, the proposed development is considerably wider and higher than the existing single-family houses adjacent to it on the south and west. Moreover, even in an area where houses and landscaping interrupt views from the road, single-family houses are separated from each other, providing glimpses of the ocean from public streets. There is no view corridor through the proposed structure, so that the structure will block public views of the beach and the ocean from Tramonto Drive. The Commission finds that the project approval raises a substantial issue with Section 30251 of the Coastal Act.

D. Hazards.

Section 30253 provides:

Section 30253 Minimization of adverse impacts

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

The site contains the mid-portion of the Revello Slide, that moved in 1965. The applicant proposes to remove and reconstruct those portions of the slide that are located on its property, leaving a small part of the upper slide in place, and not touching the slide located off-site and above the structures. The toe of the slide at Sunset was stabilized when the developers of two office buildings at the toe of the slope built a retaining wall at the boundary between their property and Castellammare Drive. Condition 6 of the City coastal development permit incorporates the review letter from the Department of Building and Safety and the conditions that it imposed on the project (Exhibit 17). The City concludes that the building and the excavation can be safely engineered. The final review letter is incorporated into the EIR. The appellants' principal concern is the safety of the excavation

to remove the slide, and whether structures above the excavation might be damaged by settlement during the three years of construction. They have provided several reports that disagree with the applicants' reports, and they question the amount and quality of information available at the time of the City's approval, alleging the applicant had deferred gathering technical information on the soils or developing detailed design of the caissons and soldier piles until later in the process. Therefore, the depth of the caissons necessary to stabilize the site is not known. There are geologic reports on the addendum to the EIR and a Building and Safety review letter concerning these reports, giving detailed specifications of the shoring design of the soldier piles to be used during excavation. The appellants also point out that according to the EIR, the amount of dust generated by the lengthy excavation will be high, and express concerns about the effects of that dust on human health.

The Revello Slide is mapped. The City and the applicant acknowledge that the slide exists and extends off the applicant's site. The applicant is required to acknowledge that not all of the slide will be stabilized. Given the active nature of the landslide, a known hazard, and the questions raised about the possible risks to existing development, the process, and the methodology of developing the design of the project, the Commission concurs that this project raises a substantial issue with Section 30253. Even though the Commission will have an opportunity to review these matters when it processes the dual permit, the Commission agrees that the City approval raises a substantial issue with respect to the conformance of the project with Section 30253 of the Coastal Act.

E. Intensity of Development/Coastal Access.

Section 30250 raises issues about the intensity of development and the siting of new development in areas that can accommodate it.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Appellants argue that the intensity of this development exceeds the traffic capacity of the neighborhood. Appellants raise issues of consistency with Section 30250 indicating that there is evidence in the file that Tramonto, a neighborhood street, cannot accommodate the traffic impacts of the development. Moreover, they indicate all known proposed projects are not found on the list in the EIR that purports to include all projects being planned in the area. Therefore, they argue that the cumulative impacts of the development on traffic have not been assessed. They cite traffic studies prepared by the

City in support of this contention. The City report in the EIR indicates that there is ample traffic capacity on Tramonto and Los Lions drive to accommodate the development, but concedes that the intersection of Sunset and PCH is at level F. Residents indicate that even though there are few residences in the immediate vicinity of the project, there is heavy demand on Tramonto given its width, winding alignment, and steep slope. They assert that many residents of Castellammare, either blocked by slides or unable to exit onto PCH, use Tramonto to enter or leave the community. The City report indicates that the project is consistent with community plan and zoning densities and, that after the stabilization of the site, policies that encourage reduced densities on steep slopes to assure the safety of development are not relevant.

The issuance of coastal development permits pursuant to a pre-certification program requires the local government to consider the Commission's previous actions in other matters that raise issues similar to those raised by the project under consideration and which therefore may be instructive in determining whether to issue a coastal development permit in the present case.

§ 13311. Issuance of a Coastal Development Permit.

A coastal development permit shall be deemed issued (a) when final review has occurred, (b) when, if applicable, all local rights of appeal have been exhausted and (c) when findings have been made that the interpretive guidelines have been reviewed and that the proposed development conforms with the requirements of Public Resources Code, Section 30604(a) and with any applicable decision set by the commission pursuant to Public Resources, Section 30625(c). If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the local government shall also make the specific findings required by Public Resources Code, Section 30604(c).

Section 30620.5(a), states, in part:

A local government may exercise the option provided in subdivision (b) of Section 30600, if it does so for the entire area . . . and after it establishes procedures for the issuance of [CDPs]. Such **procedures shall incorporate, where applicable, the interpretive guidelines** issued by the commission pursuant to Section 30620." (Emphasis added)

Thus, although a lack of conformity to the Chapter 3 policies is the only basis for a determination that such an appeal raises a substantial issue, the analysis of conformity to the Chapter 3 policies should be informed by a review of the Commission's Interpretive Guidelines and prior actions. The Guidelines were developed to provide an indication of the Commission's interpretation of the Chapter 3 policies and its likely future requirements based on the Commission's prior actions in applying the Coastal Act.

The Commission has examined many methods to control the density and intensity of development on steep slopes. In the Interpretive Guidelines, developers are referred to the slope intensity formula. The slope intensity formula was developed by City of Los Angeles planners to address the same issues and adopted to reduce overdevelopment of steep slopes. The appellants indicate the developer was wrongly found exempt from the

slope density formula. The slope on which this development is proposed appears steep, rising from elevation 124 to elevation 200. The Commission has on occasion analyzed subdivisions in the Pacific Palisades by using this formula to determine whether the number of units exceeds the capacity of the area. The opponents raise an issue concerning whether 82 units (a density approaching 24 units per acre) should be constructed on a site with an overall slope that seems to approach 2:1. Access to the site is via a steep and relatively narrow (36 feet) road, and it is necessary to widen a road located on an unstable hillside to provide this access to the site. The Commission finds that the project raises a substantial issue with Section 30250.

F. Compliance with the Mello Act,

The applicant has appealed the City's action imposing conditions for consistency with the Mello Act, Government Code 65590. The Mello Act requires that local governments require the replacement of moderate income units removed as a result of development in the coastal zone and also requires that development in the coastal zone approved by local govern should provide low and moderate income units within three miles of the coastal zone. The City found that the project would not remove low or moderate cost units but that the Mello Act required the developer to provide either six very low or 12 moderate-income units. When the City first issued the Notice of Final Action, the applicant appealed the decision based on his disagreement with the number and location of low and moderate-income units required, and asserted that the notice of final action did not reflect the Los Angeles City Planning Commission decision. On March 15, the City issued a Corrected Notice of Final Action. In this Corrected Notice of Final Action, the City revised the Mello Act requirements. The applicant has not revised his appeal, but indicated that he was still asking the Coastal Commission to relieve him of this requirement.

Section 30011 of the Coastal Act states:

Nothing in this division shall authorize the commission to review a local government's application of the requirements of Section 65590 of the Government Code to any development. In addition, the commission shall not require any applicant for a coastal development permit or any local government to provide certification or other evidence of compliance with the requirements of Section 65590 of the Government Code. The commission may, however, solely in connection with coastal development permit applications described in subdivision (c) of Section 30600.1, require information about the status of a local government's action to apply the requirements of Section 65590 of the Government Code. This information shall be used for the purpose determining time limits for commission action on these applications as provided in that subdivision (c).

In addition, the Commission's only role at this juncture is to determine whether the appeal raises a "substantial issue exists as to conformity with Chapter 3" of the Coastal Act, and none of the Mello Act provisions are contained within Chapter 3 of the Coastal Act. The local actions carrying out the Mello Act are therefore not appealable to the Coastal

Commission, and the Commission finds that the City's imposition of Mello Act requirements does not raise a substantial issue of consistency with the Coastal Act.

G. Procedures.

Appellants raise two procedural issues: one that the design and site investigation is not yet advanced enough to determine that the project can be safely built. The City, through its conditions requiring further plan review by its staff, is therefore delegating a substantive decision outside of the public review, and, in this case outside the coastal development permit process. The conditions the City imposed are indistinguishable from the Commission's normal requirement of the provision of final plans in cases where the preliminary plans and studies presented to it are generally consistent with the applicable standards and standards for any further refinements can be specified in the Commission's conditions. More to the point, this does not raise a substantial issue of consistency with the Chapter 3 policies of the Coastal Act.

The Executive Director notes that the coastal permit is for development described as a condominium, but that the coastal development permit (and the EIR) is considered separately from a related tract map (which is the actual authorization of the subdivision), and that a coastal permit has not been granted for a subdivision. City correspondence distinguishes between the "CDP" and the "Tract Map" and gives no indication that the City presently plans to grant a CDP for the tract map/subdivision. Instead, City documents indicate that the "CDP" is not appealable to City Council but that the related tract map is appealable to Council. City correspondence does not indicate any plans to provide a separate CDP and a separate notice of final action on the tract map so that the tract map could be appealed to the Commission. If there is no CDP for the tract map, the subdivision cannot be appealed to the Coastal Commission. Presently it appears that the City does not plan to issue a separate CDP for the tract map. If a tract map is given a CDP, then the City action could be appealed to the Commission. As a result, a second coastal development permit will be needed before a map can be recorded⁴.

Although this issue does not raise a substantial issue with the present approval, the Commission notes that without a CDP for the subdivision itself, the condominium project is not authorized under the Coastal Act, and any attempt to record a tract map would constitute a violation of the Coastal Act.

⁴ Because Section 30620.5(a) requires a local government assuming permit authority to issue coastal permits for the entire area of its jurisdiction, only the City can approve a CDP for the tract map. Under the dual permit rules, the Commission would issue the second coastal development permit for the tract map in the dual permit area, or approve the tract map in any area if it were appealed.

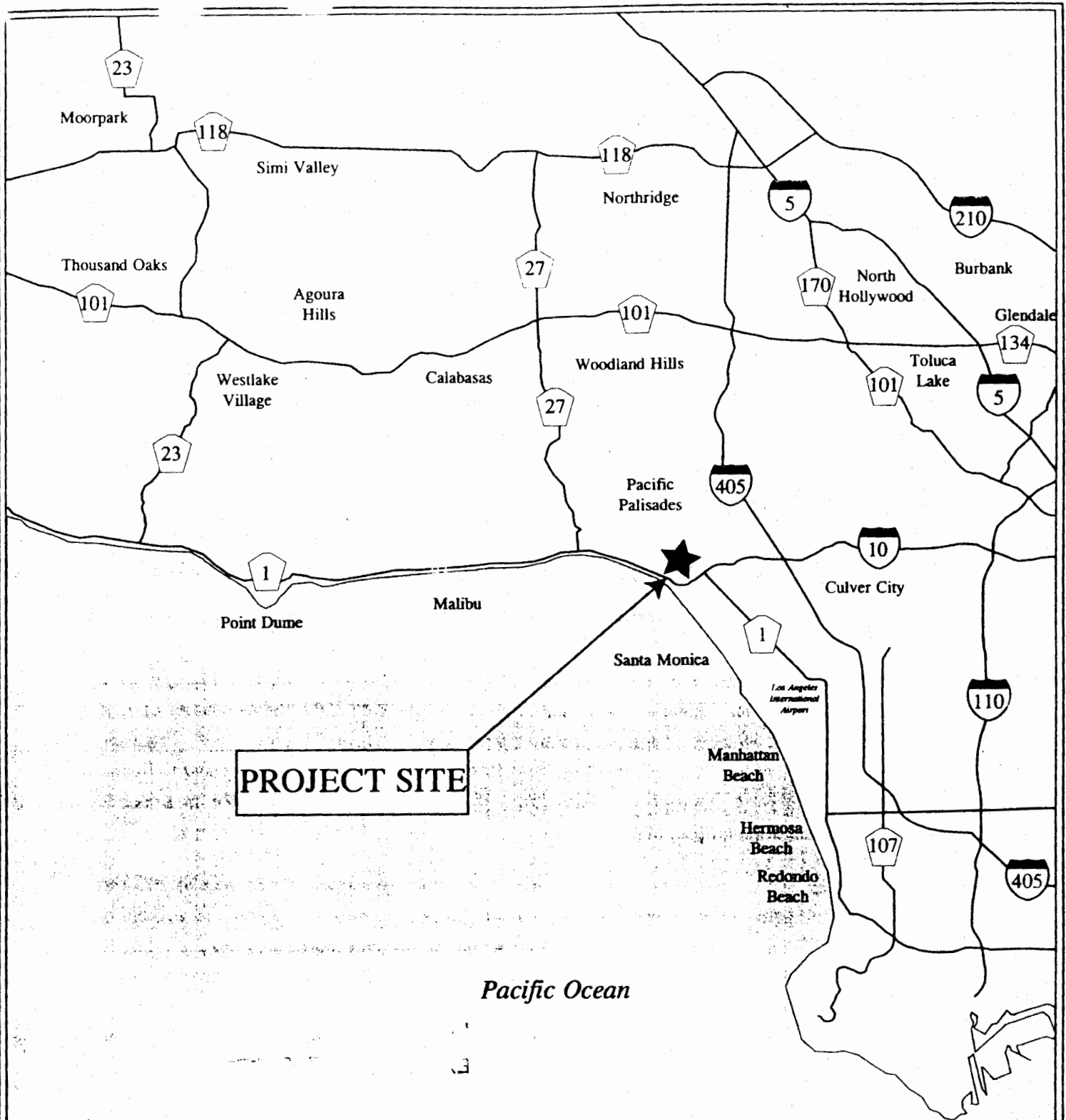
H. Inconsistency with the Pacific Palisades Community Plan/Prejudicing the Development of an LCP

The Brentwood Pacific Palisades Community Plan has been identified as the draft document, along with the slope density ordinance, to control development in the Pacific Palisades in the future. It has been identified as the draft that will be presented as the Land Use Plan. Appellants indicate that the development exceeds the densities allowed in the Community Plan, therefore prejudicing the City's ability to develop an LCP that is consistent with the Coastal Act. The City, in its staff report, indicates that the project is consistent with the Brentwood Pacific Palisades Community Plan. Like all community plans, the Brentwood Pacific Palisades Community Plan contains both land use designations and general policies. Some of the policies may address steep slopes.

This development raises other issues that should be addressed in the Local Coastal Program. These include the treatment of density on steep slopes, policies addressing landslides, impacts on views from public areas, development standards for hilltops and ridgelines that are visible from the beach and other public places. In the City decision, the City addressed the issue of conformance with the Brentwood Palisades Community Plan solely by considering density designations. The City report does not address future planning options. The Commission finds that the City approval does appear to raise an issue concerning prejudicing the City's ability to prepare an LCP that is consistent with the Coastal Act. However, this is not a basis for appeal, as it is essentially a meta-issue, rather than a direct matter of consistency with the policies of Chapter 3.

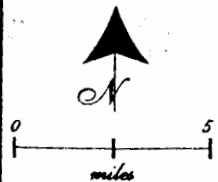
I. Summary

The Commission finds that the proposed project raises substantial issues of compatibility with the habitat of the continued use of the Los Lions Park, raising issues of consistency with Sections 30213, 30240(b), 30250(a); it raises issues of density, intensity, and potential impacts on public access, raising an issue of consistency with Sections 30210 and 30250(a). The project raises a substantial issue with impacts on public views, and with the compatibility with the character of the community, raising an issue of consistency with Section 30251. The project raises substantial issues concerning the safety of existing and future development, raising an issue of consistency with Section 30253. Therefore, the Commission finds that there is a substantial issue with the approval and the matter should be scheduled for a de novo hearing.



PROJECT SITE

Pacific Ocean



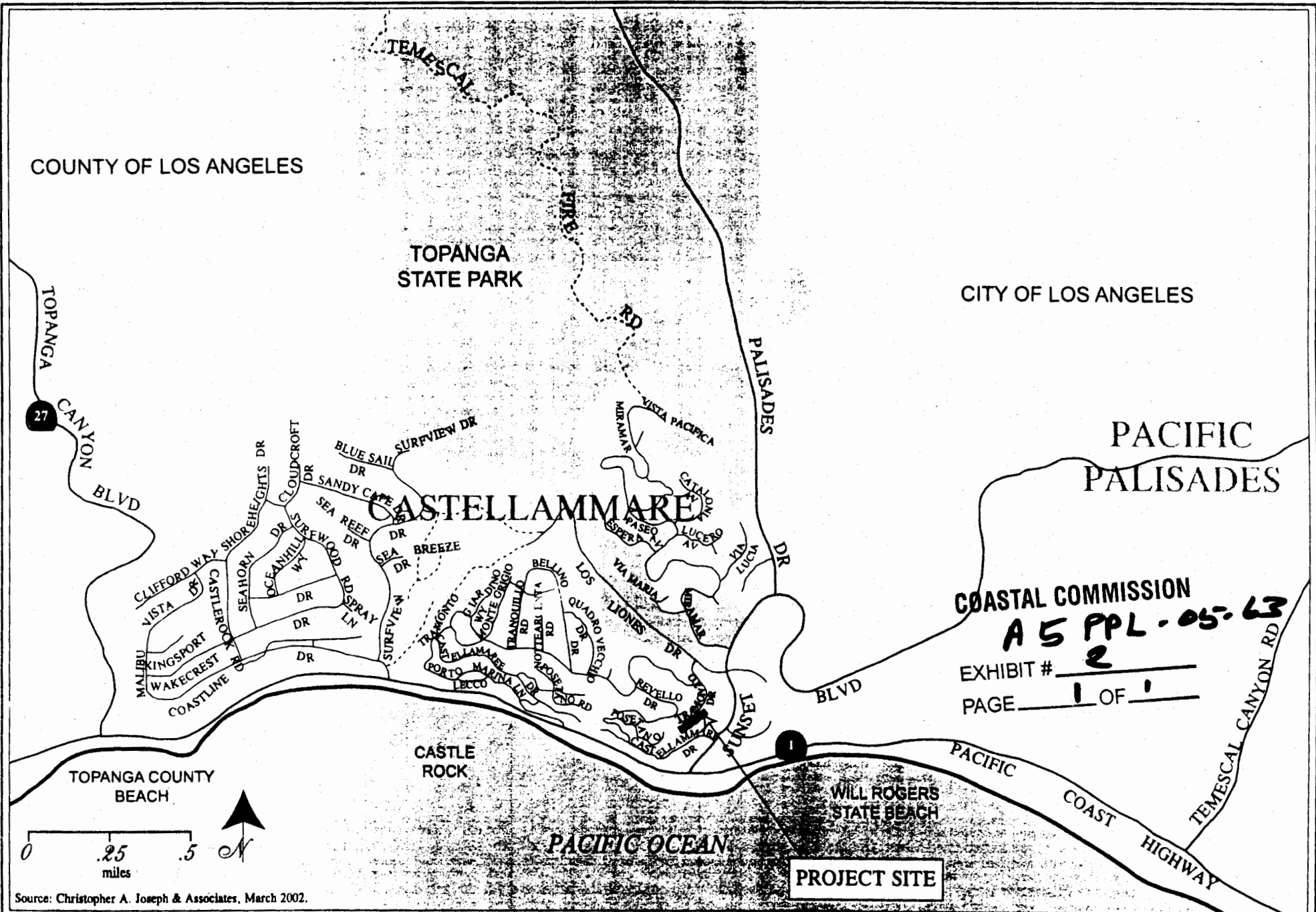
Source: Christopher A. Joseph & Associates

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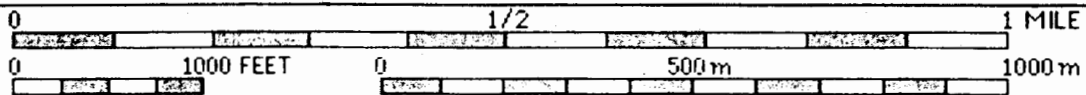
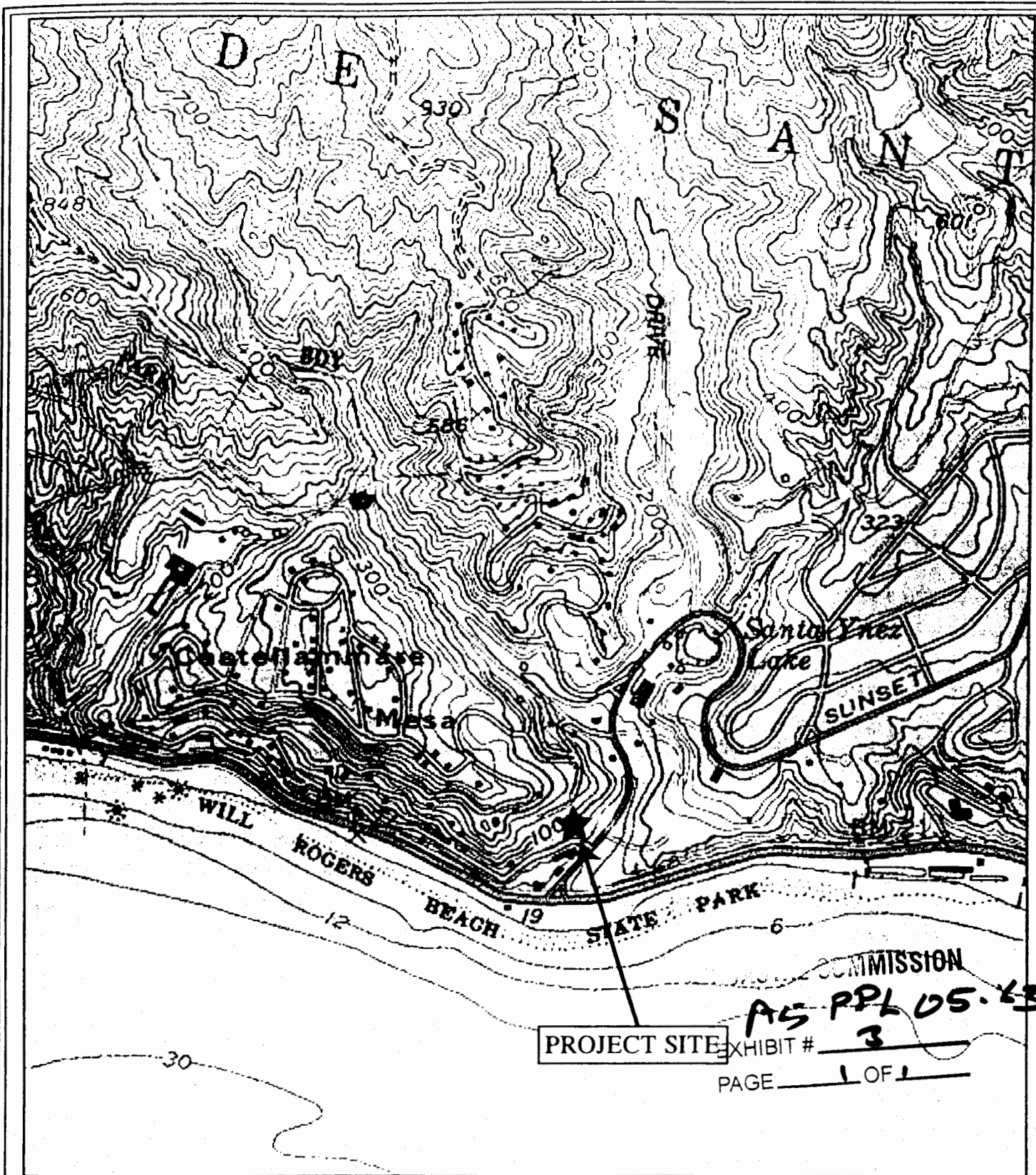
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 PAGE 1 OF 1

Christopher A. Joseph & Associates
 environmental planning and research

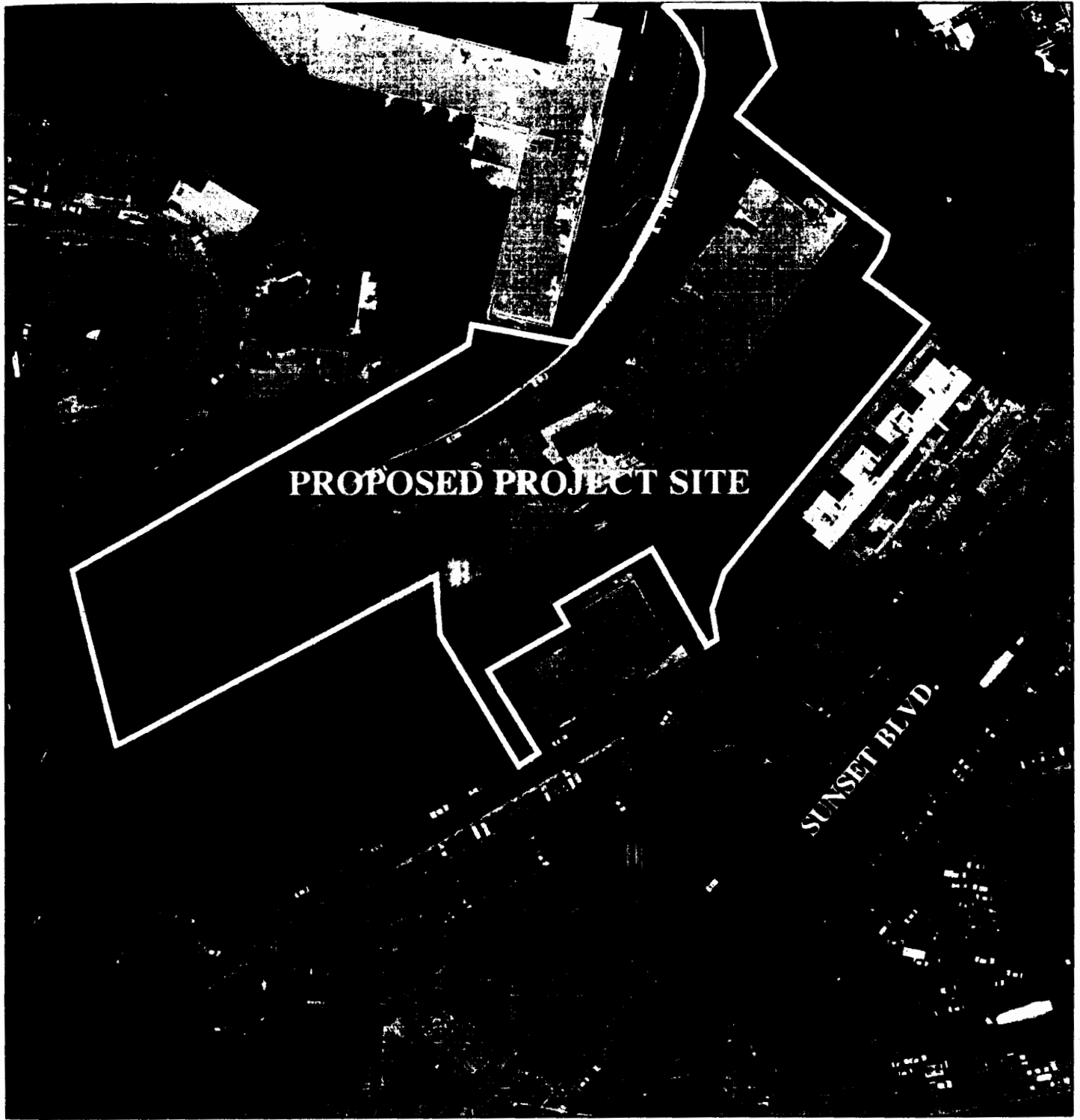
Figure II-1
 Regional Map



COASTAL COMMISSION
A 5 PPL-05-63
 EXHIBIT # 2
 PAGE 1 OF 1



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EXHIBIT #

AS PPL 05 63 ex 4

PAGE

6

OF

7

Christopher A. Joseph & Associates
environmental planning and research

Figure II-3
Aerial Photo



VESTING TENTATIV TRACT #5292E IN THE CITY OF LOS ANGELES, STATE FOR CONDOMINIUM PL

SURVEYOR

BLAKE B. J. JONES, INC.
10000 WILSON BLVD., SUITE 100
LOS ANGELES, CA 90024
TEL: 310-207-1000
FAX: 310-207-1001



OWNER / SUBOWNER

PLANNING INVESTMENT, LLC
10000 WILSON BLVD., SUITE 100
LOS ANGELES, CA 90024
TEL: 310-207-1000
FAX: 310-207-1001

GRADING QUANTITIES

SEE SHEET 100 FOR
TOTAL QUANTITIES
EXCEPT WHERE SHOWN
OTHERWISE, QUANTITIES ARE FOR
LANDSCAPE GRADING AND RECONSTRUCTION, PLANS TO THE

