

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

**F9a**

Appeal Filed: 7/12/2010  
49<sup>th</sup> Day: 8/30/2010  
180th Day: N/A  
Staff: GT-LB  
Staff Report: 7/28/2010  
Hearing Date: August 13, 2010  
Commission Action:



***NOTE: The Commission will not take public testimony during this phase of the appeal hearing unless at least three commissioners request it. If the Commission finds that the appeal raises a substantial issue, it will schedule the de novo phase of the hearing for a future meeting, during which it will take public testimony. Written comments may be submitted to the Commission during either phase of the hearing.***

**STAFF REPORT: APPEAL/SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of Los Angeles

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-PPL-10-156

**APPLICANT:** Alan E. Morelli      **AGENT:** Antonio Bruno AIA Architects

**APPELLANTS:** Susan Kudo      **AGENT:** Melvin L. Nutter

**PROJECT LOCATION:** 200 Mantau Rd., Pacific Palisades, City of Los Angeles, Los Angeles County.

**PROJECT DESCRIPTION:** Appeal of City of Los Angeles Local Coastal Development Permit No. ZA-2008-2334 approved with conditions for demolition of 2,500 sq. ft. single family home and construction of a three-story, 11,330 sq. ft. single-family home with five-car garage, swimming pool, retaining walls, and soldier piles on a 57,431 sq. ft. lot located within dual jurisdiction permit area of California Coastal Zone.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles Local Coastal Development Permit No. ZA-2008-2334 staff report, findings and attachments.
2. City of Los Angeles Geology and Soils Report Approval Letter, July 12, 2006.
3. Mitigated Negative Declaration No. ENV-2008-2235-MND, 3/30/2009.

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission, after public hearing, determine the appeal raises **a substantial issue** with respect to the grounds on which the appeal has been filed because the local government's action raises a substantial issue relative to consistency with Section

30253 of the Coastal Act which requires that new development (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard and, (2) assure stability, and structural integrity, and neither create nor contribute significantly to erosion, erosion, geologic instability, or destruction of the site or surrounding area . . . The City's staff report notes that an active landslide exists on a portion of the site, approximately 40 feet in depth, and that much of the site has a factor of safety of less than 1.5 stability. The site has also been subject to slope failure in the past and the site contains uncertified fill. Soldier piles, a retaining wall and slope remediation repairs are proposed to address the site's current condition and past slope failures.

In addition, the local government's action raises a substantial issue relative to the project's consistency with Section 30251 of the Coastal Act which requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, and to be visually compatible with the character of surrounding areas. The subject site is located above and is visible from Pacific Coast Highway. The demolition of a 2,500 square foot residence and construction of an 11,330 square foot residence is allegedly much larger than and out-of-character with other residential structures in the neighborhood.

For the reasons described above, staff believes that additional analysis is necessary relative to determining consistency with the applicable polices of the Coastal Act. **The motion to carry out the staff recommendation is found on page 5 of this staff report.**

## **I. APPELLANTS' CONTENTIONS**

City of Los Angeles Local Coastal Development Permit No. ZA-2008-2334, approved with conditions by the West Los Angeles Area Planning Commission on June 16, 2010, has been appealed by Susan Kudo (Exhibit #1). The appeal was received in the Commission's South Coast District office on July 12, 2010. The 20 working day appeal period will end at 5:00 p.m. on July 27, 2010.

The stated grounds for the appeal are:

- "The proposed development will increase, not minimize, risks to life and property in an area of high geologic, flood, and fire hazards" and is therefore inconsistent with the provisions of Section 30253 of the Coastal Act.
- "The proposed development is visually incompatible with the character of the surrounding coastal area" and is therefore inconsistent with Section 30251 of the Coastal Act.

To support the first grounds for appeal, the appellant has submitted a Review of Proposed Development prepared by E.D. Michael, Consulting Geologist. In the report, Mr. Michael raises concerns about the stability of the slope at the project site and potential threats to the stability of neighboring properties. The consulting geologist's report is attached to the appeal (Exhibit #1).

Regarding the second grounds for appeal, the appellant contends that the construction of a large 11,330 square-foot residence and 22-foot high retaining wall will result in

substantial landform alteration and create “a massive visual intrusion on the coastal bluff as it rises above the highway”.

## **II. LOCAL GOVERNMENT ACTION**

Local Coastal Development Permit No. ZA-2008-2334, which approved the demolition of a 2,500 square-foot single-family dwelling and the construction of a new three-story, 11,330 square-foot single-family dwelling with a five-car garage, swimming pool, retaining walls, soldier piles and remedial slope repairs, was initially approved with conditions by the City of Los Angeles Zoning Administrator on December 30, 2009. The ZA approval was subsequently appealed to the West Los Angeles Area Planning Commission by Susan Kudo and Sheila Greger. At its meeting on June 16, 2010, the Planning Commission failed to act on the appeal of the Zoning Administrator’s decision. The Area Planning Commission is the last appeal body within the City of Los Angeles decision-making authority on this matter. With no action taken by the Area Planning Commission on the appeal, the Zoning Administrator’s decision is the City’s final action on the Coastal Development Permit. The Area Planning Commission subsequently transmitted a notice of the CDP approval to the district office of the Coastal Commission.

On June 28, 2010, the Commission’s South Coast District office in Long Beach received a valid Notice of Final Action from the City for its approval of Local Coastal Development Permit No. ZA-2008-2334, and established the twenty-working day appeal period.

The appeal by Susan Kudo was filed on July 12, 2010 (Exhibit #1). The appeal period runs until 5:00 p.m. on July 27, 2010.

Because the proposed project is located in the City and Commission’s “Dual Permit Jurisdiction” area (see Section IV on Page Four), the applicant is required to apply for and obtain a separate coastal development permit from the Commission for the proposed development. If possible, the public hearings and actions for both the de novo portion of this appeal (if the Commission finds that a substantial issue exists) and the “dual” coastal development permit application will be combined and scheduled for concurrent action at the same future Commission meeting.

## **III. APPEAL PROCEDURES**

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 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under 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. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. 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. [Cal. Pub. Res. Code § 30602.]

Any appeal of the local action is then analyzed to determine if a substantial issue exists as to the approved project's conformity with Chapter 3 of the Coastal Act (Sections 30200-30265.5). [Cal. Pub. Res. Code § 30625(b)(1).] Unless the Commission finds that the appeal raises no substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.]

At this point, the Commission may decide that the appellants' contentions raise no substantial issue as to conformity of the approved project with Chapter 3 of the Coastal Act, in which case the action of the local government stands. Or, the Commission may find that a substantial issue exists with respect to the conformity of the action of the local government with Chapter 3 of 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 Sections 13114 and 13057-13096 of the Commission's regulations.

#### **IV. DUAL PERMIT JURISDICTION**

The proposed development involves the City's and Commission's "*Dual Permit Jurisdiction*" area. Section 30601 of the Coastal Act 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) Development 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.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second or "dual" coastal development permit from the Coastal Commission. For projects located inland of the areas

identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required.

Because the project site is within the City and Commission's "Dual Permit Jurisdiction" area, the applicant is required to obtain a separate coastal development permit from the Commission for the proposed development.

In regards to this appeal, if the Commission finds that a substantial issue exists in regards to the City's approval of the local coastal development permit, the subsequent de novo action on the local coastal development permit will be combined with the required "dual" Coastal Commission coastal development permit application for concurrent action at the same future Commission meeting. The matter will not be referred back to the local government. On the other hand, if the Commission finds that no substantial issue exists in regards to the City's approval of the local coastal development permit, then the local coastal development permit approved by the City will be final, and the Commission will act on the required "dual" Coastal Commission coastal development permit as a separate agenda item.

## **V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that **a substantial issue exists** with respect to whether the local government's 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-10-156 raises **no** substantial issue with respect to 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-10-156**

The Commission hereby finds that Appeal No. **A-5-PPL-10-156** presents a substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

## **VI. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE**

The Commission hereby finds and declares:

### **A. Project Description**

The proposed project approved by the City is for the demolition of a 2,500 square-foot single-family dwelling and the construction of a three-story, 11,330 square-foot single-family dwelling

with a five-car garage, swimming pool, retaining wall, soldier piles, and grading on a 57,431 square-foot lot located at 200 Mantua Road, Pacific Palisades, within the dual jurisdiction permit area of the Coastal Zone. The total amount of grading proposed is not specified in the City's staff report and finding. Because the project site is located within the dual permit jurisdiction area a Coastal Development Permit will be required from the Coastal Commission regardless of whether the Commission finds that a substantial issue exists relative to the subject appeal of the City's approval.

The project site is an irregular-shaped, interior parcel located at the southerly terminus of Mantua Road in Pacific Palisades. The property is currently improved with a single-story single-family dwelling and detached two-car garage both of which were constructed in 1951. The property is zoned RE40-1. The cul-de-sac of Mantua Road borders the property to the northwest. Surrounding properties are characterized by hillside topography and, with the exception of the vacant adjacent western properties, surrounding properties are improved with single-family dwellings and the Bel Air Bay Club to the east. Pacific Coast Highway borders the property to the south. The property contains several mature Palm trees, along with other trees, shrubs and native flora. The descending slopes are densely vegetated with native trees and shrubs.

## **B. Substantial Issue Analysis**

Section 30602 of the Coastal Act states:

*Prior to certification of its local coastal program, any action taken by a local government on a coastal development permit application may be appealed by the executive director of the commission, any person, including the applicant, or any two members of the commission to the commission..*

Coastal Act Section 30625(b)(1) states that the Commission shall hear an appeal filed pursuant to subdivision (a) of Section 30602 (the pre-certification permit option) unless it determines:

*(1) ... that no substantial issue exists as to conformity with Chapter 3 (commencing with Section 30200).*

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal of a locally issued coastal development permit unless it "finds that the appeal raises no substantial issue in accordance with the requirements of public resources code section 30625(b) and section 13115(a) and (c) of these regulations" (Cal. Code Regs., tit. 14, section 13321.) 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 policies Chapter 3 of 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; and

5. Whether the appeal raises only 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 the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City raises a substantial issue with regard to the appellant's contentions regarding coastal resources.

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that the local government action raises no substantial issue as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist in the local government's approval of the project.

### **Landform Alteration and Geologic Hazards**

Section 30253 of the Coastal Act states (in part):

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.

As stated previously, the primary issue raised by the appellant is that "the proposed development will increase, not minimize, risks to life and property in an area of high geologic, flood, and fire hazards" and is therefore inconsistent with Coastal Act Section 30253 (1). The appellant further contends that the proposed development does not conform to the requirement of Coastal Act Section 30253(2) as stated above.

To support these contentions, the appellant notes that "the Zoning Administrator's report acknowledges that the site contains an active landslide approximately 40 feet in depth, that much of the site has a safety factor less than 1.5 for stability, and that an erosional slope failure has occurred on the northeast portion of the site." In addition, the appellant has submitted a report prepared by E.D. Michael, Consulting Geologist, which discusses "several other geologic hazards presented by the proposed development". As noted in the "Statement of Reasons for Supporting this Appeal" the consulting report addresses concerns about the "stability of the slope" at the proposed development site and notes that the site is underlain by "expansive soil, which poses a special risk of instability". The report also notes that "the proposed development poses a threat to the stability of neighboring homes".

The consulting geologist's (Michael) review report is attached to the appeal submitted by Susan Kudo (exhibit #1). The report discusses previous geotechnical investigations concerning the subject site and surrounding properties and raises concerns related to expansive soils developed from the "Modelo Formation" and to overall slope stability analyses (Stone reports) used by the City to approve the development. The Michael report notes that "the Stone reports, together with suggestions for more detailed analysis from the Grading Division of the Department of Building and Safety through issuance of 'correction letters', or final conditions in a similar 'approval' letter, have been considered acceptable for development of the Morelli property, but predicated on adherence to thirty-six conditions" specified in a previous geotechnical report. The *Conclusions* section of the Michael report states in its introductory paragraph that "the proposed development of the Morelli property, as described in the reviewed documents, in my opinion is questionable for two reasons. First, special conditions presented by the Modelo Formation slide debris have not been addressed in the Stone reports; second, the proposed export of 3,500 cy of material raises a serious issue of environmental impact" relative to the current stability of Mantua Road and its ability to withstand numerous truckloads of exported excavated material."

The appeal also notes that the site overlooks Pacific Coast Highway and that "a landslide from the development site onto PCH would pose a serious public safety concern." The appeal cites the Michael report in noting that "many homes on Mantua Road were built from 1951-1955, and were not constructed with the geotechnical investigations and structural foundations now required by the City Building Code." The appellant also contends that the construction of a 22-foot high retaining wall is not consistent with the provision of Coastal Act Section 30253 (2) that new development not "in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs".

The City acknowledges the prior slope stability problems that exist or have existed in the past on the subject site in its findings to approve the proposed development. The findings contain the following statement:

*In accordance with a settlement agreement reached with the City of Los Angeles in January, 2009, the applicants will undertake retaining wall and slope remedial repairs in conjunction with the project approved herein to address damages that were the subject of their litigation (with other properties) against the City (**Morelli v. City of Los Angeles**, Superior Court Case No. SC 064949). The repairs will remediate conditions that led to slope failures on the property, allegedly due to the City's installation of a new sewer line during a period of heavy rainfall, and roadway settling along Mantua Road causing flooding of the applicant's property. The incidents occurred in 1998, 2001, and 2004.*

The City's findings state that the project has been reviewed in a geology and soils report prepared by Ralph Stone & Company, Inc., which has been reviewed by the Grading Division of the Department of Building and Safety. The findings acknowledge the presence of an active landslide on the southwest portion of the site, an erosional slope failure on the northeast portion of the site, up to 16-feet of uncertified fill on the site, and that much of the site has a factor of safety that is less than 1.5 for stability.

To remediate the slope failures and landslides on the subject site the applicant is proposing to install soldier piles along the edge of the landslide to limit expansion of the landslide and to provide a minimum factor of safety of 1.5 for the remainder of the site. A pile-supported

retaining wall is proposed around the building pad area and a 22-foot-high retaining wall is proposed within the public right-of-way to support the street. The City's findings state:

*"Whenever the principal building on a site is added to, altered or repaired in excess of 50 percent of its replacement value, the entire site shall be brought up to the current code standard (emphasis added). The proposed addition and remodeling of the main building will exceed 50 percent of the replacement value of the building, requiring that the entire site be stabilized. A Request for Modification to leave the active landslide has been approved with conditions."*

In response to objections to the project raised by the appellant (described above) at the City's public hearing, the applicant's consultant stated, in part, as follows:

- Site safety: The entire building site will be graded and stabilized to a slope stability factor of safety of 1.5 and the edge of the site above Pacific Coast Highway will be stabilized with a row of connected soldier piles installed below grade.
- Slope stability – PCH: Slopes along PCH which intrude on the Morelli (applicant's) property have young landslides on them due to the toe of slope removals for state highway construction and widening projects by Caltrans ... It is the consultant's understanding that Caltrans has the slopes on their list of landslide slopes for stabilization with a low priority for stabilization.
- Slope stability – Bel Air Bay Club Driveway: The slopes along the Club driveway will be stabilized to a slope factor of safety of 1.5 as approved by the City's Grading Division.
- Final House Pad Evaluation: The Morelli's home is to be founded on piles and structural slabs. During site preparation the exposed soils/rock will be evaluated for the compatibility with the planned foundation design. If conditions warrant, the recommendations will be modified and they will be reviewed and approved by the City's Grading Division, as required.
- Mantua Road: Mantua Road is a cul-de-sac and the site access point has been fully repaired and stabilized by the City Bureau of Engineering at the southerly terminus and turn-around by deep piles and improved drainage.
- Slope failure on property line between Kudo and Morelli properties: The landslide between the Morelli and Kudo properties is more accurately characterized as a wash-out contributed to by broken pipe(s) and heavy rainfall. It is the consultants understanding that Kudo's (appellant's) consultant on the wash-out prepared a geotechnical report to repair it with a simple pipe-and-board with benched compacted fill remedial slope repair as is allowed by the City's Grading Division.

The City staff report findings acknowledge that the project site and access road have been evaluated by different consulting geologists and given differing outcomes and conclusions. The findings further note that the Zoning Administrator is not an expert in the field of geotechnical and geologic engineering to make his own conclusions about the differing analyses given to the project, but instead relies on the expertise of the City's engineering geologist and geotechnical engineer in finding the applicant's consultant's geology and soils report acceptable provided specified conditions are followed. The findings conclude that with the conditions imposed and with the Grading Division's approval letter, the proposed development conforms with Chapter 3 of the Coastal Act.

The Commission finds, however, that it is not clear whether the City's project approval based on the applicant's consulting geologist's recommendations, given the prior history of geologic

instability on the subject site and surrounding properties, and the concerns raised by the appellant's consultant are adequate to reasonably conclude that the entire site and surrounding properties will not be adversely impacted by the proposed development. A finding of Substantial Issue relative to the appeal will allow for additional review of the proposed development by the Commission's staff geologist and/or staff engineer.

### **Scenic and Visual Resources**

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural 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.

The appellant contends that the proposed development site "is readily visible from Pacific Coast Highway" and that the replacement of the existing 2,500 square-foot dwelling with an 11,330 square-foot single-family dwelling "perched above Pacific Coast Highway" would result in the "creation of a massive visual intrusion on the coastal bluff as it rises above the highway". The appellant further contends that "the proposed home is substantially larger than any others in the vicinity and is out-of-character within the neighborhood.

As described above, the proposed project consists of the demolition of a single-story, 2,500 square-foot dwelling and construction of a maximum 36-feet in height, three-story, 11,330 square-foot single family dwelling with considerable unspecified grading and the addition of retaining walls to the site. In regards to consistency with Section 30251 of the Coastal Act, the City's findings only note that the new dwelling has been conditioned to be no higher than 16-feet above the centerline of the Mantua Road frontage. Given the increase in the size and breadth of the proposed development relative to existing development on the site and the unspecified amount of grading proposed, the Commission finds that a finding of consistency with Section 30251 is not possible without further review and analysis. A finding of Substantial Issue relative to the appeal will allow for further review by staff in order to determine whether the project conforms to the provisions of Section 30251.

### **Conclusion**

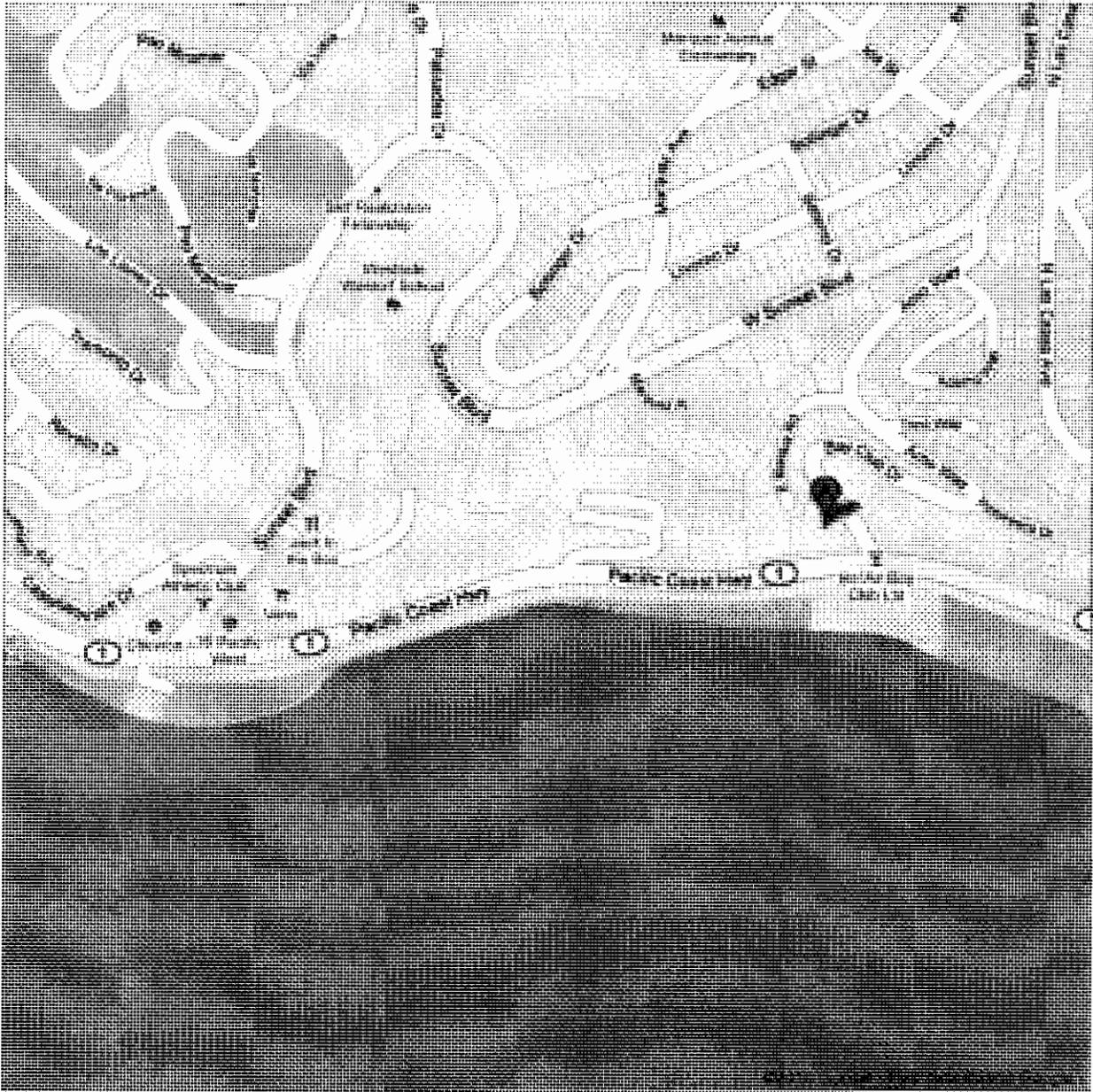
Given the subject property's location on a slope above Pacific Coast Highway, prior history of geologic instability and landslides in the area of the site, prior slope failures on the subject site, prior history of litigation concerning slope failure on the subject site, and the concerns raised by the appellant's consulting geologist, staff believes it is prudent that the Commission's staff geologist and/or staff engineer review the proposed development and the various consulting geotechnical reports prior to the Commission's final action on this appeal. In addition, further review and analysis of the project's potential impacts upon scenic and visual qualities of the area and compatibility with the character of surrounding areas is necessary. Because it is important to ensure that the proposed project is consistent with the applicable policies of the Coastal Act discussed above, the Commission will carefully review the proposed project when

it acts on the de novo portion of the appeal and the dual permit application. Only with careful review of the proposed project can the Commission ensure that the project minimizes risks to life and property and does not create nor contribute to erosion or geologic instability of the site or surrounding area. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing. Therefore, the Commission finds that a substantial issue exists with respect to the appeal and with the approval of Local Coastal Development Permit No. ZA-2008-2334.