LEGEND

- ①, ② DRAIN 2-FOOT SPACED BARS TO BE INSTALLED
- ③, ④ DRAIN BARS TO BE INSTALLED
- ⑤ DRAIN BARS TO BE INSTALLED

NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE.
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COASTAL COMMISSION

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EXHIBIT # 8

PAGE _____ OF _____

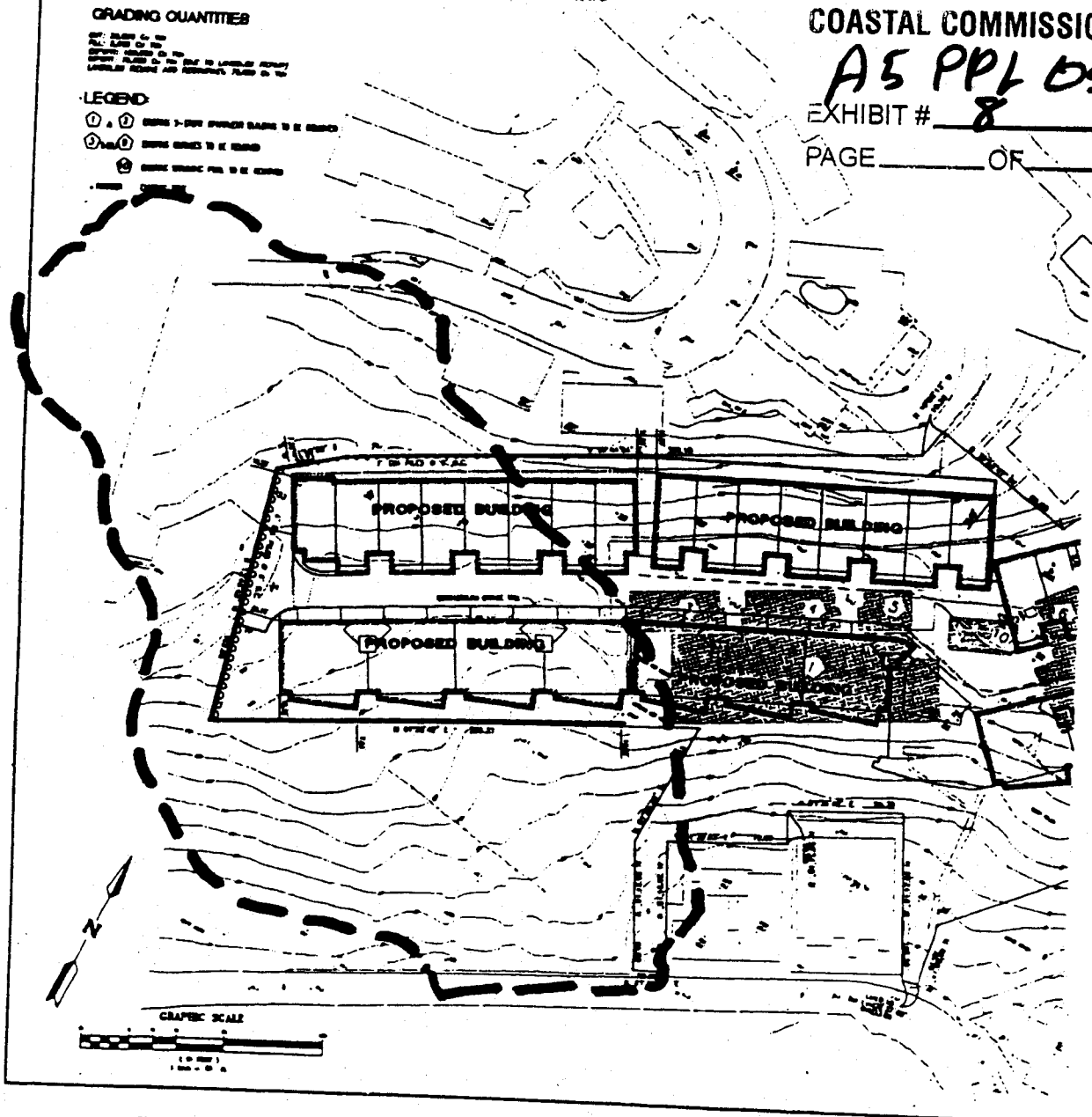


Figure 1. Revello Drive Landslide in Relation to the PLC Project.
 The dashed line is the contact of the Revello Drive landslide from DEIR Figure IV.D-1. It is superimposed over DEIR Figure III-1. The slide movement is to the southeast.

RECEIVED
South Coast Region

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

FEB 15 2005



CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Palisades Landmark, LLC

Mailing Address: 10600 Santa Monica Boulevard

City: Los Angeles, CA

Zip Code: 90025

Phone: (310) 234-8880

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Los Angeles

2. Brief description of development being appealed:

"Construction, use, and maintenance of an 82-unit condominium project."

3. Development's location (street address, assessor's parcel no., cross street, etc.):

17331-17333 Tramonto Drive
APN 4416023BRK
Northwest of Sunset Boulevard, Southwest of Los Liones Drive

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

COASTAL COMMISSION
Appeal # 9 A. appeal
EXHIBIT # 9
PAGE 1 OF 4

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A5-PPL-05-063

DATE FILED: 2.18.05

DISTRICT: South Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

At its meeting of November 4, 2004, the Los Angeles City Planning Commission (the "CPC") approved a Coastal Development Permit "for the construction, use and maintenance of an 82-unit condominium project" at 17331-17333 Tramonto Drive in Pacific Palisades (the "Site"), in the dual permit area of the California Coastal Zone. This approval is reflected in the CPC's written determination, dated January 18, 2005 (the "Determination Letter") a complete copy of which is attached hereto as Exhibit A.

In four important respects, the Determination Letter misstates the decision actually announced by the CPC on November 4. First, on page 4 at paragraph 18, the Determination Letter states that the applicant shall provide exactly eight (8) units for Very Low Income ("VLI") households, or sixteen (16) units for Very Low Income or Low Income ("LI") households. However, the CPC did not specify that the Applicant's Affordable Housing Provision Plan must provide exactly eight (8) VLI or sixteen (16) LI units. Rather, the Applicant understands and agrees that it must provide a number of off-site VLI units greater than or equal to 10% -- or a number of off-site LI units greater than or equal to 20% -- of the total number of market-rate units ultimately constructed on the Site (which may be less than 82). For example, if the Applicant ultimately constructs only 60 market-rate units at the Site, it will be required to provide only six (6) off-Site VLI units or twelve (12) off-site LI units.

Second, on page 22, the Determination Letter indicates that the CPC "supported the provision of net, new affordable off-site units within the Coastal Zone or within 3 miles of the Coastal Zone." However, the CPC did not actually specify that the affordable units must be "net, new." While the CPC did engage in a short discussion with Planning Staff regarding this issue, the CPC did not actually announce any decision or finding that the units must (or should) be "net, new" units. It thus appears that the CPC intended to allow the Applicant to provide the requisite affordable-accessible units in an existing off-site building.

Third, on page 25 at paragraph 5, the Determination Letter indicates that the CPC "finds it necessary in this instance to require that the affordable units be maintained as rental units." However, the CPC did not specify that the off-site affordable units must be maintained as rental units. Rather, the CPC indicated a desire to "hav[e] our decision be to allow sale or rental, whatever the Housing Department decides, and let them decide." Commissioner David Burg, November 4, 2005. See highlighted excerpts from the hearing transcript, attached hereto as Exhibit B, page 3.

Fourth, the CPC did specify "that the applicant [would] be permitted to construct the specified number of affordable units off-site within the coastal zone, or three miles thereof, and within Council

AS PPL 05-63 Ex 9, 12/4

District 11." Commissioner David Burg, November 4, 2005 (emphasis added). See highlighted excerpts from the hearing transcript, attached hereto as Exhibit B, pages 4 and 5. As noted above, the Determination Letter indicates that the CPC "supported" the provision of affordable units off-site, there is presently no language which expressly states that the Applicant may locate te affordable units within 3 miles of the Coastal Zone. Such unambiguous language should be added.

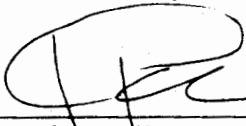
By this Appeal the Applicant requests that the Coastal Commission modify the subject Coastal Development Permit to accurately reflect the City Planning Commission's November 4 decision, in accordance with the foregoing information and attached transcript.

A 5. PPL-05 63
Ex. h. 6 + 9 p 3

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date: 2/15/05

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize Benjamin M. Reznik, Esq., Jeffer, Mangels, Butler & Marmaro
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Exh. 6.19
AS PPL DC 63
P 4

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

RECEIVED
South Coast Region
MAR 8 2005

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

CALIFORNIA COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

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

Alice M. Beagles
17446 Rejello Drive
Pacific Palisades CA 90272 (310) 454-2101
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Los Angeles City Planning Commission
ZA 2000-2697-CBP-1A CEQA-ENV-2000 2096-FIR

2. Brief description of development being appealed: Palisades landmark Company plans to build 82 condos on a landside damaged site

3. Development's location (street address, assessor's parcel no., cross street, etc.): 17331-17333 Tramonto Drive
Pacific Palisades CA 90272

4. Description of decision being appealed:

- a. Approval; no special conditions:
b. Approval with special conditions:
c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A5-PPL-05-063

DATE FILED: 3/8/05

DISTRICT: Long Beach

H5: 4/88

A5 PPL 05 63
COASTAL COMMISSION

EXHIBIT # 10
PAGE 1 OF 15

Alice Beagles

SECTION IV

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

1. GEOLOGY The Coastal Commission goals include protection against loss of life and property from coastal hazards, but this Local Coastal Permit secured by the California Landmark Company threatens surrounding adjacent residents with loss of property from another landslide of the bluffs. The plan is to demolish the existing 20 apartment units, remove 130,000 cubic yards of earth, and return 80,000 cubic yards to compact for site preparation to build 82 condos on the already slide damaged property. Most of the homes around the site were built before 1963, and few have engineered foundations. There is no landslide insurance that a homeowner can buy. The \$1,000,000 liability insurance required of the developer is insufficient to repair, at current prices, the area put at risk by this work. Two engineering geologists have testified that the geological plans are not adequate, and I have enclosed the conclusions of Russell Harter's report in Section 4. The recent disaster at La Conchita, and the current mud slides in our neighborhood are a reminder of how fragile the coastal bluffs are. Both additional liability insurance, perhaps \$50,000,000 to protect the homes, utilities, and city roads, and more sufficient soil engineering plans are necessary before the project begins.

2. DUST The high, unmitigated levels of dust mentioned in the EIR pose a threat to the the health, and maybe even to the life, of the young children and several frail seniors living nearby. The developer's offers to hose some balconies, and to give car washing coupons indicates his awareness of the volume of dust that can be expected during the many months, maybe even years, of demolition, soil moving, and construction. CURRENT HEALTH in March 1998 had an article that said that increased hospitalizations and deaths from heart attacks, strokes, and lung problems occur during periods of heavy air pollution. Limiting the work that creates dust to 4 days a week and 6 hours a day, as the work moving beach sand was several years ago because of traffic and noise, would reduce the daily average amounts of dust human lungs need to handle as the project proceeds. While the dust has been determined to be a short term problem, its health consequences may have years' long health effects.

3. VIEWS The loss of views from nearby homes and from Revello Drive, part of a popular neighborhood jogging and dog walking loop, is mentioned as unavoidable. I, and several neighbors, will no longer be able to see the surf and surfers from our living rooms. I have enclosed a diagram in Section 4 to show this. This loss of an ocean view, a substantial loss in the value of residential property, can be reduced by lowering the project's private driveway to 150 feet above sea level, just 10 feet lower than at present, and keeping the height of the buildings below 35 feet, the height limit on Sunset Boulevard. With careful

A5 PPL 05/63 100 p 2
Exhibit 10

planning there is enough view for the Palmer condominiums planned for Castellemmare Drive, the California Landmark townhouse and apartment style condos, and the homes higher on the slope. Tucking lower buildings into the slopes, as is common in Greece, would also help reduce the overwhelming mass of the buildings from the scenic highways, Sunset Boulevard and Pacific Coast Highway, and the Santa Monica Bay..

4. A UNIQUE COMMUNITY Castellemmare was an early planned community The roads, walkways, stairways and a pedestrian bridge to the beach were all installed before it was advertised in 1925. Splendid early mansions, then simple, comfortable houses and now stylish homes have been individually designed and built, some by well known architects. Together they reflect the changing tastes in California homes over 80 years. Risking an additional loss of roads and homes in this historic community for a dense development needs to be reconsidered.

5. NOISE The environmental Impact report on this project for the City of Los Angeles estimates that noises in adjacent yards will be up to 85 dB, a level that cannot be mitigated. THE BEST OF HEALTH (Consumer Reports 1998) says that, "Chronic exposure to any sound that makes conversation difficult, such as the 85 dB of a food processor, may eventually cause permanent hearing loss." The HEALTH CARE ADVISOR (Time, INC. 2001) says that tinnitus "has many causes, including nerve damage from loud noises." When noise is expected to be 95 dB, one is legally required to post signs warning that the sound level will affect hearing. LA City Ordinances 144.331 and 161.574 permit noise of only 5 dB above the ambient level, assumed to be 45 dB, in adjacent occupied dwellings. The expected level of noise may not be legal. It certainly will hinder listening to music and visiting on he phone. Limiting the work on the project to four days a week and to six hours a day would reduce the impact of this high level of noise pollution on nearby residents.

6. VIEWS FROM THE OCEAN The density, and particularly the height, of Landmark's proposed 82 units will change the appearance of this corner of Los Angeles from suburban to urban. Sailing west after one passes Santa Monica Canyon, the natural beauty dominates with homes high on the bluffs and a few beach oriented buildings on the sand. On the west side of Sunset is a commercial complex with 3 story buildings on Sunset, and a 4 story building on the Pacific Coast Highway, Above them are the 20 2 story apartment units that remain from the 1965 slide, and the empty area of the slide with many volunteer trees. Then the residential areas of historic Castellemmare begin again on the slopes and ridge. Building so many units on this site will urbanize the view from the ocean as the picture in Section 4 shows.

7. WORKMEN'S PARKING The designated parking for workmen on this project is on Los Leones Drive, most of which is inside Temescal Canyon State Park.

A 5 PPL DS 13
Exhibit 10
P3

8. DENSITY The Los Angeles City Transportation report, in Section 5, says that 61 units are as many as can be accommodated by roads on our slopes. *The Brentwood Pacific Palisades Community Plan mentions the need to restrict development on hillsides and in geologically sensitive areas. This site has both characteristics*

Section V. Certification

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

Alvin M. England

Signature of Appellant

March 6, 2005

Date

COASTAL COMMISSION

H 5 TPL 0563

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17446 Revello Drive
Pacific Palisades, CA 90272

CONCLUSION

The Brentwood - Pacific Palisades Community Plan is a fundamental policy document of the City of Los Angeles. It is a large document in loose-leaf folder format. Some of the items mentioned that should have been considered when evaluating the Landmark project include the need

- to preserve the natural topography
- to restrict building on geologically sensitive areas
- to restrict residential development on hillsides having more than a 15% slope
- to protect residents from natural and man caused hazards
- for attention to traffic levels when changes in residential density is proposed
- for useable outdoor space
- to screen roof top equipment and
- to preserve views.

How can these very sensible guidelines be ignored? I hope that the State Coastal Commission finds that the City of Los Angeles Planning Department needs to reexamine the whole Landmark project using the guidelines set up not so many years ago in the Brentwood - Pacific Palisades Community Plan.

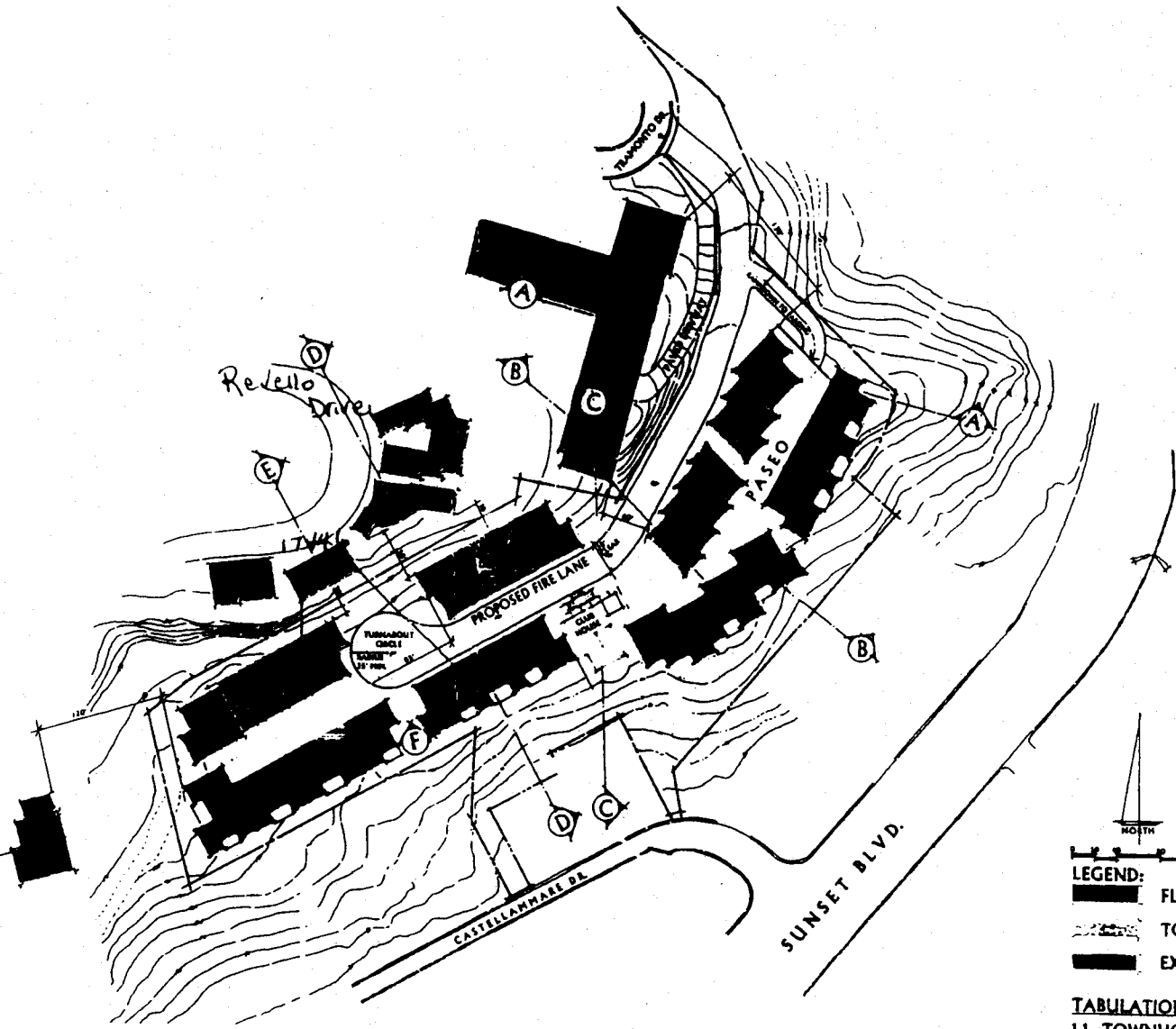
COASTAL COMMISSION

ASPL 05 63

EXHIBIT # 10

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COASTAL COMMISSION
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NORTH

LEGEND:

- FLAT 4 story apt
- TOWNHOME 3 story
- EXISTING RESIDENCE

TABULATION:

11 TOWNHOMES

71 FLATS

82 TOTAL

2 buildings flanking turnaround

CONCEPTUAL SITE PLAN ✓

PALISADES LANDMARK

PACIFIC PALISADES, CALIFORNIA

CALIFORNIA LANDMARK



230 Revello Drive

17446

Living Room

VIEW LINE

45 foot high building with 10 foot roof extension

35 foot building with 10 foot roof extension

VIEW LINE

EXISTING RIDGE LINE

CENTER LINE OF TURN AROUND

170





158

180

140

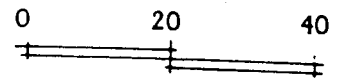
130

LEGEND

-  FLAT
-  TOWNHOUSE
-  EXISTING RESIDENCE
-  PARKING GARAGE

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 PAGE 7 OF 18
 P5 PPL 05/13

Views obstructed
 by 4 story buildings



SECTION 'E'

PALISADES LANDMARK

Alice Bergeles



Search for [] Search Clear Form Advanced Search



Document 1 of 1

Click on a document type to go directly to a list of results of that type

Magazines & Journals

Mark this document

Results List

How pollution affects our health. (includes related information on safe drinking water and air pollution levels)

See Also:

- Air pollution
- Drinking water
- Pollution
- Smog
- Water pollution

Nancy Dreher. *Current Health 2, a Weekly Reader publication.* March 1998 v24 n7 p13(3).

Abstract:

Pollution particles of any size can cause permanent damage to the tissue in the lungs and good breathing by clogging the cilia that are responsible for moving out germs and dirt. Pollution can cause eyes to water and other allergy-type reactions. Contaminated water can also cause illness.

Full Text: COPYRIGHT 1998 Weekly Reader Corp

Smog is synonymous with Los Angeles. But pollution news from Los Angeles last fall surprised even smog-savvy Southern Californians.

A large pollution study revealed that when smog increases in the Los Angeles Basin area, there is a big jump in the number of people hospitalized for lung and heart problems. That certainly makes sense. But the research also showed that these health problems were caused not only by very fine particles in car and truck exhausts. Surprisingly, scientists discovered that the hospitalizations were more closely connected with increases in the amounts of coarse (large) particles in the air that came mainly from grit blown from unpaved roads and construction areas.

So besides smog from vehicles, it seems, Angelenos should be concerned about dirt roads and building sites too.

Pollution's Toll on Human Health

Polluted air and water affect human health in ways that vary from minor irritations to major, even fatal, health complications. The U.S. Environmental Protection Agency (EPA) has identified five common and widespread air pollutants that can build up and become a hazard to our health. (See chart on page 14.) The extent of this hazard even now at the end of the 20th century, is enormous.

Pollution Levels in Your Area

Every day the EPA reports a Pollutant Standards Index (PSI) that indicates the levels of the five major air pollutants--carbon monoxide, ozone, nitrogen, sulfur dioxide, and particulate matter--on a combined scale of 1 to 500. Any PSI less than 50 describes healthy air. A PSI of more than 300 may be hazardous to your health.

COASTAL COMMISSION
45 APR 05 63

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Exhibit 10 p 8

SGH Consulting Services, Inc.
6101 West Centinela Avenue, #340
Culver City, California 90230

April 4, 2004

Law Offices of Thomas Stewart
12304 Santa Monica Boulevard, #314
Los Angeles, California 90025

Subject: Review of Temporary Stability
Proposed Palisades Landmark Development
Castellammare (City of Los Angeles), California

Dear Mr. Stewart:

My review of selected reports and plans regarding the proposed development indicates that the critical issue of slope stability during construction has not yet been adequately addressed. The following expands upon the more important points that I stated briefly on March 17, 2004 at the meeting of City of Los Angeles Planning Deputy Advisory Agency.

BACKGROUND

- The Revello Drive Landslide, located in the Castellammare area of the Pacific Palisades district of Los Angeles, destroyed an apartment building and three houses in 1965.
- The Palisades Landmark project is located in the middle of the active Revello Drive Landslide. Stabilization of the landslide is required for safe development of the project.
- City of Los Angeles Department of Building and Safety has approved geotechnical reports for the project; approval of December 5, 2001. The approval is in concept, and is not an approval of any actual prepared plans.

CONCEPT OF PROPOSED LANDSLIDE REPAIR

- The proposed concept for development within the landslide area includes removal and recompaction of the portion of the landslide that is within the Palisades Landmark property. This is a conventional way of dealing with landslides and the concept has been proven by SGH Consulting Services, Inc.

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April 4, 2004

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experience to work. When completed, according to the concept, this treatment of the landslide would also benefit other adjoining properties. But, if the construction does not carefully follow proper design in detail, it will not accomplish the anticipated good and can in fact cause severe damage to other properties.

- Neighboring houses and Revello Drive are located so close to the proposed landslide repair area that conventional sloping temporary cuts are not feasible to undertake. Shoring, similar to that used for deep basements of high-rise buildings, will be required. Because the shoring must hold back active landslide debris rather than undisturbed ground, the loads on the shoring are much more than would otherwise be the case. The particular design of the shoring system is crucial, to provide safe conditions during construction.
- Drilled soldier piles will be needed around the property boundaries, so that excavation of 25 feet to more than 50 feet can be done. Proper design of the shoring piles is critical to prevent a catastrophic failure that could involve adjacent single family houses.

SHORING FOR LANDSLIDE EXCAVATION

- The shoring concept that has been approved by the city is to use cantilevered drilled piles. For these piles to work, they must flex a little bit. The minor flexure of the piles means that some movement of the ground that is held in place by the piles must occur; it is part of the design. Cracks will form, in pavement and in nearby houses. The Final Environmental Impact Report of December 2003 does not address this problem, and it has not been discussed by the geotechnical consultant for Palisades Landmark.
- The depth of the landslide is a critical bit of input to the design of the shoring piles. Exploratory borings in the landslide have been done at various times during 35 years, from 1965 to 2000. Active landslides tend to get deeper with time, as well as bigger in map view. The landslide may have changed since particular borings were made.
- More information about the current depth and movement of the landslide is needed so that the shoring design will actually work.
- Inclinometers could tell us the current depth of active landslide movement, but the developers' consultant has not installed any. It would be prudent for the developer to have current data about the landslide before the detailed shoring design is done.
- The Building and Safety approval of December 5, 2001 requires that the level of ground water be below the bottom of the landslide before beginning the excavation. Creating this condition may require dewatering; consisting of pumped dewatering wells, a well point

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system, or hydroauger drains. Dewatering could delay construction by an unknown amount of time.

- Ground water at the site has been found at depths that will be encountered by the soldier piles. The soldier pile borings cannot be downhole logged below standing water. When ground water is encountered in soldier pile borings, the ground water must be lowered so that downhole logging can be accomplished.
- Downhole logging by the engineering geologist of soldier pile borings is useful, but can only be done when and where it is safe. Caving ground, ground water, and bad air can prevent downhole logging from being done at all. Good information can be obtained by downhole logging, but the technique is problematic for the situation. The quality of information from downhole logging may be poor if unsafe or marginally safe conditions restrict the number of pile borings that are logged, or if the depth of logging is limited (for instance, by standing water). Logging of soldier pile holes is not a substitute for good design before construction.
- No structural design drawings have been prepared as yet, to show details of the shoring system. Input from the structural engineer would help to clarify important points about the shoring design, including the diameter and spacing of soldier piles, depth of the soldier piles, number of rows of piles, and other details.
- The most recent reports of the developer's consultant anticipate the use of cantilevered soldier piles, with no tieback anchors. The use of tieback anchors typically allows more economical design of shoring, but in this situation would also involve drilling low angle holes underneath off site properties. The specific written permission of adjoining property owners would be required if tieback anchors are to be used.

APPROVAL OF CITY OF LOS ANGELES BUILDING AND SAFETY

- City of Los Angeles Department of Building and Safety approved the Palisades Landmark project more than two years ago; December 5, 2001. Just last December, 2003, the Final Environmental Impact Report came out. The Final EIR contains lengthy design information for tieback anchors to be used with the soldier piles. But, the Building and Safety approval from two years before says that tiebacks are not proposed or approved.
- City Planning is relying on Building and Safety for review of geologic and engineering issues, but Planning is more than two years behind with respect to the city Building &

SGH Consulting Services, Inc.

3

April 4, 2004

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Safety requirements.

- Additional information could show that the landslide is deeper than currently known, but the landslide will not become shallower. The completion bond required by the city must be keyed to the actual scale of the project that is discerned following any necessary redesign of the shoring, before the excavation begins.
- Extensive documentation should be done of existing cracks on adjacent properties before construction starts, and the developer should have insurance to cover the expected damages to adjoining properties.
- The December 5, 2001 approval by City of Los Angeles Department of Building and Safety is an approval in concept, not an approval of a specific detailed plan.

CONCLUSIONS

- Knowledge of the landslide geometry is currently too limited to design the temporary shoring system so that it will be sure to perform properly.
- Relying on inspection during construction is not a substitute for a thorough, relevant, evaluation of the landslide conditions and a complete design of the shoring.
- Due to the importance of temporary shoring to neighboring properties, this project needs independent review of the revised shoring plans. The review should be done after more geotechnical information is obtained from drilling and before excavation for the landslide removal is started.
- A specific requirement on the part of the city is needed, that all of the soldier piles for shoring during construction must be in place and approved by the city Building and Safety department before any excavation is started. This requirement is not listed in the city approval of December 5, 2001.

Thank you for this opportunity to be of service.

Sincerely,

Russell G. Harter

Russell G. Harter

CEG 1059

COASTAL COMMISSION

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CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

ENV
ER's

17331-17333 Tramonto Dr
DOT Case No. WLA 02-025

Date: May 13, 2002

To: Emily Gabel-Luddy, Associate Zoning Administrator
Department of City Planning
JWM

From: Esther Tam, Transportation Engineer
Department of Transportation

Subject: INITIAL TRAFFIC ASSESSMENT FOR THE PROPOSED 82-UNIT
CONDOMINIUM/TOWNHOUSE PALISADES LANDMARK RESIDENTIAL
PROJECT AT 17331-17333 TRAMONTO DRIVE

RECEIVED
MAY 18 2002
CITY PLANNING
DIVISION OF LAND

EAF Case No.

The Department of Transportation (DOT) has completed the traffic assessment for the proposed 82-unit condominium/townhouse development located at 17331-17333 Tramonto Drive. This traffic assessment is based on a traffic study prepared by Crain & Associates received on April 4, 2002. Except as noted, DOT has determined that the traffic study adequately describes the project-related impacts of the proposed development.

DISCUSSION AND FINDINGS

The proposed 82-unit condominium/townhouse development will be constructed on land currently occupied by two apartment buildings with a total of 20 dwelling units. The project will generate 348 net new daily trips, with 26 net new a.m. peak hour trips and 32 net new p.m. peak hour trips. The trip generation estimates are based on formulas published by the Institute of Transportation Engineers (ITE) Trip Generation, 6th Edition, 1997.

Land Use	Size (dwelling units)	Net New Daily Trips	Net New AM Peak Hour Trips			Net New PM Peak Hour Trips		
			Total	In	Out	Total	In	Out
Condominium/ Townhouse	82	348	4	22	26	21	11	32

DOT has determined that the proposed project will not have significant traffic impacts at any of the intersections studied. However, the project will have significant impacts on the following two local streets.

1. Tramonto Drive south of Los Liones
2. Los Liones Drive between Tramonto Drive and Sunset

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**ATTACHMENT A
Palmdales Landmark Residential Project**

Summary of Volume to Capacity Ratios (V/C) and Levels of Service (LOS)

No.	Intersection	Peak Hour	Year 2002 Existing		Year 2005 w/o Project		Year 2005 w/ Project		Project Impact
			V/C	LOS	V/C	LOS	V/C	LOS	Δ V/C
1.	Pacific Coast Hwy. & Sunset Bl.	AM	1.178	F	1.234	F	1.236	F	+0.002
		PM	0.849	D	0.904	E	0.906	E	+0.002
2.	Castellammare Dr. & Sunset Bl.	AM	0.225	A	0.245	A	0.249	A	+0.004
		PM	0.293	A	0.320	A	0.322	A	+0.002
3.	Los Liones Dr. & Sunset Bl. *	AM	0.299	A	0.336	A	0.345	A	+0.009
		PM	0.285	A	0.329	A	0.343	A	+0.014
4.	Los Liones Dr. & Tramonto Dr. *	AM	0.113	A	0.137	A	0.155	A	+0.018
		PM	0.107	A	0.128	A	0.149	A	+0.021

* Unsignalized intersection.

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**ATTACHMENT B
Palisades Landmark Residential Project**

Summary of Average Daily Traffic (ADT) Volume

No.	Study Segment	Year 2002 Existing	Year 2002 w/o Project	Year 2005 w/ Project	Net Project Traffic	Significance Threshold	Project Impact
		ADT	ADT	ADT	Daily		Δ ADT
1.	Tramonto Dr. south of Los Liones Dr.	1,930	2,050	2,398	348	+10.0%	+14.5%*
2.	Los Liones Dr. between Tramonto Dr. and Sunset Bl	2,150	2,710	3,058	348	+8.0%	+11.4%*

*Significant Impact

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Emily Gabel-Luddy

2

May 13, 2002

While the project will have significant impacts on the two streets studied based on the analysis that the net project daily trips exceed the significance threshold of local residential street impact, the project would not have a significant impact should the net project daily trips fall below or be limited to 224 trips which would translate to a 61-unit development. It should also be noted that Los Liones Drive between Sunset Boulevard and Tramonto Drive is partially developed with a fire station at the northwest corner and a plant nursery at the southwest corner of Los Liones Drive and Sunset Boulevard, while Los Liones Drive west of Tramonto Drive leads into Topanga State Park. Further, the distance between the project driveway and the intersection of Los Liones Drive and Tramonto Drive is approximately 310 feet and the entire frontage is undeveloped at the present time. Attachment A summarizes the volume-to-capacity(V/C) ratios and levels of service (LOS) at the study intersections. Attachment B summarizes the average daily traffic (ADT) volumes of the streets studied.

The nursery site is for sale is a condo site

In addition, our field investigation revealed the following existing condition:

1. Visibility for the inbound left-turn motorists from Tramonto Drive onto the project driveway appears to be inadequate due to the hairpin curve protruding from across the street.

Some small adjustment of the road is planned.

It is noted that the project applicant has not proposed any measures to mitigate the impacts. Unless the development is reduced to 61 units or overriding considerations are given, these two residential street impacts remain unmitigated.

If you have any questions, please feel free to call Vince Giron of my staff or me at (213) 485-1062.

ETT:vbg

CD:\projects and meetings\land\outgoing\WLA-05-05-TLw2.rpt

Attachments

- c: Kristen Montet, Eleventh Council District
- Roy Nakamura, Crain & Associates
- Jay Kim, DOT
- Vince Giron, DOT
- Mo Blorffroshan, DOT
- Robert Takasaki, DOT

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South Coast Region

ARNOLD SCHWARZENEGGER, Governor

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

MAR 17 2005



CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name Pacific Palisades Community Council

Mailing Address: P.O. Box 1131

City Pacific Palisades

Zip Code 90272

Phone: 310-573-1735

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Los Angeles

2. Brief description of development being appealed:

82 condo development - hillside site - location of 1965 landslide

3. Development's location (street address, assessor's parcel no., cross street, etc.):

17331-17333 Tramonto Drive
Pacific Palisades - Sunset Blvd./Pacific Coast Highway

A5-PPL-05-63
COASTAL COMMISSION

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

EXHIBIT # 11
PAGE 1 OF

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO:	<u>A5-PPL-05-063</u>
DATE FILED:	<u>3.17.05</u>
DISTRICT:	<u>South Coast</u>

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

CP Case No. ZA 2000-2697 CDP 1A
17331-17333 Tramonto Drive
Pacific Palisades
Council District 11

The Pacific Palisades Community Council (PPCC), the ears, eyes and voice of the Pacific Palisades Community, was founded in March of 1973 with several purposes in mind, including:

- to act as a forum to define our common priorities,
- to be a bridge between people of the Palisades and the governmental and private agencies with power to affect the future of the Palisades, and
- to promote unity among the groups it represents and help them accomplish specific projects of community-wide interest if the Council so desires.

The current board consists of eight elected Area Representatives, nine organizational representatives and four officers elected by the board. Nonvoting members include a legal counsel and the immediate past Chair. The nine organizational representatives and alternates are chosen from among 32 civic, cultural, youth, business, nonprofit and philanthropic groups in the community, some on a rotating basis. We meet on the 2nd and 4th Thursdays of most months at 7:00 PM in the Palisades Public Library Community Room at 861 Alma Real.

At its regularly scheduled meeting of March 10, 2005, at which representatives of permit applicant and interested/affected members of community were present, the Board of Directors of PPCC considered geological issues presented by geologist Jon Irvine, geologist of permit applicant. Mr. Irvine conceded the subject development site was an active landslide and presented significant geological and development challenges. Mr. Irvine indicated that a unique process had been approved by the City which did not require shoring plans or grading plans prior to issuance of the permit subject to independent review by interested third parties. The approval condition substituted a process step by step borings then review with participation provided only for permit applicant and City Dept. of Building and Safety. The lack of inclusion of a temporary shoring plan prior to project approval is a matter of great importance to our community. Due to the importance of temporary shoring to the community and neighboring properties, independent review of a revised shoring plan should be allowed after further geotechnical information is obtained from drilling and before excavation for the landslide removal is commenced. On motion passed by a vote of 12 ayes 0 nays and 3 abstentions, the Board authorized filing this appeal on the basis that significant issues, including dangerous unresolved geological conditions and an inadequate shoring/grading plan review process, so that the approved project does not conform to standards set forth in California Public Resources Code Section 30253 (1) (2).

A-5-PPL-05-63
Exhibit 11 p2

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South Coast Reg. 00

ARNOLD SCHWARZENEGGER, Governor

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 591-5084

MAR 16 2005

CALIFORNIA
COASTAL COMMISSION



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Pacific Palisades Residents Association

Mailing Address: P.O. Box 617

City: Pacific Palisades

Zip Code: 90272

Phone: 310.454.4254

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Los Angeles

2. Brief description of development being appealed:

82 condo development - hillside site -
location of 1965 landslide

3. Development's location (street address, assessor's parcel no., cross street, etc.):

17331 - 17333 Tramonto Drive
Pacific Palisades -

Sunset Blvd/Pacific Coast
Highway

4. Description of decision being appealed (check one.):

Approval; no special conditions

Approval with special conditions:

Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-5 PPL-05-063

DATE FILED:

3.16.05

DISTRICT:

South Coast

A-5 PPL
05-63
Exhibit 12

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

CP Case No. ZA 2000-2697 CDP 1A , v T T 5 2 9 2 8
17331-17333 Tramonto Drive
Pacific Palisades
Council District 11

PPRA, a community-wide voluntary environmental and planning group, supports the appeals of Castellammare Mesa Homeowners Association, Pacific Palisades Community Council, and nearby residents of this project. PPRA urges that the density be decreased, and that geological, traffic safety and environmental issues be addressed.

Geological concerns raised by E.D. Michaels in his report of 2003 have not been addressed. Adjacent properties will be at jeopardy during the construction period. Public Resources Code Section 30253.1 and 30253.2 of the California Coastal Act. Furthermore, no bond has been required to guarantee completion and compensation in case of damage to adjacent residents.

Density of this project is too great for the site. Views from the beach and Pacific Coast Highway will be negatively impacted. Public Resources Code Section 30251 of the California Coastal Act.

Additionally, the proposal presents traffic hazards during years of construction and afterwards due to the nature of the narrow, sharply curved and heavily used streets. The city's Department of Transportation, in its traffic assessment for this project, identified numerous impacts and concluded, "it is noted that the project applicant has not proposed any measure to mitigate the impacts. Unless the development is reduced to 61 units or over riding considerations are given, these two residential streets impacts remain unmitigated".

PPRA urges that this Commission address the above substantial issues.

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COASTAL COMMISSION

EXHIBIT # 12

PAGE 2 OF 2

GEOTECHNICAL CRITIQUE
PALISADES LANDMARK CONDOMINIUM PROJECT DRAFT EIR
ENV-2000-2696-EIR; SCH 2002051086; January 2003
(re Vesting Tentative Tract #52928)

E. D. Michael
March 31, 2003

1.0 INTRODUCTION

This subject of this critique is the Christopher H. Joseph & Associates, Inc. January, 2003 Draft Environmental Impact Report, hereinafter "DEIR," of the Palisades Landmark Condominium Project, hereinafter the "PLC Project," City of Los Angeles Tentative Tract #52928. It is specifically limited to a consideration of the geotechnical aspects of that project as it refers to modifications in the area of the Revello Drive landslide. That landslide, which was initiated in 1965, is one of a number that in aggregate cover about half of the slopes below Castellammare Mesa which is located in the western area of the Pacific Palisades, City of Los Angeles.

The DEIR has been prepared for the City of Los Angeles Planning Department which apparently is acting as the lead agency consistent with the basic requirements of the California Environmental Quality Act (CEQA). As is well established, CEQA invites public comments and generally provides for as much public participation as possible. Nevertheless, communications between the public and the lead agencies commonly are less efficient than they could be.

A case in point concerns receipt of the DEIR for this critique was on March 25, 2003 for delivery on April 2. Consequently, its scope is limited to a brief examination of the site, research on certain immediately available references, and the DEIR volumes themselves. No time is available for review of various references upon which, in part, the geotechnical reports for the projects are based. In general, the principal geotechnical investigator for the PLC Project, the J. Byer Group, Inc. (JBG) refers to numerous earlier geotechnical reports of the local area and presents some data from those reports. This critique accepts those data at face value. Nevertheless, they necessarily are taken out of context. The conclusions contained herein therefore are qualified to that extent.

1.1 REVIEWED DOCUMENTS

Geotechnical references in the DEIR relevant to this critique are contained the DEIR Appendix I and include the following:

[1] Irvine, Jon A., John W. Byer, and Robert I. Zweigler, 2000, Geologic and soils engineering exploration, proposed landslide repair, and multi unit condominium and town home buildings, Tentative Tract 52928, 17331-17333 Tramonto Drive, Pacific Palisades, California: The J. Byer Group, Inc. consultant rpt., Project Number 18457-I, August 16.

[2] Irvine, Jon A., and Robert I. Zweigler, 2000, Addendum geologic and soils engineering exploration report, proposed landslide repair, and multi-unit condominium and town home buildings, Tentative Tract 52928, 17331-17333 Tramonto Drive, Pacific Palisades, California: The J. Byer Group, Inc. consultant rpt., JB 18457-I to Palisades Landmark LLC, November 29.

[3] Irvine, Jon A., and Robert I. Zweigler, 2001, Addendum geologic and soils engineering exploration report #2, proposed landslide repair, and multi-unit condominium and

Exhibit 12

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2.0 PLC PROJECT DESCRIPTION

The PLC Project involves the removal of two condominium structures of the original Ocean Woods Estate development and the construction of four new ones according to three of development alternatives of 50, 61, and 102 units. Each of these alternatives includes development in the western part of the property where two of the structures would be located in an area that presently is affected by the active Revello Drive landslide. The primary focus of this critique is the issue of the feasibility of the repair of that landslide.

2.1 PLC PROJECT DEVELOPMENT AND THE CEQA PROCESS

The fundamental purpose of the CEQA process is to predict the kind and extent of environmental impacts of a particular development other than single-family residences and certain other categorically exempt projects. Since such impacts can vary, alternatives to the development of a particular property commonly are considered. Intrinsic to such consideration is a sort of balancing between the levels of impact, the costs to achieve it, and the developed value of the property. In the case of the PLC Project, this is especially a problem because it involves remediation of the Revello Drive landslide.

2.1.1 Conceptual Character of the EIR Process

It is important to understand that the EIR process considers developments only conceptually. Although there may well be actual grading plans the developer is considering, such plans are not normally included in the DEIR, nor, generally, are detailed grading plans necessary for purposes of environmental review. This is because in the most cases, whatever grading is required has been considered by the developer at least in broad terms and found to be economically feasible. However, problems during actual construction arise that cannot be foreseen at the conceptual stage. The seriousness of such problems varies directly with the magnitude of the development and the extent to which some remedial work is required.

The DEIR describes a development plan presumably devised by the PLC Project geotechnical consultant, JBG. This plan describes in general terms, the extensive remedial work necessary to eliminate the risk presented by the Revello Drive landslide. Fundamentally, it postulates: [i] three lines of soldier piles along tract boundaries adjacent to the landslide mass; [ii] removal of landslide debris within those lines of soldier piles; [iii] grading the surface exposed below the debris to receive fill compacted so as to be suitable, generally, to bear foundation loads of normal wall footings; [iv] importation of the fill and its compaction.

Less clear is the relationship of this remedial work to the G.H. Palmer (GHP) Project immediately south of the westernmost 240 feet of the PLC Project. The GHP Project has received approval for a 21-unit condominium complex, at 17325 Castellammare Drive (DEIR, p. 10). The area of the GHP Project is entirely underlain by debris of the

Revello Drive landslide at its toe. Consequently, massive excavation will be necessary not only to eliminate the slide debris but also to remove much underlying bedrock in order to provide automobile parking space. Specific plans or other indications of how the PLC and GHP projects are to interact during construction are not addressed in the DEIR or its appendices.

2.1.2 50-Unit Alternative

Consistent with CEQA requirements, the DEIR considers several alternatives for development. Among these, a "... 50-Unit Planned Unit Development (PUD) Alternative, (Alternative C)..." has been selected as "... environmentally superior ..." (DEIR, p. 292).

2.1.2.1 Hauling in Support of Proposed Grading

Grading for Alternative C would require 30,000 cubic yards (cy) of cut, 5,000 cy of fill, the export of 100,000 cy, and the import of 75,000 cy of fill for landslide repair... (DEIR, p. 280). These data presumably mean first that 100,000 cy would be excavated including, 30,000 cy for structural cuts to make room for various buildings and 70,000 cy to remove landslide debris, and exported to some staging area. Second, 75,000 cy of this excavated material, probably having been reworked at some staging area, would be imported, 5,000 cy of which would be used for local structural fill(s) and 70,000 cy to replace the volume of the excavated landslide debris. This would leave a balance of 25,000 cy off site.

It is asserted that the grading would require exportation of 3,500 cy per day and importation of 2,500 cy per day. Furthermore, the hauling would occur during the 7-hour period from 9AM to 5PM on weekdays and would require transport probably along Pacific Coast Highway and the Santa Monica Freeway to one or more of several landfills. Finally, the hauling is to be done with 10-wheel dump trucks (DEIR, p. 219) capable of carrying 14 cubic yards (DEIR, p. 219, footnote 15).

2.1.2.2 General Plan of Stabilization - Revello Landslide Area

Reference [1, pp. 18 - 19] indicates that stabilization of Revello Drive landslide debris within the area of the PLC Project requires the installation of at least the northern (up-slope) line of soldier piles and the western line as well prior to excavation of the landslide debris. It appears that the southern line would be of less concern because of a deep depression there due to secondary landsliding within the main mass largely or entirely within the GHP property. Eventually, the lower line of piles would be required "... to support the future compacted fill along the downslope property line." However, that lower line is the northern boundary of the GHP development that will have retaining walls "... which will be the full height of the slide" [*ibid.*].

The fill that is to replace the landslide debris is to be installed within the upper and lower lines of soldier piles at some depth below the existing slide surface. Figure 1 indicates relationships of the PLC Project to the Revello Drive landslide. The area of the debris mass within the PLC boundaries is roughly 40,000 square feet (sf) based upon the small-scale geologic map included in the DEIR documents (DEIR, Fig. IV.D-1; DEIR App I, [1]). The side contacts of the debris mass have been found by subsurface exploration to be nearly vertical [2, p. 2, Item 3]. Since the postulated volume of debris is 70,000 cubic yards (cy), i.e., 1,890,000 cubic feet, the average depth of the slide debris must be about 47 feet. However, "... removal depths could be up to 60 feet..." [1, p. 20].

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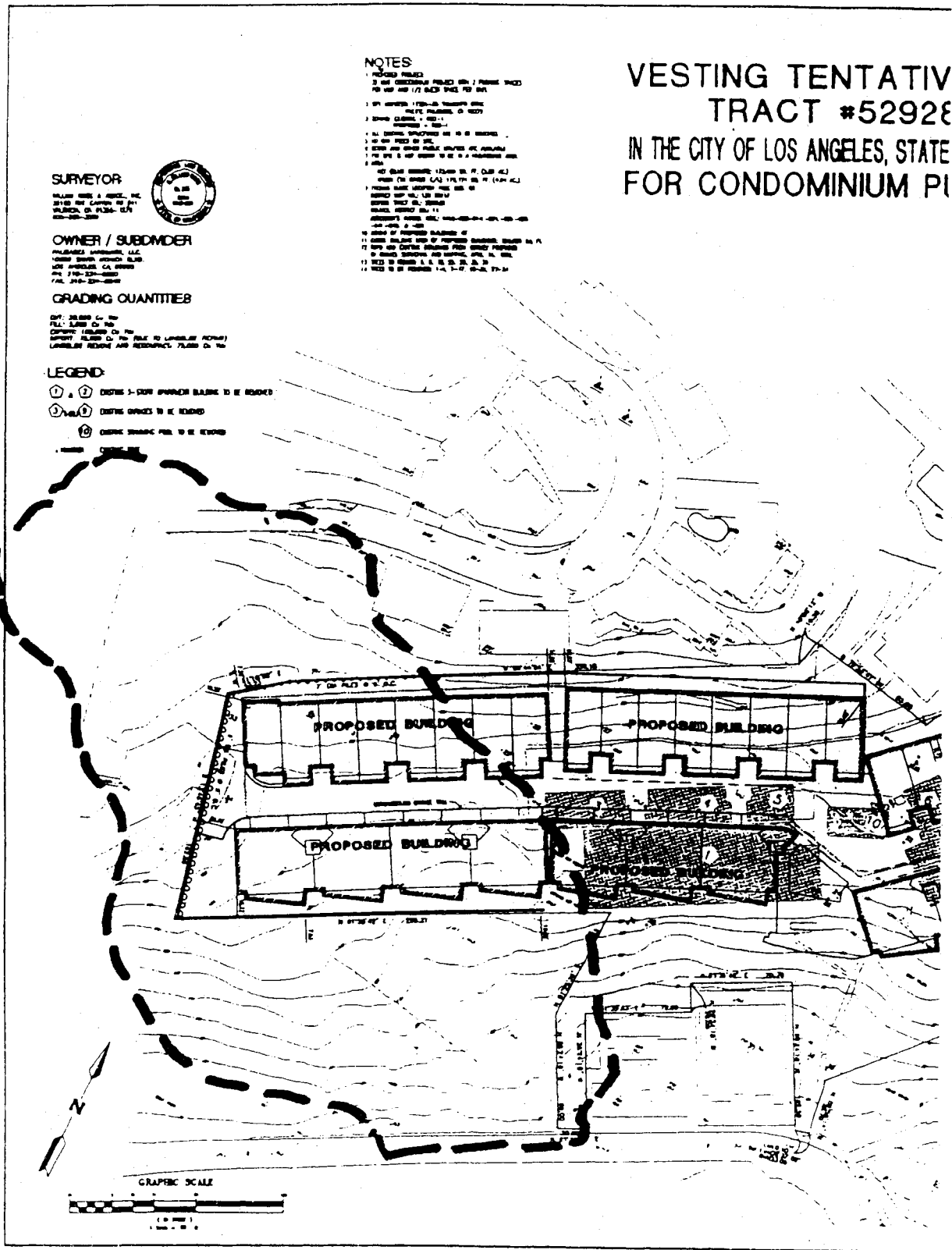


Figure 1. Revello Drive Landslide in Relation to the PLC Project.
 The dashed line is the contact of the Revello Drive landslide from DEIR Figure IV.D-1. It is superimposed over DEIR Figure III-1. The slide movement is to the southeast

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Subsurface drainage is to be controlled through the use of "chimney" drains, and at least three continuous drains located beneath replacement fill transverse to the slope. The lateral rains are to be constructed of ¾-inch crushed gravel along the pilings where they penetrate bedrock at the base of the landslide. The chimney drains are to be masses of ¾-inch crushed gravel in the spaces between the piles [3, attached untitled diagram].

2.1.2.3 Surface Drainage

Drainage from Alternative C will be directed partly to Tramonto Dive and partly to Castellammare Drive. Peak flows generated from runoff are estimated through use of a computer program (DEIR, App. F). Based upon this program, it is asserted that runoffs from the completed project will be only slightly different from those that existed prior to development of the Revello Drive landslide. In particular, peak flows to Castellammare Drive would be 13.0 cubic feet per second (cfs) from the completed Alternative C development compared to 13.4 cfs prior to landsliding (DEIR, p. 161, Figs. IV.E-1; IV-E.2). As part of the plan for controlling peak flow, a catch basin is to be located on Castellammare Drive.