Google maps

Address 200 Mantua Rd  
Pacific Palisades, CA 90272

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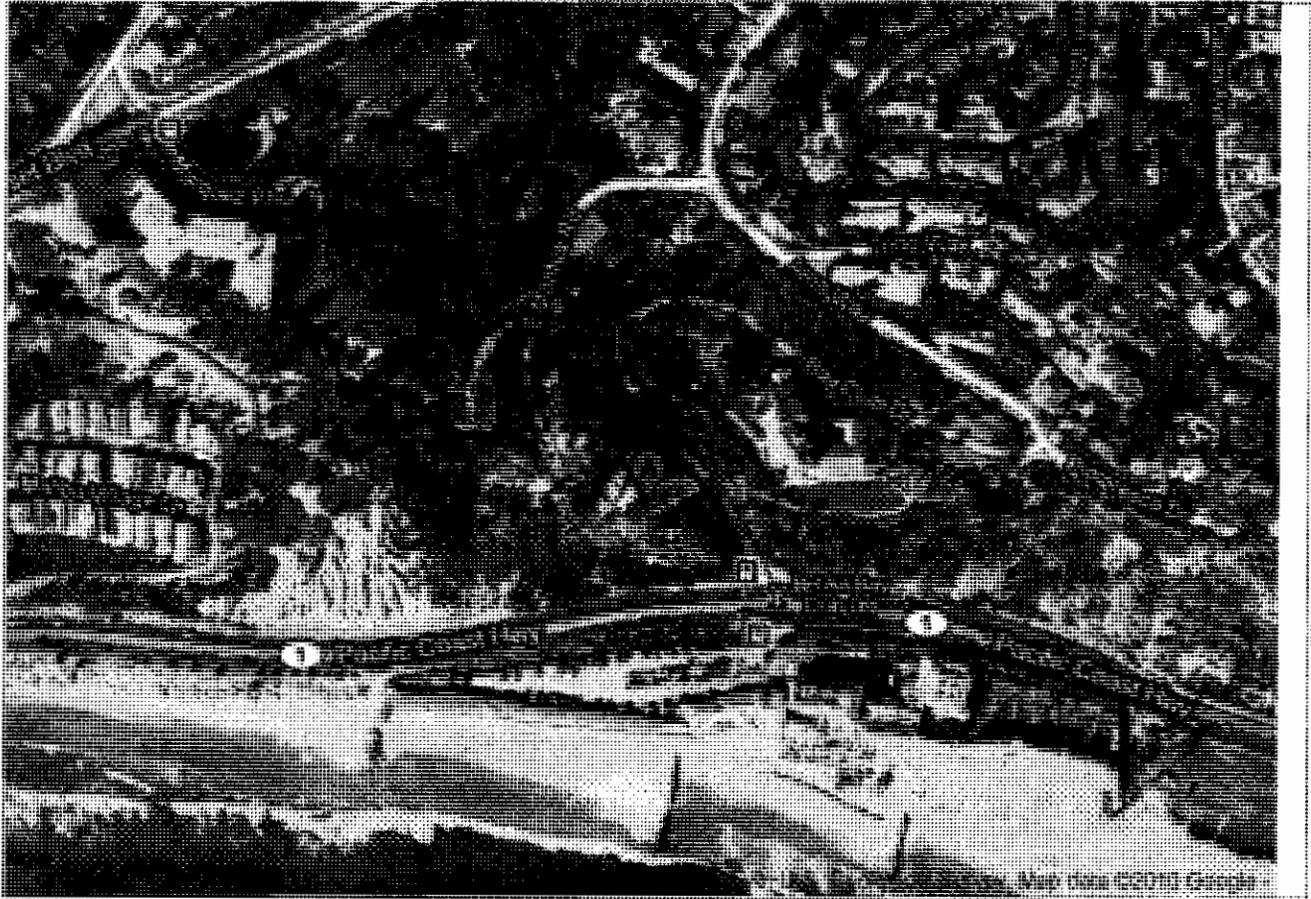



# Google maps Address

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CALIFORNIA COASTAL COMMISSION

JUL 12 2010

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VOICE (562) 590-5071 FAX (562) 590-5084

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: SUSAN KUDO

Mailing Address: 210 MANTUA ROAD

City: PACIFIC PALISADES, CA

Zip Code: 90272

Phone: (310) 892-7420

SECTION II. Decision Being Appealed

1. Name of local/port government:

CITY OF LOS ANGELES

2. Brief description of development being appealed:

Demolition of a 2,500 square-foot single-family dwelling and construction of a three-story, 11,330 square-foot single-family dwelling including a five car garage and swimming pools on a 57,431 square-foot lot above and bordering Pacific Coast Highway.

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

200 MANTUA ROAD, PACIFIC PALISADES, CA 90272

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.

<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO:	A-5-PPL-10-156
DATE FILED:	7/12/10
DISTRICT:	Long Beach / south coast

A-5-PPL-10-156  
EXHIBIT 1

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: June 16, 2010

7. Local government's file number (if any): ZA-2008-2334-CDP-MEL-1A

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

ALAN MORELLI  
200 MANTUA ROAD  
PACIFIC PALISADES, CA 90272

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) SHEILA GREGER  
230 MANTUA ROAD  
PACIFIC PALISADES, CA 90272

(2) BEN LEEDS  
3385 OVERLAND AVE., 2<sup>ND</sup> FLOOR  
LOS ANGELES, CA 90034

(3) JACK HENNINGSEN  
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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.

**SEE STATEMENT OF REASONS FOR SUPPORTING THIS APPEAL ATTACHED**

**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.

Sam Kudo  
Signature of Appellant(s) or Authorized Agent

Date: July 9, 2010

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

**Section VI. Agent Authorization**

I/We hereby authorize MELVIN L. NUTTER  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Sam Kudo  
Signature of Appellant(s)

Date: July 9, 2010

## STATEMENT OF REASONS FOR SUPPORTING THIS APPEAL

The City of Los Angeles does not have a certified Local Coastal Program. Therefore, before the proposed development can be approved, it must be found to be in conformity with the policies set forth in Chapter 3 of the Coastal Act. The project, which was approved by the West Los Angeles Area Planning Commission by its failure to act on an appeal of a Zoning Administrator's decision, does not conform to those policies. A copy of the decision being appealed is attached.

### THE PROPOSED DEVELOPMENT WILL INCREASE, NOT MINIMIZE, RISKS TO LIFE AND PROPERTY IN AN AREA OF HIGH GEOLOGIC, FLOOD, AND FIRE HAZARDS

The Coastal Act requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard. (Pub. Res. Code, § 30253(a).) This development will exacerbate, not minimize, those risks. The Zoning Administrator's report acknowledges that the site contains an active landslide approximately 40 feet in depth, that much of the site has a safety factor less than 1.5 for stability, and that an erosional slope failure has occurred on the northeast portion of the site.

Attached is a copy of a report from E. D. Michael, a geologist with significant expertise in this area, which highlighted several other geologic hazards presented by the proposed development. In his report, Mr. Michael raised serious questions about the stability of the slope at the site of the proposed development. Specifically, he pointed out that the soil beneath the property is "expansive soil," which poses a special risk of instability. Mr. Michael also noted that the proposed development poses a threat to the stability of neighboring homes.

Pub. Res. Code § 30253(b) requires new development to "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."

The site overlooks Pacific Coast Highway, a road with a significant amount of traffic. A landslide from the development site onto PCH would pose a serious public safety concern. Moreover as Mr. Michael noted in his report, many homes on Mantua Road were built from 1951-1955, and were not constructed with the geotechnical investigations and structural foundations now required by the City Building Code. Mr. Michael further opined that the foundations of these homes are underlain by relatively unstable fill, and that the slope instability of these homes is a strong concern. Mr. Michael is particularly concerned that use of Mantua Road for the hauling of significant amounts of dirt in connection with the proposed development will cause substantial vibration and will threaten the stability of these homes.

Related to this, Mantua Road is less than 20 feet wide in front of appellant's property, and parking is permitted. The garbage truck is too wide to pass when cars are parked on the street. The set back is about 13 feet - at appellant's front door, thus, dump trucks and other heavy vehicles will be required to navigate a very narrow road and pass (and vibrate) other hillside homes just a few feet away.

Additionally, the Zoning Administrator's report notes that the applicant proposes to construct a 22-foot high retaining wall to support the street. This construction violates the Coastal Act's prohibition of new development that "in any way requires the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs."

**THE PROPOSED DEVELOPMENT IS VISUALLY INCOMPATIBLE WITH THE  
CHARACTER OF THE SURROUNDING COASTAL AREA**

The Coastal Act requires new development to be "visually compatible with the character of surrounding areas .(Pub. Res. Code § 30251)

The site of the proposed development, which sits above and is readily visible from Pacific Coast Highway, as shown in the attached photograph, currently contains a 2,500 square foot home. This home is consistent with the size and character of homes in the surrounding area. In its place, the applicant is seeking to construct a huge 11,330 square foot single family residence perched above Pacific Coast Highway, one of the most heavily used recreational coastal routes in Southern California. The result would be the creation of a massive visual intrusion on the coastal bluff as it rises above the highway. The proposed home is substantially larger than any others in the vicinity and is out-of-character within the neighborhood.



# WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

Determination Mailing Date JUN 25 2010

**CASE NO. ZA-2008-2334-CDP-MEL-1A**

**Location: 200 Mantua Road**

**Council District: 11**

**CEQA: ENV-2008-2335-ND**

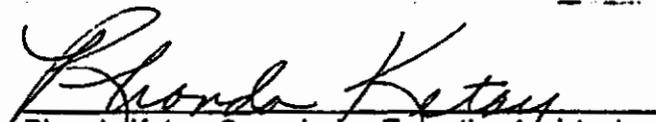
**Plan Area: Brentwood – Pacific Palisades**

**Zone: RE40-1**

**Applicant:** Alan Morelli  
**Representative:** Antonio Bruno, Antonio Bruno AIA Architects

**Appellants:** Susan Kudo and Sheila Greger  
**Representative:** Steven A. Morris & Jack L. Hennigsen

At its meeting on June 16, 2010, the West Los Angeles Area Planning Commission failed to act on an appeal of the Zoning Administrator's December 30, 2009 grant of a Coastal Development Permit to permit the demolition of a 2,500 square-foot single-family dwelling and the construction, use and maintenance of a three-story, 11,330 square-foot single-family dwelling with a five-car garage on a 57,431 square-foot lot located within the dual jurisdiction permit area of the California Coastal Zone.

  
Rhonda Ketay, Commission Executive Assistant  
West Los Angeles Area Planning Commission

cc: Notification List  
Larry Friedman

MICHAEL LOGRANDE  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

PATRICIA BROWN  
R. NICOLAS BROWN  
SUE CHANG  
LARRY FRIEDMAN  
LOURDES GREEN  
LINN K. WYATT  
MICHAEL S.Y. YOUNG  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING

S. CAIL GOLDBERG, AICP  
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OFFICE OF  
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200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012

(213) 978-1318  
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[www.lacity.org/PLN](http://www.lacity.org/PLN)

December 30, 2009

Alan Morelli (A)(O)  
200 Mantua Road  
Pacific Palisades, CA 90272

Antonio Bruno (R)  
Antonio Bruno AIA Architects  
1041 20th Street  
Santa Monica, CA 90403

CASE NO. ZA 2008-2334(CDP)(MEL)  
COASTAL DEVELOPMENT PERMIT

200 Mantua Road  
Brentwood-Pacific Palisades  
Planning Area

Zone : RE40-1  
D. M. : 126B121  
C. D. : 11

CEQA : ENV 2008-2235-MND

Legal Description : Lot 2 and Por. Lot 3,  
- Tract 10179

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a Coastal Development Permit to permit the demolition of a 2,500 square-foot single-family dwelling and the construction, use and maintenance of a three-story, 11,330 square-foot single-family dwelling with a five-car garage on a 57,431 square-foot lot located within the dual jurisdiction permit area of the California Coastal Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the site plan, floor plans and elevations submitted with the application and marked Exhibit "A", except as may be modified as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

5. 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. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The floor area of the single-family dwelling shall not exceed 11,330 square feet, including a three-car and two-car attached garages at the second and third floor levels, respectively, in substantial conformance with the site plan, floor plans and elevations marked Exhibit "A", attached to the subject case file.
8. Off-street parking shall be provided as required by the hillside provisions of Section 12.21-A,17(h) of the Municipal Code to the satisfaction of the Department of Building and Safety. No variance from said requirements has been requested or granted herein.
9. The applicant shall file a parking area and driveway plan with the applicable District Offices of the Bureau of Engineering and the Department of Transportation for review and approval prior to the issuance of a building permit. The plan shall be prepared consistent with the Department of Transportation's Driveway Design Manual and applicable provisions of Section 12.21 of the Municipal Code.
10. The height of any building or structure shall not exceed 36 feet above grade as regulated by the hillside provisions of Section 12.21-A,17(c) of the Municipal Code and as permitted by the "buildable envelope" for measurement of height set forth in the appendices of the Coastal Act Regional Interpretive Guidelines for the South Coast Region.
  - a. The height of any building or structure shall not exceed 16 feet above the centerline of the frontage road (Mantua Road).
  - b. Any mechanical structures on the roof, such as air condition units and other equipment, shall be fully screened from view as seen from adjoining properties and streets.
11. The project shall comply with all other hillside provisions of Section 12.21-A,17 of the Municipal Code, as applicable, to the satisfaction of the Department of Building and Safety.

12. Project grading and construction shall comply with all conditions specified in the Geology and Soils Approval Letter issued by the Grading Division of the Department of Building and Safety dated July 12, 2006 (Log #45946-03, geology/soils report prepared by Ralph Stone & Co., July 7, 2006).
13. Should a haul route approval be required by the Department of Building and Safety, the applicant shall comply with all conditions specified therein, including the payment of fees and posting of bonds prior to issuance of a demolition, grading or building permit, to the satisfaction of the Department of Building and Safety and the applicable District Office of the Bureau of Engineering.
14. Prior to initial demolition, grading or construction, the applicant shall install any necessary temporary retention fence to collect falling debris as may be recommended by the consulting geologist.
15. Prior to the issuance of a grading permit, a tree report and plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval to the satisfaction of the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (1149 South Broadway Street, 4th Floor, Los Angeles, CA 90015; tel. 213/ 847-3077).
  - a. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Tree replacement by 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, and to the satisfaction of the Urban Forestry Division and the Zoning Administrator.
  - b. No protected tree, as defined in Section 46.01 of the Municipal Code, shall be removed or relocated from the subject property without the property owner first having applied for and obtained a permit from the Board of Public Works or its designated officer or employee pursuant to Sections 46.02 and 46.04 of the Municipal Code.
16. Prior to the issuance of any building permits by the Department of Building and Safety, the applicant shall submit a landscape and irrigation plan prepared by a landscape professional to the satisfaction of the Zoning Administrator. The plans shall be designed consistent with the City's Water Conservation Ordinance so as to limit water consumption, minimize soil saturation, promote soil stability, and preclude soil erosion. The landscape plan shall, in part, be designed to screen or hide any retaining walls from public view within a reasonable amount of time after the planting of landscape materials. Landscaping shall be properly maintained and replaced as a result of disease or death.
17. Prior to obtaining a Certificate of Occupancy, the applicant shall certify in a letter to the Zoning Administrator that the landscape plan, as approved by Zoning

Administrator, has been implemented with all plant materials installed on the site and the irrigation system installed and operational.

18. Prior to the issuance of any grading or building permit by the Department of Building and Safety, the applicant shall provide dedications for and/or guarantee the completion of any necessary public improvements to the satisfaction of the City Engineer.
19. A cash bond or security bond ("Bond") shall be posted in accordance with terms, specifications, and conditions satisfactory to the Bureau of Engineering and shall remain in full force and effect to guarantee that any damage incurred to the Mantua Road roadway that may result during grading or construction activity on the site is properly repaired by the applicant prior to issuance of a Certificate of Occupancy for the subject project and without expense to the City of Los Angeles. The applicant is hereby advised to obtain all necessary permits to facilitate this repair.
20. Prior to the commencement of site excavation and construction activities, the applicant shall notify residents within a 100-foot radius of the project site and provide residents with a written construction schedule.
21. The applicant and the project construction manager shall identify a contact person and provide a telephone number for any inquiries from residents regarding construction activities. The phone number shall be included in the notification regarding construction activities and be posted on the site in a manner that is readily visible to any interested party. All inquiries shall be responded to by the contact person within 24 hours of being received.
22. At no time during demolition, grading or construction activities shall Mantua Road be reduced to a roadway width of less than 10 feet.
23. The contractor shall establish an off-site staging area for large trucks and any other construction vehicles in order to control the frequency of construction traffic to the site, to the satisfaction of the Department of Building and Safety.
24. During all phases of construction for the dwelling, all materials related to the project shall be stored on-site or within the staging area to the satisfaction of the Department of Building and Safety. No construction equipment or material shall be stored on the street.
25. A maximum of one (1) truck shall be staged at a time. Trucks shall be turned around with the assistance of flag persons. Trucks shall not arrive or stage at this location before 9 a.m. or after 3 p.m., Monday through Friday. No truck deliveries shall occur outside of this time period.
26. The hours of demolition, earth grading and construction activity shall be limited from 7 a.m. to 6 p.m., Monday through Friday and 8 a.m. to 6 p.m. on Saturday or national holidays. All demolition, earth grading and construction activity shall be prohibited on Sundays. In addition, the operation, repair or servicing of construction

equipment and the job-site delivering of construction materials shall be prohibited before or after the hours herein specified.

27. The project shall comply with Ordinance No. 177,215, which prohibits or limits parking on streets located within the City's Very High Fire Hazard Severity Zone on Red Flag Alert Days.
28. Prior to any sign-off of plans by the Zoning Administrator, a project plot plan shall be submitted to the Fire Department for review and approval. Said approval shall be noted on the plans via a stamp from the Fire Department.
29. All walkways, passageways, and side yards shall be maintained free and clear of obstructions from the ground to the sky, except for those projections permitted by Section 12.22-C,20 of the Municipal Code. No materials of any sort shall be stored in these spaces, nor edifices constructed that would stand in the way of easy and readily available use by residents or emergency personnel.
30. All conditions enumerated in Environmental Clearance Case No. ENV 2008-2335 (listed below) shall be considered conditions of this grant.
  - a. Aesthetics (Hillside Site Design)
    - 1) Grading shall be kept to a minimum.
    - 2) Natural features, such as prominent knolls or ridge lines, shall be preserved.
    - 3) The project shall comply with the City's Hillside Development Guidelines.
  - b. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
  - c. Wildlife Corridor

Nesting Native Birds – The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 CFR Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).

    - 1) Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place

outside of the breeding bird season which generally runs from March 1 – August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code, Section 86).

- 2) If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat the applicant shall:
  - a) Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
  - b) If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31.
  - c) Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
  - d) The applicant 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.

d. Cultural Resources (Archaeological)

- 1) If any archaeological materials are encountered during the course of the project development, the project shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology - Cal State University, Fullerton, or a member of the

Society of Professional Archaeologists (SOPA) or a SOPA-qualified archaeologist to assess the resources and evaluate the impact.

- 2) Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center.

e. **Soils and Geotechnical Report Previously Submitted and Approved with Conditions**

In a letter dated July 12, 2006, LADBS approved the applicant's Soils and Geological Report with conditions/mitigations to be complied with during site development. (A copy of the report is attached to this letter of determination.)

f. **Seismic**

The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

g. **Erosion/Grading/Short-Term Construction Impacts**

1) **Air Quality:**

- a) All unpaved demolition and construction areas shall be wetted at least twice daily 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.
- b) The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- c) All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- d) All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- e) All clearing, 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.
- f) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

**2) Noise:**

- a) The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b) Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
- c) Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.
- d) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- e) The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

**3) Grading:**

- a) Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- b) Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- c) Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

**4) General Construction:**

- a) 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. Toxic wastes must be discarded at a licensed regulated disposal site.

- b) Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c) Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- d) Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or cover with tarp or plastic sheeting.
- e) Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
- f) All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.

**h. Haul Routes**

- 1) Projects involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.
- 2) The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- 3) Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

**i. Subsidence**

Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety.

**j. Hillside Mitigation Measures**

- 1) The applicant shall obtain a haul route approval from the Board of Building and Safety Commissioners for export/import in excess of 1,000 cubic yards.

- 2) All haul route hours shall be limited to off-peak hours as determined by the Board of Building and Safety Commissioners.
- 3) The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- 4) The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- 5) LADBS shall require the applicant and all employees to park their personal vehicles outside of the neighborhood and utilize a developer-sponsored vanpool system for transport to the site.
- 6) LADBS shall stagger haul trucks based upon a specific area's capacity, as determined by LADOT, and the amount of soil proposed to be hauled to minimize cumulative traffic and congestion impacts.
- 7) The City of Los Angeles Department of Transportation (LADOT) shall recommend to the Building and Safety Commission Office the appropriate size of trucks allowed for hauling, best route of travel, the appropriate number of flag people.
- 8) Trucks having no current hauling activity shall not idle but be turned off.
- 9) The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
- 10) No parking shall be permitted on street during Red Flag Days in compliance with the "Los Angeles Fire Department Red Flag No Parking" program.
- 11) In order to preserve adequate access for emergency vehicles, all construction material shall be stored on-site and not on the street during hauling operations.
- 12) The applicant shall provide a soils and/or geotechnical report to LADBS (reports needed to be determined by LADBS) for review and approval that shall include measures to mitigate impacts related to grading.
- 13) Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

- k. **Explosion/Release (Asbestos Containing Materials)**
- 1) 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 ACM are present in the building. If ACM are found to be present, it 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.
  - 2) Prior to issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.
- l. **Single Family/Multi Family Hillside Dwelling**
- 1) Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
  - 2) Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rates and shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
  - 3) Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
  - 4) Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
  - 5) Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
  - 6) All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.

- 7) Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- 8) Legibility of stencils and signs must be maintained.
- 9) Materials with the potential to contaminate stormwater must be: (a) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (b) protected by secondary containment structures such as berms, dikes, or curbs.
- 10) The storage area must be paved and sufficiently impervious to contain leaks and spills.
- 11) The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- 12) The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Zoning Administrator binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation plan and/or per manufacturer's instructions.

m. Public Services (Fire)

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features:

- 1) Fire lanes, where required, shall be a minimum of 20 feet in width;
  - 2) All structures must be within 300 feet of an approved fire hydrant; and
  - 3) Entrances to any dwelling unit or guest room shall not be more than 150 feet distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
31. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the 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.

**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 authorization 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 not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become

effective after JANUARY 14, 2010, 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 <http://planning.lacity.org>. 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.

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

#### NOTICE

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

#### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on May 21, 2009, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and

prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

### **BACKGROUND**

The subject property is an irregular-shaped, interior parcel located at the southerly terminus of Mantua Road in Pacific Palisades. The area of the site is approximately 57,431 square feet. The property is currently improved with a one-story single-family dwelling and detached two-car garage constructed in 1951. The property is zoned RE40-1 and located within the dual jurisdiction area of the California Coastal Zone.

The cul-de-sac of Mantua Road borders the property to the northwest. Surrounding properties are classified within the RE40-1, R1-1, and A1-1XL Zones and are characterized by hillside topography and improved streets. With the exception of the vacant adjoining westerly properties, the surrounding properties are improved with single-family residential dwellings and the Bel Air Bay Club to the east. Pacific Coast Highway borders the property to the south.

The site slopes downward from Mantua Road. While the existing garage is built on a higher elevation and is partially visible from the street, the existing dwelling is constructed approximately 23 feet below the finished grade of Mantua Road, and as such, is not visible from the street. In addition, the property is dressed with a number of mature palm trees, and other mature trees, shrubs and flora native to the area.

According to the applicant's soils and geology report:

*... The lot appears to have been developed by grading a building pad into a northwest-southeast trending ridge approximately 20 feet below the street. The grade break between the street and the building pad is achieved with an approximately 1.5:1 (H:V) gradient slope. A portion of the toe of the ascending slope is retained with an approximately five (5) foot high wall.*

*West of the retaining wall, the slope has been terraced with numerous pipe and boards. The pipe and boards appear to be in good to poor condition. Natural slopes descend from the building pad to the east and south with total slope heights of 70 and 80 feet respectively. The south facing slope has an average gradient which varies from 3/4:1 To 3:1 (H:V). The south facing slope is dotted with numerous short garden walls for trees and a dirt path. The easterly facing slope has a gradient approximately 1:1 (H:V) although slightly flatter and steeper gradients are present locally...*

*The side yards are vegetated with short grasses and scattered decorative shrubs, trees and palms. The descending slopes are densely vegetated with native trees and shrubs. However, a portion of the southerly facing slope is landscaped with grasses and scattered trees. The ascending slope is sparsely vegetated.*

The applicant requests a Coastal Development Permit to permit the demolition of a 2,500 square-foot single-family dwelling and the construction, use and maintenance of a three-story, 11,330 square-foot single-family dwelling with a five-car garage.

Mantua Road, adjoining the property to the northwest, is a Hillside Limited Street dedicated to a right-of-way width of 26 feet and improved with concrete curbs and gutters and asphalt surfacing.

There are no previous relevant zoning related cases applicable to the subject site. Relevant cases on surrounding properties in the immediate vicinity (within a 500-foot radius of the subject site) include:

Case No. ZA 2007-2239(CDP) – On August 3, 2007, the Zoning Administrator approved a Coastal Development Permit to allow the construction, use and maintenance of a proposed 6,333 square-foot single family dwelling in the R1 Zone within the dual jurisdiction permit area of the California Coastal Zone, at 230 Amo Way.

Case Nos. ZA 2000-0648(CDP)-A2 and ZA 2000-0647(PAD)-2A – On April 18, 2002, the West Los Angeles Area Planning Commission denied aggrieved party appeals, sustained the action of the Zoning Administrator in granting a coastal development permit and a conditional use approval of plans, and modified prior Conditions, involving the expansion of a private club (Bel Air Bay Club site) at 16800 Pacific Coast Highway.