3.0 GEOLOGICAL CONTEXT

The geologic characteristics of the Pacific Palisades generally, and in particular that of the area of the PLC Project, while not directly related to the manner in which it will modify the local area, nevertheless, has some relevance when considering overall environmental impact. In a word, parts of Pacific Palisades, including that of the PLC Project, are especially prone to landsliding.

Hoots (1934) was the first to map the geology of the Pacific Palisades area in significant detail as part of his study of the eastern Santa Monica Mountains. He recognized the major geological formations of the area, much of its geomorphic character, and many of the faults. However, the primary purpose of his work was an evaluation of economic potential with special emphasis on the occurrence of structures that might be petroleum reservoirs. He was either unaware of landslides, or did not consider them relevant. He mapped as bedrock many areas in Pacific Palisades now known to be underlain by landslide debris.

The surge in property development beginning in the latter half of the 1940s had two important geological aspects in terms of landsliding. First, building was undertaken in hillside areas without proper consideration for potential or existing problems of slope instability, and this began to result in major property losses. Second, increased residential development produced a net increase in ground water that has initiated landslides in some instances and reactivated masses of pre-historic landslide debris in others.

Such conditions soon became especially apparent in the seaward-facing slopes and adjacent canyons of the Pacific Palisades. Partly as a result of this and also a question of improvements along the Roosevelt Highway, now Pacific Coast Highway, public concern led to the first comprehensive study of landsliding in the Palisades as well as elsewhere along the shores of Santa Monica Bay by Rutledge and Gould (1959). They recognized many landslides previously unknown, but they did not consider the slope now underlain by the Revello Drive landslide as one, even though the topography then suggested it (*op. cit.*, Pl. L-10).

John T. McGill of the U.S. Geological Survey began his work on landslides in the Pacific Palisades about the same time as Rutledge and Gould began theirs. He produced a number of maps beginning with his 1959 preliminary map of landslides. That was supplemented with two others of increasing detail and culminated in a final map (McGill, 1989) which is unquestionably the best source of data for the Pacific Palisades to date not only for landslides, but geologic interpretation in general.

McGill's work, which carefully distinguishes pre-historic and historic landslides, leaves no doubt that current landsliding in the Pacific Palisades is generally a result of ground water recharge due to the direct infiltration of: [i] rain, [ii] residential irrigation, and [iii] local artificially concentrated surface runoff. Knowledge not only of how ground water occurs, *i.e.*, where it is located and how it gets there, is necessary for slope stability analysis, because its presence can have a significant effect on the static forces operating in a slope. Through the principle of effective stress, ground water reduces the weight of earth materials at particular elevations in the slope and consequently the forces they otherwise would exert at such locations. Furthermore, as a result of ground-water movement, a seepage force is created that also can affect stability. There are no studies of ground water in the Pacific Palisades that could be used as one basis for predicting slope stability.

4.0 SUMMARY GEOTECHNICAL ANALYSIS - PROPOSED PLC PROJECT

The following analysis of the of the reviewed DEIR documents summarizes the more important geotechnical aspects of the PLC Project. Generally, in such an analysis of DEIR documents, it is very important to distinguish project geotechnical feasibility from related environmental impacts. In all instances, the issue is whether the technical problems are of such a character that actual development would result in impacts significantly different from those the documents describe. Feasibility, or lack thereof, are technical matters either of which may have an important impact. However, the significance of the impact is an administrative matter.

4.1 SLOPE STABILITY

Slope stability analysis as routinely presented in geotechnical engineering reports is essentially a study in statics, *i.e.*, the branch of mechanics that deals with bodies at rest and hence in equilibrium, meaning that the sum of the forces is zero. Generally, such an analysis does not go beyond two dimensions. Rather, it is directed to one or more "critical" surfaces of failure shown in cross-section as a sort of worst-case scenario. The goal is the calculation of the ratio of forces tending to resist gravitational movement to forces tending to cause gravitational movement. That ratio is called the "safety factor." Even in the case of the seismic force, which is dynamic, the time-honored pseudo-static model for analyzing slope stability substitutes a static force for the seismic effect.

A technique for considering the dynamic effects of seismic activity on slopes called "Newmark displacement analysis" now is being considered by public agencies as a building code requirement. If Newmark analysis is adopted before building permits are issued for the PLC Project, an entirely different approach to the analysis of pile-supported slopes may be necessary.

Estimates of safety factors by JBG are based the REAME program [1, Calc. Sheets 1 - 37]. Forces exerted on pilings that consequently affect safety factors have been calcu-

lated using something called the Mononobe-Okabe method [1, Calc. Sheets 38, 39, 41, 42]. Since these sheets are not accompanied by at least free-body force diagrams upon which such programs must be based, the validity of their use cannot be determined. Although it is reasonable to assume that the programs produce correct results, there is no basis for an assumption that JBG has applied variables that correctly reflect field conditions. In computer parlance, this is referred to as the GIGO principle: garbage in - garbage out.

4.1.1 Surficial Stability

A similar concern to be evaluated in geotechnical documents submitted in support of the application for the building permit in the City of Los Angeles is that of "surficial stability," *i.e.*, the stability of surficial materials in slopes. It is standard practice to analyze this problem in terms of "infinite slope analysis" an example of which is given in Appendix I of the DEIR [1, Calc. Sheet 40]. The primary objection to such an analysis is the common use of a cohesion that is too high. In the case at hand, a value of 400 pounds per square (psf) for surficial materials at a depth of 3 feet is utilized, although no evidence is presented justifying such a high value. Possibly, JBG has assumed that the results of shear tests of "slide plane" material or "future compacted fill" [1, Calc. Sheets 4 and 5] are representative of the cohesive strength of the natural local surficial materials. Nevertheless, no basis for this is presented. In fact, the standard "shear-box" test commonly used in soils engineering laboratories is incapable of producing accurate results at normal loads less than about 1000 psf. Therefore, the linearity of the shear stress - normal stress envelope below that level of stress is merely assumed.

Authorities recognize that cohesion should be much lower than the intercept value derived from the standard shear-box test. As a matter of fact, Campbell (1975, p.19, footnote) indicates that cohesion in such analyses should be zero. Geotechnical engineers commonly understand that unless a high cohesion is utilized in infinite slope analysis, a safety factor significantly less than 1.5 almost invariably is the result. This is about as politically incorrect as the geotechnical engineer can get when dealing with public agencies. Beyond this, as recently discussed by Michael (2002), the standard laboratory shear test in which friction angle and cohesion are determined by the addition of load does not reflect field conditions where failure results from the reduction of load through the principle of effective stress. This implies different and lower real values for friction angle and cohesion.

4.1.2 Soldier Pile Mechanism

The steps to be taken in developing the part of the PLC Project affected by the Revello Drive landslide include: [i] drilling the borings and installing cast-in-place piles; [ii] excavating debris in the PLC property temporarily leaving the piles free-standing; [iii] installation of chimney drains between piles as compacted replacement fill is added.

4.1.2.1 Bridging

Soldier piles work by the bridging effect that occurs, hopefully, when the retained material begins to be forced between them. Fundamentally, bridging causes the material to become denser, thus increasing its frictional strength. Whether bridging will occur between the proposed pilings that are to support landslide debris depends upon the mechanical characteristics of the materials as well as the pile spacing which in this case is

10 feet on centers [1, p. 18], and initially "... assumed (to be) fixed at 10 feet into bedrock below the slide debris..." [op. cit., p. 30].

4.1.2.2 Stress on Free-standing Pile

The design loads that the landslide debris will exert on pilings 1 - 30 prior to installation of the replacement fill will range from 145 to 175 kips (1 kip = 1,000 pounds) [1, p. 20; 2, p. 7]. An embedment depth of "... 20 feet into bedrock below the 1½: 1 setback plane..." [3, Item 1, Item 11, p. 2] apparently is meant to apply to pilings 31-40 which will support bedrock [2, Item 11, p. 7]. However, based upon Cross-sections A-A, B-B, and C-C [2], all of which pass through the landslide debris, it appears that pilings 1 - 30 will be about 60 feet deep and extend a revised 20 feet into bedrock as well. A fair model of the geometry these data appear to represent is shown in Figure 2.

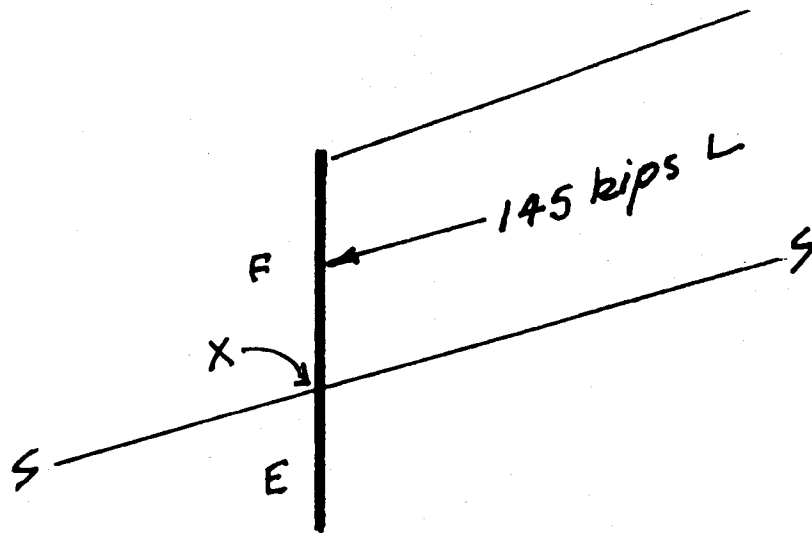


Figure 2. Pile-supported Slope Cross-section after Excavation of Slide Debris. Dimension F is in the range of 40 - 60 feet. Dimension E is 20 feet. S-S represents the slide surface and X the point of fixity. The load, L, 145 kips, is due to the debris when there is saturation. It is exerted through the centroid of the pile column above S-S rather than at an elevation 1/3 of the column height above the slide surface, because the force is evenly distributed along the pile length and is not a function of increased pressure with depth as in the case for active or passive pressure calculations.

4.2.3 Hydrogeologic Aspect

It has been the practice for many years in the field of geotechnical engineering to routinely record the occurrence of ground water in exploratory borings and to assume from such observations the manner in which ground water will occur in the future. In certain cases, such an assumption may be valid, but in most it is not. It is a matter of common knowledge that the occurrence of ground water is in part a function of rainfall and in hill-side areas of southern California at least, especially important. Nevertheless, the exigencies of property development are generally such that a protracted study of ground-water occurrence is seldom undertaken, and that is true in the case of the PLC Project.

A proper analysis of the slope in which the PLC Project is to be located would be based upon a record of ground-water levels over a period of years sufficient to determine, through the construction of ground-water contour maps how ground water actually occurs with respect to time. It was the lack of such knowledge that resulted in the extensive damage from the Revello Drive landslide. Scattered observations of seepage in borings in the local area over many years is certainly not adequate for use in slope stability analysis there.

City officials, in recognizing this problem, first requested clarification regarding "... highest acceptable ground water levels..." and how such levels were to be verified. In response, JBG stated that grading should not commence until the summer when "... it can be demonstrated that ground water is not present above the lower slide plane..." and that the "... water level can be demonstrated by logging the shoring pile excavations..." [2, Item 5, p. 4; 6, Item 1, p. 2]. Thereafter, in recognizing that it "... may not be possible to de-water the off-site properties..." JBG indicated that calculation of the safety factor would produce a value greater than the required standard of 1.5 even if ground water rose to the top of the pilings [3, Item 6, p. 4]. Apparently, this assumes a resisting force due to the presence of the replacement fill.

4.3 HYDROLOGY

The hydrologic analysis presented in the DEIR is based upon a computer program which apparently solves some form of the rational method for calculating peak flows. Presumably, this is the Los Angeles County Flood Control District (LACFCD) capital storm hydrology method set out by Bruington (1971). It appears that the LACFCD's "K" rainfall zone and its related rainfall intensities for various storm frequencies have been accepted as controlling (DEIR, App. F). If that is the case, the LACFCD runoff coefficient curves probably have been used. As in the case of slope stability analysis, a computer program has been utilized, but the underlying rationale is not presented.

5.0 CONCLUSIONS

The geotechnical environmental impacts of the PLC Project during its development are to a great extent temporary, but very significant. The impact of hauling has been greatly underestimated, and in terms of safety it is inadvisable to attempt slope stabilization as currently planned until additional data are developed.

5.1 HAULING IMPACT

The estimated hauling period of 120 days (DEIR, p. 219) is far too low. The assumption that there is available a 10-wheel truck with a 14-cy capacity (*ibid*, footnote 15) is incorrect according to earth-moving contractors with whom I have consulted. They unequivocally assert that there is no such thing as 10-wheel truck with a 14 cy capacity. Furthermore, it appears that in estimating the hauling period for the PLC Project no consideration is given to "break-out" which is the increase in volume that occurs when relatively dense earth materials are excavated.

Hauling contractors commonly employ a break-out factor of 1.2 - 1.3 for bedrock materials. For landslide debris, a fairer break-out factor would be perhaps 1.15. Assuming a factor of 1.25 for the 30,000 cy of cut material, that export volume would be 37,500 cy. Similarly, allowing for a factor of 1.15 for the 70,000 cy of landslide debris, that export volume would be 80,500 cy. Consequently, the total export volume would

be 118,000 cy. Import of 5,000 cy for structural fills, and 70,000 cy for debris-replacement fill would not require a break-out factor because those materials would be reworked loose material. Therefore, the total volume of export and import would be 193,500 cy. Furthermore, the project is such that the export and import operations could not be done simultaneously.

It is inconceivable that the massive self-loading scraper could be used to move earth materials for the PLC Project because of the residential character of the local area. All hauling will require the use of 10-wheel trucks that have a capacity of about 7.5 cy. This means that 25,800 trips would be required, a "trip," being the travel required to move from the staging area to the site and return. The different rates at which materials would be imported and exported are difficult to estimate because of the number of trucks the contractor could employ, the haul distance, and the loading and unloading operations which require different times for export loading and import dumping. However, assuming a favorable staging area for storage and blending on Los Liones Drive in the vacant area behind Fire Station 23, an average trip probably would be in the range of 10 to 15 minutes, for an efficient operator. If hauling had to be along thoroughfares such as Pacific Coast Highway or a freeway, additional time would be required to cover the load to prevent dust loss during transit.

Assuming then an average trip time of 12.5 minutes, the total haul time required would be 322,500 minutes, or 5,375 hours. Finally, assuming a 35-hour work-week for hauling, and a 50-week work-year, hauling for the PLC Project would require 3.07 years. Considering unforeseen conditions due to such conditions as breakdown or adverse weather, it is reasonable to expect considerably more than 3 years to accomplish the hauling. Even an overly optimistic 5-minute trip time would require 1.23 years.

5.2 SLOPE REMEDIATION IMPACT

Slope stability analyses presented in support of the DEIR are unsatisfactory for two reasons. First, it is virtually certain that the line of soldier piles, and particularly the northern line, will fail when the existing adjacent landslide debris is removed. This is because the depth of embedment in bedrock below the slide mass of 20 feet is too shallow. Second, the use of a design fill cohesive strength of 400 psf does not appear to be justified. Third, the effective stress that may act on the retained landslide debris has not been properly evaluated.

5.2.1 Questionable Pile Resisting Force

A serious question to be examined is whether the free-standing piles along the northern PLC Project boundary will stand during the period when the landslide debris has been removed and replacement fill not yet installed. The over-turning moment represented by Figure 1 needs to be considered. The initial question in this regard seems to be whether resistance offered to the buried 20-foot pile section due to the strength of the bedrock is greater than over-turning moment due to the 145- kip per foot of landslide debris force acting at the centroid of the exposed pile section.

The period during which JBG assumes the free-standing condition would exist is unreasonably short. It is proposed that excavation should "... not commence until the summer and it can be demonstrated that ground water is not present ..." [2, p. 4]. However, it is well established that highest ground water levels lag as much as several months

after recharging rains and may be as late as August. More to the point, however, if the grading is to take as much as three years, it is virtually certain that temporary slopes within the grading area, and particularly the temporary free-standing pile-supported slopes, will have to exist during through at least two and perhaps three storm seasons. Moreover, the JBG stability analyses fail to take into account seepage force which may add significantly to the 145-kip static load that is utilized, and no data on the bridging capability of the landslide debris.

5.2.2 Questionable Value for Cohesion

It appears that a certain amount of guesswork has been employed to arrive at a design cohesion of 400 pounds per square foot (psf) for the proposed compacted fill that will replace the landslide debris as shown along sections A, B, and C [1, Cal. Sheets 18 - 25]. Such a value is necessarily a matter of judgment for which the geotechnical engineer rather than the engineering geologist, but some evidence to support such judgment should be presented. Generally, the strength of the compacted fill will be dependent upon the manner in which it is blended and the resulting equivalent soil group. The question is: can the excavated landslide debris be blended to a texture which, when properly compacted will have a cohesive strength of 400 psf? None of the reviewed documents addresses this issue.

Presumably, the 400-psf value is based upon Shear Test Diagram #5 [1, App. I]. However, the assumption that a single test from a bulk sample of slide debris can be representative of that 70,000 cy strains the imagination. On the other hand, the few data presented in the logs of borings [*ibid.*] indicate that the granular materials locally derived as landslide debris or reworked colluvium or fill are of the Unified Soil Classification soil group ML, i.e., "inorganic silts and very fine sands, rock flour, silty or clayey fine sands with slight plasticity" (Lambe and Whitman, 1979, p. 35). According to Hunt (1986, p. 212, Table 5.3) typical cohesion for compacted materials of this type range between 190 and 460 psf when saturated. As previously noted, the linearity of the typical shear test envelope as routinely conducted in soils engineering laboratories [1, App. 1, Shear Test Diagram #5] is highly questionable at lower normal loads.

Based upon the geological data available, it seems fair to say that insufficient work has been done to support engineering judgment that the debris of the Revello Drive landslide is suitable in terms of compacted strength to estimate slope stability as calculated [1, Calculation Sheets 18 - 25].

5.2.3 Questionable Effective Stress Analysis

The principle of effective stress is fundamental in the practice of geotechnical engineering. Briefly, effective stress is the reduced stress subsurface earth materials exert in the presence of water. This reduction is due to the fact the water causes the materials to "weigh" less. Essentially two mechanisms are involved. In one, which is considered in the stability analysis performed for the PLC Project thus far, the loss in weight is due to buoyancy. In the other, the weight is effectively reduced when hydrostatic pressure works against an impermeable surface such as the base of a mass of landslide debris. In this case, the mechanism is much like that of a hydraulic jack so that a force is applied which reduces the weight of the debris and hence the coefficient of friction.

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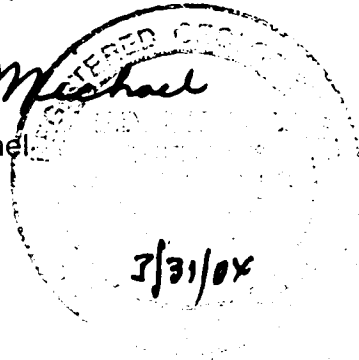
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The JBG analyses fail to take into account the possibility that, as a result of periodically especially high recharge in Castellammare Mesa, a high piezometric head acting at the base of the retained mass of Revello Drive debris could cause a pressure much greater than that due to pore pressure from simple saturation of the debris mass above the slide surface. In fact, it is well established that with sufficiently high head developed in this manner, frictional resistance can be entirely eliminated.

5.3 FLOODING

Regardless of the validity of the manner in which the software program used to model runoff in the PLC Project [DEIR, App. F], the data are based strictly upon the assumption of vertical rainfall. However, it is well established that local rains commonly are wind-driven and fall at some angle less than vertical. In such cases, the presence of building walls and other impermeable vertical surfaces has the effect of increasing the effective catchment area. The PLC Project has a number of such vertical surfaces, and the peak flows to be expected along Castellammare Drive under especially intense wind-drive rains will be greater than those currently calculated.

There are no data from which the direction or angle of rain approach can be estimated. In cases where it appears vertical surfaces may be a factor in rain catchment, it is appropriate to apply some factor to increase the calculated peak flows.

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South Coast Region



MAR 17 2005

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

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

CASTELLAMMARE MESA HOME OWNERS
PO BOX 742 PACIFIC PALISADES CALIFORNIA
90272 (310) 459-5310
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: LOS ANGELES CITY PLANNING COMMISSION

2. Brief description of development being appealed: LANDMARK PROJECT 17331 - 17333 TRAMONTO DRIVE
PACIFIC PALISADES CA 90272
CASE NO 2A 2000-2697 - CDP - 1A
CEQA ENV - 2000-2696 - EIR

3. Development's location (street address, assessor's parcel no., cross street, etc.): 17331-17333 TRAMONTO DRIVE, PACIFIC PALISADES CA 90272

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- (b) Approval with special conditions: _____
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: AS PPL 05 063

DATE FILED: 3.17.05

DISTRICT: Long Beach

H5: 4/88

COASTAL COMMISSION
AS PPL 05 63
EXHIBIT # 13
PAGE 1 OF _____

CASE NO: ZA-2000-2697 CDP-1A

Attachment to subject California Coastal Commission Appeal- REASONS SUPPORTING THIS APPEAL.

The Castellammare Mesa Home Owners (CMHO) Board of Directors is appealing the Findings of the City of Los Angeles Planning Commission and its approval of a Coastal Commission Permit dated January 18,2005 relating to the proposed Landmark Project at 17331-17333 Tramonto Drive, Pacific Palisades, on behalf of 200+ Tract 8923 homeowners.

The CMHO Board 's appeal relates to TWO issues which affect the great majority of the Tract 8923 homeowners ie PROJECT DENSITY and TRAFFIC.

Individual homeowners or groups of homeowners on Revello Drive more directly affected by the Planning Commission's decision will submit an appeal addressing unmitigated impacts such as noise, visual effects and geology.

The Board ,however, is concerned about recent incidences of earth movement on the Mesa in very close proximity to the proposed Landmark Project to be built on a known slide area. These occurrences suggest the need to impose a moratorium on the development of the site until the geology of that and other locations on the Mesa(which may or may not be related) are fully re-evaluated .

DENSITY

Under paragraph 6.8,STATEMENT OF OVERRIDING CONSIDERATIONS on P-20 are listed FOUR Project Benefits. It is acknowledged in the FACTS IN SUPPORT OF FINDING outlined on P-19 that the "unavoidable adverse environmental effects" are the SAME AS OR LESS in the case of Alternative B (61 units) and Alternative C (50 units) as they relate to PROJECT BENEFITS 2, 3 and 4.However, the "Facts in Support of Finding" do NOT explain "the full benefits of the Proposed Project" alluded to in the justification for discounting consideration of Alternatives B and C.

By process of elimination the" FULL BENEFITS "of the Proposed Project can only refer to Project Benefit 1 ie " the proposed project will bring 82 new for-sale housing units to a PART OF THE CITY in need of new housing supply" WITHOUT IDENTIFYING the part of the City or QUANTIFYING how much the supply would be enhanced. Are we really expected to accept or believe the justification that an 82 unit Project is MATERIALLY superior to a

**AS IPL 05 63
Exhibit 14 p 2**

Project Alternative of either 61 units or even 50 units without this information? In other words, how material is an incremental 21 or 32 units to the supply of housing in the unidentified "part of the City"?

NOWHERE in the Findings is there any economic justification for a Project as large as 82 units and the APPLICANT has NOT produced any evidence or indeed argued that the Project would not be economically viable for a lesser number of units. In point of fact current lower borrowing costs (because of lower interest rates) and SIGNIFICANTLY increased property values in the area since the economic feasibility study for the Landmark Project was initially prepared by the Applicant at the Project's inception have very significantly increased the profitability of the Project.

It is our contention that the positive impact of these two factors would more than offset a reduction in the Applicant's profit from a lesser number of units.

Indeed, the negative impacts of the project (building density and related aesthetics, traffic increase and the time to complete the Project) would all be REDUCED if the Project was reduced to 61 units, or to 50 units as we on record as supporting and continue to RECOMMEND.

TRAFFIC

The MAJOR post- Project completion negative impact on homeowners using Tramonto Drive is the additional traffic accessing Sunset Boulevard via Los Liones Drive. This SIGNIFICANT IMPACT is acknowledged on P-17 under "C .Traffic Impacts -Residential Streets ".The reference in the second last paragraph on the page ,however ,to the stretch of Tramonto Drive between the Project driveway and Los Liones Drive as being "used entirely by Project traffic" is totally erroneous . Project traffic will be INCREMENTAL to CONTINUED use of this stretch of Tramonto by the majority of the 200+ homeowners on the Mesa accessing Sunset Boulevard via Los Liones Drive.

We also take issue with the dismissal of the proposed development project at 321 Los Liones (P-17) as irrelevant. While the property is currently zoned as commercial , recent discussions with the owner and developer indicate his intention to develop a 58 UNIT multi-family residential project, which ,if approved ,would approximately DOUBLE the Landmark- created increase in traffic flow along Los Liones to Sunset Boulevard.

Furthermore, while as yet unexercised, there is an outstanding option granted to the New West Charter Middle School (NWCMS) to lease the

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Exh. 6 F 14
P 3

present site of the former Santa Inez Inn on the east side of Sunset Boulevard opposite Los Liones Drive. The NWCMS project a student population of 300 involving 120 car pool vehicles arriving at the location on Sunset from BOTH the north AND the south between approximately 7.30am and 8.00am in the morning and departing from 3.30 pm onwards in the afternoon five days a week .

These two potential developments would significantly exacerbate the acknowledged negative traffic impact of an 82 unit Project on the level of traffic activity at the junction of Los Liones Drive and Sunset Boulevard.

Exh. b. t 14
p 4

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CALIFORNIA COASTAL COMMISSION

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**APPEAL FROM COASTAL PERMIT
 DECISION OF LOCAL GOVERNMENT
 (Commission Form D)**

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MAR 16 2005

CALIFORNIA
 COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

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

Please see attached "APPELLANT INFORMATION"

Zip _____ Area Code _____ Phone No. _____

SECTION II. Decision Being Appealed

1. Name of (local) port government: Los Angeles City Planning Department

2. Brief description of development being appealed: R2 unit, multi-building, multi story condominium development

3. Development's location (street address, assessor's parcel no., cross street, etc.): 17331 & 17333 Tramonto Drive in the Brentwood-Pacific Palmdale Planning and Coastal Zone dual permit area

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: ZA 2000-2607 (CDB) Vesting Tent. Tract Map 52928

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A5-PPL-05-063

DATE FILED: 3.16.05

DISTRICT: Long Beach

MS: 4/88

COASTAL COMMISSION
AC, PPL 05-63
 EXHIBIT # 15
 PAGE 1 OF

APPELLANT INFORMATION:

Name: Ms. Beagles
Mailing address: 17446 Revello Drive, Pacific Palisades, Ca. 90272

Name: Mr. Congdon
Mailing Address: 17452 Revello Drive, Pacific Palisades, Ca. 90272

Name: Ms. Heidt
Mailing Address: 17433 Revello Drive, Pacific Palisades, Ca. 90272

Name: Mr. and Mrs. Hirschman
Mailing Address: 17461 Revello Drive, Pacific Palisades, Ca. 90272

Name: Mr. and Mrs. Knotz
Mailing Address: 17455 Revello Drive, Pacific Palisades, Ca. 90272

Name: Mr. And Mrs. Mirkin
Mailing Address: 17480 Revello Drive, Pacific Palisades, Ca. 90272

Name: Dr. Todd Sadow
Mailing Address: 11611 San Vicente Blvd. Suite 600, Los Angeles, Ca. 90049

COASTAL COMMISSION
ASML0563
EXHIBIT # 15
PAGE 2 OF

This problem is correctable and must be corrected before approval of this project. Engineering Geologist Russell Harter has presented his review, analysis and opinions in this regard both in his correspondence of April 4, 2004 (copy attached) and in person at the public hearing in March 2004. He stated unequivocally that "More information about the current depth and movement of the landslide is needed so that the shoring design will actually work." It is error to ignore this.

It should further be noted that Dr. Awtar Singh, a licensed structural engineer and geotechnical engineer stated at the public hearing on November 4th that it is "very dangerous" to embark on a program of shoring design based upon information gathered and analyzed during construction rather than before, and that because of certain assumptions made by the developer's consultants in their computations to date it is likely that far in excess of the 1 inch of movement often considered acceptable on neighboring supported properties will occur. Additionally, geotechnical consultant E.D. Michaels, speaking for the Pacific Palisades Residents Association, has expressed opinions consistent with those of Mr. Harter and Dr. Singh. All go without response or related protective conditions in the CDP approval.

The shoring design as proposed for use during the temporary excavation phase of the construction will not reduce the risk to neighboring properties to an insignificant level.

Mr. Harter, Dr. Singh and Mr. Michaels all have clearly opined that the shoring concept proposed here will involve as part of its very design some flexure of the piles and thus some movement of the ground which they are supposed to hold in place, and in amounts likely to be dangerous. This means that movement of land on adjacent properties and associated damage is anticipated. The developer and his consultant did not refute this at the hearings nor have they in any report or submittal. To approve a project that envisions causing damage to adjacent properties is obviously an abuse of discretion and not an effort to require proper mitigation measures to reduce the risks to an insignificant level.

The City's own Building Codes in Chapter 33, and the California Civil Code in Section 832, both codify the entitlement of each coterminous landowner to the lateral and subjacent support which his land receives from the adjoining land and specify that lateral support shall not be removed by excavation on adjacent property. City Building Code Section 3301.2.3.1 specifically states that excavations shall not remove lateral support and defines such removal of support as occurring whenever the excavation exposes any adverse geologic formation which would affect the lateral support. That is exactly what is going to happen here and yet, a shoring approach which predicts that very occurrence is approved, when the means of refining it to provide increased protection to neighbors is at hand. Ignoring that opportunity by failure to require further information gathering and detailed design is an abuse of discretion.

The only shoring plan proposed relies entirely on the use of cantilevered piles. However, this CDP Approval decision by adopting the mitigation measures and conditions imposed by the Final EIR and the Vesting Tentative Tract Map Approval ("VTTM"), both acknowledges that "cantilevered piles may not be feasible", that "tie-back anchors...may be used" (VTTM Conditions 33 and 35 for example) and that "Tie backs are currently not proposed or approved" (VTTM Condition 78). It is an abuse of discretion to approve such inconsistent and ambiguous conditions and it is simply unfair to the adjacent property owners to leave them at the mercy of this decision in this way. This problem is also solved by requiring sufficient current slide geometry information to be gathered and appropriately engineered shoring designs to be provided. Once again, consultants Harter and Singh have been quite certain in identifying the ambiguities and potentials created by this tie-back situation as being unreasonable, unfair and poor engineering practice in this particular context.

Exhibit 15

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P3

REASONS FOR APPEALING:

This appeal is taken from the approval of a Coastal Development Permit which fails to impose necessary and appropriate conditions on this development. Further, the City has failed to follow its own procedures and guidelines with regard to reviewing, analyzing, and imposing adequate conditions related to the issues of geologic safety, project density, traffic and building height issues, as well as to certain mandatory duties related to grading and building envelope plans. Appeal of the related Vesting Tentative Tract Map No. 52928 and of the Environmental Impact Report associated as ENV-2000-2696-EIR has also been taken to the Los Angeles City Council, thus creating a complete appeal of this development in the requisite forums.

That group of appellant's upon whose behalf this appeal is presented are made up of owners of residential properties adjacent to and in whole or in part at a higher elevation than that of the proposed project. Thus, their properties are those most at risk by this project as it has been approved at this time. The failure by this decision to impose conditions upon this development which will avoid or lessen its foreseeable impacts to a less than significant or acceptable level has aggrieved them severely. The details regarding the specific deficiencies in this decision are in the following sections.

THIS DECISION SHOULD BE REVERSED BECAUSE

THE PROJECT HAS SIGNIFICANT

ADVERSE GEOLOGIC AND SOILS IMPACTS

The proposed project shoring fails to mitigate the risks of deep excavations because the plans are conceptual in nature only and are based upon inadequate geological data.

The proposed concept for development within this landslide area includes removal and recompaction of the part of the active Revello Drive Landslide that is within project boundaries. This, in turn, is based upon a design implementing placement of cantilevered drilled piles around the landslide boundaries within the project site. There are several foreseeable and correctable problems with this proposed scheme which were identified before, during and after the various public hearings which have taken place for this project and which are not even mentioned, responded to or addressed by the decision, even though they were in no way refuted by the developer or his consultants at the public hearings or thereafter.

The plans upon which this approval are based are conceptual in nature only, with little actual engineering analysis or detail. That is largely because of the lack of needed information about subsurface conditions. Good analysis and engineering detail are needed to mitigate the adverse impacts to surrounding properties and it is an abuse of discretion to approve a scheme without that mitigation. Borings near to the boundaries where the piles are proposed are needed before project approval in order to allow for the generation of more realistic engineering designs that will more reasonably protect and reduce the risks to offsite properties. These borings have been specifically and repeatedly requested both in writing and verbally, and yet are mentioned nowhere in the decision. It is error to grant this approval without requiring those borings and other prudent investigatory measures along with more realistic engineering for review before approval rather than after it.

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P4 Exh. 15

The Approval is in error by concluding that the potential geology and soils impacts identified will be avoided or substantially lessened to a level of insignificance.

The Zoning Administrator decision (Page 23, Paragraph 6.4C) makes the finding that the changes or alterations required through implementation of the mitigation measures imposed by the conditions adopted will result in a project that will "avoid or substantially lessen the significant environmental effects identified in the EIR." As shown above, and as pointed out repeatedly before, during and after the public hearings on the EIR, the VTTM and the CDP, the shoring concept proposed does not accomplish that goal and it is error to conclude that it does.

The reference in some Staff Reports to homeowners and residents speaking in support of this project is misleading and should not be considered as supporting this approval. The number of homeowners and residents speaking at the various hearings was overwhelmingly in opposition. Importantly, not a single homeowner or resident owning or living at property exposed to the risks associated with the geology and soils impacts of this mass excavation at the level of risk pressed upon this group of appellants spoke in support. In reality, public opinion does not support this project and the geology and soils impacts that are not adequately mitigated are of such importance that the decision of approval should be reversed.

Of great importance is that fact that while regulations and public policy related to CDP, VTTM and EIR approvals require the receipt of public comment on these matters, *the very specific and well qualified critical comments from the public sector that have been provided have been ignored. The opinions and suggestions of Mr. Harter, Dr. Singh and Mr. Michaels have not resulted in a single additional or revised condition. While it would be simple and responsive to public health and safety concerns to fashion such a modified decision, no effort whatsoever has been made to do so.* That is all we ask for here.

THIS DECISION SHOULD BE REVERSED BECAUSE

THE PROJECT HAS SIGNIFICANT ADVERSE DENSITY IMPACTS

The massive density allowed for this project fails to mitigate the environmental impacts on the surrounding properties and the neighborhood in general.

The problem is, of course, in the 82 unit density. In particular, the resulting significant adverse impacts on public views, traffic, road safety, air quality and noise are not acceptable and can be mitigated. Indeed, the City's own Department of Transportation in its Traffic Assessment for this project identified numerous impacts and concluded that "It is noted that the project applicant has not proposed any measures to mitigate the impacts. Unless the development is reduced to 61 units or overriding considerations are given, these two residential street impacts remain unmitigated."

As noted in the underlying decision, the City Department of Transportation analysis indicated the project would likely increase the average daily traffic on two local streets by 14.5% and 11.4%. These are levels that the DOT considers to be a significant residential street impact since they are both above 10% (a copy of that DOT assessment of May 13, 2002, is attached). The approval decision refers to conditions that are claimed to result in reduction but not complete mitigation of the adverse impacts. However, those conditions relate to construction traffic, whereas the Department of Transportation conclusion is based upon post-construction traffic volume considerations. Thus, the decision is in error for its failure to address the need for mitigation of the impacts addressed by its own City departmental input.

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Further, this decision admits that the Short-Term Noise Impacts cannot be reduced to a level of insignificance. Yet, it includes the condition that construction may begin as early as 7:00am Mondays through Saturdays after the "wrapping" phase of the exterior of the buildings. This is not an imposition upon the developer, it is an advantage to him and a disadvantage to neighbors, and is entirely inconsistent with an approval finding that mitigation measures are imposed that "substantially lessen ... the significant environmental effects on short term noise..." Allowing this unacceptably high density only worsens these unmitigated impacts.

The decision candidly admits that fewer long-term impacts relative to traffic, air quality and noise would result from Alternative C, as would fewer impacts to public services and utilities result. Road maintenance impacts are described as similar, but short-term construction noise impacts would be less. View obstruction impacts would admittedly be less. The only justification for preferring the proposed project is in the increased number of units. *A perfectly good project with a character much more in keeping with the neighborhood and with reduced impacts on important concerns exists in Alternative C and it is an abuse of discretion to conclude otherwise.*

THIS DECISION SHOULD BE REVERSED BECAUSE

THE PROJECT HAS SIGNIFICANT VIOLATIONS OF THE BUILDING CODE

AND THE CALIFORNIA COASTAL ACT

The approval is in error because it adopts grading and building configurations that violate State and City standards.

The developer presented revised renderings about 1 week prior to and in some cases during the public hearing in March 2004 and has apparently not meaningfully added to them since. He claims that these show elevations with allowable building heights and the approval decision is apparently based upon blind acceptance of that statement. Since the statement is either blatantly false, or at best creates hopeless ambiguity, it is an abuse of discretion to grant this approval.

From review of the renderings available and discussions with the developer and City Building and Safety staff personnel, it is clear that the developer intends to try to build in violation of the applicable height limitations. The rule is that a 45' maximum building height as measured from existing grade is the standard for projects of 5 acres or less (as this one is). We have requested many times in writing and verbally that a condition simply stating that rule as a condition of this project be included. That has been resisted by the developer and ignored by the decision maker. *The result is that this project as now designed will create adverse impacts upon public views due to excessive building heights.*

The developer intends to go ahead with a scheme of measuring building height from the grade resulting from the grading for construction of building pads. This would, of course, set a measuring point to start from at a much higher elevation than the correct standard. This is precisely why the developer has resisted the imposition of a condition repeating the Code standard.

Further, the proposed grading is intended to place huge amounts of material on the site and to result in building pad elevations so much above current conditions that they are inconsistent with the intent of the California Coastal Act as to preserving sites and protecting views. This, in turn, exacerbates the problem with measurement of building heights. There is a reason why the elevations look like a building of 70' in height, and when that is measured from a grossly elevated starting point, the situation is untenable.

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Exhibit 15

Comparing the Code requirement to adequately detailed drawings could easily be done if a condition requiring that were in place. However, the developer has resisted that too. The currently available conceptual renderings do not include sufficient topographic detail to allow the needed analysis and clarification. The usual and correct process is to superimpose elevation drawings over topographic maps (with existing grade information) and there is no good reason why that can not be done before approval and an abuse of discretion to allow the developer to avoid doing it that way.

The developer's agreement that height will be limited to the lower view lines created by the existing ridge lines simply suffers from the same inability to sufficiently identify just what it means, in turn due to the intentional lack of good information. We can not even tell who is supposedly advantaged by this condition. Further, it just is not needed and only adds ambiguity, when the correct solution is at hand.

For these reasons, a condition placing the height limitation at 45' above the point measured from existing grade and stating that the creation of higher elevation building pads will not allow the construction of buildings with a higher overall height must be imposed. The developer must not be allowed to build in a manner that violates both the California Coastal Code and the City Zoning Code in this regard. *Therefore, the approval is in error because it fails to require the mitigation of adverse environmental impacts on public views from proposed excessive building heights.*

THIS DECISION SHOULD BE REVERSED BECAUSE

THE CITY HAS FAILED TO MEET MANDATORY DUTIES

TO OBTAIN A GRADING PLAN AND A PLAN OF BUILDING ENVELOPE

L.A.M.C. 17.15 specifically places the mandatory duty upon the Advisory Agency to obtain from the subdivider a proposed grading plan at the time the map is filed and obviously before it can be approved. This is, of course, so that both the City and the public can review, analyze and comment upon the proposed grading. *There is no proposed grading plan in this file.* It would necessarily need to include cut, fill, import and export of soil information based upon the location of landslide plane, water table, and the like. This is all information not developed by this subdivider, not proposed and not available for public review and comment. If there is a problem later due to allowing construction before requiring that information to be obtained and commented upon, it will thus be causally connected to this breach of mandatory duty. This requires reversal of the decision of approval.

The same Code section places the mandatory duty upon the Advisory Agency to obtain a plan of building envelope before approval and showing, among other things, the height of the buildings. Here, there is only scanty information about some of the building heights, and that information, as noted above, is ambiguous at best. *Nothing that could reasonably qualify as a plan of building envelope with adequate building height information is in this file.* If there is a violation of the City Zoning Code and the California Coastal Code that is allowed to occur and/or a loss of the protection of public views, it will thus be causally connected to this breach of mandatory duty. This requires reversal of the decision of approval.

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P7

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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South Coast Region

MAR 17 2005

**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

SECTION I. Appellant(s)

CALIFORNIA
COASTAL COMMISSION

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

Executive Director:
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles
2. Brief description of development being appealed: Demolition of two apartment buildings and construction of 82 unit condominium project on 173,496 square foot lot in RD2-1 and RE9-1 Zoned site; designated Low Medium II Residential and Low Residential in the Community Plan. Project would require 130,000 cubic yards cut and 80,000 cubic yards fill to stabilize the Revello landslide, which is located on the site.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 17331-17333 Tramonto Drive, Pacific Palisades (County of Los Angeles)
4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: XX
 - c. Denial: _____

NOTE: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

COASTAL COMMISSION
AS 1PL 0563

APPEAL NO: A-5-PPL-05-063 EXHIBIT # 16

DATE FILED: 3.17.05 PAGE 1 OF

DISTRICT: South Coast / Long Beach

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.) This is a permit issued by local government before certification of a local coastal program. . The standard of review is the Coastal Act.

Consistency with Section 30240. Section 30240 requires development in areas adjacent to environmentally sensitive habitat areas and parks shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat and recreation areas. Los Liones Park, a unit of Topanga State Park is located along Los Liones Drive, to the north of the proposed project. Tramonto Drive, a two-lane hillside road used to access the project gets access off Los Liones Drive, a four-lane road that is the principal access to Los Liones Park. To ensure safety at that intersection, especially during construction, when there will be frequent truck traffic from the trucks removing earth and delivering fill, the City has required the applicant to remove all trees and vegetation from the area near the intersection of Tramonto and Los Liones. Currently there is a heavily vegetated canyon wall on the left (southerly) side of Los Liones Drive approaching the main trailhead of the park. Removal of vegetation and trees on the site could disrupt perches and nesting areas used by birds and other animals that feed and nest in habitat that now extends from the slope, into the park and on up Los Liones Canyon, inconsistent with Section 30240. While the City has required the applicant to survey for nesting birds prior to removing trees and other vegetation, the local CDP does not discuss or analyze the long-term compatibility of the development with the continuance of the habitat in the park, consistent with Coastal Act Section 30240. After development, a significant part of the vegetation will be removed and replaced with vegetation that increases the view distance for turning vehicles, but may not support nesting birds and is otherwise incompatible with the habitat of the adjacent park. In addition, the local coastal development permit does not analyze potential impacts on public access to the park by the traffic from the project, by truck traffic during construction, or by possible reduction of on-street parking to improve access from Los Liones to Tramonto Drive.

Consistency with Section 30251 of the Coastal Act.

Visual impacts and community character. The project is located on a ridge between Los Liones Drive and Sunset Boulevard. Therefore, it abuts and is visible from the Los Liones unit of Topanga State Park and is visible from the park. It will also be visible from PCH and Sunset Boulevard, major coastal access routes. Finally, the City staff report indicates that the proposed project will require the construction of a soldier pile wall adjacent to Pacific Coast Highway. The City staff report addressed impacts on private views but did not analyze the impacts the

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Exhibit 16 p 2

project might have on views from Sunset Boulevard, Los Liones Drive, Los Liones Park, Pacific Coast Highway or from the beach.

Landform alteration. In order to construct on the site the applicant proposes to stabilize the Revello Drive landslide, an active landslide that is on the site. This will require the applicant to excavate the entire slide and reconstruct it. The reconstruction of the slide will require removal of 130,000 cubic yards of earth and its replacement of 80,000 cubic yards of fill, a significant portion of which may need to be imported. To support the building, and the fill placed to support it, the applicant will need to install soldier piles along the perimeter of the excavation, and 15-foot high retaining walls, which will be visible from off-site and from PCH.

Consistency with Section 30253 of the Coastal Act. The project is on an active landslide, which slid in 1965, destroying several apartments. The slide is downslope of other structures. Reconstruction of the slide will require excavation of materials lower on the slope than these structures, which may pose risks to the stability of the hill on which these structures are located, contributing to the instability of the surrounding area. The City has imposed conditions requiring the applicant to follow the recommendations of the City Department of Building and Safety to install soldier piles on the perimeter of the excavation to stabilize the hillside during construction and to post a completion bond for the grading. The City findings assert that if these conditions are followed the adjacent properties should be safe. While the City has analyzed the project carefully, excavating and active landslide is highly risky, and raises issues with Section 30253

Finality of local action. The coastal development permit issued by the City does not encompass all development necessary to complete project. Therefore, the Coastal Development Permit is not consistent with the requirements of 30600(b) and Section 13300 of the California Code of Regulations. The coastal development permit granted approval for "construction and maintenance of an 82-unit condominium". The EIR certified along with this action described a subdivision and related grading. However, the tract map associated with the creation of this condominium was not analyzed or described in the coastal development permit, and in fact as of March 8, 2005, was still undergoing the appeal process in City government outside of its coastal development permit process. Section 30600(b) establishes the right of a local government to issue coastal development permits in its jurisdiction:

Section 30600 Coastal development permit; procedures prior to certification of local coastal program

(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

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P 3

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.

Sections 13300-13327 of the California Code of Regulations establish procedures governing this process.

§ 13300. Applicability of Chapter to Developments Within the Coastal Zone.

This chapter shall govern the issuance by local governments of coastal development permits pursuant to Public Resources Code Section 30600(b) and shall be applicable to any person wishing to perform or undertake any development in the coastal zone except for the following:

- (a) Any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled.
- (b) Any development by a public agency for which a local government permit is not otherwise required.
- (c) Any development subject to the provision of Section 30608, 30610, 30610.5, 30611 and 30624 of the Public Resources Code.

§ 13301. Coastal Development.

(a) Following the implementation of a coastal development permit program by a local government as provided in Section 13307, any person wishing to perform a development within the affected jurisdiction except as specified in Section 13300 shall obtain a coastal development permit from the local government. If the development is one specified in Public Resources Code 30601, a permit must also be obtained from the commission in addition to the permit otherwise required from the local government; in such instances, an application shall not be made to the commission until a coastal development permit has been obtained from the appropriate local government.

(b) Where any proposed activity involves more than one action constituting a development under Public Resources Code, Section 30106, the sum of such actions may be incorporated into one coastal development permit application and into one coastal development permit for purposes of notification requirements of Section 13315; provided, however, that no individual development activity may be commenced or initiated in any way until the overall development has been reviewed pursuant to the provisions of Sections 13315-13325.

§ 13311. Issuance of a Coastal Development Permit.

A coastal development permit shall be deemed issued (a) when final review has occurred, (b) when, if applicable, all local rights of appeal have been exhausted and (c) when findings have been made that the interpretive guidelines have been reviewed and that the proposed development conforms with the requirements of Public Resources Code, Section 30604(a) and with any applicable decision set by the commission pursuant to Public Resources, Section 30625(c). If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, the local government shall also make the specific findings required by Public Resources Code, Section 30604(c).

In this case, the coastal development permit described in the City's notice did not contain the tract map that is necessary for the sale of the "condominium units" separately. Such a subdivision is development as described in Section 30106 of the Coastal Act.

Section 30106 Development

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal

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waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). (**Emphasis added**)

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

The City did not include the description of the subdivision in the coastal development permit because under the City Charter, adopted in 2000; there can be only one appeal of an action. The first hearing on a coastal development permit is before a zoning administrator. This action is appealable to either the Planning Commission or an Area Planning Commission. The first action on any subdivision is at the Planning (or Area Planning) Commission level. Subdivisions are appealable to the City Council. This dual tracking system has resulted in the Coastal Commission receiving appeals, including this one, before the City Council has had a chance to review the project. It results in the issuance of a permit with a project description that is ambiguous with respect to a subdivision, which means that it does not include the subdivision but may refer to a related subdivision approval. In this case, the CDP does not include the tract map, but the development is described as a "condominium". On at least one occasion, this procedure has resulted in a final action on a CDP that was inconsistent, in terms of the number of units, with the tract map as approved by the City Council. It has also resulted in delays while zoning administrators attempted to explain that the coastal permit encompassed a subdivision even though the subdivision is under appeal separately.

The problem with this bifurcated action on the project is that the tract map is a subdivision, which is development, and which needs a coastal development permit, but the City has excluded the tract map from its action on the City issued coastal permit resulting in excluding it from the coastal permit process. In addition, if the Commission accepts the description "construction and maintenance of a 82 unit condominium " as allowing a subdivision, and accepts the appeal, it is doing this while the City's action on the tract map is not yet final. While the Code of Regulations allows appeals of pre-certification permit before they are final, an appeal before the final City action occurs could result in inconsistent decisions from two public bodies.

SECTION V. Certification

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

Signature of Appellant(s) or Authorized Agent

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Date: 3/17/05

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

_____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Wesley Henry
Signature of Appellant(s)

Date:

3/17/05

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P 6

Los Angeles City Planning Commission

200 North Spring Street, Room 532, City Hall, Los Angeles, CA 90012

Mailing Date: **MAR 15 2005**

CORRECTED COPY

Case No.: **ZA-2000-2697-CDP-1A**
CEQA: ENV-2000-2696-EIR

Location: 17331-17333 Tramonto Drive
Council District: 11
Plan Area: Pacific Palisades
Zone: RE9-1 and RD2-1
District Map: 126B 117

Applicant: Palisades Landmark, LLC

Appellant: 1) Castellammare Mesa Homeowners Association; 2) Alice Beagles, William and Sylvia Grieb and Janet Commeau; 3) Thomas Stewart; 4) Pacific Palisades Residents Association; 5) Ken Kahan (Palisades Landmark, LLC).

At its meeting of November 4, 2004, the City Planning Commission took the following action:

Denied the appeals filed by 1) Castellammare Mesa Homeowners Association; 2) Alice Beagles, William and Sylvia Grieb and Janet Commeau; 3) Thomas Stewart; 4) Pacific Palisades Residents Association.

Granted the appeal in part filed by Ken Kahan (Palisades Landmark, LLC) and sustained the decision of the Zoning Administrator in approving a Coastal Development Permit for the construction, use and maintenance of a 82-unit condominium project.

Approved the attached modified Conditions of Approval.

Certified the Environmental Impact Report No. ENV-2000-2696-EIR. (SCH No. 2002051086).

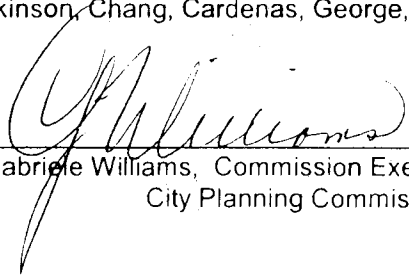
Adopted the attached Findings of the Zoning Administrator, as corrected by the City Planning Commission as follows:

- a. Adopted the CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring Program (Findings 6 through 6.9).
- b. Adopted the California Coastal Act Findings (Findings 1 through 5).
- c. Adopted the Mello Act Findings (Finding 7).

Advised the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and/or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination filing.

This action was taken by the following vote:

Moved: Burg
Seconded: Schiff
Ayes: Atkinson, Chang, Cardenas, George, Mahdesian, Mindlin
Vote: 8-0



Gabrielle Williams, Commission Executive Assistant II
City Planning Commission

COASTAL COMMISSION
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PAGE 1 OF

EFFECTIVE DATE / APPEALS:

The Coastal Development Permit is effective at the City level on the mailing date of this determination. The Coastal Development Permit is not further appealable at the City level , but appealable only to the California Coastal Commission - South Coast District Office. The California Coastal Commission, upon receipt and acceptance of this determination, will establish the start of the 20-day appeal period.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachment(s): Modified Conditions/Findings and Exhibits A1 through A9 and B1 and B2

c: Notification List

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COASTAL COMMISSION

EXHIBIT # 17
PAGE 2 OF

**CONDITIONS OF APPROVAL
(Modifications = Strikeout and Underline)**

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 specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan, view diagrams, sections and elevations submitted with the application and marked Exhibit "A-1" through ~~"A-6"~~ "A-9" and Exhibits "B-1 and B-2" attached to this report (site plan; view analysis diagram, Sections 'A' to 'G', and elevations).
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. 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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Grading and site preparation shall be to the satisfaction of the Department of Building and Safety, Grading Division, consistent with all applicable provisions of the Municipal Code, including all necessary geologic and soils reports.
 - a. A bond shall be posted in an amount and in a manner satisfactory to the Department of Building and Safety to assure the timely completion of grading and site preparations.
 - b. All mitigation measures numbered 1 through 100 set forth by Section I.F of the Final EIR (ENV-2000-2696-EIR) under the heading "GEOLOGY AND SOILS" shall be complied with as well as any other requirements satisfactory to the Department of Building and Safety Grading Division, including all conditions contained in the Department of Building and Safety's memo dated December 5, 2001, Log No. 31587-05 (inclusive of previous reports from DBS-Grading Division dated August 16, 2000, November 29, 2000, June 29, 2001, August 28, 2001 and October 2, 2001).
7. Prior to the issuance of any permit, plans shall be submitted for review and approval by the Fire Department and shall conform to mitigation measures 3 through 16 of the Mitigation Monitoring Program contained in Section IV of the Final EIR under the heading "Public Services - Fire Protection".
8. The project applicant shall, at his own expense and to the satisfaction of the Department of Transportation and the Department of Public Works:
 - a. remove any existing vegetation within the right-of-way between the roadway edge and the property line along the convex curve of Tramonto Drive, approximately eighty feet

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arc length, in the vicinity of the project driveway; and

- b. install a permanent aesthetic surface or material along this portion of the roadway that prevents the growth of vegetation within this right-of-way.
9. A parking and driveway plan shall be prepared to the satisfaction of the appropriate District Offices of the Bureau of Engineering and the Department of Transportation prior to the issuance of any building permit or certificate of occupancy.
 10. Provide a minimum of 2 covered off-street parking spaces per dwelling unit, plus ½ guest parking spaces per dwelling unit. All guest spaces shall be readily accessible, conveniently located and specifically reserved for guest parking.