Case Nos. ZA 2000-0648(CDP) and ZA 2000-0647(PAD) – On September 24, 2001, the Zoning Administrator approved a Coastal Development Permit authorizing the expansion of an existing private club located within the California Coastal Zone, and a conditional use approval of plans to increase the size of an existing private club and to continue the service of a full line of alcoholic beverages, at 16800 Pacific Coast Highway (Bel Air Bay Club).

Case No. CDP 98-016 – On December 10, 1998, the Zoning Administrator approved a Coastal Development Permit to allow the construction, use and maintenance of a nine lot, single-family subdivision, with one additional lot being an open space lot, in the dual permit jurisdiction area of the California Coastal Zone, at 16974 Sunset Boulevard.

### **MANDATED FINDINGS**

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

1. **The development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

Section 30251 of the Coastal Act provides that the scenic and visual qualities of the Coastal Zone area 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.

The applicant is proposing to demolish an existing one-story, 2,500 square-foot single-family dwelling and construct a new three-story, maximum 36-foot in height single-family dwelling totaling 11,330 square feet on a 57,431 square-foot parcel. The dwelling is also proposed and has been conditioned in this grant to be no higher than 16 feet above the centerline of the Mantua Road frontage.

In accordance with a settlement agreement reached with the City of Los Angeles in January, 2009, the applicants will undertake retaining wall and slope remedial repairs in conjunction with the project approved herein to address damages that were the subject of their litigation (with other parties) against the City (*Morelli v. City of Los Angeles*, Superior Court Case No. SC 064949). The repairs will remediate conditions that led to slope failures on the property, allegedly due to the City's installation of a new sewer line during a period of heavy rainfall, and roadway settling along Mantua Road causing flooding of the applicant's property. The incidents occurred in 1998, 2001 and 2004.

Section 30253 of the Act states that new development shall minimize risk to life and property in areas of high geologic, flood, and fire hazard; and assure stability and structure 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 substantially alter natural land forms along bluffs and cliffs. The project, which includes a swimming pool and retaining walls, has had a geology and soils report prepared by Ralph Stone & Company, Inc., a geotechnical, environmental and civil engineering consulting firm, and reviewed and approved by the Grading Division of the Department of Building and Safety (July 12, 2006, Log #45946-03). The approval letter notes that:

*An active landslide exists on the southwest portion of the site. According to the [consultant's] reports, the landslide is approximately 40 feet in depth. In addition to the landslide much of the site has a factor of safety that is less than 1.5 for stability. Additionally, an erosional slope failure has occurred on the northeast portion of the site. Uncertified fill was observed on the site up to 16 feet in depth.*

*Soldier piles are proposed along the edge of the landslide to limit the expansion of the landslide and to provide a minimum factor of safety of 1.5 for the remainder of the site. A pile-supported retaining wall is proposed around the building pad area. A 22-foot high retaining wall is proposed within the public right-of-way to support the street. Permits for the wall will be issued by the Department of Public Works.*

*Whenever the principal building on a site is added to, altered or repaired in excess of 50 percent of its replacement value, the entire site shall be brought up to the current Code standard (7005.9). The proposed additions and*

*remodeling of the main building will exceed 50 percent of the replacement value of the building, requiring that the entire site be stabilized. A Request for Modification to leave the active landslide has been approved with conditions.*

The Grading Division's geology and soils report approval letter found the consultant's reports to be acceptable, subject 36 conditions. A copy of that approval letter is attached to this determination for reference.

The proposed project will also be subject to review by other City departments, including the Fire Department and the Bureau of Engineering. Their review and authority address the Coastal Act's goal to minimize risk to life and property in areas of high geologic flood and fire hazard; and to assure stability and structure integrity and not create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area.

Section 30253 of the Act requires access to the shoreline. The proposed development neither interferes with nor reduces such access. Other lots located along Mantua Road are developed with single-family dwellings and show no indications of having impacted shoreline access. The project entails no requested or granted deviations from the Zoning Code with respect to building height, off-street parking, yards or lot coverage, or any other Zoning Code provisions. Visitors to the beach are not likely to park their vehicles along this portion of Mantua Road (i.e., at its terminus), as the road distance, topography and relative obscurity of the location in relation to nearby beaches will deter coastal access visitor parking, and more convenient public off-street and on-street parking are available to the nearby beach along Pacific Coast Highway.

The property, which is currently improved with a single-family dwelling, abuts other parcels with single-family dwellings along Mantua Road and will not, therefore, be an encroachment into an area of undeveloped land which might be precedent-setting. No recreation and visitor-serving facility has been alternatively proposed for the site.

The property does not have direct access to any water or beach, so there will be no dredging, filling or diking of coastal waters or wetlands. There is no commercial fishing or recreational boating on or adjacent to the property.

Mitigation measures have been included in the approval to protect native nesting birds. Mitigation measures have also been included to protect any archaeological materials that may be encountered during site development. No resources of any agricultural value or forest and soils resources are known to exist on or immediately adjacent to the site. The design of the project entails the export of 3,500 cubic yards of earth which will require haul route approval by the Department of Building and Safety. The building will occupy approximately 21 percent of the site and paving will occupy approximately 9 percent. Most of the remainder of the site, except the pool, will consist of landscape or the existing natural state of the hillside terrain.

Two neighboring property owners along Mantua Road and a local developer voiced objections to the project at the public hearing. Two main areas of concern were

raised: concern over slope stability and the export of materials using Mantua Road. A consulting geologist, E.D. Michael, retained by the neighboring property owner at 210 Mantua Road, stated that site stability is in part affected by expansive soil conditions and called into question the applicant's consultant stability analysis. He submitted a written report dated May 21, 2009 which concluded:

*The proposed development of the Morelli property, as described in the reviewed documents, in my opinion is questionable for two reasons. First, special conditions presented by the Modelo Formation slide debris have not been addressed in the Stone reports; second, the proposed export of 3,500 cy of material raises a serious issue of environmental impact.*

In a written rebuttal dated May 26, 2009, the applicant's consultant responded, in part as follows:

- **Site Safety:** *The entire building site will be graded and stabilized to slope a stability factor of safety of 1.5 in accordance with the standards of practice of geotechnical engineers and engineering geologists practicing in the City of Los Angeles as reviewed and approved by the City of Los Angeles Grading Division in their approval letter dated July 12, 2006, Log No. 459456-3.*
- *The edge of the site above Pacific Coast Highway will be stabilized with a row of connected soldier piles ( $\pm$  36" in dia.,  $\pm$  60 to 80 feet deep) installed below grade.*
- **Slope Stability, Pacific Coast Highway:** *Slopes along Pacific Coast Highway which intrude on the Morelli property have young landslides on them due to the toe of slope removals for state highway construction and widening projects by Caltrans and their predecessors. It is our understanding that Caltrans has the slopes on their list of landslide slopes for stabilization with a low priority for stabilization.*
- **Slope Stability, Bel Air Bay Club Driveway:** *The slopes along the Club driveway will be stabilized to a slope factor of safety of 1.5 as approved by the City's Grading Division.*
- **Final House Pad Evaluation:** *The Morelli's home is to be founded on piles and structural slabs. During site preparation the exposed soils/rock will be evaluated for the compatibility with the planned foundation design. If conditions warrant, our recommendations will be modified and they will be reviewed and approved by the City's Grading Division, as is required.*
- **Mantua Road:** *Mantua Road is a cul-de-sac and the site access point has been fully repaired and stabilized by the City Bureau of Engineering at the southerly terminus and turn-around by deep piles and improved drainage. Mantua Road was the City's access road for*

*large drill rigs, trailers with long heavy steel reinforcement members and other construction equipment used in their road stabilization project.*

**Slope Failure on Property Line Between Kudo and Morelli Properties:**  
*The landslide between the Morelli and Kudo properties is more accurately characterized as a wash-out contributed to by broken pipe(s) and heavy rainfall. It's our understanding that Kudo's consultant on the wash-out prepared a geotechnical report to repair it with a simple pipe-and-board with benched compacted fill remedial slope repair as is allowed by the City Grading Division.*

The project site and access road have thus been evaluated by different consulting geologists and given differing outcomes and conclusions. The Zoning Administrator is not an expert in the field of geotechnical and geologic engineering to make his own conclusions about the differing analyses given to the project, but instead relies on the expertise of the City's engineering geologist and geotechnical engineer in finding the applicant's consultant geology and soils report acceptable provided specified conditions are followed.

It can therefore be determined that given the conditions imposed herein and with the Grading Division's July 12, 2006 geology and soils report approval letter, the proposed development is in conformity with Chapter 3 of the California Coastal Act of 1976.

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

The City has not yet prepared a Local Coastal Program for this area and therefore the Coastal Commission has not yet approved such a Program. In the interim, the Pacific Brentwood-Palisades Community Plan, a portion of the Land Use Element of the City's General Plan, serves as a functional equivalent. The Community Plan designates the subject property for Minimum Density Residential land uses with corresponding zones of OS, A1, A2 and RE40. The property's underlying RE40 Zone classification is consistent with the Plan land use designation, and the proposed use is permitted by the Plan land use designation and underlying Zone.

The subject property is currently developed with a single-family dwelling. The proposed replacement dwelling is on a parcel generally surrounded by other lots along Mantua Road developed with single-family dwellings. There is no apparent reason to conclude that approval of a new dwelling on a hillside lot northerly of Pacific Coast Highway would frustrate the preparation and implementation of a Local Coastal Program.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and**

considered in light of the individual project in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant:

The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission (revised October 14, 1980), and any subsequent amendments thereto have been reviewed, analyzed and considered in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP.

The Zoning Administrator has compared the project to the Guidelines and found that it is consistent with all requirements in the Zoning Code for off-street parking\*, building height, setbacks, use, and design. The Guidelines are intended to provide direction to decision makers in rendering discretionary determinations pending adoption of the Local Coastal Program.

The lot does not provide access to or from the beach as it is located above the bluffs of the Pacific Palisades. All of the lots in the vicinity are either developed with single-family dwellings, remain vacant or, directly easterly of the property, improved with a private club. The project will not conflict with the goal of providing appropriately located public access points to the coast.

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

The Zoning Administrator has been guided by the action of the Coastal Commission in its review of single-family dwelling applications for property at 230 Arno Way and 16974 Sunset Boulevard, and the expansion of the Bel Air Bay Club at 16800 Pacific Coast Highway, all of which are located in the Pacific Palisades community. No outstanding issues have emerged which would indicate any conflict between this decision and any other decision of the Coastal Commission regarding these developments in the project vicinity. The subject project is supported by the Bel Air Bay Club (letter dated May 30, 2008, attached to the case file) and two other abutting property owners who signed the Master Land Use Application.

- 
- \* The Guidelines set forth a parking standard of two spaces for each residential dwelling unit. The project plans indicate there will be two garages – a two-car garage at the third floor level and a three-car garage at the second floor level. To comply with the Hillside Ordinance, Section 12.21-A, 17(h) of the Municipal Code, a five parking spaces will be required based on the project size of 11,330 square feet. The Hillside Ordinance parking requirement thus exceeds the standard from the Guidelines.

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

The property is located above the bluffs of the Pacific Palisades and is separated from the beach by Pacific Coast Highway. The development is consistent with the referenced policies as it is an infill lot surrounded by single-family dwellings; the zoning of the property is limited to single-family development; and there is no adjoining public access point or public recreation facility.

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

On March 30, 2009, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2008-2334-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 750, 200 North Spring Street.

### **Mello Act Finding**

7. This Finding is provided in accordance with the provisions of California Government Code Sections 65590 and 65590.1 (the Mello Act), the City's Interim Administrative Procedures for complying with the Mello Act, and the terms of the Settlement Agreement between the City of Los Angeles, Venice Town Council, Barton Hill Neighborhood Association, and Carol Berman concerning implementation of the Mello Act in the coastal zone areas of the City of Los Angeles.

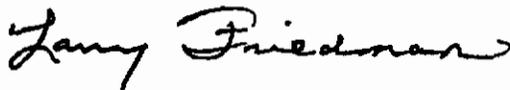
The Mello Act is a Statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion, and construction of residential units in California's Coastal Zone. The Mello Act requires that very low, low and moderate income housing units that are demolished or converted must be replaced and that new residential developments must reserve at least 20 percent of all new residential units for low or very low income persons or families or reserve at least 10 percent of all new residential units for very low income persons or families.

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project involves the demolition of an existing single-family dwelling and the construction, use and maintenance of a new single-family dwelling.

The project does not involve the conversion, demolition or construction of any residential dwelling units. As such, the project is exempt from required inclusionary affordable dwelling units and does not require a Mello Act compliance review.

**ADDITIONAL MANDATORY FINDINGS**

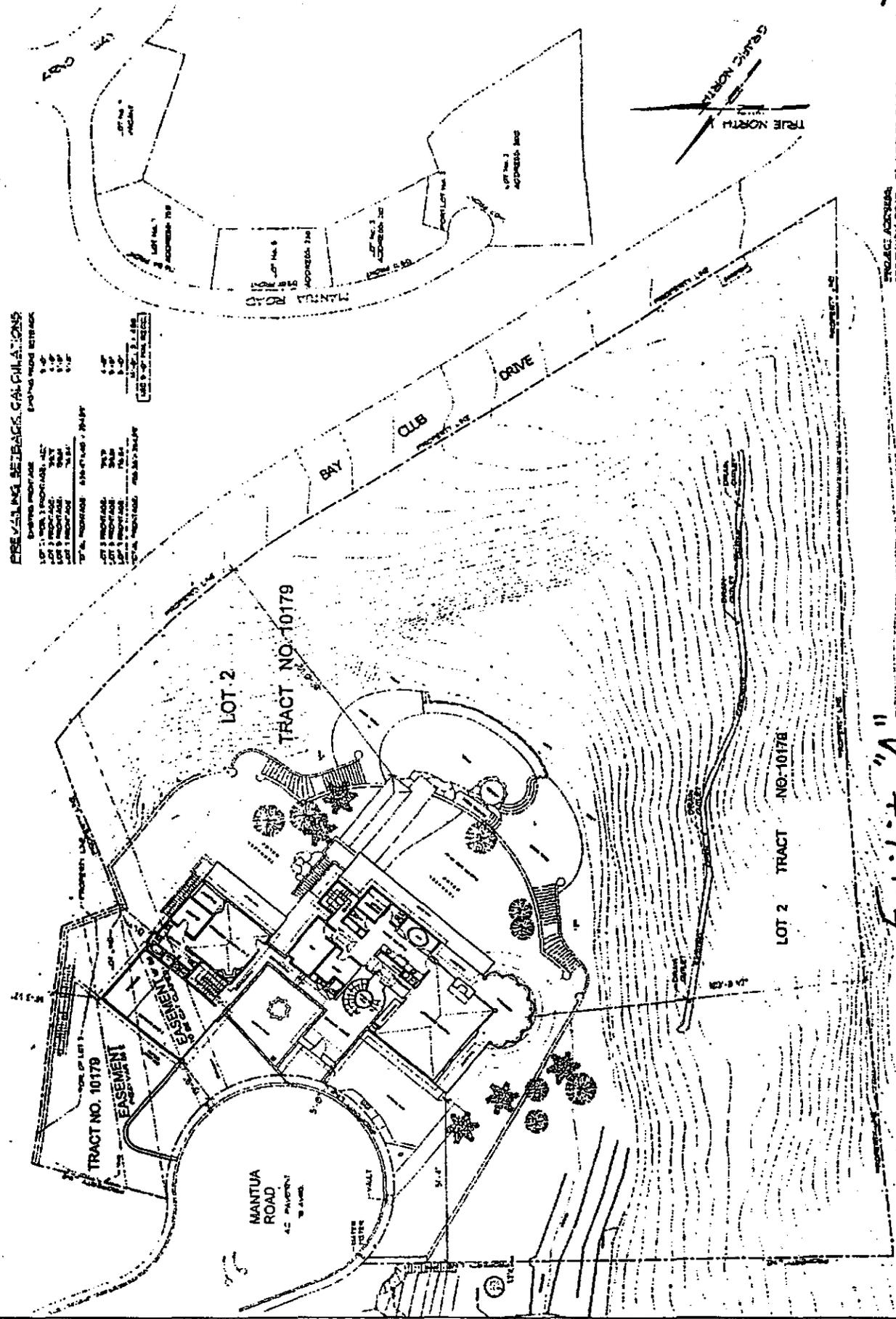
8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
  
9. On March 30, 2009, a Mitigated Negative Declaration (ENV 2008-2235-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.



LARRY FRIEDMAN  
Associate Zoning Administrator  
Direct Telephone No. (213) 978-1225

LF:lmc

cc: Councilmember Bill Rosendahl  
Eleventh District  
Adjoining Property Owners



**PRELIMINARY SETBACK CALCULATIONS**  
 (Distances noted within each lot)

Lot	Front	Side	Back	Total
LOT 1	10'-0"	10'-0"	10'-0"	30'-0"
LOT 2	10'-0"	10'-0"	10'-0"	30'-0"
LOT 3	10'-0"	10'-0"	10'-0"	30'-0"
LOT 4	10'-0"	10'-0"	10'-0"	30'-0"
LOT 5	10'-0"	10'-0"	10'-0"	30'-0"
LOT 6	10'-0"	10'-0"	10'-0"	30'-0"
LOT 7	10'-0"	10'-0"	10'-0"	30'-0"
LOT 8	10'-0"	10'-0"	10'-0"	30'-0"
LOT 9	10'-0"	10'-0"	10'-0"	30'-0"
LOT 10	10'-0"	10'-0"	10'-0"	30'-0"
LOT 11	10'-0"	10'-0"	10'-0"	30'-0"
LOT 12	10'-0"	10'-0"	10'-0"	30'-0"
LOT 13	10'-0"	10'-0"	10'-0"	30'-0"
LOT 14	10'-0"	10'-0"	10'-0"	30'-0"
LOT 15	10'-0"	10'-0"	10'-0"	30'-0"
LOT 16	10'-0"	10'-0"	10'-0"	30'-0"
LOT 17	10'-0"	10'-0"	10'-0"	30'-0"
LOT 18	10'-0"	10'-0"	10'-0"	30'-0"
LOT 19	10'-0"	10'-0"	10'-0"	30'-0"
LOT 20	10'-0"	10'-0"	10'-0"	30'-0"
LOT 21	10'-0"	10'-0"	10'-0"	30'-0"
LOT 22	10'-0"	10'-0"	10'-0"	30'-0"
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LOT 25	10'-0"	10'-0"	10'-0"	30'-0"
LOT 26	10'-0"	10'-0"	10'-0"	30'-0"
LOT 27	10'-0"	10'-0"	10'-0"	30'-0"
LOT 28	10'-0"	10'-0"	10'-0"	30'-0"
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LOT 46	10'-0"	10'-0"	10'-0"	30'-0"
LOT 47	10'-0"	10'-0"	10'-0"	30'-0"
LOT 48	10'-0"	10'-0"	10'-0"	30'-0"
LOT 49	10'-0"	10'-0"	10'-0"	30'-0"
LOT 50	10'-0"	10'-0"	10'-0"	30'-0"

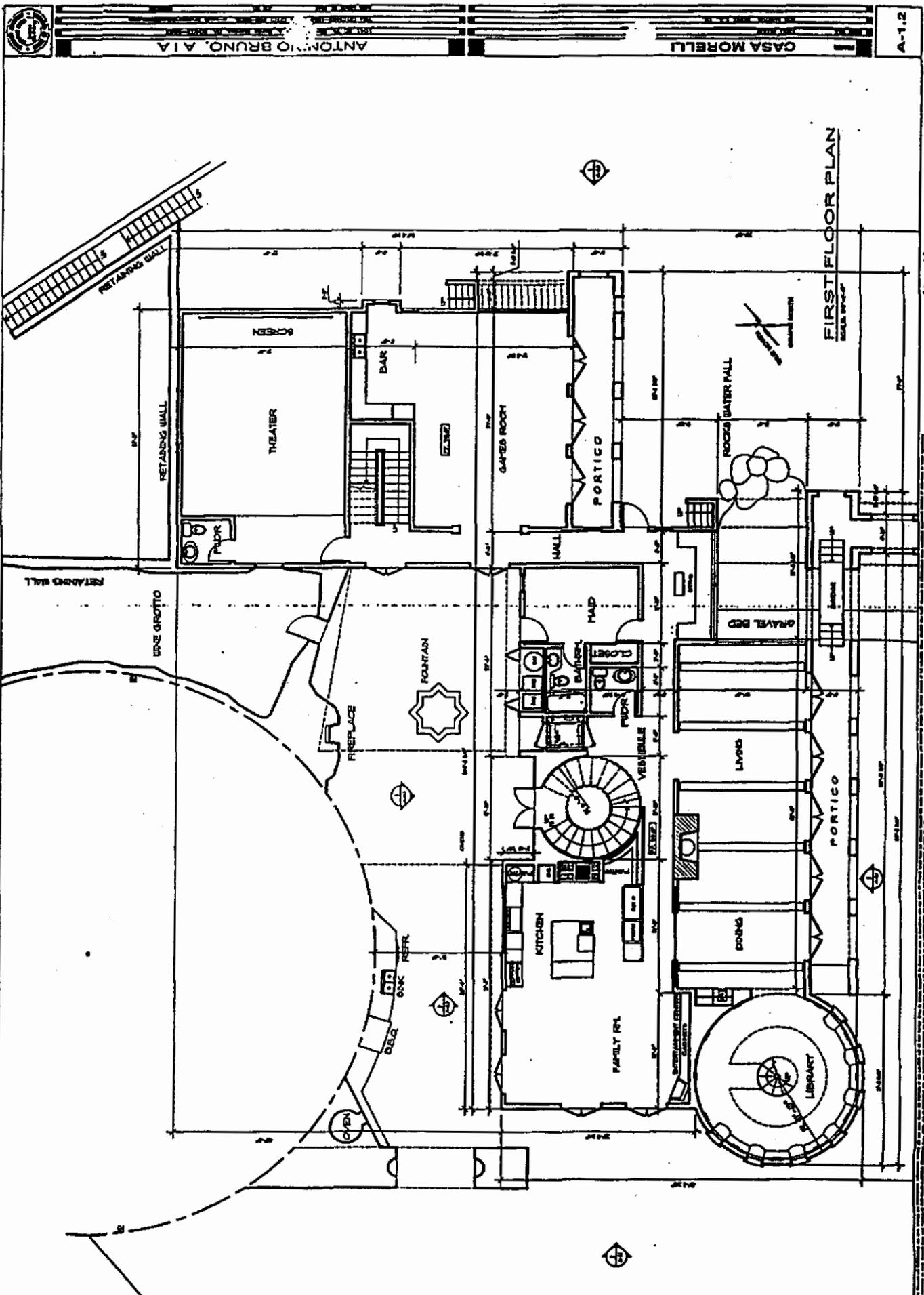
PROJECT ADDRESS:  
 280 PLUMBLICK ROAD, LOS ANGELES CA 90077  
 LEGAL DESCRIPTION:  
 LOT 2 TRACT NO. 10179 AND PORTION OF  
 LOT 3 TRACT NO. 10178  
 LOT 3 TRACT NO. 10178

2008  
 2334 (CDP) (MEL)

Exhibit "A"  
 1 of 9  
 SITE PLAN (including lot plans if Street Closes)  
 SCALE: 1/8" = 1'-0"

PACIFIC COAST HWY.

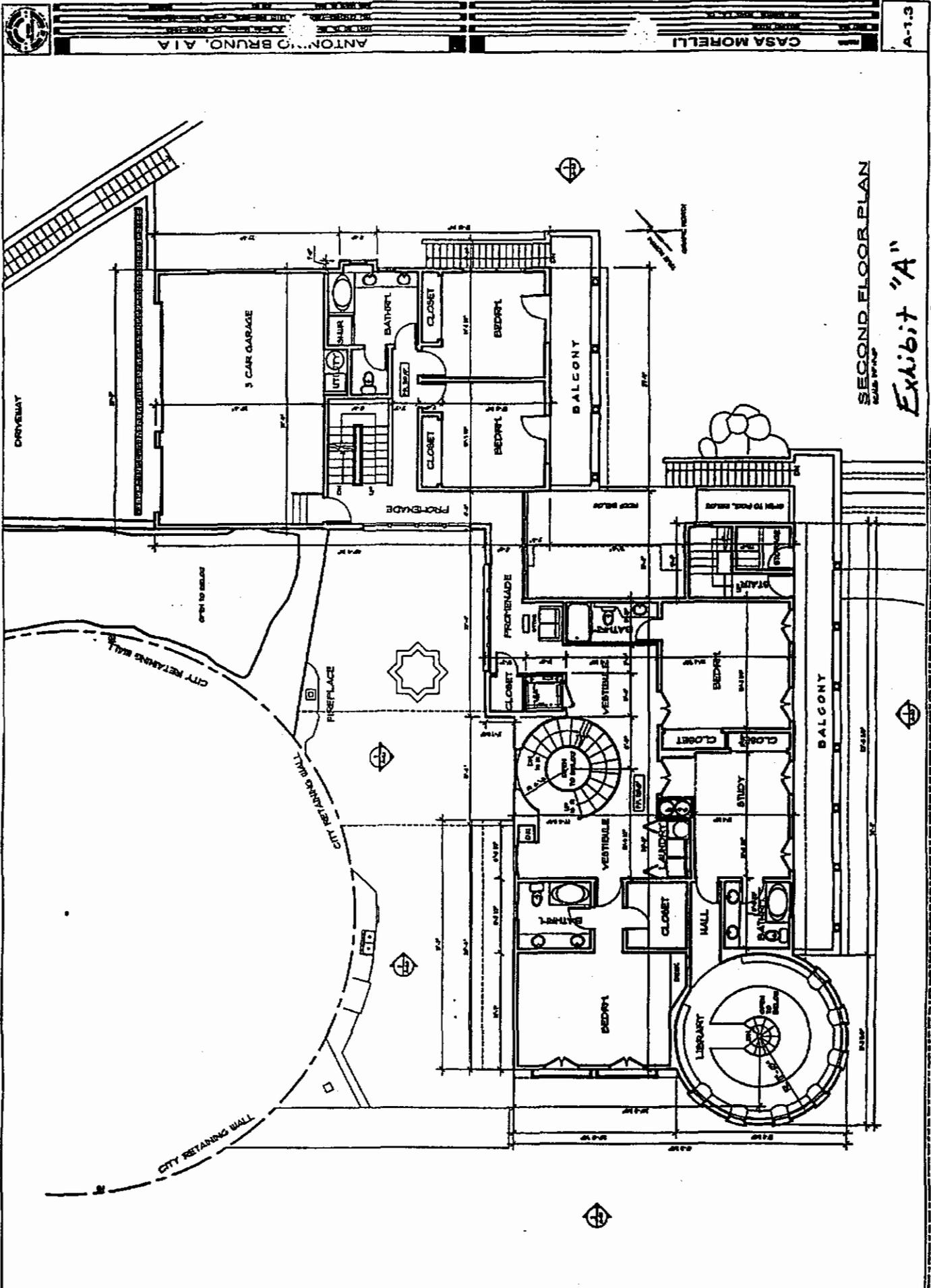
2008



FIRST FLOOR PLAN  
SCALE 1/8" = 1'-0"

Exhibit "A" 2 of 9

ZA 2008 - 2334 (CDF) (MEL)

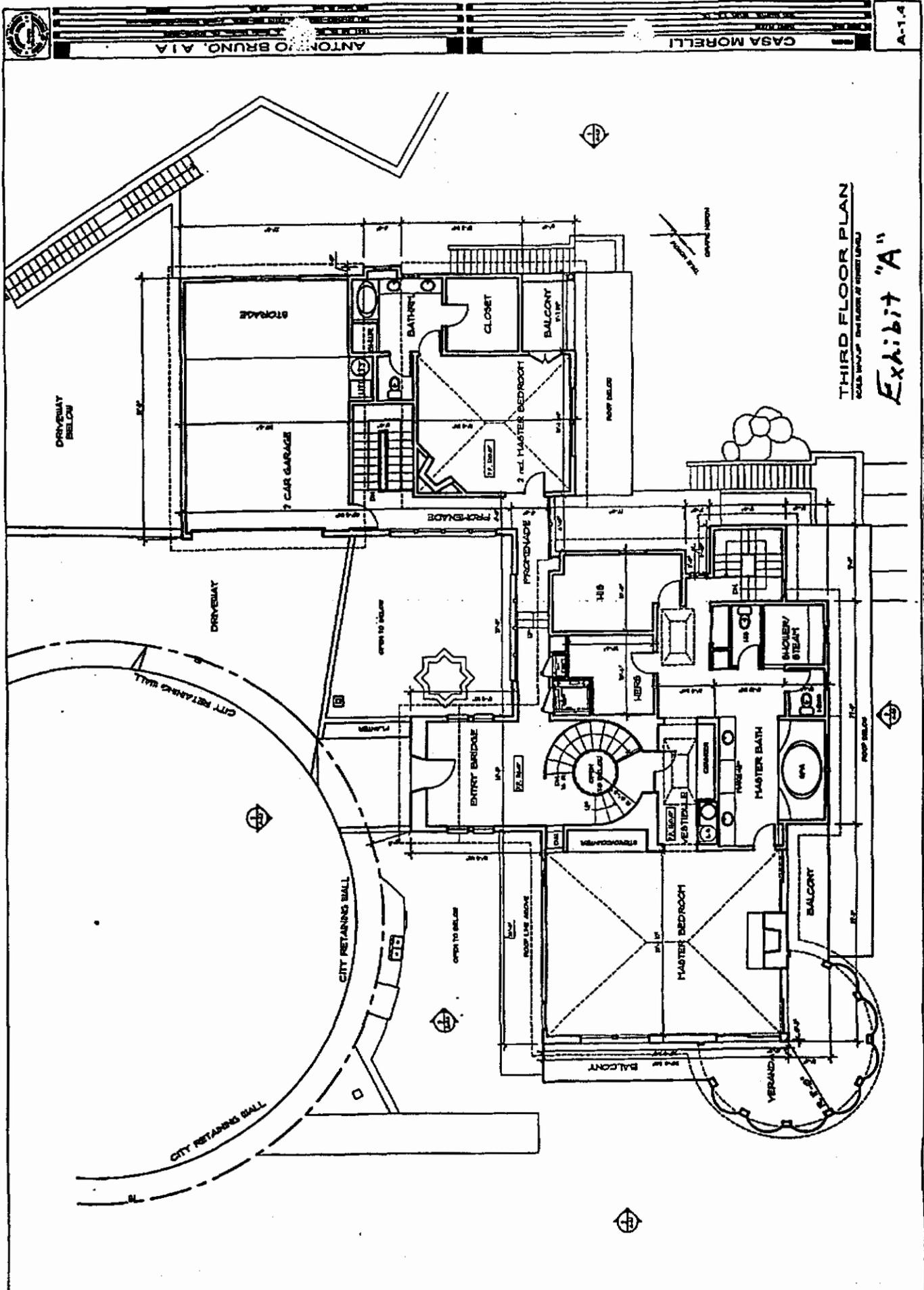


SECOND FLOOR PLAN  
SCALE 1/8" = 1'-0"

Exhibit "A"

3 of 9

ZA 2008-2334(CDP)(MF1)

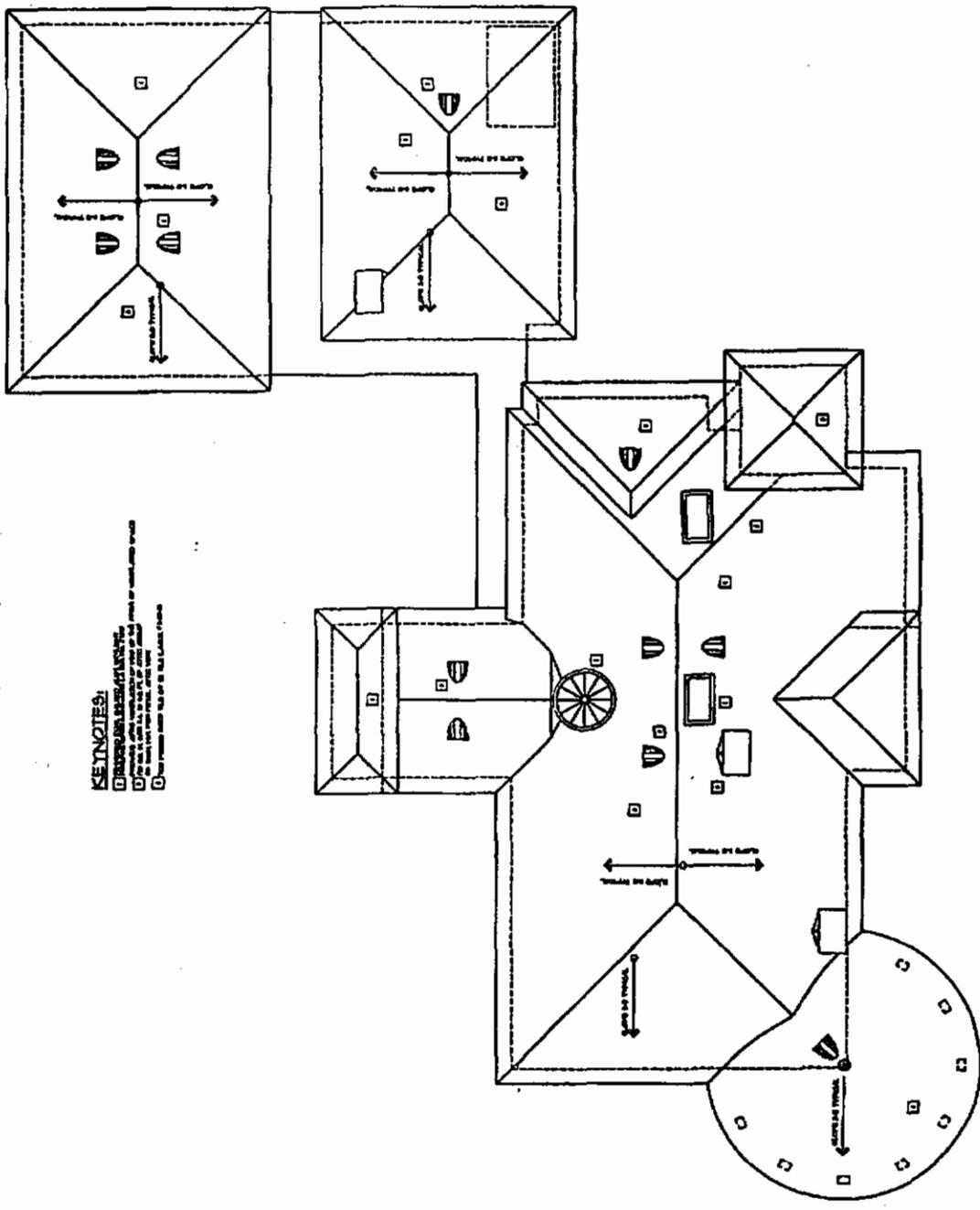


THIRD FLOOR PLAN  
SCALE: 1/4" = 1'-0" (SEE PLAN AT STREET LEVEL)

Exhibit "A"

4 of 9

ZA 2008-2334 (CDP)(MEL)



**KEYNOTES:**

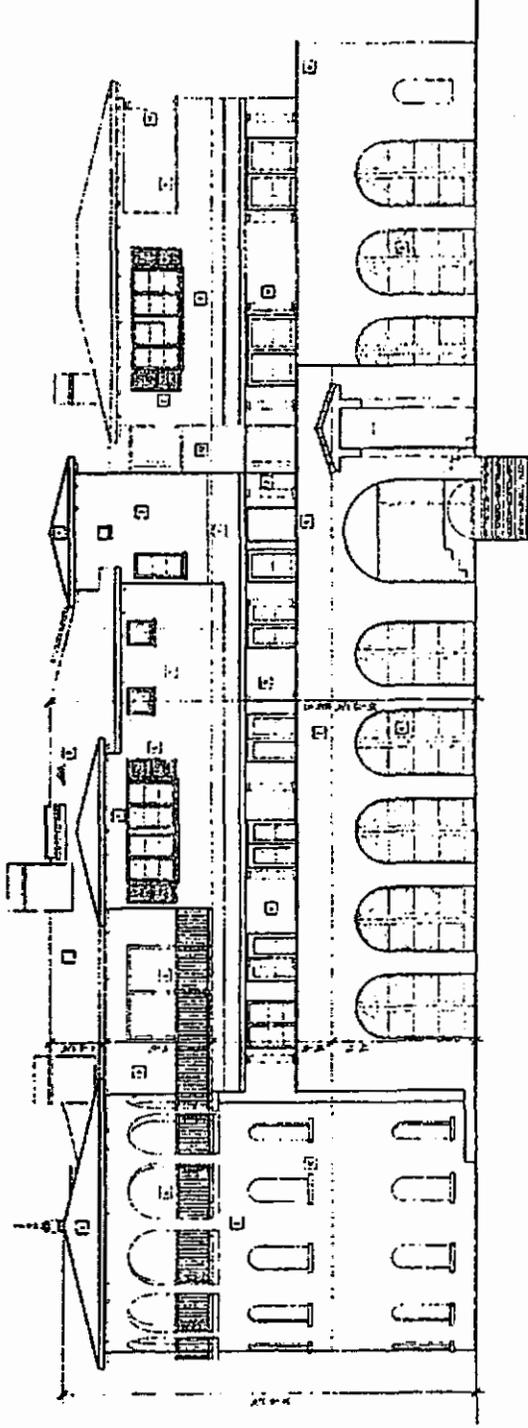
- DIMENSIONS INDICATED
- COLUMN LOCATIONS
- ROOF SLOPE INDICATED
- TRUSS LOCATIONS
- TRUSS ROOF PLAN
- TRUSS ROOF PLAN

Exhibit "A"  
5 of 9

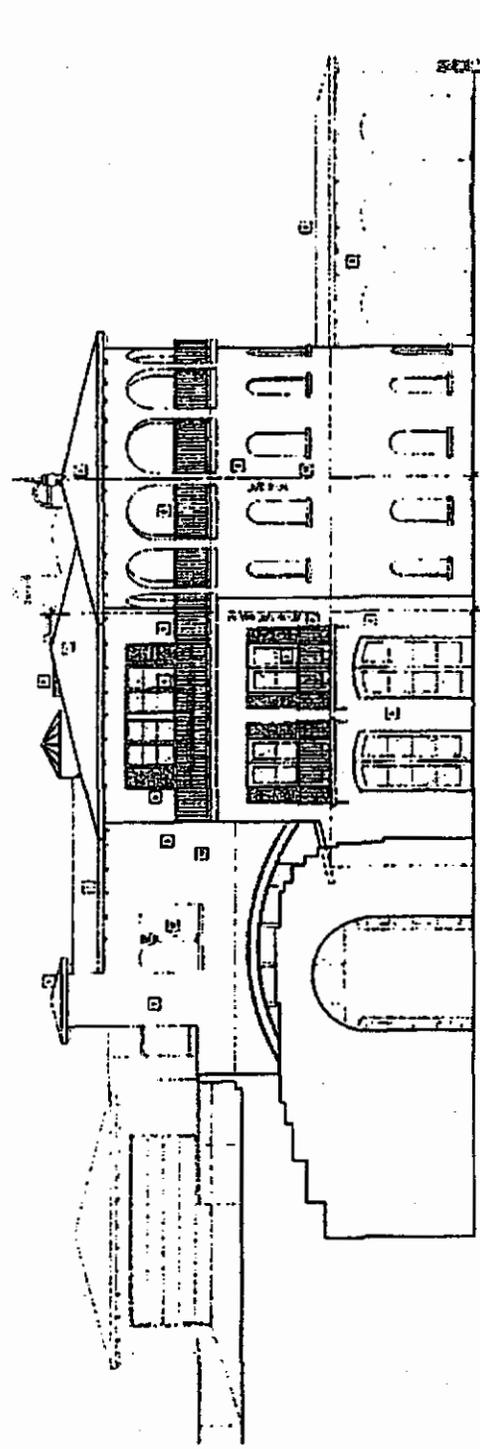
ROOF PLAN ZA 2008-2334 (CDP) (MEL)



- MEMORANDUM
- 1. See notes on sheet A-2.0
  - 2. See notes on sheet A-2.0
  - 3. See notes on sheet A-2.0
  - 4. See notes on sheet A-2.0
  - 5. See notes on sheet A-2.0
  - 6. See notes on sheet A-2.0
  - 7. See notes on sheet A-2.0
  - 8. See notes on sheet A-2.0
  - 9. See notes on sheet A-2.0
  - 10. See notes on sheet A-2.0
  - 11. See notes on sheet A-2.0
  - 12. See notes on sheet A-2.0
  - 13. See notes on sheet A-2.0
  - 14. See notes on sheet A-2.0
  - 15. See notes on sheet A-2.0
  - 16. See notes on sheet A-2.0
  - 17. See notes on sheet A-2.0
  - 18. See notes on sheet A-2.0
  - 19. See notes on sheet A-2.0
  - 20. See notes on sheet A-2.0



SOUTH ELEVATION



WEST ELEVATION

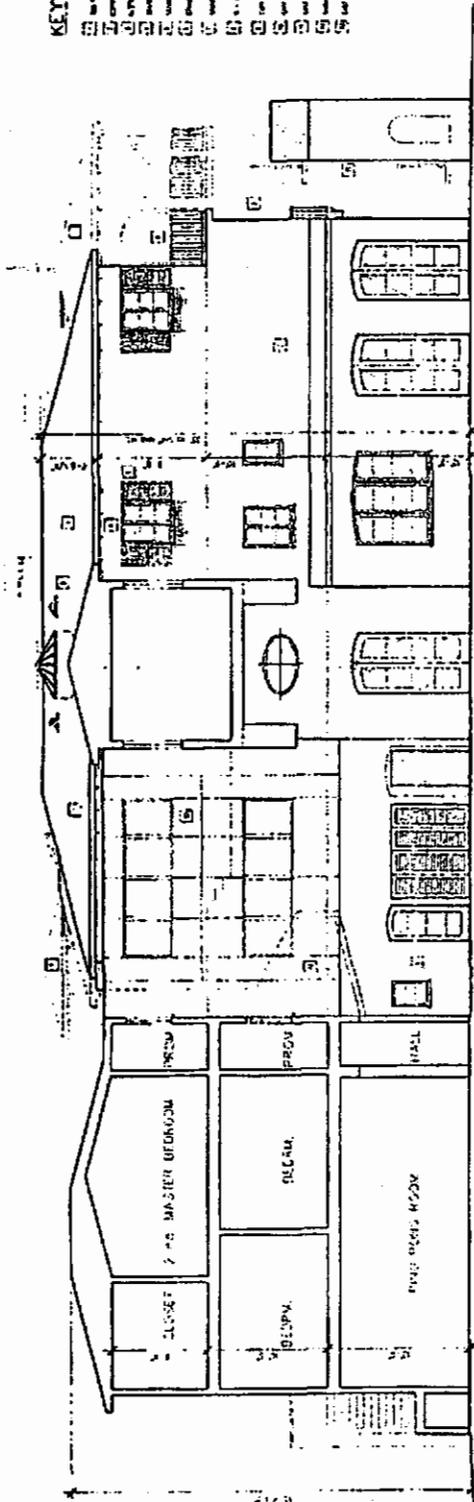
Exhibit "A"

6 of 9

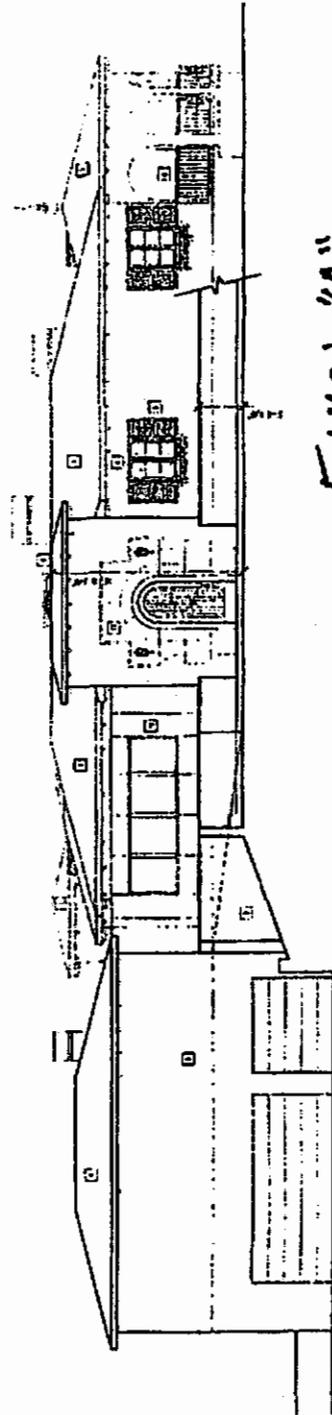
ZA 2008-2334 (CDP) (MEL)



- KEYNOTES:**
- 1. All work to be in accordance with the approved plans.
  - 2. All work to be in accordance with the approved specifications.
  - 3. All work to be in accordance with the approved schedule of values.
  - 4. All work to be in accordance with the approved contract documents.
  - 5. All work to be in accordance with the approved drawings.
  - 6. All work to be in accordance with the approved details.
  - 7. All work to be in accordance with the approved sections.
  - 8. All work to be in accordance with the approved elevations.
  - 9. All work to be in accordance with the approved foundations.
  - 10. All work to be in accordance with the approved structural steel.
  - 11. All work to be in accordance with the approved masonry.
  - 12. All work to be in accordance with the approved carpentry.
  - 13. All work to be in accordance with the approved painting.
  - 14. All work to be in accordance with the approved plumbing.
  - 15. All work to be in accordance with the approved electrical.
  - 16. All work to be in accordance with the approved mechanical.
  - 17. All work to be in accordance with the approved fire protection.
  - 18. All work to be in accordance with the approved safety.
  - 19. All work to be in accordance with the approved accessibility.
  - 20. All work to be in accordance with the approved energy conservation.



NORTH ELEVATION (PAGE LEVEL)



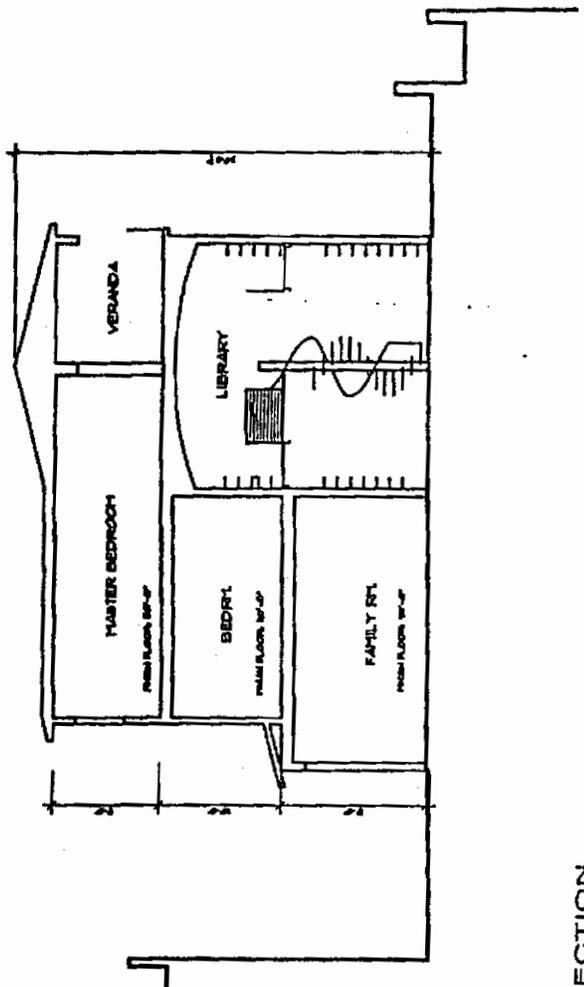
NORTH ELEVATION (SIDE VIEW)

Exhibit "A"  
7 of 9

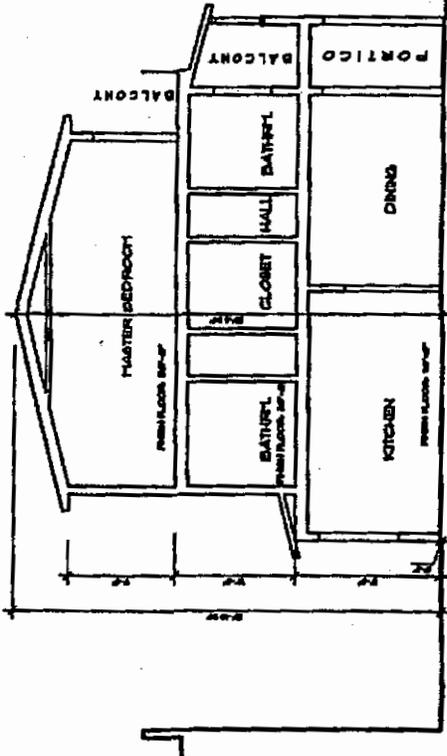
ZA 2008-2334 (CDP) (MEL)



- KEY:
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  - 4. 1/16" = 1'-0"
  - 5. 1/32" = 1'-0"
  - 6. 1/64" = 1'-0"
  - 7. 1/128" = 1'-0"
  - 8. 1/256" = 1'-0"
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BUILDING SECTION  
SCALE 1/8" = 1'-0"



BUILDING SECTION  
SCALE 1/8" = 1'-0"



Exhibit "A"  
9 of 9

ZA 2008-2334 (CDP) (MEL)

**Review of Proposed Redevelopment  
re  
Coastal Development Permit Case No. ZA 2008-2334 (CDP) (MEL).  
(City Log # 45946-03)  
Lot 2, Tract 10179  
200 Mantua Road  
Pacific Palisades Area  
City of Los Angeles, California**

for

**Susan Kudo  
210 Mantua Road  
Los Angeles, California 90272**

by

**E.D. MICHAEL, CONSULTING GEOLOGIST  
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**May 21, 2009**

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**Review of Proposed Redevelopment**  
**re**  
**Coastal Development Permit Case No. ZA 2008-2334 (CDP) (MEL).**  
**(City Log # 45946-03)**  
**Lot 2, Tract 10179**  
**200 Mantua Road**  
**Pacific Palisades Area**  
**City of Los Angeles, California**  
**E.D. Michael**

**1.0 INTRODUCTION**

This report presents the results of my review of certain documents provided me on May 16, 2009. These records were obtained from Los Angeles City Planning Department 200 North Figueroa Building, Safety Commission Piper Technical Center City Records. Because of the short period allowed for review, it is not certain that all relevant data in the record have been obtained. Nevertheless, the most recent controlling City document is that by Prevost and Challita (2006) which is part of the record reviewed.