If guest parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for guest parking.

11. The maximum height of the building shall not exceed 45 feet or the maximum permitted by the L.A.M.C, except that the height of the building shall not exceed the height restriction required by Condition No. 12 below. No variance for the height provisions of the Los Angeles Municipal Code is authorized by this action.
12. As volunteered by the applicant, no structure or landscaping shall be higher than the lower view lines created by the existing ridge lines as shown on Exhibits A-3, through A-9, except chimneys, vents and in the case of flat buildings colored in red on Exhibit A-1, limited rooftop projections as allowed by the Los Angeles Municipal Code.
13. As volunteered by the applicant, at the request of the adjoining Ocean Woods Terrace Condominium (OWTC), the Developer shall allow access to the project site by a licensed surveyor hired by OWTC (at OWTC's expense) to perform an as-built survey to confirm the height of the Project, or to request that Developer, at Developer's expense, to perform an as-built survey to confirm the height of the Project. Such request may be made by OWTC prior to or upon completion of the framing of the Project and prior to or upon completion of the Project but prior to the issuance of any Certificate of Occupancy.
14. Landscaping. All open areas not used for buildings, driveways, parking areas recreational facilities or walks shall be attractively landscape, including an automatic irrigation system, in accordance with a landscape plan prepared buy a licensed landscape architect, licensed architect, or landscape contractor, to the satisfaction of the Zoning Administrator. Special attention shall be given to the landscaping of retaining walls, after consultation with the Department of Building and Safety, Grading Division.
15. As volunteered by the applicant, prior to the issuance of any certificate of occupancy, new off-site landscaping shall be installed on the adjacent OWTC's property. The new landscaping shall not interfere with the views of the coastline or of the ocean from OWTC. The design of the landscape plan shall be created with the participation of OWTC.
16. Prior to the issuance of a Certificate of Occupancy, the applicant shall prepare and execute a separate Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Zoning Administrator, binding the applicant and all successors to the following:

- a. Three (3) of the guest parking spaces required by Condition No. 10 in addition to the

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required guest parking; shall be set aside for visitor parking exclusively reserved for the adjoining Ocean Woods Terrace Condominiums.

17. As volunteered by the applicant, prior to the issuance of a Certificate of Occupancy, the applicant shall prepare and execute a separate Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Zoning Administrator, binding the applicant and all successors to the following off-site improvements:

- a. A vehicle warning device and required physical improvements shall be installed to warn motorists exiting the adjoining Ocean Woods Terrace of any vehicles entering or exiting the development. Required approvals and permits shall be obtained by the applicant from the appropriate city agencies for all improvements in the right of way.
- b. Tramonto Drive shall be repaved from Los Liones Drive to a point past the ingress driveway of the adjoining Ocean Woods Terrace Condominiums. Required approvals and permits shall be obtained by the applicant from the appropriate city agencies for all improvements in the right of way.
- c. The entire exit driveway of the adjoining Ocean Woods Terrace Condominiums, which joins the egress/ingress driveway of the subject site, shall be repaved. Any city required permits to repave the driveway shall be applied for by the Ocean Woods Terrace Condominium or with the expressed written consent of the OWTC.

18. OFF-SITE AFFORDABLE UNITS. Prior to the issuance of a building permit, the applicant/developer shall submit an Affordable Housing Provision Plan approved by the Los Angeles Housing Department for the required Inclusionary Residential Units to be provided off-site as rental units. execute and record a covenant and agreement (Planning Department Form CP-6770) satisfactory to the Department of City Planning and the Housing Department, binding the applicant or any subsequent property owner, heirs, or assigns to:

- a. Designate and maintain (including rent schedule) 16 condominium units (20% of the 82 identified new whole dwelling units) as Very Low Income (VLI) or Low Income (LI) affordable accessible rental dwelling units as defined in LAMC Section 12.22 A 25(b);
OR

designate and maintain 8 condominium units (10% of the 82 identified new whole dwelling units) for Very Low Income (VLI) affordable accessible rental dwelling units as defined in LAMC Section 12.22 A 25(b):

The Plan shall provide either: eight (8) Very Low Income affordable units; OR sixteen (16) Low Income or Very Low Income affordable units.

- b. Prior to the issuance of any building permit, the applicant shall execute and record a separate covenant and agreement, in a manner approved by the Housing Department, guaranteeing that the designated affordable accessible dwelling units shall be reserved for occupancy by eligible households for at least 30 years from the issuance of a Certificate(s) of Occupancy for the affordable accessible dwelling units. A copy of the recorded Covenant and Agreement approved by the Housing Department shall be placed in the file; and

The subdivider shall record a Covenant and Agreement (Planning Department General Form CP-6770) binding the subdivider to place the required off-site units in service (i.e. either rented or issuance of a Certificate of Occupancy) prior to the

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issuance of a Temporary or Final Certificate of Occupancy for the 55th on-site market rate unit.

To be cleared by City Planner or above.

- c. The Housing Department, or its successor or assignee, shall be responsible for the ongoing monitoring and enforcement of these (accessible affordable unit requirements.
- d. ~~Prior to issuance of any building permit, the applicant shall submit a copy of the Covenants, Conditions and Restrictions (CC & R's) for approval by the Zoning Administrator that will identify: 1) the designated 16 or 8 units reserved for LI or VLI accessible household incomes, 2) acknowledgment that the designated LI or VLI accessible units will be reserved as rentals for LI or VLI accessible households for a period of 30 years. The CC & R's shall contain language that an amendment to ZA-2000-2697-CDP shall be approved prior to any changes by the Homeowners Association affecting the requirements for the designated LI or VLI accessible units.~~

~~These Inclusionary LI or VLI units shall be located on-site. Applicants claiming it is infeasible for them to comply with this requirement may request permission to provide the required units elsewhere within the Coastal Zone, or within three miles of the Coastal Zone, by submitting an appeal pursuant to Part 8.0 of the Interim Administrative Procedures for Complying with the Mello Act in the Coastal Zone Portions of the City of Los Angeles, signed in May of 2000.~~

NOTE: The provision of Inclusionary Residential Units for senior or disabled persons who do not have a Low or Very Low Income does not fulfill the inclusionary requirements for New Housing Development for the Mello Act.

19. Prior to the issuance of any permits, approval shall be obtained for the project from the California Coastal Commission pursuant to the permit requirements for projects located within the dual jurisdiction area.
20. Environmental Conditions: Prior to the issuance of a building permit, the applicant will prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Air Pollution (Stationary)

The Applicant shall provide an air filtration system(s) to reduce the diminished air quality effects on occupants of the project.

- b. Trees

Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert as defined by Ordinance 153, 478, indicating the location, size, type and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning and the Street Tree Division of the Bureau of Street Maintenance. The plan shall contain measures recommend by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement by a minimum of 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance and the Advisory

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Agency.

c. Fire

Recommendations of the Fire Department relative to fire safety shall be incorporated in the building plans, which includes a plot plan approval prior to the issuance of a building permit. The plot plan approval shall consider but not be limited to access concerns and interior heat sensitive sprinkler systems.

d. The proposed project shall comply with the City's Hillside Development Landform Grading Guidelines.

e. Landscape buffers shall be planted between the project site and adjacent residential uses.

f. Outdoor lighting and indoor parking garage lighting shall be limited to that necessary for safety and security, and shall be directed on-site and designed and installed with shielding so that the light source can not be seen from adjacent land uses or from off-site locations.

g. The exterior of the proposed buildings shall be constructed of non-reflective building materials.

h. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete; wood and vegetation. Non-recyclable materials/wastes must be taken to an appropriate landfill, such as the Calabasas Sanitary Landfill, the Azusa Landfill, or the Bradley Landfill Toxic wastes must be discarded at a licensed regulated disposal site.

i. Clean up leaks, drips and spills immediately to prevent contamination soil on paved surfaces (including Tramonto Drive and Los Liones Drive) that can be washed away into the storm drains.

j. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

k. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

l. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

m. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

n. The project shall comply with Ordinance No. 172,176 to provide for Stormwater and Urban Runoff Pollution Control which requires the application of BMPs, including the following mitigation measures:

- Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

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- Reduce impervious surface area by using permeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates, cobbles.
- o. The applicant shall pay the required school fees to the LAUSD.
- p. The project shall 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 at adjacent uses.
- q. The project applicant shall consult with the LAPD's Crime Prevention Unit (CPU) on the design and implementation of a security plan for the proposed project and, which shall consider the following elements:
 - Design entryways, the lobby, and parking areas with lighting that eliminates areas of concealment;
 - Landscaping should be designed so as to not conceal potential criminal activities near windows or doors.
 - Outdoor night lighting should be provided to aid crime prevention and enforcement efforts;
 - All garages should be enclosed;
 - Provide solid core doors with deadbolt locks to all units;
 - The use of louvered windows should be prohibited
- r. Upon the completion of the project, it is recommended that site plans for the property be provided to the West Los Angeles area commanding officer to help facilitate any police response.
- s. The applicant shall comply with the City of Los Angeles Housing Department's relocation assistance requirements.
- t. Automatic sprinkler systems should be set to irrigate landscaping during early morning hours or during the evening to reduce water losses from evaporation. Care must be taken to reset sprinklers to water less often in cooler months and during the rainfall season to avoid wasting water by excessive landscape irrigation.
- u. Selection of native, drought-tolerant, low water consuming plant varieties should be used to reduce irrigation water consumption.
- v. Adherence to the provisions within the Water Conservation Ordinance of April 1988.
- w. The project applicant should demonstrate that construction and demolition debris, to the maximum extent feasible, would be salvaged and recycled in a practical, available, and accessible manner during the construction phase.
- x. The applicant shall institute a recycling program to the satisfaction of the Zoning Administrator to reduce the volume of solid waste going to landfills in compliance with the City's goal of a 70 percent reduction in the amount of solid waste going to landfills by the year 2020.
- y. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

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- z. The applicant should consult with LADWP during the design process of the proposed project regarding potential energy conservation measures for the project. Examples of such energy conservation measures include:
- Design windows (i.e., tinting, double pane glass, etc.) to reduce thermal gain and loss and thus cooling loads during warm weather, and heating loads during cool weather.
 - Install thermal insulation in walls and ceilings that meets or exceeds the requirements of the State Administrative Code Title 24.
 - Install high-efficiency lamps for outdoor security lighting.
 - Time control exterior lighting. These systems should be programmed to account for variations in seasonal daylight times.
 - Limit outdoor lighting while still maintaining minimum security and safety standards.
 - Built-in appliances, refrigerators, and space-conditioning equipment should exceed the minimum efficiency levels mandated in the California Code of Regulations.
 - Use natural ventilation wherever possible.
- aa. As a condition of each grading permit required of the project applicant by the City, the applicant shall be responsible for the repair of any damage to roads resulting from the delivery of heavy machinery, equipment, and building materials to or from the project site, as well as the import and export of soil to and from the project site. Such roadway repair shall be to the satisfaction of the City of Los Angeles Bureau of Street Services.
- bb. If construction or haul trucks driving to and/or from the project site cause any substantial damage to private driveways in the immediate vicinity of the project site, such damage shall be repaired by, or paid for by, the project applicant.
- cc. The applicant shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with Section 17.12 of the Los Angeles Municipal Code and to be paid and deposited in the trust accounts of the Park and Recreation Fund.
21. Construction Mitigation Conditions - Prior to the issuance of a grading or building permit, or the recordation of the final map, the applicant shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the applicant and all successors to the following:
- a. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the Tentative Tract number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**
- Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be

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sturdily attached to a wooden post if it will be free-standing.

- Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
 - If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.
- b. Hours of construction shall be limited to 8:00am to 5:00pm during excavation, recompaction and prior to the covering of the exterior of the buildings ("wrapping"), Monday through Friday and 9am to 5pm on Saturdays. No construction on Sundays. Workers may arrive at the site after 7:00am and engage in pre-construction work that does not involve the use of any equipment or work that generates noise that can be heard inside the dwelling units of adjacent properties.
 - c. As volunteered by the applicant, after the "wrapping" phase of the exterior of the buildings, construction may commence at 7:00am, Mondays through Saturdays, providing that such construction does not generate noise that can be heard inside the dwelling units of adjacent properties.
 - d. As volunteered by the applicant, OWTC shall be given written schedules of construction activities upon request but not more than once a month which set forth the scope of scheduled construction activities. Written notice of any changes to the construction schedule shall be provided.
 - e. As volunteered by the applicant OWTC shall be given 72 hours prior notice of all vibration generating construction operations.
 - f. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - g. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
 - h. No construction equipment shall be started in or in operation on-site outside the allowable construction hours of 8:00 a.m. to 5:00 p.m. (M-F) and 9:00 am to 5:00 pm (Saturdays).
 - i. Trucks and construction equipment shall not be staged in adjacent residential areas during the overall period of construction.
 - j. Temporary "Truck Crossing" warning signs shall be placed approximately 300 feet in advance of the construction driveway in each direction on Tramonto Drive.
 - k. Up to two flag persons shall be used at the project site to assist the truck operators in and out of the project area, as well as minimize conflicts with motorists.
 - l. Construction workers shall not be allowed to park on Sunset Boulevard or any residential or local street in the vicinity, except Los Liones Drive.

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- m. A construction worker ridesharing plan shall be implemented in order to reduce construction-related trips and parking demand.
- n. As volunteered by the applicant, construction vehicles shall not interfere with egress from the driveway used by OWTC.
- o. As volunteered by the applicant, there shall be no construction-related parking or staging of trucks/vehicles on Tramonto Drive at any time.
- p. All unpaved demolition and construction areas shall be wetted at least twice daily, or more frequently as necessary, during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- q. All materials transported off site shall be securely covered or sufficiently watered to prevent excessive amounts of dust and protect against spillage.
- r. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- s. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- t. Cover any on-site stockpiles of debris, dirt or other dusty material.
- u. Actively stabilize any cleared area that is planned to remain inactive for more than 30 days after clearing is completed.
- v. Establish an on-site construction equipment staging area and construction worker parking lot, located on either paved surfaces or unpaved surfaces subjected to soil stabilization treatments, as close as possible to a public highway.
- w. Encourage car-pooling for construction workers.
- x. Sweep access points daily.
- y. Conduct pre-construction assessments for ACMs. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no ACMs are present in the building. If ACMs are found to be present, they will need to be abated in compliance with the South Coast Air Quality Management District's Rule 1403 as well as all other state and federal rules and regulations.

22. BIOLOGICAL SURVEY: Prior to commencing site preparation or construction activities:

- (a) The applicant shall have a field survey conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 100 feet (200 feet for raptors) of the construction zone. The field survey shall occur no earlier than 3 days prior to construction or Site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March 1 through August 31).

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- Additionally, raptor (nesting) surveys shall be conducted on the site prior to the commencement of construction related activities. Should an active raptor nest be discovered on the Project Site, a 500-foot buffer shall be maintained between Project-related activities and the nest until such time fledglings leave the nest and the site and it has been determined by the Sites' biological monitor that the nest is not being used for repeated, same-season nesting attempts. If active nests are found (other than raptors), a minimum 50-foot fence barrier shall be erected around the nest, and clearing within the fenced area shall be postponed or halted, at the discretion of a biologist, until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, as determined by a qualified biologist.
 - Construction personnel shall be instructed on the sensitivity of the area. The project proponent shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.
 - The subdivider shall provide a clearance letter or other evidence/documentation from the Department of Fish and Game, to the satisfaction of the Advisory Agency, that Conditions a, b, and c above have been satisfied.
 - In the event site preparation or construction activities are not commenced prior to the recordation of the final map, the subdivider shall record and execute a covenant and agreement satisfactory to the Advisory Agency guaranteeing that the field survey will be completed by a qualified biologist prior to site preparation and construction activities.
23. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms, conditions established herein, shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

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.

A.S.PPL 05 63
Ex 17 p 12

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 \$1,000 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 October 8, 2004, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the 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 www.lacity.org/pln.** Public offices are located at:

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

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

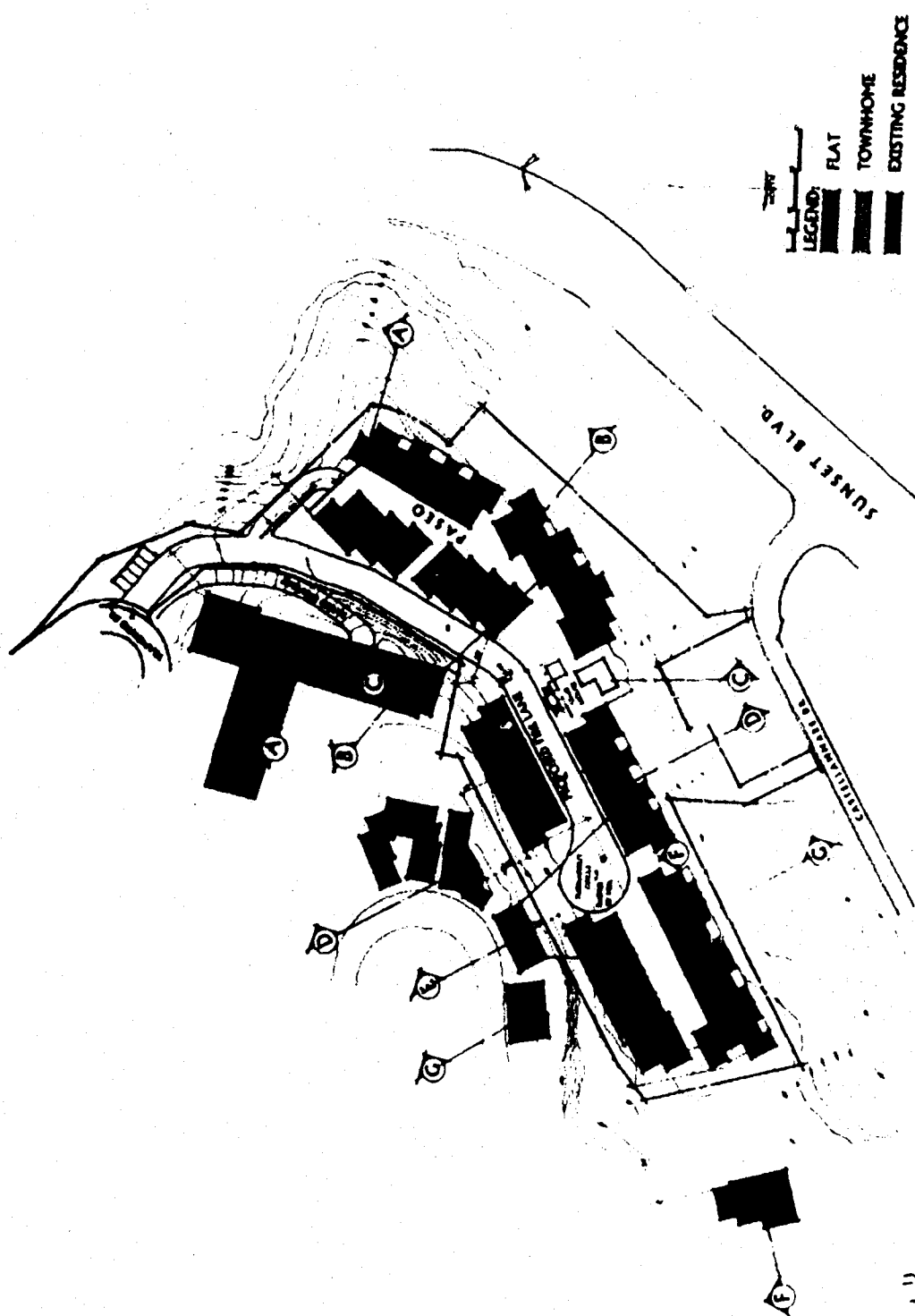
Furthermore, this coastal development permit shall be subject to revocation as provided in Section 12.20.2-J of the Los Angeles Municipal Code, as authorized by Section 30333 of the California Public Resources Code and Section 13105 of the California Administrative Code.

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

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the

P B

AS PPL 05 63 exhibit



LEGEND:

- FLAT
- TOWNHOME
- EXISTING RESIDENCE

TOTALS:

11 TOWNHOMES
71 FLATS
82 TOTAL

AS PPL DS 63
 Exhibit 17
 P 14

EXHIBIT "A-1"

SITE PLAN
PALISADES LANDMARK
 PACIFIC PALISADES, CALIFORNIA

CALIFORNIA LANDMARK



COASTAL COMMISSION
 A 5 PPL 05-63
 EXHIBIT # 17
 PAGE 15 OF

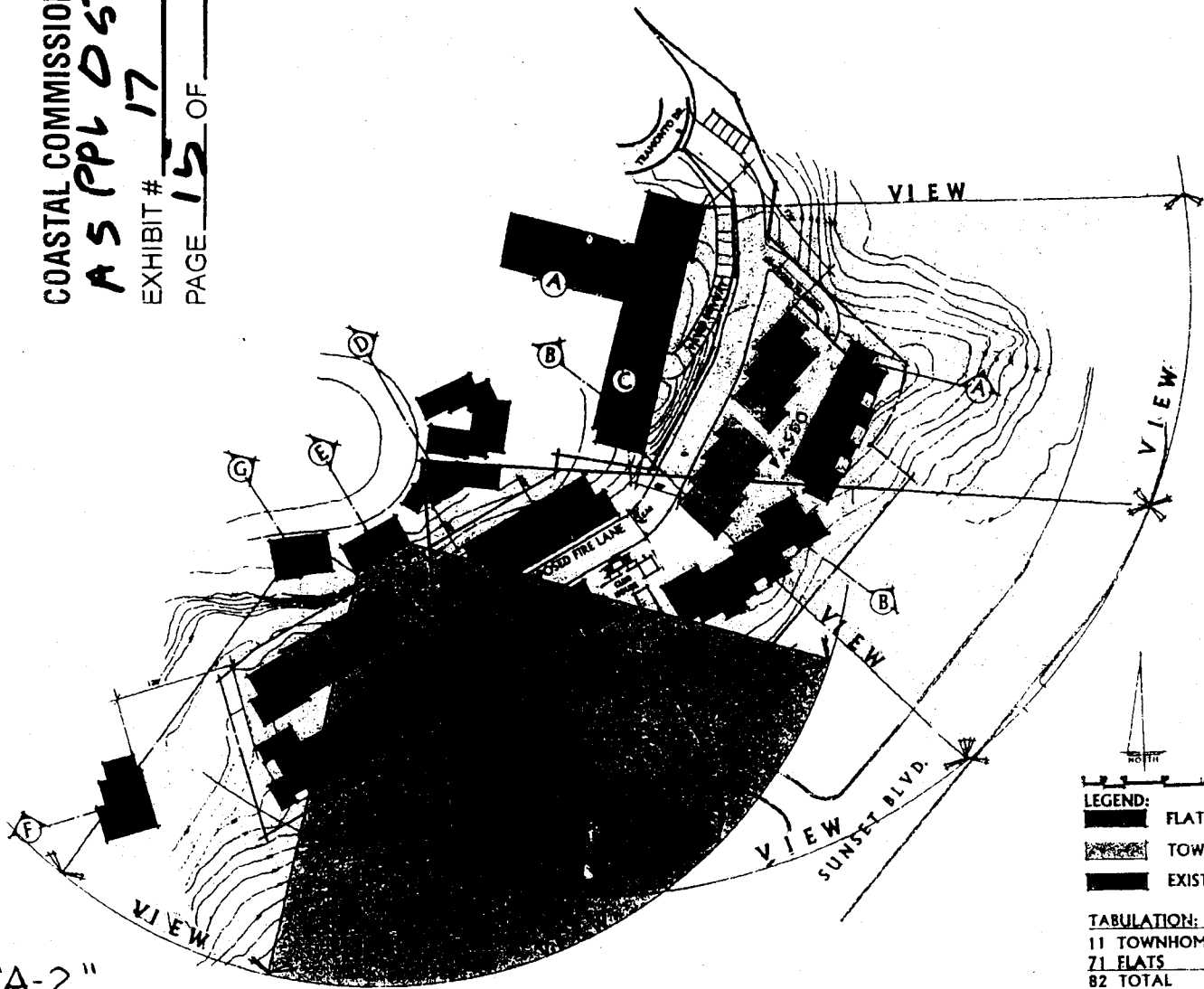


EXHIBIT "A-2"

VIEW ANALYSIS DIAGRAM

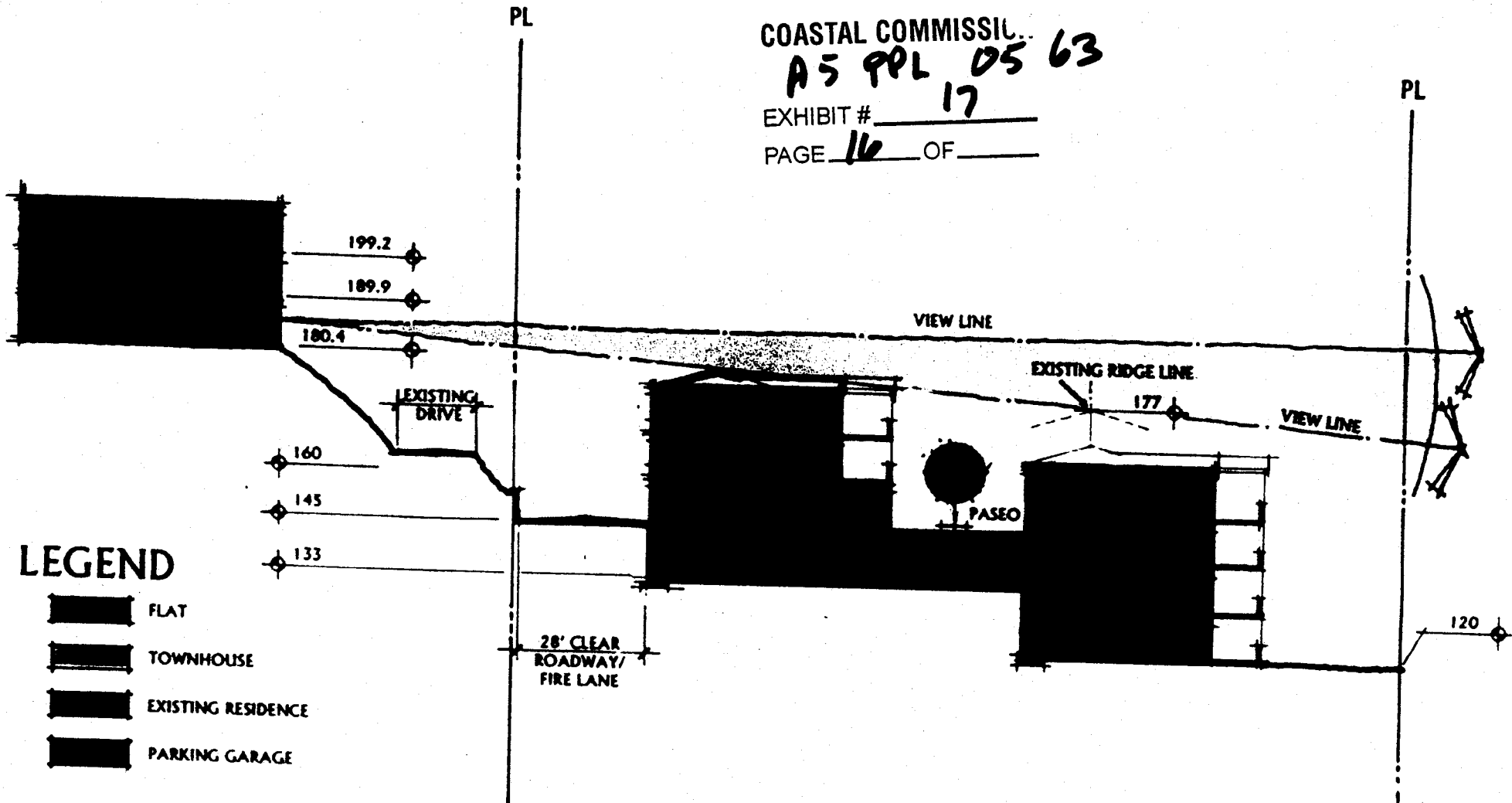
CALIFORNIA LANDMARK

PALISADES LANDMARK

PACIFIC PALISADES, CALIFORNIA



COASTAL COMMISSIC.
 A5 PPL 05 63
 EXHIBIT # 17
 PAGE 16 OF



LEGEND





-  FLAT
-  TOWNHOUSE
-  EXISTING RESIDENCE
-  PARKING GARAGE

EXHIBIT "A-3"



SECTION 'A'

CALIFORNIA LANDMARK

PALISADES LANDMARK
 PACIFIC PALISADES, CALIFORNIA



COASTAL COMMISSION

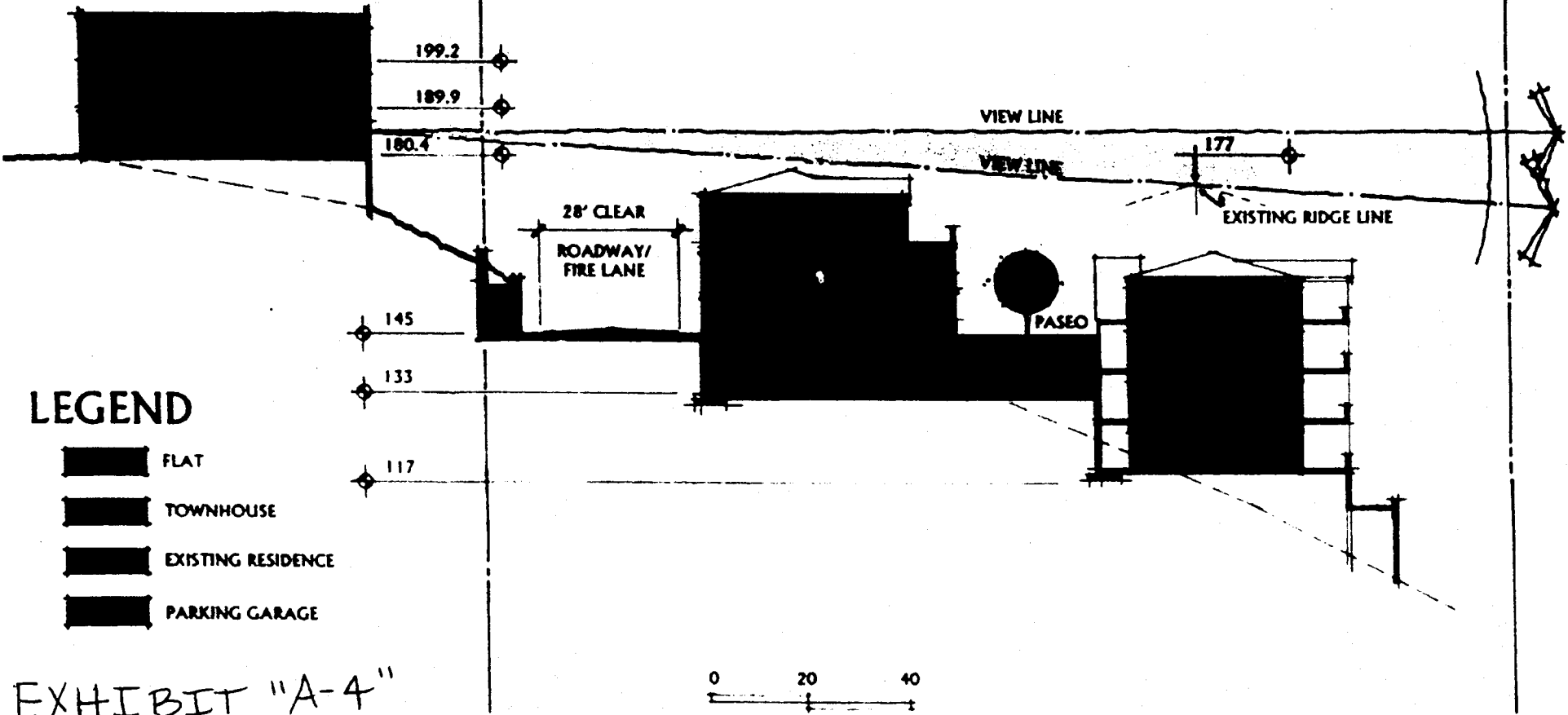
A 5 1PL 05 63

EXHIBIT # 17

PAGE 17 OF

PL

PL



LEGEND





-  FLAT
-  TOWNHOUSE
-  EXISTING RESIDENCE
-  PARKING GARAGE

EXHIBIT "A-4"

SECTION 'B'

CALIFORNIA LANDMARK

PALISADES LANDMARK
PACIFIC PALISADES, CALIFORNIA



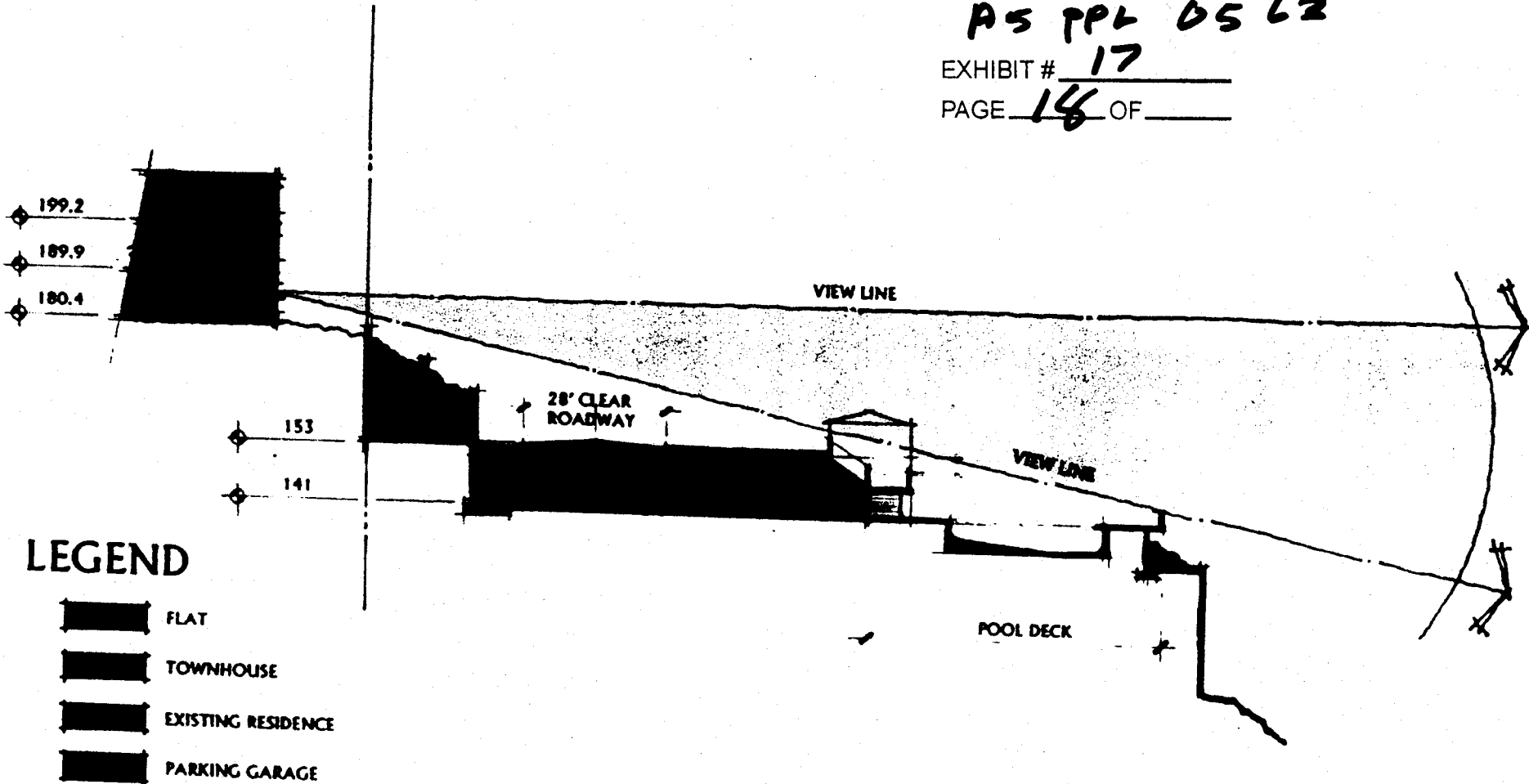
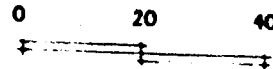


EXHIBIT "A-5"

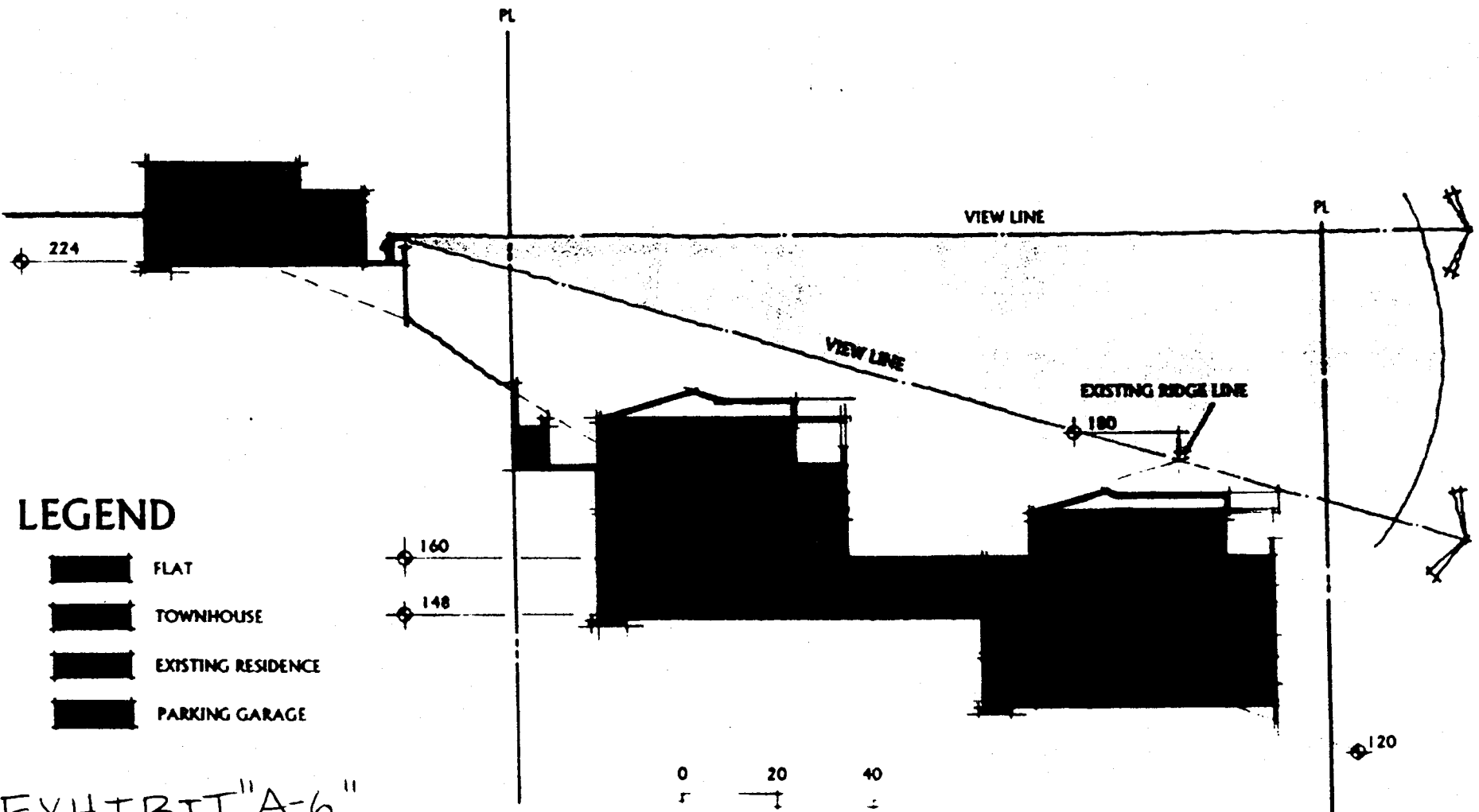


SECTION 'C'

CALIFORNIA LANDMARK

PALISADES LANDMARK
PACIFIC PALISADES, CALIFORNIA





LEGEND

-  FLAT
-  TOWNHOUSE
-  EXISTING RESIDENCE
-  PARKING GARAGE

EXHIBIT "A-6"

SECTION 'D'

CALIFORNIA LANDMARK

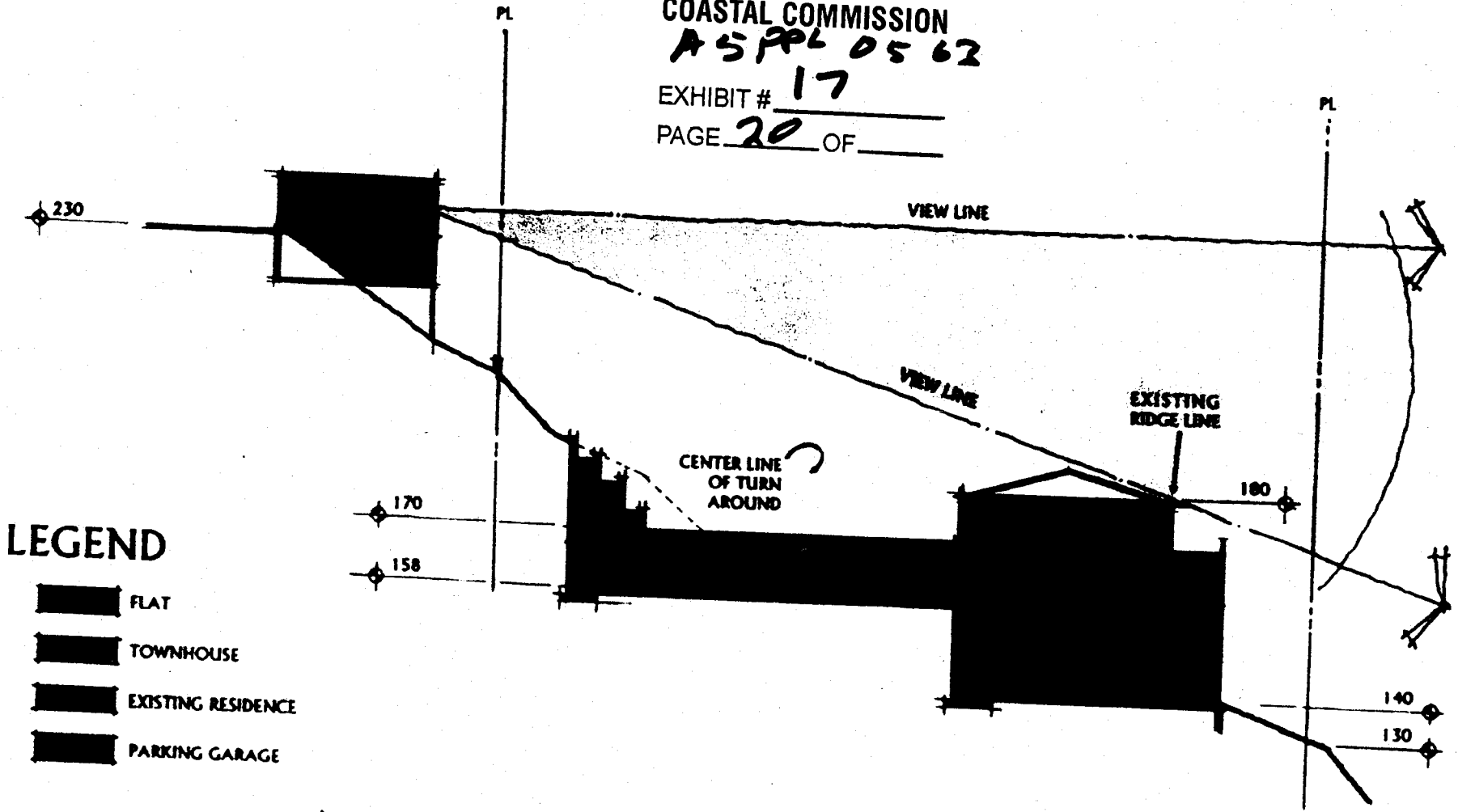
PALISADES LANDMARK
PACIFIC PALISADES, CALIFORNIA

A 5 PPL 0563
Exhibit 17
P. 19



COASTAL COMMISSION
ASPL 05 62

EXHIBIT # 17
PAGE 20 OF



LEGEND





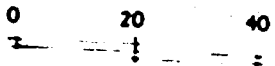
-  FLAT
-  TOWNHOUSE
-  EXISTING RESIDENCE
-  PARKING GARAGE

EXHIBIT "A-7"



SECTION 'E'

CALIFORNIA LANDMARK

PALISADES LANDMARK
PACIFIC PALISADES, CALIFORNIA

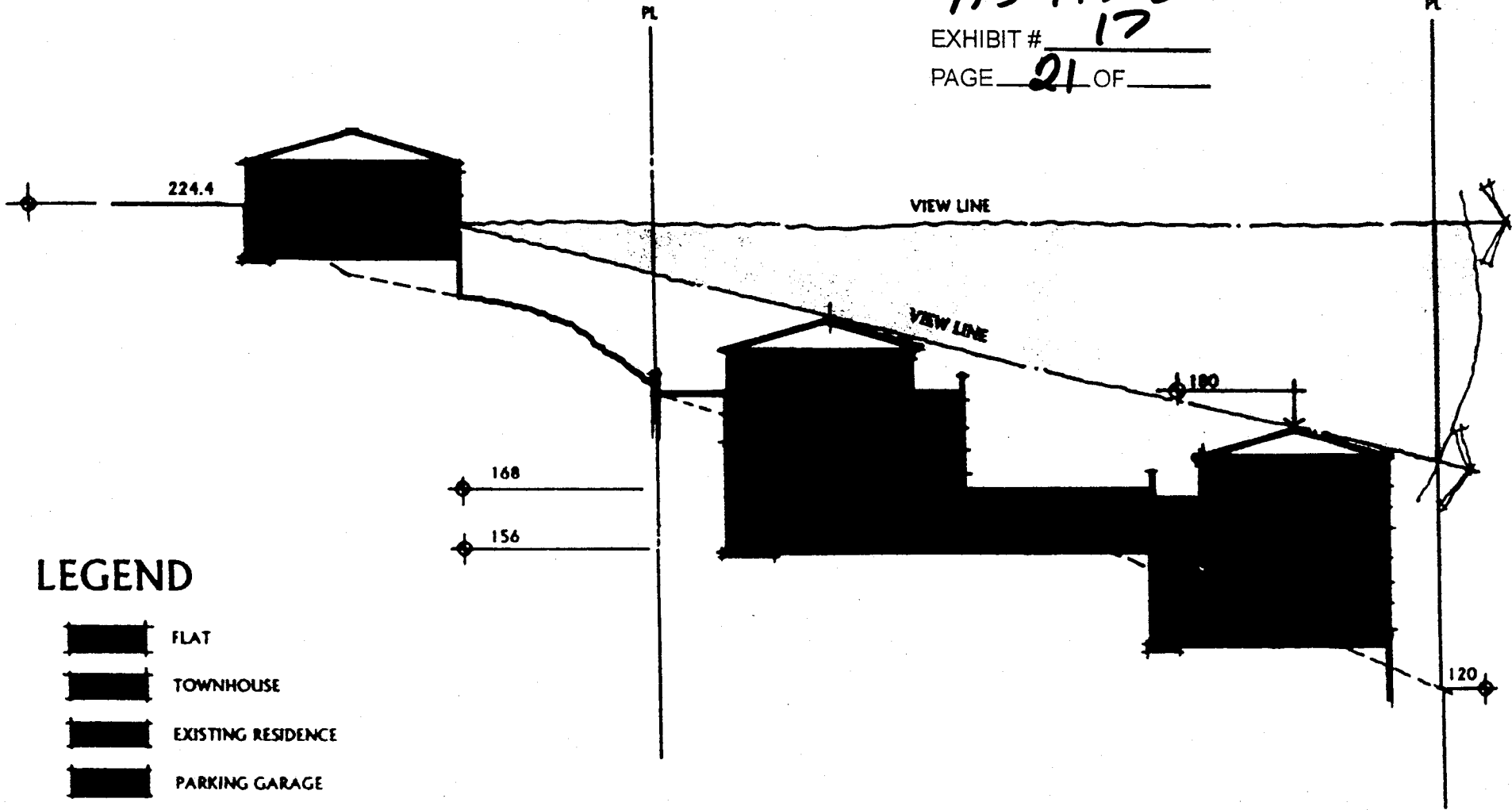


COASTAL COMMISSION

A5 PAL 05 63

EXHIBIT # 17

PAGE 21 OF



LEGEND





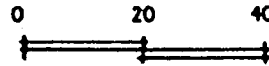
-  FLAT
-  TOWNHOUSE
-  EXISTING RESIDENCE
-  PARKING GARAGE

EXHIBIT "A-9"



SECTION 'G'

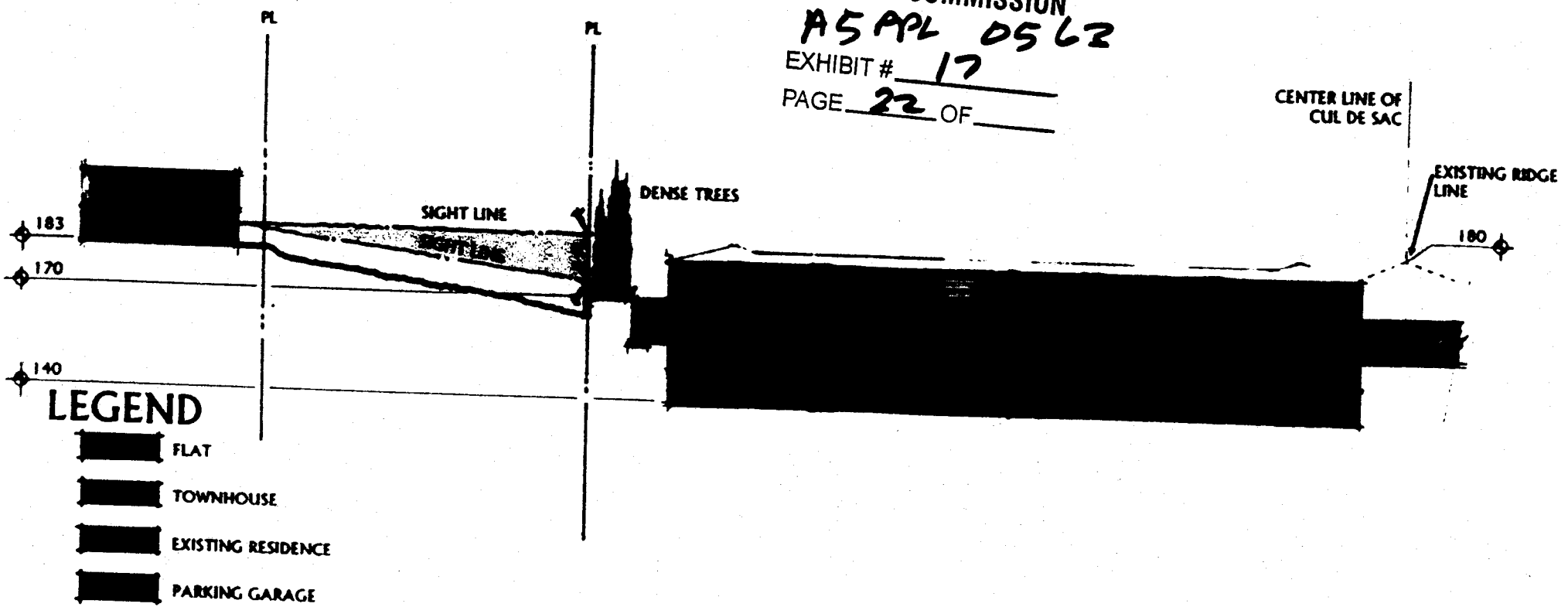
CALIFORNIA LANDMARK

PALISADES LANDMARK

PACIFIC PALISADES, CALIFORNIA



COASTAL COMMISSION
 A5 PPL 0562
 EXHIBIT # 17
 PAGE 22 OF



LEGEND





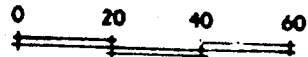
-  FLAT
-  TOWNHOUSE
-  EXISTING RESIDENCE
-  PARKING GARAGE

EXHIBIT "A-8"