**1.1 PURPOSE**

The purpose of this report is to provide a technical basis for testimony at a May 21, 2009 City of Los Angeles Office of Zoning Administration hearing with reference to Coastal Development Permit Case No. ZA 2008-2334 (CDP) (MEL) concerning the redevelopment of property at 200 Mantua Road, hereinafter the "Morelli property," in the Pacific Palisades area of the City. It responds directly to the Notice of Public Hearing to Property Owners to Susan Kudo, owner of property adjacent to that proposed for redevelopment.

**1.2 PREVIOUS GEOTECHNICAL INVESTIGATIONS**

Relevant previous investigations include those of a regional character within which the Morelli property is located as well as studies directly related to its redevelopment. The earliest regional study is that by Rutledge and Gould (1959). At about that time, Dr. John McGill of the U.S. Geological Survey began a series of studies of landsliding in the coastal area of the Pacific Palisades. His work culminated in his general study (McGill, 1989) that to date presents the most detailed geologic description of Pacific Palisades.

Consultant reports of the Morelli property are concerned with investigations of three different problems. One is distress in the garage structure, another is that of a surficial slope failure, and a third the proposed redevelopment involving razing the existing single-story residence and the garage replacing them with three-storey structures.

**1.2.1 Garage Distress**

Two documents were obtained from the Piper Technical Center concerning structural distress of the garage in the Morelli property. These are a report of a Kovacs-Byer-Robertson geotechnical investigation dated April 7, 1983 and an untitled Department of Building and Safety letter dated May 13, 1983. Two other reports, one prepared by Ralph Stone and Company, Inc., hereinafter "Stone," one dated September 10 or 19, 2001 and the other by Consultant Kieth Ehlert dated July 19, 2001, also concern the garage. Copies of both were obtained from the offices of Grover-Hollingsworth and Associates, Inc.

**1.2.2 Surficial Slope Failure**

A Grover-Hollingsworth and Associates, Inc. report dated January 23, 2003 directly concerns a surficial slope failure that originated in the Morelli property and passed

through part of the property at 204 Mantua Road. A copy of it was obtained from that company.

### 1.2.3 Morelli Property Redevelopment

Geotechnical investigations concerning redevelopment of the Morelli property include: [i] a series of Stone reports dated September 28, 2004, August 31, 2005, and July 7, 2006; [ii] three City Department of Building and Safety Geology and Soils Report Correction Letters dated December 23, 2004, November 16, 2005, and March 23, 2006; [iii] a City Department of Building and Safety Geology Soils Report Approval Letter dated August 25, 2005; [iv] a City Department of Building and Safety Geology Soils Report Approval Letter dated July 12, 2006 referring to the Stone reports of May 15, and July 7, 2007.

## 2.0 PROPOSED DEVELOPMENT

Sheets A-1.1 through A-1.5 of plans by Antonio Bruno, AIA, indicate that the existing main house and garage are to be demolished and replaced with three-storey structures. In the case of the garage, which now sits on a slope about 18 feet above the level of the existing house, not only the garage itself but also the slope upon which it is situated will be removed so that the existing level site will consist of a main house and be expanded somewhat for the attached garage wing. The existing slope between the house and the cul-de-sac also will be removed to the main house first floor level. The cut this entails will be supported around the periphery of the cul-de-sac by a retaining wall. The area between will be an open-air patio with an extension between the garage and the cul-de-sac for a "wine grotto." Some sort of ramp will allow for auto parking in both the second and third storeys of the garage.

The difference in elevation of the main house slab and the cul -de-sac is approximately 22 feet which therefore would be about the height of the retaining wall at the periphery of the cul-de-sac. According to a 5-page document which because it is unsigned appears to be part of a Coastal Development Permit Application, the grading will involve the removal of 4,000 cubic yards (cy) of which 500 cy will be used in the site, and 3,500 cy exported.

A swimming pool that connects to a lap pool also is proposed at the southeastern side of the existing house deck. Presumably grading for these facilities includes the 4,000 cy grading volume.

## 3.0 LOCAL CULTURAL DEVELOPMENT

The time the local area was subdivided has not been determined. However, the houses along at least the lower part of Mantua Road were all constructed during the period of 1951 - 1955. Since it was not until 1956 or 1957 that the City's first grading ordinance was promulgated, none of the houses at 200, 210, 225, 230, 249, or 250, nor Mantua road itself was constructed in accordance with geotechnical investigations of the sort now required by the City Building Code. Of special concern is the character of the house foundations along Mantua Road on its eastern side. At least parts of these properties are underlain by fill, probably that deposited when the road was graded. It is highly likely that parts of the house foundations are supported in such fills and furthermore, that the fills were not placed in as stable a configuration as now is required under the City Building Code.

This, and the poor condition of the road itself, are such that the local area, while perhaps not accurately described as fragile, is nevertheless more vulnerable to conditions likely to promote local slope instability. As an example, according to Watry and Hollingsworth (2002) a surficial failure in 2001 between the Morelli property and that adjacent at 210 Mantua Road apparently was caused by excessive near-surface moisture. Although in part a result of local irrigation, it also was a result of a leaking sewer line in Mantua Road.

#### 4.0 ENGINEERING GEOLOGY ASPECTS

Figure 1 is a copy of part of McGill's (1989) map. Most significant is his interpretation of the entire slope southeast of the Mantua Road cul-de-sac as questionable slide debris which differs from that of Ancheta, Boehnlein, and Rowlands (2004) who consider the lowermost 30 feet or so above Pacific Coast Highway to be Modelo Formation bedrock rather than possible landslide debris derived from the Modelo Formation. The interpretation of Ancheta, *et al.* is shown in Figures 2 and 3.

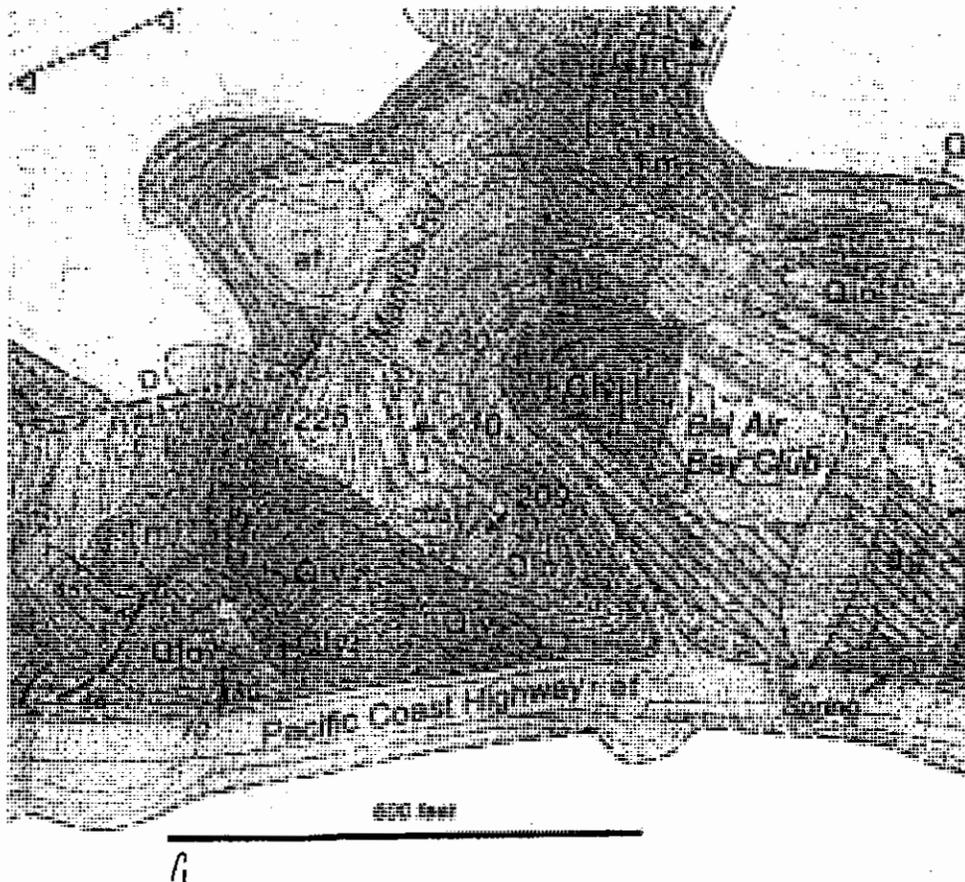


Figure 1. Part of McGill's (1989) Geologic Map.

Tm: Modelo Formation; Qlo: Older landslide deposits; Qly: Younger landslide deposits; af: artificial fill. The yellow area is beach sand. Road names, addresses, "Bel Air Bay Club" and "cde" for Mantua Road cul-de-sac, have been added. Qlo? indicates questionable landslide deposits. Other notations and symbols irrelevant. North is to the top of the page.

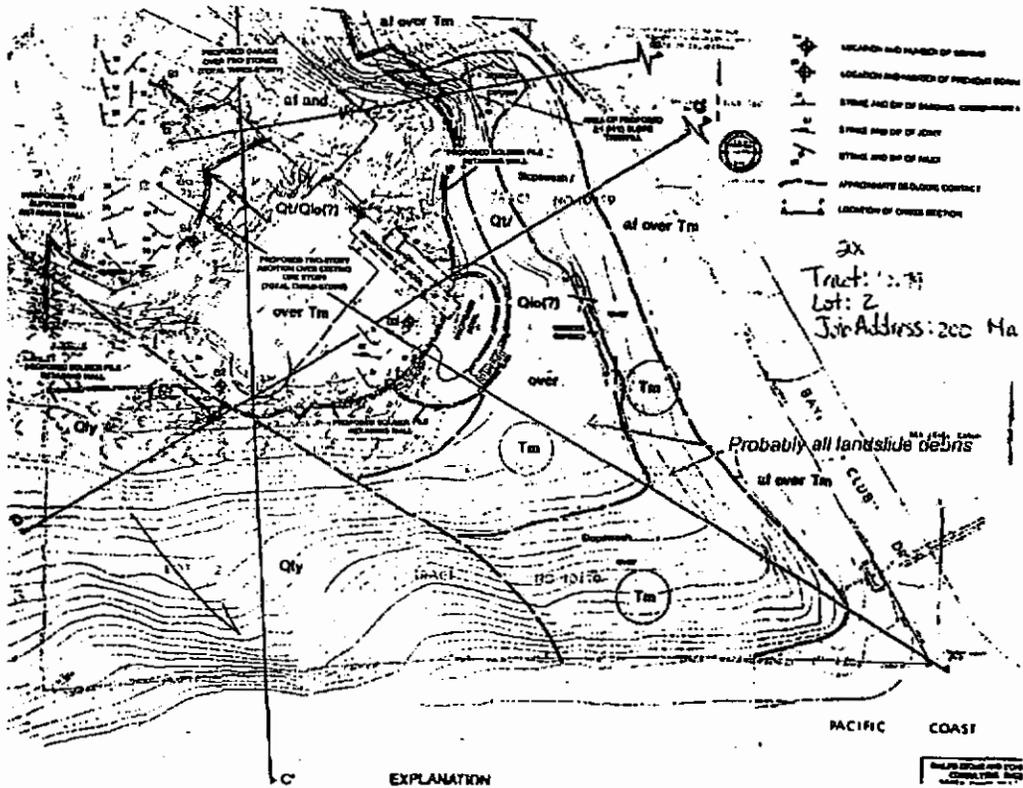


Figure 2. Part of Geologic Map of Archeta, et al., (2004, Pl. 2b). The notations in red have been added. For scale, the length of Section line F-F' is approximately 275 feet. North is to the tip of the page,

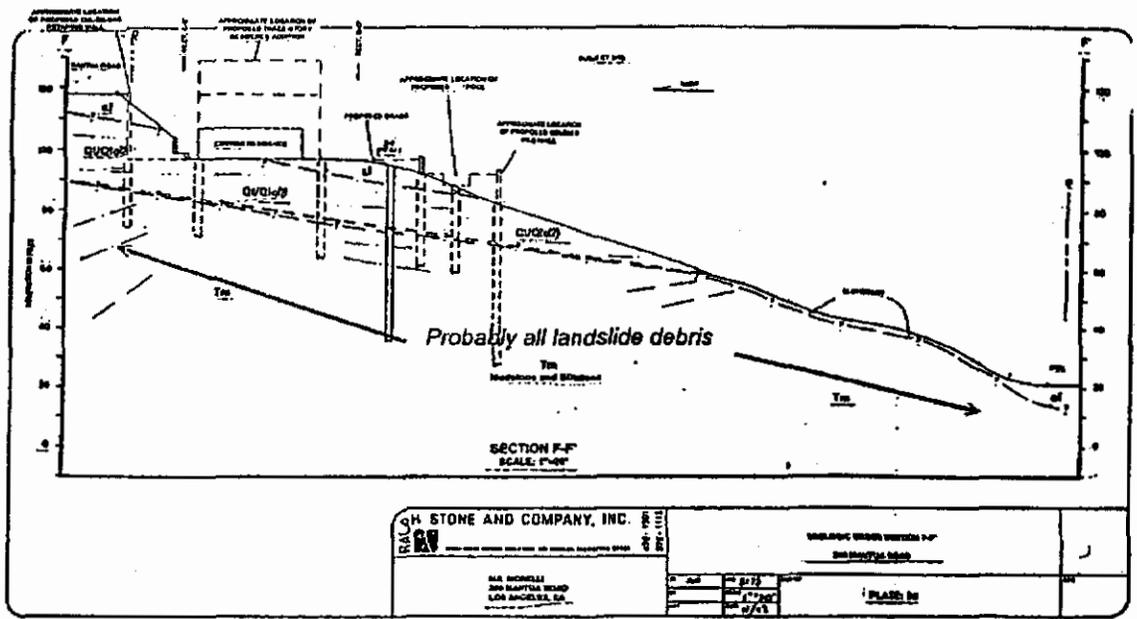


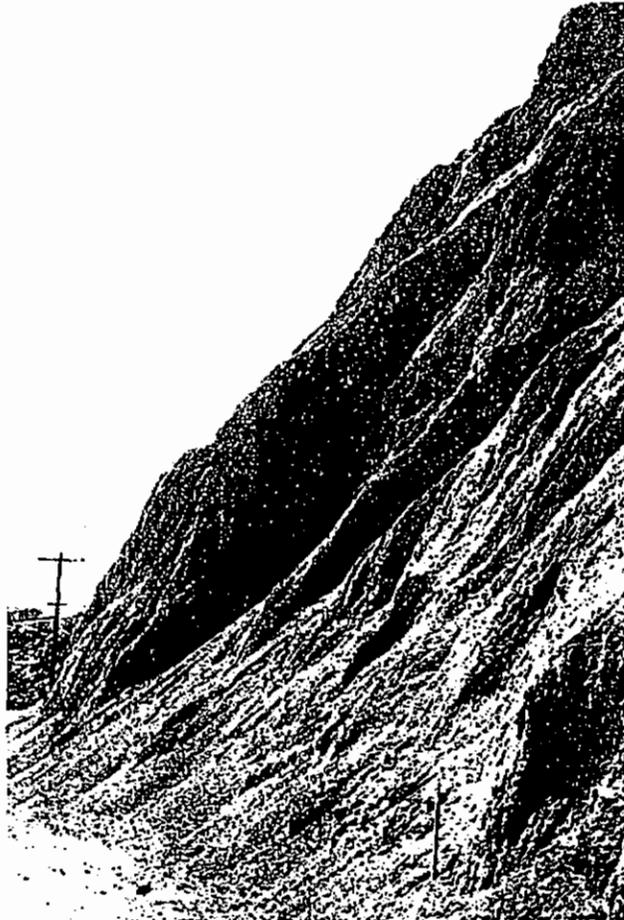
Figure 3. Section F-F' of Archehta, et al. (2004). The dashed red line has been added to emphasize the questionable contact between the postulated slide debris, Q1/Q10? overlying "Model Formation, Tm" which also probably is landslide debris..

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#### 4.1 MODELO FORMATION EXPANSION

Whether the Morelli property is underlain by Model Formation bedrock *in situ*, or landslide debris derived from that formation, the material is subject to a special condition not commonly recognized by local geotechnical professionals. Expansion occurs both in the presence of moisture in materials containing certain clay minerals and under conditions where a certain mineral is altered to another that requires an increase in volume. Soils developed from the Modelo Formation contain expansive clay species such as montmorillonite and illite. Such expansion occurs when water molecules enter the clay lattice, and is commonly referred to as "expansive soil."

That sort of expansion is not to be confused with an entirely different phenomenon sometimes referred to as "heaving" most commonly recognized in the floors of mines. A yellow to brown mineral, finely disseminated over bedding planes of the Modelo Formation locally give some exposures a distinct yellowish caste. This is especially noticeable in the section exposed in the cliff a few hundred feet west of the Morelli property as shown in Photo1.



**Photo 1. Roadcut in Modelo Formation along Pacific Coast Highway.**  
This exposure is about 1,000 feet west of the Morelli property. The grayish yellow color is due to deposits of jarosite. Photo: EDM, 05/19/09.

Optical examination of this yellow mineral shows it to be jarosite, an alteration product of the iron sulfide, pyrite. In fact, "... (H)eaving and compression of pavement..." Rutledge and Gould noted (1959, p. 119) at the western end of nearby Terrace Drive and probably somewhat beyond, was most likely due to jarosite alteration in a section of the Modelo newly exposed to the atmosphere when grading to enlarge the original Palisades Trailer Park was begun in March of 1955. Most striking however, was the heaving of the floor for underground parking in the main building of the original Sunset Towers condominium development about 2,000 west of the Morelli property. There, excavation of the Modelo Formation brought iron sulfides into contact with the atmosphere which soon thereafter caused garage slabs to heave causing from six inches to a foot of offsets in the garage slabs..

#### 4.2 SLOPE STABILITY CALCULATIONS

The Stone reports reflect the standard approach to hillside investigations, *i.e.*, the collection of samples considered representative of the slope materials, in this case Modelo formation siltstones and claystones, and testing them in a direct shear machine to determine failure under shear stress at different values of normal stress. Both peak and resheared values are determined. When plotted as Cartesian coordinates, the data are interpreted as giving both friction angle and cohesion, the variables needed to determine total shear strength represented by the Coulomb equation. The strength data are then applied to various slope cross-sections the geometry of which allows for calculating the ratio of forces tending to resist movement along shear surfaces to the forces tending to cause movement along such surfaces. The ratio of the resisting and driving forces is referred to as the factor of safety. The shear surfaces selected are either those observed or inferred from field evidence, or those determined by computer to be the most "critical," *i.e.*, weakest. Normally, a safety factor of 1.5 is considered sufficiently safe for issuance of a building permit; otherwise, a slope with a safety factor less than 1.5 must be supported to effectively produce the required safety factor.

Except for Sections E-E' and F-F', discussed below, the Stone reports, together with suggestions for more detailed analysis from the Grading Division of the Department of Building and Safety through issuance of "correction" letters, or finally conditions in a similar "approval" letter, have been considered acceptable for development of the Morelli property, but predicated on adherence to thirty-six conditions specified by Prevost and Challita (2006).

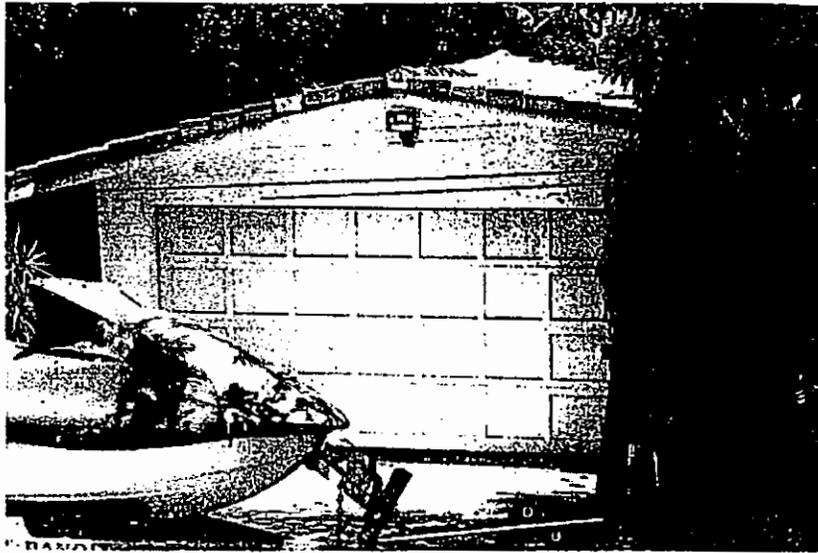
#### 5.0 CONCLUSIONS

The proposed development of the Morelli property, as described in the reviewed documents, in my opinion is questionable for two reasons. First, special conditions presented by the Modelo Formation slide debris have not been addressed in the Stone reports; second, the proposed export of 3,500 cy of material raises a serious issue of environmental impact.

#### 5.1 SLOPE STABILITY

Section E-E' does not indicate the critical section of the slope below the western side of the garage. The critical section to be considered is that taken transverse to the garage length. Furthermore, the structure has been affected by incipient landsliding at least once which produced a scarp about two inches high indicated by a concrete-patched offset in the garage ramp. That scarp may have developed after the latest Stone report. Although difficult to see because of shadows, its position is indicated in Photo 2.

E.D. MICHAEL, Consulting Geologist, 6225 Bonsall Dr., Malibu, CA, 90265, 310.457.9319



**Photo 2. Garage, Morelli Property.**

The white line is the approximate location of a 2-inch high scarp which traverses the ramp. The letter D indicates the side of the scarp which has dropped down with respect to the block with the U that presumably has remained stable. Whether movement along this scarp is related to the deformation of the garage structure is undetermined. This deformation is shown by the red lines added to emphasize the angle that the concrete block courses make with the level lintel. Note also the flexure of the roof ridge. Photo: EDM, 05/19/09.

A more serious concern regarding the Stone slope stability analyses is whether the strengths used are representative of the slope materials. Most of the samples tested were either resheared or remolded. With clayey materials, this produces an "intercept" cohesion inferred from results obtained from the direct shear machine. With remolded samples this could produce shear strengths either greater or less than of a trimmed sample depending on the sensitivity of the materials, a matter that has not been addressed.

More to the point however, the highly fractured character of the Modelo section as a result of sulfate expansion, and consequently any landslide debris derived from it, leaves no doubt that as a mass the materials have almost no cohesion. Cohesiveness is induced in the remolding or reshearing processes both of which force clay particles closely together due to their lamellar crystalline structure. In this configuration, the clay particles adhere strongly to one another. This is a condition entirely foreign to the fragmental structure of such materials in their natural state where cohesiveness is limited to tensional stress between particles. It therefore appears that in the special case of highly fragmented materials, reshearing and remolding is inappropriate as a means to estimate shear strength. This therefore calls into question the Stone stability analyses for the Morelli project as especially that of Section F-F' which may be slide debris rather than Modelo bedrock..

## **5.2 Environmental Impact**

Mantua Road is no more than 20 feet wide and is in generally poor condition. The pavement is extensively cracked, and as shown in Photo 3, crib walls supporting the

roadcut have failed. The condition of Mantua Road is such that it would be a dangerous route for the export of materials excavated from the Morelli property.

An unsigned document unsupported by a reference data indicates 3500 cy of excavated material is to be exported. Exporting this material along Mantua Road would have to be done with 10-wheeler trucks. Only one-way travel on a 20 foot wide road is safe with a 10-wheeler, and parking probably would not be possible anywhere on Mantua road during the export operation.



**Photo 3. Mantua Road Crib Wall Failure.**

This photo is a view from in front of 230 Mantua road, about 200 feet from the cul-de-sac.  
Photo: EDM, 05/19/09.

A 10-wheel truck has a load capacity of about 7 cy. Allowing a breakout volume increase of 10 percent., the total number of truck loads would be 550, requiring 1100 trips along Mantua Road and Arno Way to Sunset Boulevard. Because much of the excavated material would all be from the lower level of the site, truck-loading would be awkward. A typical loading operation, e.g., back-hoe to front-loader, front-loader transport upslope to the cul-de-sac, front-loader to truck bed, probably would take 30 minutes per truck load since front-loaders carry at most about 2 cy.

Therefore, at 100 percent efficiency, a total of 16,500 minutes, or 275 hours, or 34 8-hour days, or seven 5-day weeks of exporting would be required. At typical 70 percent efficiency, the job would require more like 10 weeks. For safety, traffic control would be required from the intersection of Arno way and Mantua Road, and standby truck parking would present a further difficulty.

Most important however, the effect of the loaded trucks passing along the poorly paved Mantua Road must be considered. Dead loads probably are not a concern but live loads, and induced vibrations might result in momentary reductions in shear stress in

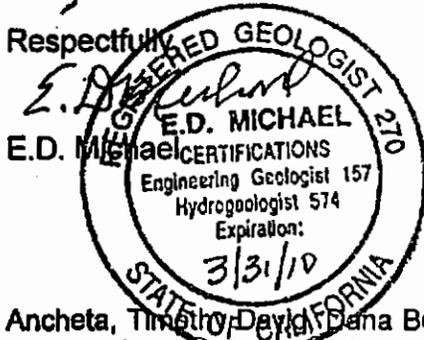
May 21, 2009

9

Kudo

adjacent fill masses and consequently possibly damage to house foundations. In this regard, houses at 204 and 230 Mantua Road might be particularly adversely affected.

Respectfully,



E.D. Michael

#### References

Ancheta, Timothy, Dana Boehnlein, and James Rowlands, 2004, Geotechnical and geologic engineering investigation and report for proposed three-story additions, remodeling, pool, and retaining walls at 200 Mantua Road, Pacific Palisades, California: Ralph Stone and Company, Inc. consultant rpt. File No. 5175, for Mr. Alan Morelli, September 28.

McGill, John T., 1989, Geologic maps of the Pacific Palisades area, Los Angeles, California: U.S. Geol. Survey, Misc. Inv. Series Map I-1828.

Prevost, Dana, and Pascal Challita, 2006, Geology and Soils Report Approval Letter: City of Los Angeles dept. building and Safety ltr, Log # 45946-03. SOILS/GEOLOGY FILE - 2, July 12.

Rutledge, Philip, and James P. Gould, 1959, Final report, Pacific Palisades landslide study: Moran, Proctor, Mueser & Rutledge consult. rpt. for State of Calif. Dept. Pub. Works, July.

Watry, Stephen M., and Robert A. Hollingsworth, 2001, Geologic and soils engineering exploration, surficial slope failure evaluation and proposed remedial slope repair, Lots 2 and 3, Tract 10179, 200 and 210 Mantua Road, Pacific Palisades, California for Hudson Insurance Company, Insured: Kudo, Claim No. H1-0126: Grover-Hollingsworth and Associates, Inc. consultant rpt., GH 10821-1, January 23.

PCII  
Facing Morelli  
Property





# WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
www.lacity.org/PLN/index.htm

Determination Mailing Date JUN 25 2010

CASE NO. ZA-2008-2334-CDP-MEL-1A

Location: 200 Mantua Road

Council District: 11

CEQA: ENV-2008-2335-ND

Plan Area: Brentwood – Pacific Palisades

Zone: RE40-1

**Applicant:** Alan Morelli  
**Representative:** Antonio Bruno, Antonio Bruno AIA Architects

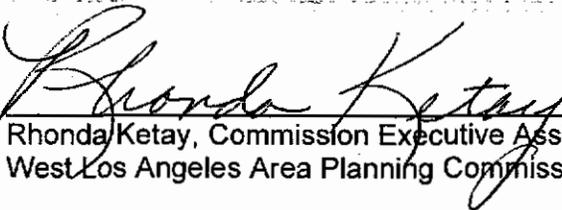
**RECEIVED**  
South Coast Region

JUN 28 2010

**Appellants:** Susan Kudo and Sheila Greger  
**Representative:** Steven A. Morris & Jack L. Hennigsen

CALIFORNIA  
COASTAL COMMISSION

At its meeting on **June 16, 2010**, the West Los Angeles Area Planning Commission **failed to act** on an appeal of the Zoning Administrator's December 30, 2009 grant of a Coastal Development Permit to permit the demolition of a 2,500 square-foot single-family dwelling and the construction, use and maintenance of a three-story, 11,330 square-foot single-family dwelling with a five-car garage on a 57,431 square-foot lot located within the dual jurisdiction permit area of the California Coastal Zone.

  
Rhonda Ketay, Commission Executive Assistant  
West Los Angeles Area Planning Commission

cc: Notification List  
Larry Friedman

A-5-PPL-10-156  
EXHIBIT 2

MICHAEL LOGRANDE  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

PATRICIA BROWN  
R. NICOLAS BROWN  
SUE CHANG  
LARRY FRIEDMAN  
LOURDES GREEN  
LINN K. WYATT  
MICHAEL S.Y. YOUNG  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING

S. GAIL GOLDBERG, AICP  
DIRECTOR

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December 30, 2009

Alan Morelli (A)(O)  
200 Mantua Road  
Pacific Palisades, CA 90272

Antonio Bruno (R)  
Antonio Bruno AIA Architects  
1041 20th Street  
Santa Monica, CA 90403

CASE NO. ZA 2008-2334(CDP)(MEL)  
COASTAL DEVELOPMENT PERMIT  
200 Mantua Road  
Brentwood-Pacific Palisades  
Planning Area

Zone : RE40-1

D. M. : 126B121

C. D. : 11

CEQA : ENV 2008-2235-MND

Legal Description : Lot 2 and Por. Lot 3,  
- Tract 10179

Pursuant to Los Angeles Municipal Code Section 12.20.2, I hereby APPROVE:

a Coastal Development Permit to permit the demolition of a 2,500 square-foot single-family dwelling and the construction, use and maintenance of a three-story, 11,330 square-foot single-family dwelling with a five-car garage on a 57,431 square-foot lot located within the dual jurisdiction permit area of the California Coastal Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the site plan, floor plans and elevations submitted with the application and marked Exhibit "A", except as may be modified as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

5. 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. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The floor area of the single-family dwelling shall not exceed 11,330 square feet, including a three-car and two-car attached garages at the second and third floor levels, respectively, in substantial conformance with the site plan, floor plans and elevations marked Exhibit "A", attached to the subject case file.
8. Off-street parking shall be provided as required by the hillside provisions of Section 12.21-A, 17(h) of the Municipal Code to the satisfaction of the Department of Building and Safety. No variance from said requirements has been requested or granted herein.
9. The applicant shall file a parking area and driveway plan with the applicable District Offices of the Bureau of Engineering and the Department of Transportation for review and approval prior to the issuance of a building permit. The plan shall be prepared consistent with the Department of Transportation's Driveway Design Manual and applicable provisions of Section 12.21 of the Municipal Code.
10. The height of any building or structure shall not exceed 36 feet above grade as regulated by the hillside provisions of Section 12.21-A, 17(c) of the Municipal Code and as permitted by the "buildable envelope" for measurement of height set forth in the appendices of the Coastal Act Regional Interpretive Guidelines for the South Coast Region.
  - a. The height of any building or structure shall not exceed 16 feet above the centerline of the frontage road (Mantua Road).
  - b. Any mechanical structures on the roof, such as air condition units and other equipment, shall be fully screened from view as seen from adjoining properties and streets.
11. The project shall comply with all other hillside provisions of Section 12.21-A, 17 of the Municipal Code, as applicable, to the satisfaction of the Department of Building and Safety.

12. Project grading and construction shall comply with all conditions specified in the Geology and Soils Approval Letter issued by the Grading Division of the Department of Building and Safety dated July 12, 2006 (Log #45946-03, geology/soils report prepared by Ralph Stone & Co., July 7, 2006).
13. Should a haul route approval be required by the Department of Building and Safety, the applicant shall comply with all conditions specified therein, including the payment of fees and posting of bonds prior to issuance of a demolition, grading or building permit, to the satisfaction of the Department of Building and Safety and the applicable District Office of the Bureau of Engineering.
14. Prior to initial demolition, grading or construction, the applicant shall install any necessary temporary retention fence to collect falling debris as may be recommended by the consulting geologist.
15. Prior to the issuance of a grading permit, a tree report and plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval to the satisfaction of the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (1149 South Broadway Street, 4th Floor, Los Angeles, CA 90015; tel. 213/ 847-3077).
  - a. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Tree replacement by 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, and to the satisfaction of the Urban Forestry Division and the Zoning Administrator.
  - b. No protected tree, as defined in Section 46.01 of the Municipal Code, shall be removed or relocated from the subject property without the property owner first having applied for and obtained a permit from the Board of Public Works or its designated officer or employee pursuant to Sections 46.02 and 46.04 of the Municipal Code.
16. Prior to the issuance of any building permits by the Department of Building and Safety, the applicant shall submit a landscape and irrigation plan prepared by a landscape professional to the satisfaction of the Zoning Administrator. The plans shall be designed consistent with the City's Water Conservation Ordinance so as to limit water consumption, minimize soil saturation, promote soil stability, and preclude soil erosion. The landscape plan shall, in part, be designed to screen or hide any retaining walls from public view within a reasonable amount of time after the planting of landscape materials. Landscaping shall be properly maintained and replaced as a result of disease or death.
17. Prior to obtaining a Certificate of Occupancy, the applicant shall certify in a letter to the Zoning Administrator that the landscape plan, as approved by Zoning

Administrator, has been implemented with all plant materials installed on the site and the irrigation system installed and operational.

18. Prior to the issuance of any grading or building permit by the Department of Building and Safety, the applicant shall provide dedications for and/or guarantee the completion of any necessary public improvements to the satisfaction of the City Engineer.
19. A cash bond or security bond ("Bond") shall be posted in accordance with terms, specifications, and conditions satisfactory to the Bureau of Engineering and shall remain in full force and effect to guarantee that any damage incurred to the Mantua Road roadway that may result during grading or construction activity on the site is properly repaired by the applicant prior to issuance of a Certificate of Occupancy for the subject project and without expense to the City of Los Angeles. The applicant is hereby advised to obtain all necessary permits to facilitate this repair.
20. Prior to the commencement of site excavation and construction activities, the applicant shall notify residents within a 100-foot radius of the project site and provide residents with a written construction schedule.
21. The applicant and the project construction manager shall identify a contact person and provide a telephone number for any inquiries from residents regarding construction activities. The phone number shall be included in the notification regarding construction activities and be posted on the site in a manner that is readily visible to any interested party. All inquiries shall be responded to by the contact person within 24 hours of being received.
22. At no time during demolition, grading or construction activities shall Mantua Road be reduced to a roadway width of less than 10 feet.
23. The contractor shall establish an off-site staging area for large trucks and any other construction vehicles in order to control the frequency of construction traffic to the site, to the satisfaction of the Department of Building and Safety.
24. During all phases of construction for the dwelling, all materials related to the project shall be stored on-site or within the staging area to the satisfaction of the Department of Building and Safety. No construction equipment or material shall be stored on the street.
25. A maximum of one (1) truck shall be staged at a time. Trucks shall be turned around with the assistance of flag persons. Trucks shall not arrive or stage at this location before 9 a.m. or after 3 p.m., Monday through Friday. No truck deliveries shall occur outside of this time period.
26. The hours of demolition, earth grading and construction activity shall be limited from 7 a.m. to 6 p.m., Monday through Friday and 8 a.m. to 6 p.m. on Saturday or national holidays. All demolition, earth grading and construction activity shall be prohibited on Sundays. In addition, the operation, repair or servicing of construction

equipment and the job-site delivering of construction materials shall be prohibited before or after the hours herein specified.

27. The project shall comply with Ordinance No. 177,215, which prohibits or limits parking on streets located within the City's Very High Fire Hazard Severity Zone on Red Flag Alert Days.
28. Prior to any sign-off of plans by the Zoning Administrator, a project plot plan shall be submitted to the Fire Department for review and approval. Said approval shall be noted on the plans via a stamp from the Fire Department.
29. All walkways, passageways, and side yards shall be maintained free and clear of obstructions from the ground to the sky, except for those projections permitted by Section 12.22-C,20 of the Municipal Code. No materials of any sort shall be stored in these spaces, nor edifices constructed that would stand in the way of easy and readily available use by residents or emergency personnel.
30. All conditions enumerated in Environmental Clearance Case No. ENV 2008-2335 (listed below) shall be considered conditions of this grant.
  - a. Aesthetics (Hillside Site Design)
    - 1) Grading shall be kept to a minimum.
    - 2) Natural features, such as prominent knolls or ridge lines, shall be preserved.
    - 3) The project shall comply with the City's Hillside Development Guidelines.
  - b. Aesthetics (Light)

Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
  - c. Wildlife Corridor

Nesting Native Birds – The project will result in the removal of vegetation and disturbances to the ground and therefore may result in take of nesting native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 CFR Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).

    - 1) Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place

outside of the breeding bird season which generally runs from March 1 – August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code, Section 86).

- 2) If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat the applicant shall:
  - a) Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.
  - b) If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31.
  - c) Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area.
  - d) The applicant 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.

d. Cultural Resources (Archaeological)

- 1) If any archaeological materials are encountered during the course of the project development, the project shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology - Cal State University, Fullerton, or a member of the

Society of Professional Archaeologists (SOPA) or a SOPA-qualified archaeologist to assess the resources and evaluate the impact.

- 2) Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center.

- e. Soils and Geotechnical Report Previously Submitted and Approved with Conditions

In a letter dated July 12, 2006, LADBS approved the applicant's Soils and Geological Report with conditions/mitigations to be complied with during site development. (A copy of the report is attached to this letter of determination.)

- f. Seismic

The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.

- g. Erosion/Grading/Short-Term Construction Impacts

- 1) Air Quality:

- a) All unpaved demolition and construction areas shall be wetted at least twice daily 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.
- b) The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
- c) All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- d) All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- e) All clearing, 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.
- f) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

## 2) Noise:

- a) The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b) Construction and demolition shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
- c) Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously.
- d) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- e) The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

## 3) Grading:

- a) Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- b) Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- c) Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

## 4) General Construction:

- a) 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. Toxic wastes must be discarded at a licensed regulated disposal site.

- b) Leaks, drips and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- c) Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- d) Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or cover with tarp or plastic sheeting.
- e) Gravel approaches shall be used where truck traffic is frequent to reduce soil compaction and the tracking of sediment into streets shall be limited.
- f) All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.

h. Haul Routes

- 1) Projects involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.
- 2) The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- 3) Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

i. Subsidence

Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety.

j. Hillside Mitigation Measures

- 1) The applicant shall obtain a haul route approval from the Board of Building and Safety Commissioners for export/import in excess of 1,000 cubic yards.

- 2) All haul route hours shall be limited to off-peak hours as determined by the Board of Building and Safety Commissioners.
- 3) The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- 4) The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- 5) LADBS shall require the applicant and all employees to park their personal vehicles outside of the neighborhood and utilize a developer-sponsored vanpool system for transport to the site.
- 6) LADBS shall stagger haul trucks based upon a specific area's capacity, as determined by LADOT, and the amount of soil proposed to be hauled to minimize cumulative traffic and congestion impacts.
- 7) The City of Los Angeles Department of Transportation (LADOT) shall recommend to the Building and Safety Commission Office the appropriate size of trucks allowed for hauling, best route of travel, the appropriate number of flag people.
- 8) Trucks having no current hauling activity shall not idle but be turned off.
- 9) The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
- 10) No parking shall be permitted on street during Red Flag Days in compliance with the "Los Angeles Fire Department Red Flag No Parking" program.
- 11) In order to preserve adequate access for emergency vehicles, all construction material shall be stored on-site and not on the street during hauling operations.
- 12) The applicant shall provide a soils and/or geotechnical report to LADBS (reports needed to be determined by LADBS) for review and approval that shall include measures to mitigate impacts related to grading.
- 13) Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

## k. Explosion/Release (Asbestos Containing Materials)

- 1) 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 ACM are present in the building. If ACM are found to be present, it 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.
- 2) Prior to issuance of any permit for demolition or alteration of the existing structure(s), a lead-based paint survey shall be performed to the written satisfaction of the Department of Building and Safety. Should lead-based paint materials be identified, standard handling and disposal practices shall be implemented pursuant to OSHA regulations.

## l. Single Family/Multi Family Hillside Dwelling

- 1) Project applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- 2) Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rates and shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- 3) Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- 4) Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- 5) Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- 6) All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.

- 7) Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- 8) Legibility of stencils and signs must be maintained.
- 9) Materials with the potential to contaminate stormwater must be: (a) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (b) protected by secondary containment structures such as berms, dikes, or curbs.
- 10) The storage area must be paved and sufficiently impervious to contain leaks and spills.
- 11) The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- 12) The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Zoning Administrator binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation plan and/or per manufacturer's instructions.

m. Public Services (Fire)

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features:

- 1) Fire lanes, where required, shall be a minimum of 20 feet in width;
  - 2) All structures must be within 300 feet of an approved fire hydrant; and
  - 3) Entrances to any dwelling unit or guest room shall not be more than 150 feet distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
31. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the 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.

**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 authorization 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 not complied with, then this authorization shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become

effective after JANUARY 14, 2010, 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 <http://planning.lacity.org>**. 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.

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

#### NOTICE

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

#### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on May 21, 2009, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and

prerequisites for granting a coastal development permit as enumerated in Section 12.20.2 of the Municipal Code have been established by the following facts:

### **BACKGROUND**

The subject property is an irregular-shaped, interior parcel located at the southerly terminus of Mantua Road in Pacific Palisades. The area of the site is approximately 57,431 square feet. The property is currently improved with a one-story single-family dwelling and detached two-car garage constructed in 1951. The property is zoned RE40-1 and located within the dual jurisdiction area of the California Coastal Zone.

The cul-de-sac of Mantua Road borders the property to the northwest. Surrounding properties are classified within the RE40-1, R1-1, and A1-1XL Zones and are characterized by hillside topography and improved streets. With the exception of the vacant adjoining westerly properties, the surrounding properties are improved with single-family residential dwellings and the Bel Air Bay Club to the east. Pacific Coast Highway borders the property to the south.

The site slopes downward from Mantua Road. While the existing garage is built on a higher elevation and is partially visible from the street, the existing dwelling is constructed approximately 23 feet below the finished grade of Mantua Road, and as such, is not visible from the street. In addition, the property is dressed with a number of mature palm trees, and other mature trees, shrubs and flora native to the area.

According to the applicant's soils and geology report:

*... The lot appears to have been developed by grading a building pad into a northwest-southeast trending ridge approximately 20 feet below the street. The grade break between the street and the building pad is achieved with an approximately 1.5:1 (H:V) gradient slope. A portion of the toe of the ascending slope is retained with an approximately five (5) foot high wall.*

*West of the retaining wall, the slope has been terraced with numerous pipe and boards. The pipe and boards appear to be in good to poor condition. Natural slopes descend from the building pad to the east and south with total slope heights of 70 and 80 feet respectively. The south facing slope has an average gradient which varies from 3/4:1 To 3:1 (H:V). The south facing slope is dotted with numerous short garden walls for trees and a dirt path. The easterly facing slope has a gradient approximately 1:1 (H:V) although slightly flatter and steeper gradients are present locally...*

*The side yards are vegetated with short grasses and scattered decorative shrubs, trees and palms. The descending slopes are densely vegetated with native trees and shrubs. However, a portion of the southerly facing slope is landscaped with grasses and scattered trees. The ascending slope is sparsely vegetated.*

The applicant requests a Coastal Development Permit to permit the demolition of a 2,500 square-foot single-family dwelling and the construction, use and maintenance of a three-story, 11,330 square-foot single-family dwelling with a five-car garage.

Mantua Road, adjoining the property to the northwest, is a Hillside Limited Street dedicated to a right-of-way width of 26 feet and improved with concrete curbs and gutters and asphalt surfacing.

There are no previous relevant zoning related cases applicable to the subject site. Relevant cases on surrounding properties in the immediate vicinity (within a 500-foot radius of the subject site) include:

Case No. ZA 2007-2239(CDP) – On August 3, 2007, the Zoning Administrator approved a Coastal Development Permit to allow the construction, use and maintenance of a proposed 6,333 square-foot single family dwelling in the R1 Zone within the dual jurisdiction permit area of the California Coastal Zone, at 230 Arno Way.

Case Nos. ZA 2000-0648(CDP)-A2 and ZA 2000-0647(PAD)-2A – On April 18, 2002, the West Los Angeles Area Planning Commission denied aggrieved party appeals, sustained the action of the Zoning Administrator in granting a coastal development permit and a conditional use approval of plans, and modified prior Conditions, involving the expansion of a private club (Bel Air Bay Club site) at 16800 Pacific Coast Highway.

Case Nos. ZA 2000-0648(CDP) and ZA 2000-0647(PAD) – On September 24, 2001, the Zoning Administrator approved a Coastal Development Permit authorizing the expansion of an existing private club located within the California Coastal Zone, and a conditional use approval of plans to increase the size of an existing private club and to continue the service of a full line of alcoholic beverages, at 16800 Pacific Coast Highway (Bel Air Bay Club).

Case No. CDP 98-016 – On December 10, 1998, the Zoning Administrator approved a Coastal Development Permit to allow the construction, use and maintenance of a nine lot, single-family subdivision, with one additional lot being an open space lot, in the dual permit jurisdiction area of the California Coastal Zone, at 16974 Sunset Boulevard.

### **MANDATED FINDINGS**

In order for a coastal development permit to be granted all of the requisite findings maintained in Section 12.20.2 of the Los Angeles Municipal Code must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

- 1. The development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

Section 30251 of the Coastal Act provides that the scenic and visual qualities of the Coastal Zone area 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.

The applicant is proposing to demolish an existing one-story, 2,500 square-foot single-family dwelling and construct a new three-story, maximum 36-foot in height single-family dwelling totaling 11,330 square feet on a 57,431 square-foot parcel. The dwelling is also proposed and has been conditioned in this grant to be no higher than 16 feet above the centerline of the Mantua Road frontage.

In accordance with a settlement agreement reached with the City of Los Angeles in January, 2009, the applicants will undertake retaining wall and slope remedial repairs in conjunction with the project approved herein to address damages that were the subject of their litigation (with other parties) against the City (*Morelli v. City of Los Angeles*, Superior Court Case No. SC 064949). The repairs will remediate conditions that led to slope failures on the property, allegedly due to the City's installation of a new sewer line during a period of heavy rainfall, and roadway settling along Mantua Road causing flooding of the applicant's property. The incidents occurred in 1998, 2001 and 2004.