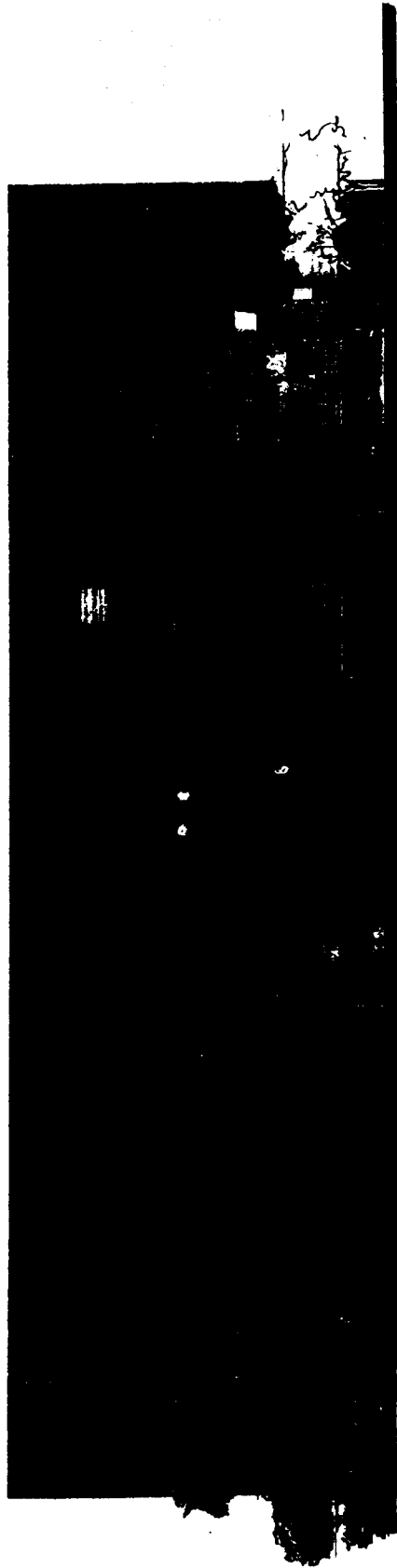


SECTION 'F'

CALIFORNIA LANDMARK

PALISADES LANDMARK
 PACIFIC PALISADES, CALIFORNIA





VIEW FROM OCEAN WOOD TERRACE CONDOMINIUMS

PALISADES LANDMARK

PACIFIC PALISADES, CALIFORNIA

CALIFORNIA LANDMARK

EXHIBIT "B-1"

PZ

13

AS PPL 0563

Ex h. bit 17

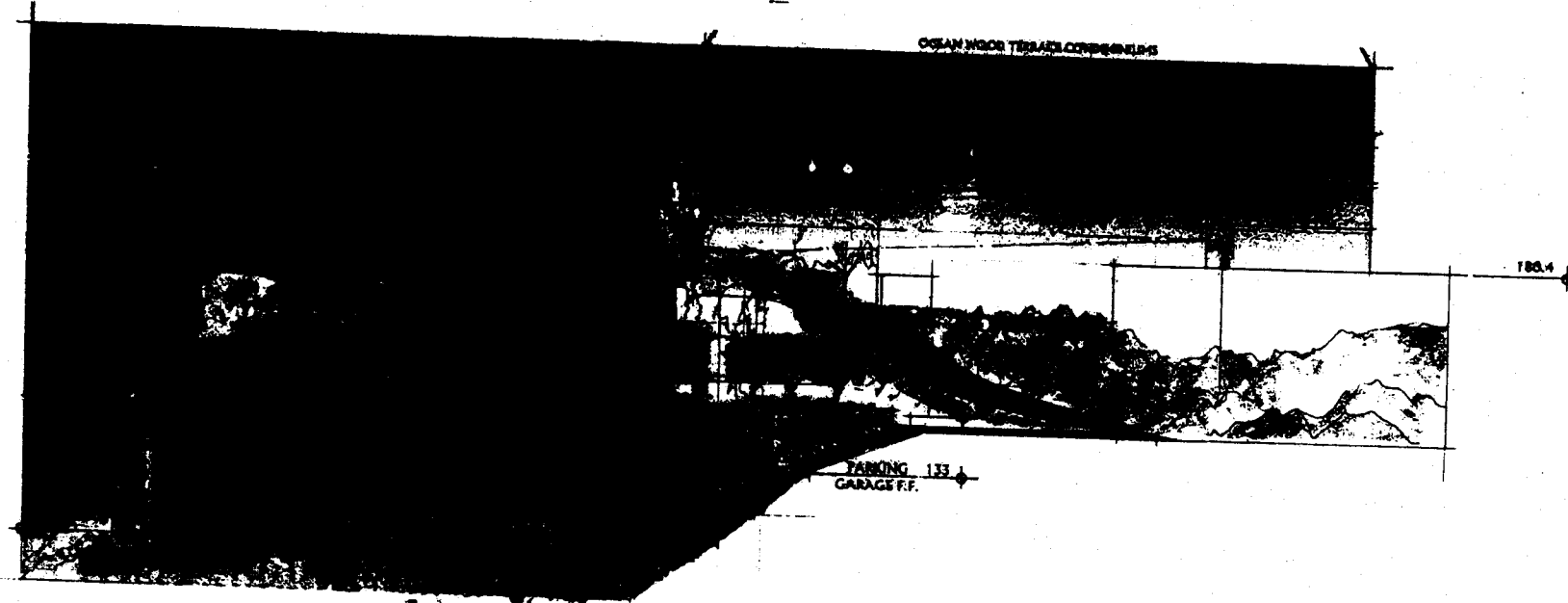
P. 23

COASTAL COMMISSION

A 5 PPL 05 63

EXHIBIT # 17

PAGE 24 OF



CALIFORNIA LANDMARK

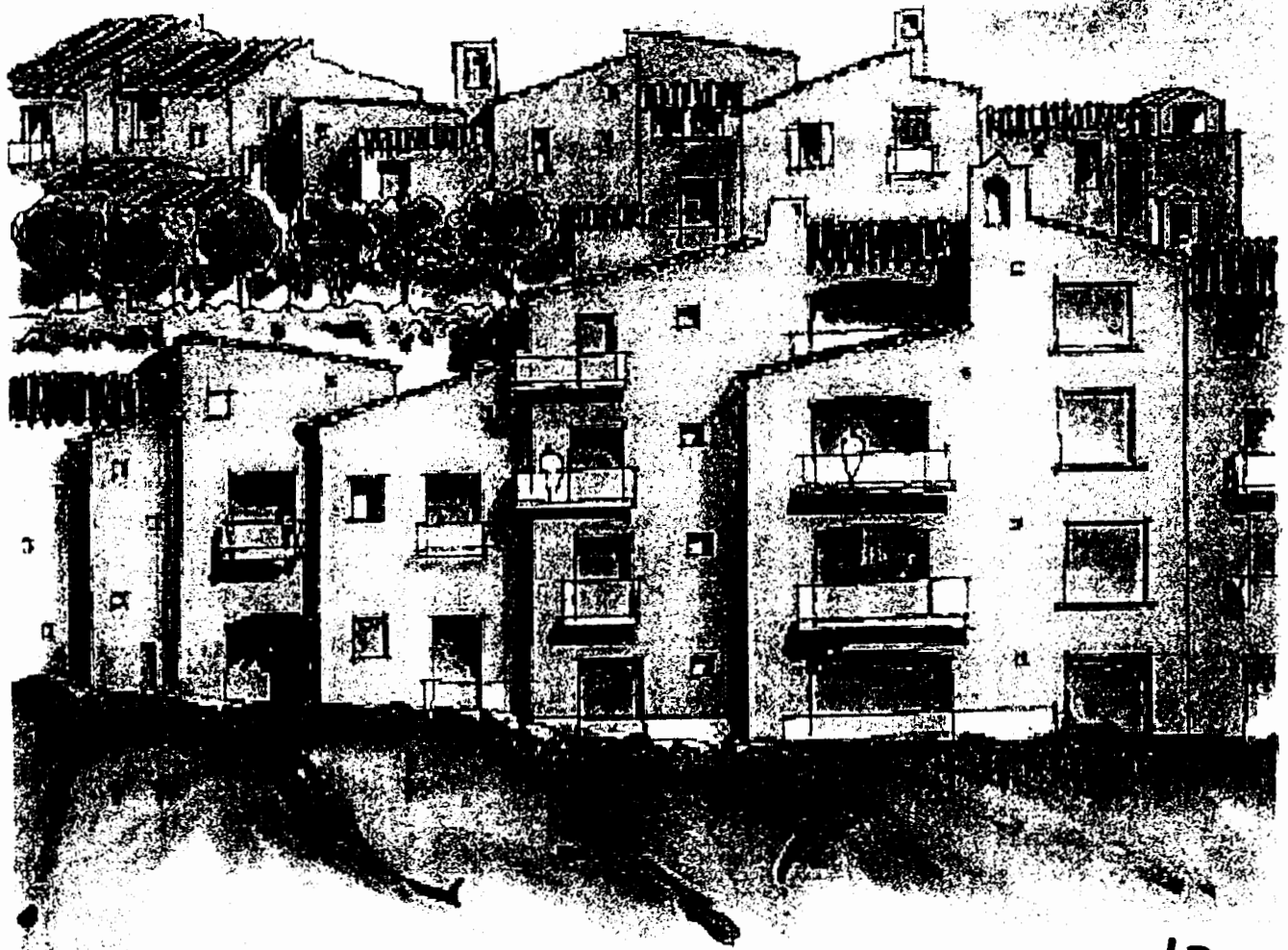
VIEW FROM TRAMONTO DRIVE

PALISADES LANDMARK

PACIFIC PALISADES, CALIFORNIA



EXHIBIT "B-2"



AS PPL 65 63
Exhibit 18 pl

Source Nadel Architects, Inc., December 5, 2002

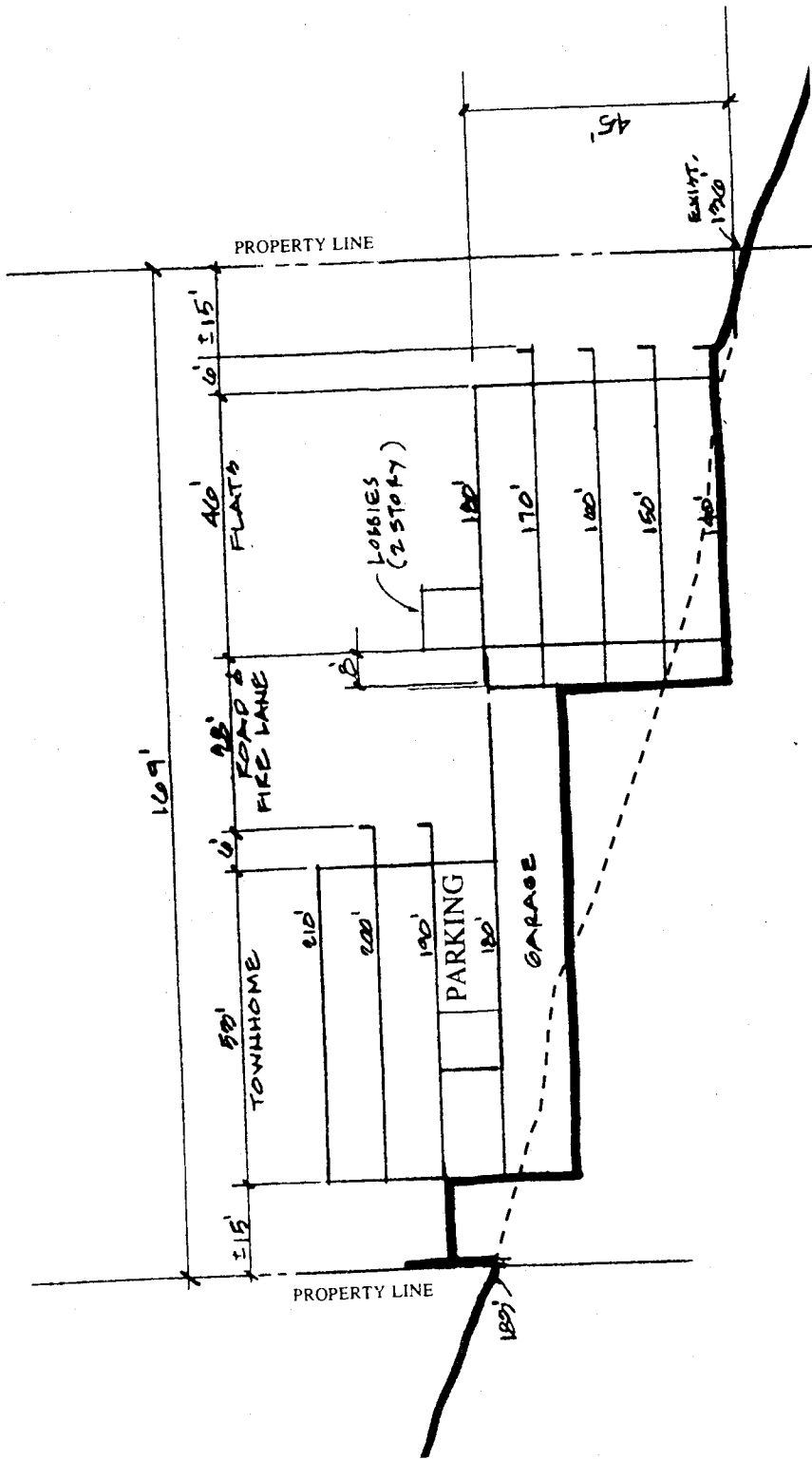


AS PPL 05 63
Exhibit 18
p2

Source Nadel Architects, Inc., December 5, 2002

Christopher A. Joseph & Associates
environmental planning and research

Figure III-7
Artist's Rendering of Townhomes and Flats



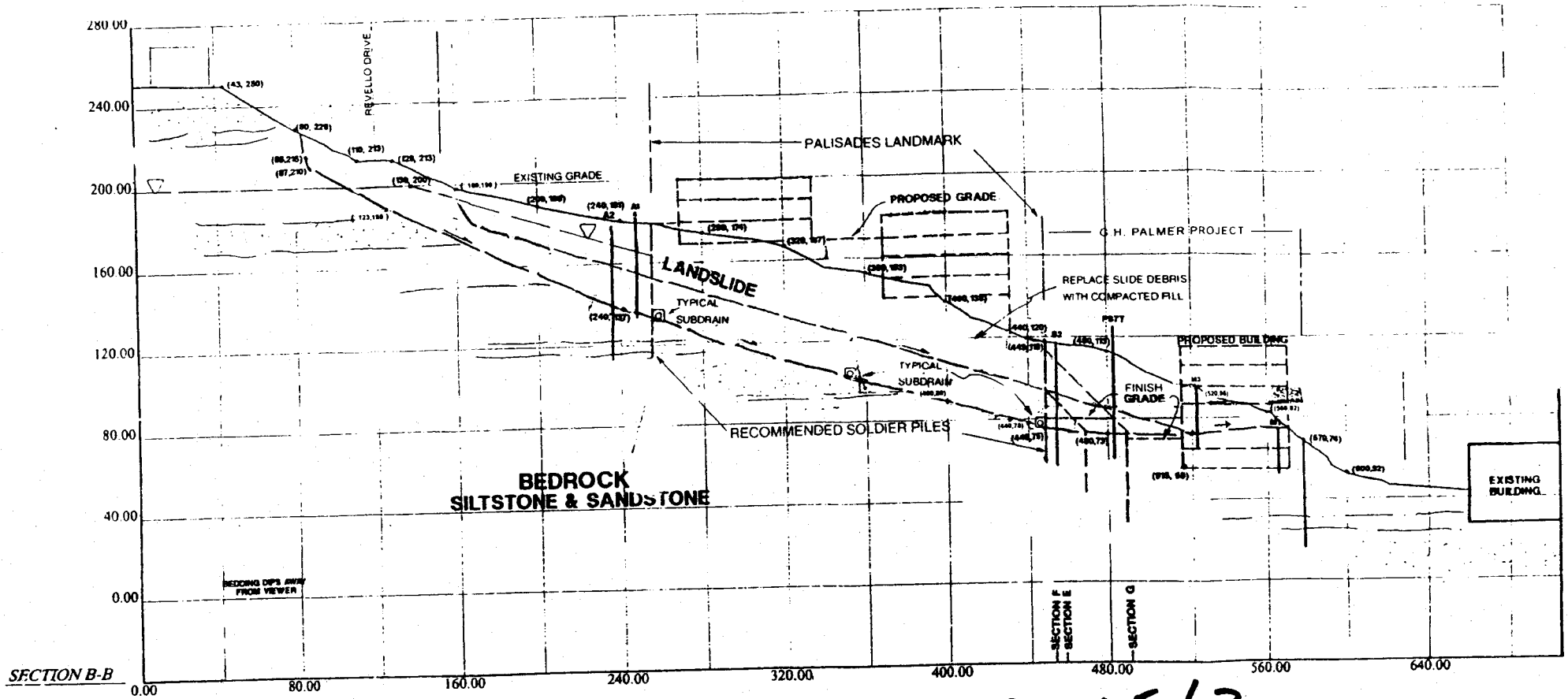
AS PPL 05 63
Exhibit 19

detachable cross section

Scale: 1" = 20'
Refer to Figure III-2 for cross section locations.
© Nadel Architects, Inc., April 15, 2002

Christopher A. Joseph & Associates
environmental planning and research

Figure III-6
Cross Section C



A 5 PPL 05 63
 proposed foundation

Source: The J. Reed Group, Inc. August 28, 2011

Exhibit 20

Figure IV.D-5
 Section B-B



A 5 PPL 05-63
 Exhibit 21
 "M. Gill map"
 of Landslides

Ravello
 slide

Future development of the adjacent areas - specifically more intensive development of the Santa Monica Mountains, is presently a contested issue. The local residents have a long history of zealously preserving the residential nature of the community. The Pacific Palisades Property Owners Association was established in the early 1930's to oppose a proposed industrial development in Santa Ynez Canyon. Recently, the Property Owners Association has been active in joining actions to limit the population density of the area. They have promoted the establishment of grading ordinances, and have been instrumental in the development of the Santa Monica Mountains Master Plan.

A proposed regional highway network indicates additional access routes to the study area, most of which are through the Santa Monica Mountains to the north. There is community concern over the influence this road network might have on the immediate community and the Santa Monica Mountains. The freeway issue in the study area itself has been highly publicized and debated. The community has stopped development of a coast freeway, and is presently contesting the proposed Reseda Freeway.

As development pressures mount, greater design and development controls appear to be needed to assure the best utilization of undeveloped lands in the future. This can hopefully be realized in part through an updated and workable land use plan that reflects the goals and aspirations of the citizens who reside in the area and city-wide needs and goals for the area. The Advanced Planning Section of the City of Los Angeles, in conjunction with the Citizens Advisory Committee of Pacific Palisades, is presently studying the Pacific Palisades with the intent of developing a density plan.

THE LANDSLIDE PROBLEM

The sea cliffs and steep canyon slopes of the Pacific Palisades area were subject to landsliding since long before settlement by man. The earliest landslide of record apparently occurred in 1874, and the earliest known topographic map that provides useful information on the study area was prepared by the U. S. Coast Survey in 1876. Pertinent historic records generally date back to the 1920's, when residential subdivision began in the area. The annexation of the Pacific Palisades area to the City of Los Angeles in 1916 made possible the construction of a water delivery system which stimulated residential development. In mid-1922, grading began. Thereafter, there was rapid growth of residential areas on the mesa lands and progressive construction and expansion of roads and highways. When the mesas were fully utilized, growth continued into the hills, either by terracing the hillsides or levelling the tops to fill adjoining canyons. Landslides were reported more frequently, not only because more of the region came under continuous observation, but because of the contributions of land use to instability and the effect of instability on property values. Extensive investigations by both government agencies and private parties on the location, threat and causes of land-

Exhibit 2, AS PPL 0563
Excerpt from
Comp/USGS report
p.

slides have been carried out. One of the more sensational landslides in the area occurred on March 31, 1958 when a great mass of rock and soil, with an estimated volume of 780,000 cubic yards, suddenly slid from the high bluff adjoining Via de las Olas. The slide (Fig. 7, Y3 in landslide area No. 26) buried the Pacific Coast Highway to a maximum depth of 100 feet, and the toe reached into the ocean. A highway maintenance supervisor was killed and several trucks and other heavy equipment were damaged while they were in the process of removing debris from a previous landslide of March 27, 1958. A comprehensive description of landslide activity through early 1959, including the Via de las Olas landslide, is included in the Moran report.

New landslides since 1958 have taken place chiefly along the canyon walls rather than along the palisades facing the sea. The most destructive and, therefore, best known examples are the Enchanted Way, Ocean Woods Terrace, and Revello Drive or Ocean Woods Estates landslides, and the landslide at the south end of Grenola Street inside the mouth of Pulga Canyon. A moderate-sized landslide on the west wall of middle Potrero Canyon first moved in the winter of 1968, causing part of the backyards of three houses to sink several feet.

The extremely heavy rains of the winter of January and February 1969 caused some completely new landslides, but most of them were relatively small. The main effect of these rains on slope stability was to renew or accelerate movement of many historic landslides, including some of the larger active landslides in the study area. Damage to streets, public utilities, and residences was greatest at Castellammare Palisades, where several younger landslides were reactivated and somewhat enlarged (Figs. 8-10), and where a new landslide destroyed a residence and part of Portomarina Way near the location of the former Castle Rock. Two moderate-sized landslides occurred on the hillside immediately above the Pacific Coast Highway, about 200 feet, and about 650 feet west of the mouth of Pulga Canyon. One is partly within and the other is entirely within the boundaries of previous landslides. The biggest landslide mass to undergo large movement was the long-active Friends Street landslide on the west side of Potrero Canyon. On January 20, 1969, the head of this slide dropped suddenly about 20 to 45 feet. In the weeks and months following the heavy rains, several other landslides showed slow but troublesome movement. The cumulative effects were particularly noticeable at the Enchanted Way landslide and at the large landslide several hundred feet east of the mouth of Santa Ynez Canyon, which for years has disrupted the Pacific Coast Highway.

As seen from the map in the appendix, the landslides are very numerous and many are extremely complex. The extent of the problem is obvious. Over five and a half million dollars of damages have occurred to public and private property in the study area between the years 1958 and 1971. As a result of landsliding in the study area, streets have subsided, slid, or been buried, and utility connections have been broken. Houses have cracked, crumbled, and slid - to the point of total or partial destruction. Many houses perch precariously at the top of landslide scarps

Exhibit 22 P²
A5 PPL DC 63
Excerpts

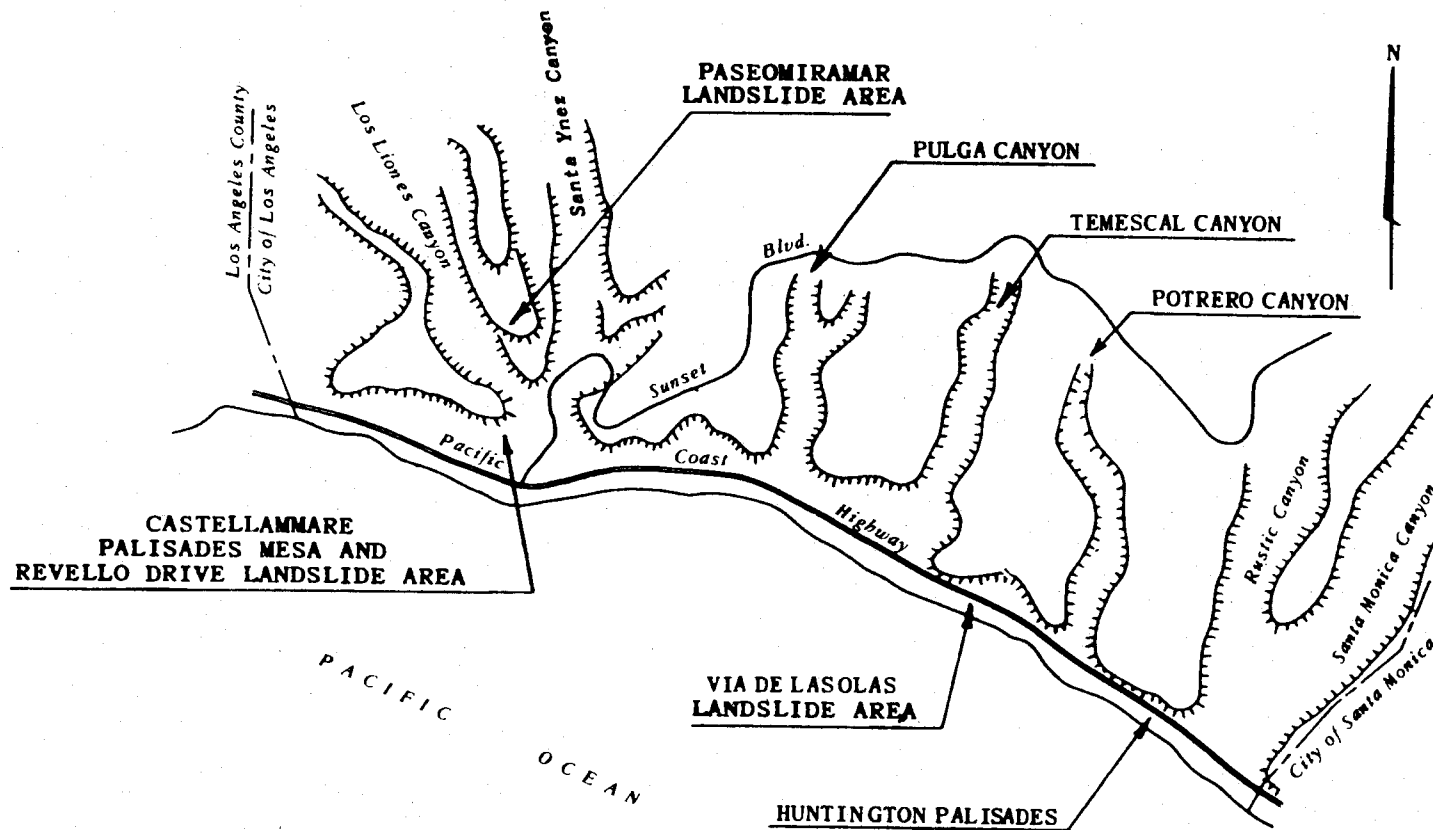


FIG. 2: Map illustrating the mesas and canyons of the study area.

A S TPL 05 63
 P3
 E-h.t 22
 map from report

Revello slide



FIGURE 3: Air photo of the east part of Castellamare Palisades and Mesa, the lower Santa Ynez Canyon and the Paseo Miramar landslide area. Intersection of Sunset Blvd. and the Pacific Coast Highway in right foreground. View looking north. Photo taken May 1970.

MS PPL 05-63
Exhibit 23 Aerial - 1970