Section 30253 of the Act states that new development shall minimize risk to life and property in areas of high geologic, flood, and fire hazard; and assure stability and structure 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 substantially alter natural land forms along bluffs and cliffs. The project, which includes a swimming pool and retaining walls, has had a geology and soils report prepared by Ralph Stone & Company, Inc., a geotechnical, environmental and civil engineering consulting firm, and reviewed and approved by the Grading Division of the Department of Building and Safety (July 12, 2006, Log #45946-03). The approval letter notes that:

*An active landslide exists on the southwest portion of the site. According to the [consultant's] reports, the landslide is approximately 40 feet in depth. In addition to the landslide much of the site has a factor of safety that is less than 1.5 for stability. Additionally, an erosional slope failure has occurred on the northeast portion of the site. Uncertified fill was observed on the site up to 16 feet in depth.*

*Soldier piles are proposed along the edge of the landslide to limit the expansion of the landslide and to provide a minimum factor of safety of 1.5 for the remainder of the site. A pile-supported retaining wall is proposed around the building pad area. A 22-foot high retaining wall is proposed within the public right-of-way to support the street. Permits for the wall will be issued by the Department of Public Works.*

*Whenever the principal building on a site is added to, altered or repaired in excess of 50 percent of its replacement value, the entire site shall be brought up to the current Code standard (7005.9). The proposed additions and*

*remodeling of the main building will exceed 50 percent of the replacement value of the building, requiring that the entire site be stabilized. A Request for Modification to leave the active landslide has been approved with conditions.*

The Grading Division's geology and soils report approval letter found the consultant's reports to be acceptable, subject 36 conditions. A copy of that approval letter is attached to this determination for reference.

The proposed project will also be subject to review by other City departments, including the Fire Department and the Bureau of Engineering. Their review and authority address the Coastal Act's goal to minimize risk to life and property in areas of high geologic flood and fire hazard; and to assure stability and structure integrity and not create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area.

Section 30253 of the Act requires access to the shoreline. The proposed development neither interferes with nor reduces such access. Other lots located along Mantua Road are developed with single-family dwellings and show no indications of having impacted shoreline access. The project entails no requested or granted deviations from the Zoning Code with respect to building height, off-street parking, yards or lot coverage, or any other Zoning Code provisions. Visitors to the beach are not likely to park their vehicles along this portion of Mantua Road (i.e., at its terminus), as the road distance, topography and relative obscurity of the location in relation to nearby beaches will deter coastal access visitor parking, and more convenient public off-street and on-street parking are available to the nearby beach along Pacific Coast Highway.

The property, which is currently improved with a single-family dwelling, abuts other parcels with single-family dwellings along Mantua Road and will not, therefore, be an encroachment into an area of undeveloped land which might be precedent-setting. No recreation and visitor-serving facility has been alternatively proposed for the site. The property does not have direct access to any water or beach, so there will be no dredging, filling or diking of coastal waters or wetlands. There is no commercial fishing or recreational boating on or adjacent to the property.

Mitigation measures have been included in the approval to protect native nesting birds. Mitigation measures have also been included to protect any archaeological materials that may be encountered during site development. No resources of any agricultural value or forest and soils resources are known to exist on or immediately adjacent to the site. The design of the project entails the export of 3,500 cubic yards of earth which will require haul route approval by the Department of Building and Safety. The building will occupy approximately 21 percent of the site and paving will occupy approximately 9 percent. Most of the remainder of the site, except the pool, will consist of landscape or the existing natural state of the hillside terrain.

Two neighboring property owners along Mantua Road and a local developer voiced objections to the project at the public hearing. Two main areas of concern were

raised: concern over slope stability and the export of materials using Mantua Road. A consulting geologist, E.D. Michael, retained by the neighboring property owner at 210 Mantua Road, stated that site stability is in part affected by expansive soil conditions and called into question the applicant's consultant stability analysis. He submitted a written report dated May 21, 2009 which concluded:

*The proposed development of the Morelli property, as described in the reviewed documents, in my opinion is questionable for two reasons. First, special conditions presented by the Modelo Formation slide debris have not been addressed in the Stone reports; second, the proposed export of 3,500 cy of material raises a serious issue of environmental impact.*

In a written rebuttal dated May 26, 2009, the applicant's consultant responded, in part as follows:

- *Site Safety: The entire building site will be graded and stabilized to slope a stability factor of safety of 1.5 in accordance with the standards of practice of geotechnical engineers and engineering geologists practicing in the City of Los Angeles as reviewed and approved by the City of Los Angeles Grading Division in their approval letter dated July 12, 2006, Log No. 459456-3.*
- *The edge of the site above Pacific Coast Highway will be stabilized with a row of connected soldier piles ( $\pm 36"$  in dia.,  $\pm 60$  to 80 feet deep) installed below grade.*
- *Slope Stability, Pacific Coast Highway: Slopes along Pacific Coast Highway which intrude on the Morelli property have young landslides on them due to the toe of slope removals for state highway construction and widening projects by Caltrans and their predecessors. It is our understanding that Caltrans has the slopes on their list of landslide slopes for stabilization with a low priority for stabilization.*
- *Slope Stability, Bel Air Bay Club Driveway: The slopes along the Club driveway will be stabilized to a slope factor of safety of 1.5 as approved by the City's Grading Division.*
- *Final House Pad Evaluation: The Morelli's home is to be founded on piles and structural slabs. During site preparation the exposed soils/rock will be evaluated for the compatibility with the planned foundation design. If conditions warrant, our recommendations will be modified and they will be reviewed and approved by the City's Grading Division, as is required.*
- *Mantua Road: Mantua Road is a cul-de-sac and the site access point has been fully repaired and stabilized by the City Bureau of Engineering at the southerly terminus and turn-around by deep piles and improved drainage. Mantua Road was the City's access road for*

*large drill rigs, trailers with long heavy steel reinforcement members and other construction equipment used in their road stabilization project.*

*Slope Failure on Property Line Between Kudo and Morelli Properties: The landslide between the Morelli and Kudo properties is more accurately characterized as a wash-out contributed to by broken pipe(s) and heavy rainfall. It's our understanding that Kudo's consultant on the wash-out prepared a geotechnical report to repair it with a simple pipe-and-board with benched compacted fill remedial slope repair as is allowed by the City Grading Division.*

The project site and access road have thus been evaluated by different consulting geologists and given differing outcomes and conclusions. The Zoning Administrator is not an expert in the field of geotechnical and geologic engineering to make his own conclusions about the differing analyses given to the project, but instead relies on the expertise of the City's engineering geologist and geotechnical engineer in finding the applicant's consultant geology and soils report acceptable provided specified conditions are followed.

It can therefore be determined that given the conditions imposed herein and with the Grading Division's July 12, 2006 geology and soils report approval letter, the proposed development is in conformity with Chapter 3 of the California Coastal Act of 1976.

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

The City has not yet prepared a Local Coastal Program for this area and therefore the Coastal Commission has not yet approved such a Program. In the interim, the Pacific Brentwood-Palisades Community Plan, a portion of the Land Use Element of the City's General Plan, serves as a functional equivalent. The Community Plan designates the subject property for Minimum Density Residential land uses with corresponding zones of OS, A1, A2 and RE40. The property's underlying RE40 Zone classification is consistent with the Plan land use designation, and the proposed use is permitted by the Plan land use designation and underlying Zone.

The subject property is currently developed with a single-family dwelling. The proposed replacement dwelling is on a parcel generally surrounded by other lots along Mantua Road developed with single-family dwellings. There is no apparent reason to conclude that approval of a new dwelling on a hillside lot northerly of Pacific Coast Highway would frustrate the preparation and implementation of a Local Coastal Program.

3. **The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed and**

**considered in light of the individual project in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP. In this instance, the Guidelines standards concerning the following are relevant:**

The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission (revised October 14, 1980), and any subsequent amendments thereto have been reviewed, analyzed and considered in making this determination. Such Guidelines are designed to provide direction to decision-makers in rendering discretionary determinations on requests for coastal development permits pending adoption of an LCP.

The Zoning Administrator has compared the project to the Guidelines and found that it is consistent with all requirements in the Zoning Code for off-street parking\*, building height, setbacks, use, and design. The Guidelines are intended to provide direction to decision makers in rendering discretionary determinations pending adoption of the Local Coastal Program.

The lot does not provide access to or from the beach as it is located above the bluffs of the Pacific Palisades. All of the lots in the vicinity are either developed with single-family dwellings, remain vacant or, directly easterly of the property, improved with a private club. The project will not conflict with the goal of providing appropriately located public access points to the coast.

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

The Zoning Administrator has been guided by the action of the Coastal Commission in its review of single-family dwelling applications for property at 230 Arno Way and 16974 Sunset Boulevard, and the expansion of the Bel Air Bay Club at 16800 Pacific Coast Highway, all of which are located in the Pacific Palisades community. No outstanding issues have emerged which would indicate any conflict between this decision and any other decision of the Coastal Commission regarding these developments in the project vicinity. The subject project is supported by the Bel Air Bay Club (letter dated May 30, 2008, attached to the case file) and two other abutting property owners who signed the Master Land Use Application.

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\* The Guidelines set forth a parking standard of two spaces for each residential dwelling unit. The project plans indicate there will be two garages – a two-car garage at the third floor level and a three-car garage at the second floor level. To comply with the Hillside Ordinance, Section 12.21-A, 17(h) of the Municipal Code, a five parking spaces will be required based on the project size of 11,330 square feet. The Hillside Ordinance parking requirement thus exceeds the standard from the Guidelines.

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

The property is located above the bluffs of the Pacific Palisades and is separated from the beach by Pacific Coast Highway. The development is consistent with the referenced policies as it is an infill lot surrounded by single-family dwellings; the zoning of the property is limited to single-family development; and there is no adjoining public access point or public recreation facility.

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

On March 30, 2009, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2008-2334-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. I hereby adopt that action. The records upon which this decision is based are with the Environmental Review Section in Room 750, 200 North Spring Street.

### **Mello Act Finding**

7. This Finding is provided in accordance with the provisions of California Government Code Sections 65590 and 65590.1 (the Mello Act), the City's Interim Administrative Procedures for complying with the Mello Act, and the terms of the Settlement Agreement between the City of Los Angeles, Venice Town Council, Barton Hill Neighborhood Association, and Carol Berman concerning implementation of the Mello Act in the coastal zone areas of the City of Los Angeles.

The Mello Act is a Statewide law which mandates local governments to comply with a variety of provisions concerning the demolition, conversion, and construction of residential units in California's Coastal Zone. The Mello Act requires that very low, low and moderate income housing units that are demolished or converted must be replaced and that new residential developments must reserve at least 20 percent of all new residential units for low or very low income persons or families or reserve at least 10 percent of all new residential units for very low income persons or families.

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project involves the demolition of an existing single-family dwelling and the construction, use and maintenance of a new single-family dwelling.

The project does not involve the conversion, demolition or construction of any residential dwelling units. As such, the project is exempt from required inclusionary affordable dwelling units and does not require a Mello Act compliance review.

**ADDITIONAL MANDATORY FINDINGS**

8. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
9. On March 30, 2009, a Mitigated Negative Declaration (ENV 2008-2235-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.



LARRY FRIEDMAN  
Associate Zoning Administrator  
Direct Telephone No. (213) 978-1225

LF:lmc

cc: Councilmember Bill Rosendahl  
Eleventh District  
Adjoining Property Owners



**EXISTING SETBACK CALCULATIONS**

EXISTING FRONTAGE	EXISTING FRONT SETBACK
LOT 1 FRONTAGE: 142'	9'-6"
LOT 2 FRONTAGE: 93.3'	4'-0"
LOT 3 FRONTAGE: 176.84'	9'-6"
<b>TOTAL FRONTAGE: 412.94'</b>	

NEW FRONTAGE	NEW FRONT SETBACK
LOT 1 FRONTAGE: 142'	4'-0"
LOT 2 FRONTAGE: 93.3'	5'-0"
LOT 3 FRONTAGE: 176.84'	5'-0"
<b>TOTAL FRONTAGE: 412.14'</b>	

NOTE: 5'-0" MIN. RECD.

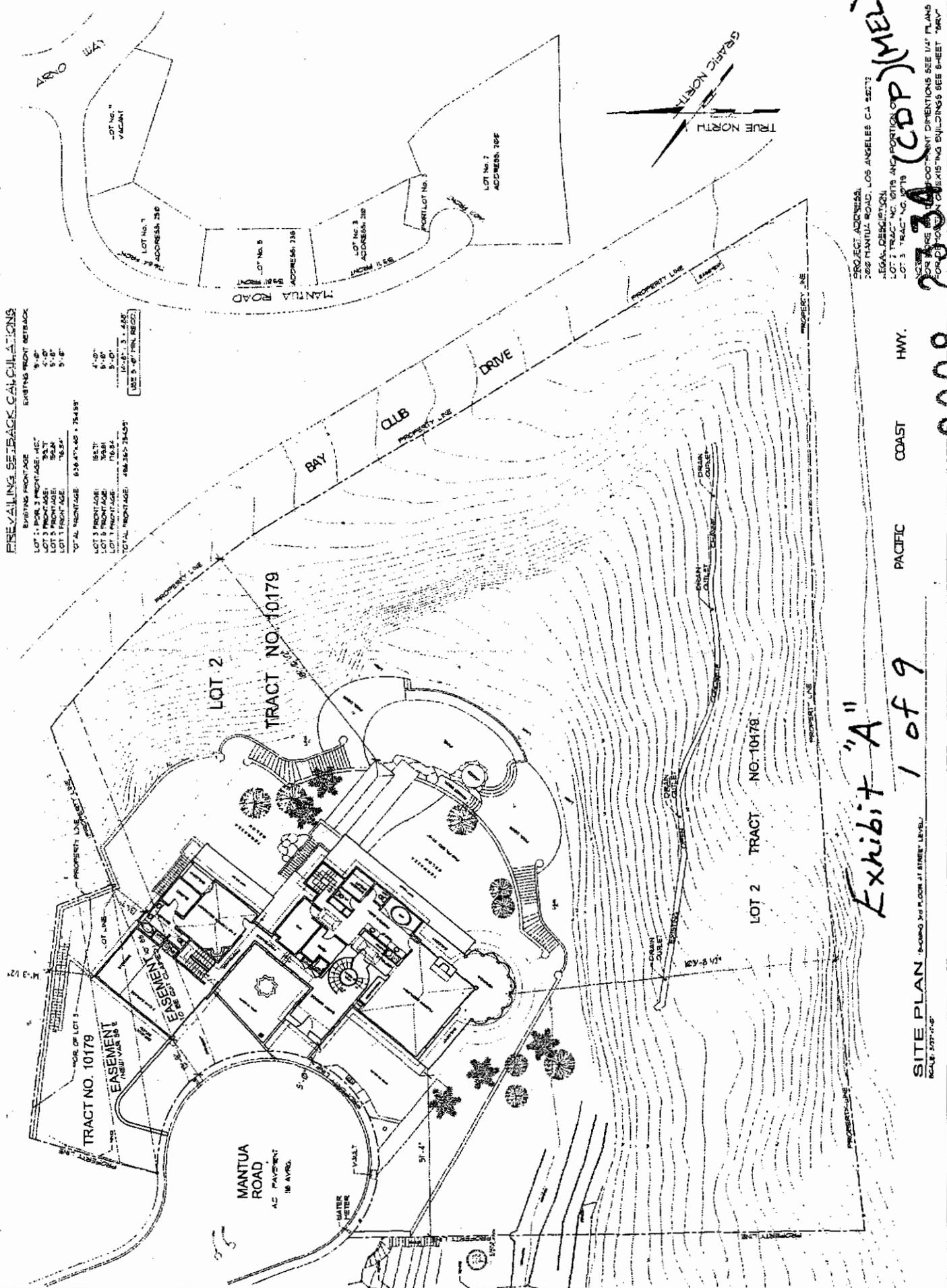


Exhibit "A"  
 1 of 9

PACIFIC COAST HWY.

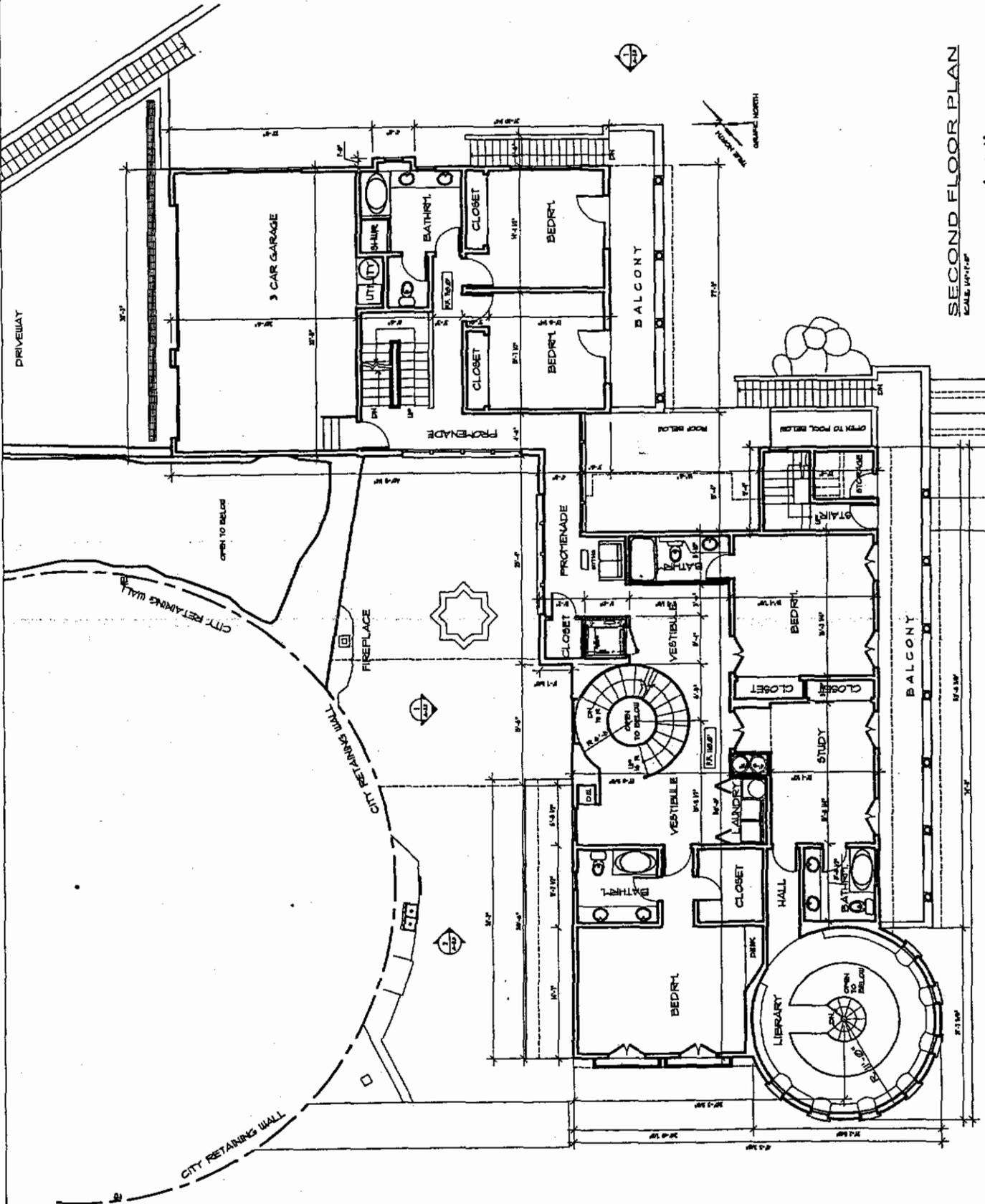
PROJECT ADDRESS: 268 MANTUA ROAD, LOS ANGELES CA 90072  
 LEGAL DESCRIPTION:  
 LOT 1 TRACT NO. 10179 AND PORTION OF  
 LOT 3 TRACT NO. 10178  
 2333A (CDP) (MEL)

SITE PLAN 34-0340 3rd FLOOR AT BINDER LEVEL  
 SCALE: 1/8"=1'-0"

2008

FOR MORE INFORMATION SEE EXISTING PLANS  
 FOR FOOTPRINT DIRECTIONS SEE 1/2" PLANS  
 FOR FOOTPRINT DIRECTIONS SEE 6-SHEET "B" "C" "D" "E" "F" "G" "H" "I" "J" "K" "L" "M" "N" "O" "P" "Q" "R" "S" "T" "U" "V" "W" "X" "Y" "Z"



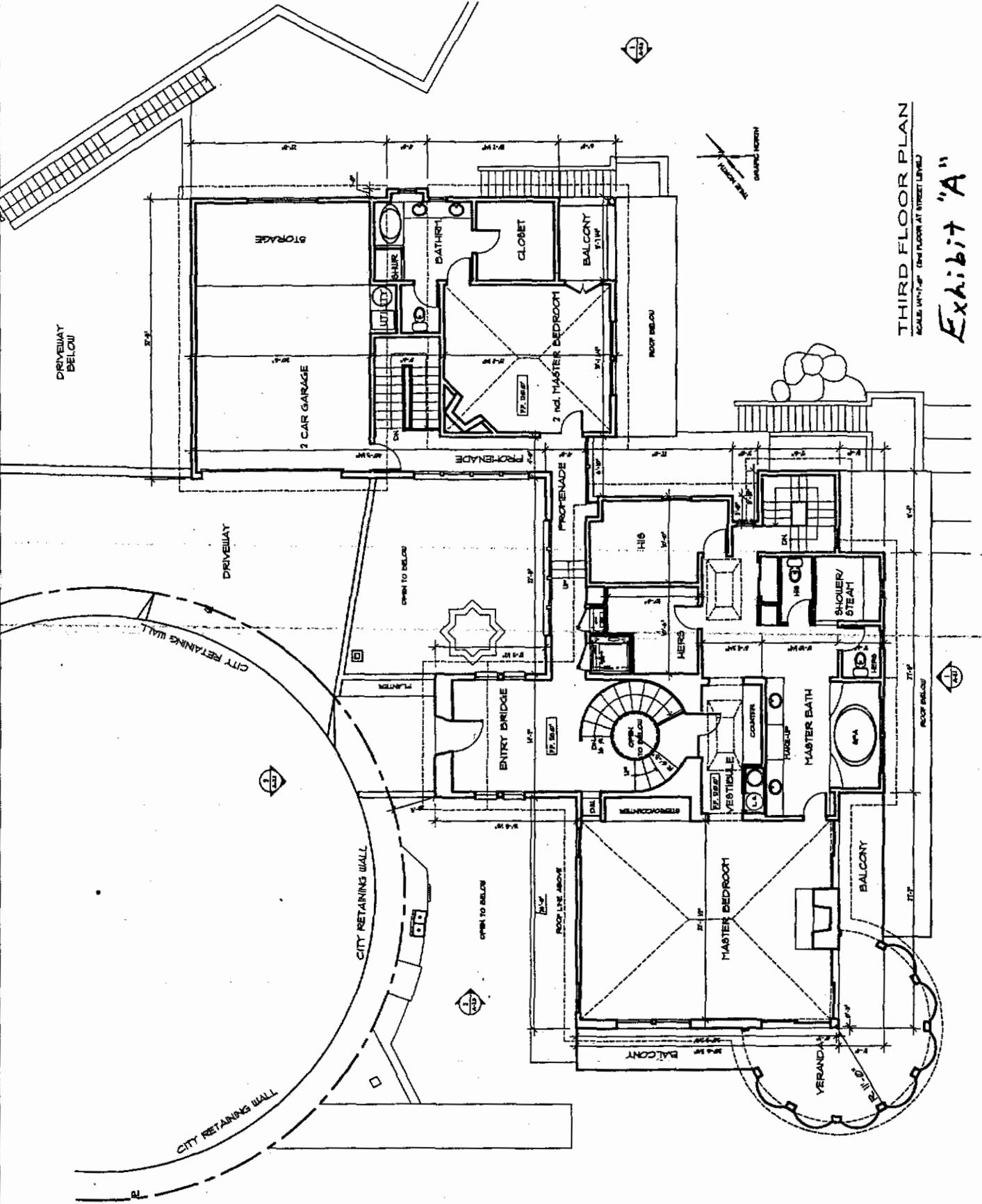


SECOND FLOOR PLAN  
SCALE 1/4"=1'-0"

Exhibit "A"

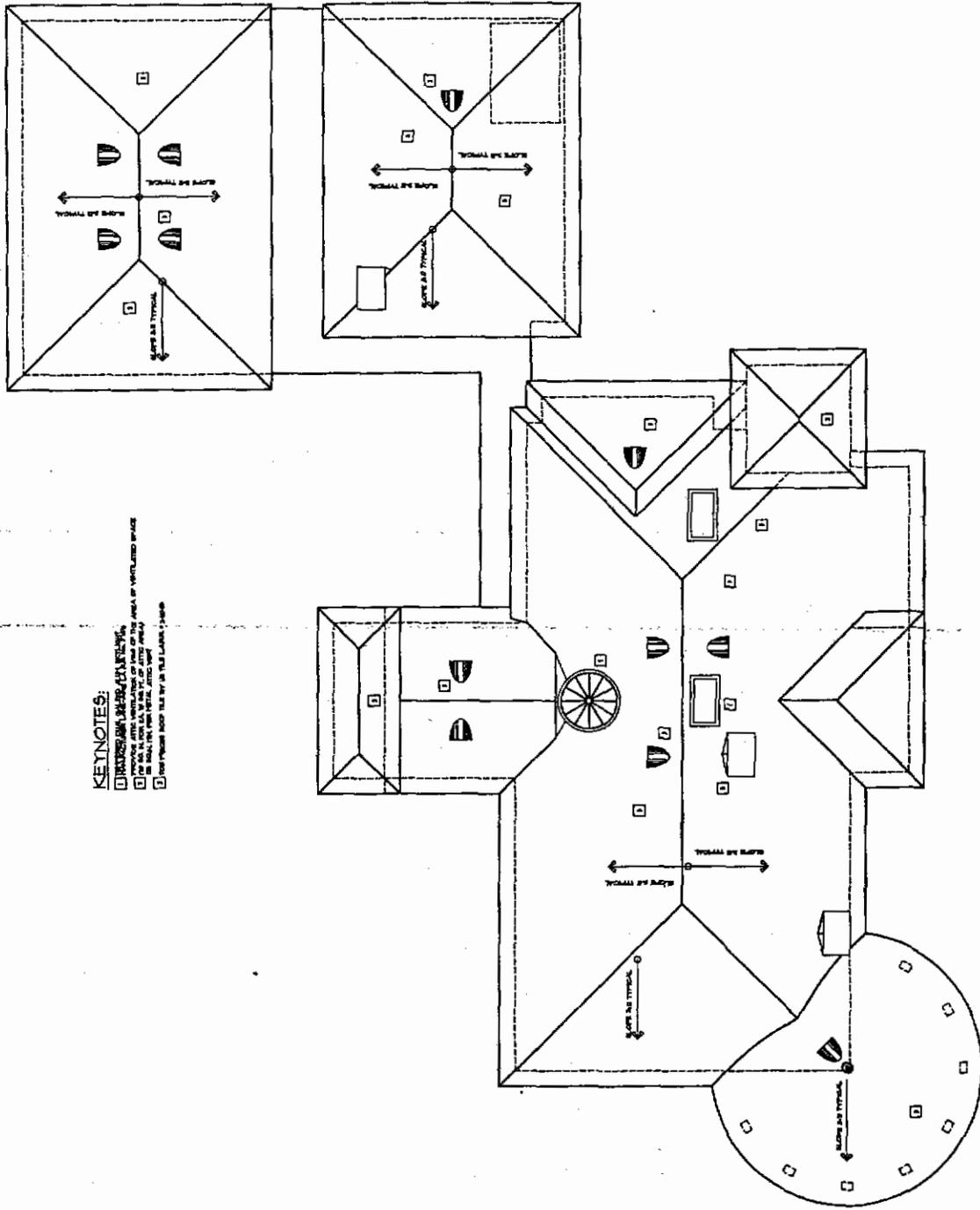
3 of 9

7A 2008-222U(ME.ME)



THIRD FLOOR PLAN  
SCALE: 1/8" = 1'-0" (END FLOOR AT STREET LEVEL)

Exhibit "A"



KEYNOTES:

- STRUCTURAL MEMBER (COLUMN, BEAM, JOIST)
- FLOOR FINISH (CARPET, TILE, POLISHED CONCRETE)
- FLOOR FINISH (WOOD, VINYL, CERAMIC TILE)
- FLOOR FINISH (WOOD, VINYL, CERAMIC TILE)
- FLOOR FINISH (WOOD, VINYL, CERAMIC TILE)

Exhibit "A"  
5 of 9

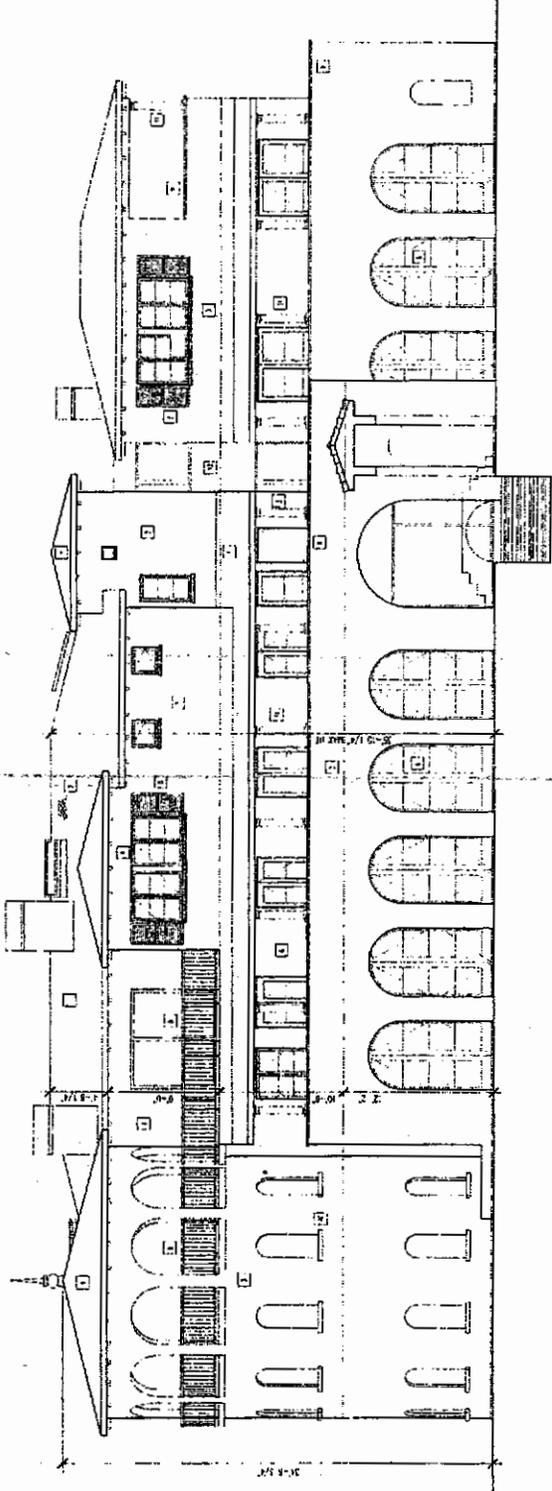
ROOF PLAN ZA 2008-2334 (CDP) (MEL)

SCALE: 1/8"=1'-0"

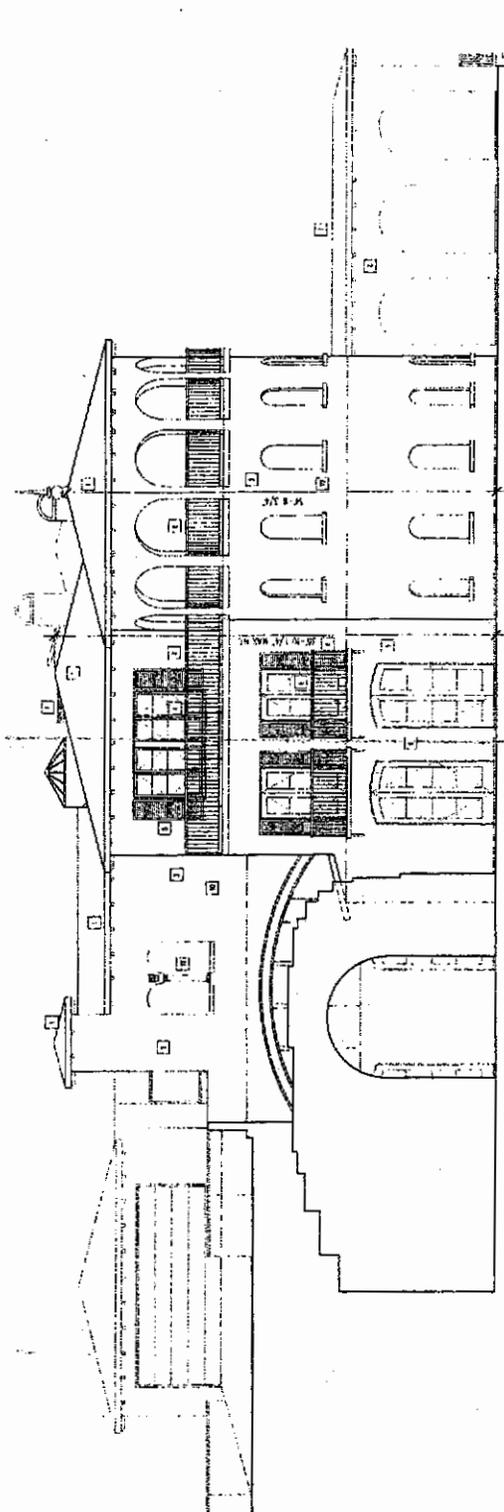


KEYNOTES:

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SOUTH ELEVATION  
SCALE: 1/4" = 1'-0" DRAWING: 10/07/08



WEST ELEVATION  
SCALE: 1/4" = 1'-0" DRAWING: 10/07/08

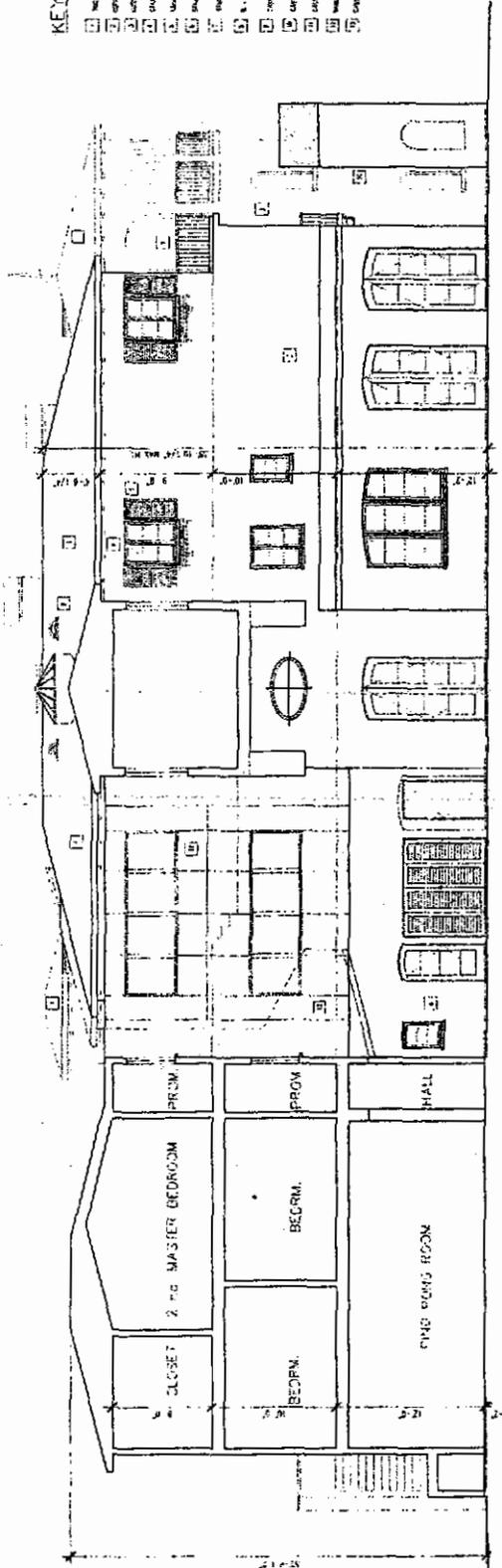
Exhibit "A"  
6 of 9

ZA 2008-2334 (GDP) (MEL)

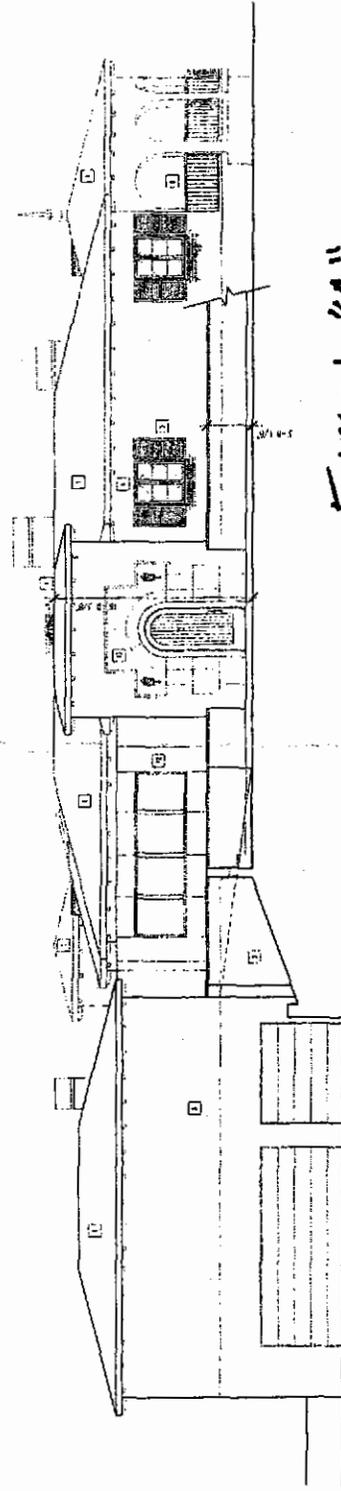
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- KEYNOTES:
- 1. SEE FLOOR PLAN
  - 2. SEE FLOOR PLAN
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  - 20. SEE FLOOR PLAN



NORTH ELEVATION (PAC LEVEL)



NORTH ELEVATION (STREET SIDE)

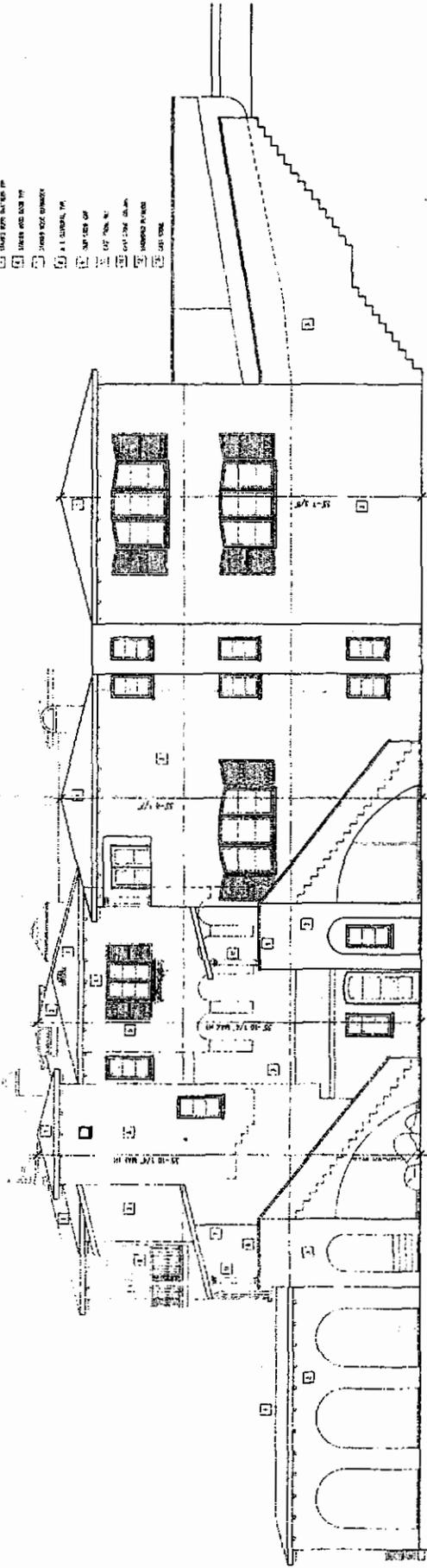


Exhibit "A"  
7 of 9

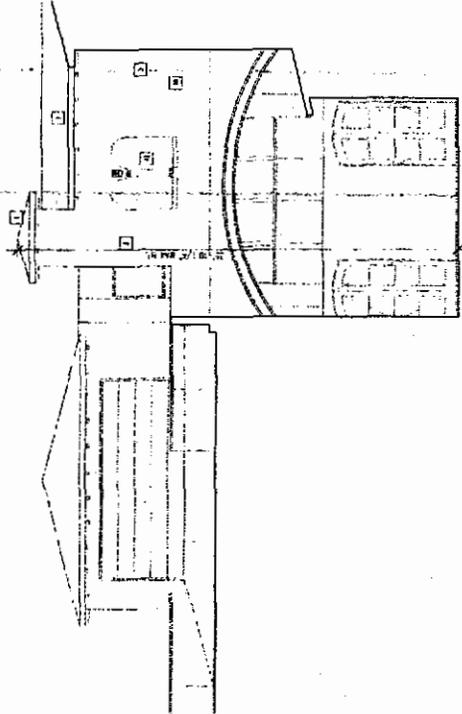
ZA 2008-233 (CDP) (MEL)



- KEYNOTES:**
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  - 167. 48966400000000000000000" x 85632000000000000000000" BRICK
  - 168. 63609600000000000000000" x 111424000000000000000000" BRICK
  - 169. 85632000000000000000000" x 145696000000000000000000" BRICK
  - 170. 111424000000000000000000" x 185184000000000000000000" BRICK
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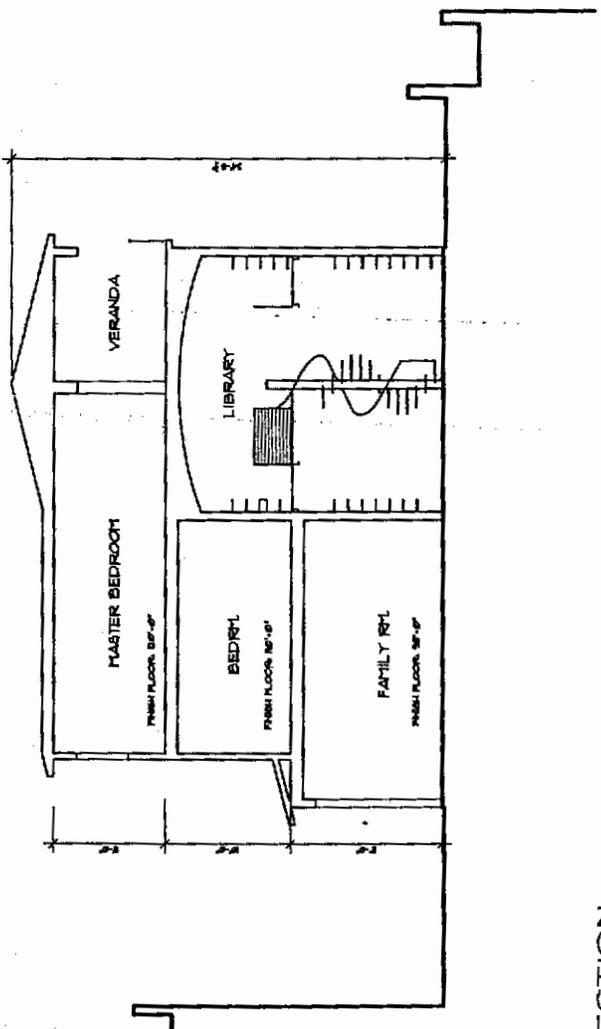
**EAST ELEVATION**  
SCALE: 1/4" = 1'-0" GRAPHIC NORTH



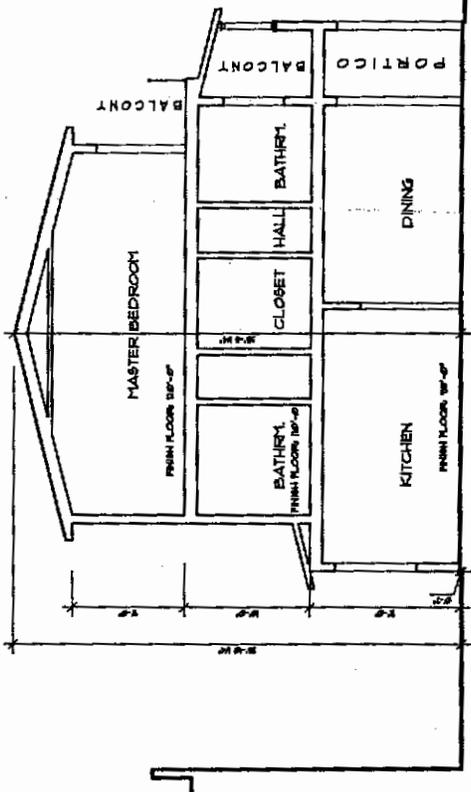
**WEST ELEVATION** (GRAPHIC NORTH)  
SCALE: 1/4" = 1'-0" GRAPHIC NORTH

Exhibit "A"  
8 of 9

ZA 2008-2334 (CDP) (MEL)



BUILDING SECTION  
SCALE 1/4" = 1'-0"



BUILDING SECTION  
SCALE 1/4" = 1'-0"

Exhibit "A"  
9 of 9

ZA 2008-23: 1 (CDP) (MEL)

BOARD OF  
BUILDING AND SAFETY  
COMMISSIONERS

EFREN ABRATIQUE, P.E.  
PRESIDENT

JAVIER NUÑEZ  
VICE-PRESIDENT

VAN AMBATIELOS

PEDRO BIRBA

MARSHA L. BROWN

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY

201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

ANDREW A. ADELMAN, P.E.  
GENERAL MANAGER

RAYMOND CHAN  
EXECUTIVE OFFICER

GEOLOGY AND SOILS REPORT APPROVAL LETTER

July 12, 2006

Log # 45946-03  
SOILS/GEOLOGY FILE - 2

Alan Morelli  
200 Mantua Rd  
Los Angeles, CA 90272

TRACT: 10179  
LOT: 2  
LOCATION: 200 Mantua Rd

<u>CURRENT REFERENCE</u> <u>REPORT/LETTER(S)</u>	<u>REPORT</u> <u>NO.</u>	<u>DATE(S) OF</u> <u>DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soils Report	5175	07/07/06	Ralph Stone & Co
Ovrszd Doc	"	"	"
Geology/Soils Report	5175	05/15/06	"
Ovrszd Doc	"	"	"

<u>PREVIOUS REFERENCE</u> <u>REPORT/LETTER(S)</u>	<u>REPORT</u> <u>NO.</u>	<u>DATE(S) OF</u> <u>DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soils Report	5175	01/13/06	Ralph Stone & Co
"	5175	08/31/05	"
"	5175	09/28/04	"
Correction letter	45946-01	11/16/05	LADBS
"	45946COR	08/25/05	"
Request for Modification	12228	07/12/06	"

The referenced reports concerning the proposed three-story additions, remodeling, pool and retaining walls have been reviewed by the Grading Division of the Department of Building and Safety. An active landslide exists on the southwest portion of the site. According to the reports, the landslide is approximately 40 feet in depth. In addition to the landslide much of the site has a factor of safety that is less than 1.5 for stability. Additionally, an erosional slope failure has occurred on the northeast portion of the site. Uncertified fill was observed on the site up to 16 feet in depth.

ZA 2008-2334 (CDP)(MEL)



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200 Mantua Rd

Soldier piles are proposed along the edge of the landslide to limit the expansion of the landslide and to provide a minimum factor of safety of 1.5 for the remainder of the site. A pile-supported retaining wall is proposed around the building pad area. A 22-foot-high retaining wall is proposed within the public Right-of-Way to support the street. Permits for the wall will be issued by the Department of Public Works.

Whenever the principal building on a site is added to, altered or repaired in excess of 50 percent of its replacement value, the entire site shall be brought up to the current Code standard (7005.9). The proposed additions and remodeling of the main building will exceed 50 percent of the replacement value of the building, requiring that the entire site be stabilized. A Request for Modification to leave the active landslide has been approved with conditions.

The reports are acceptable, provided the following conditions are complied with during site development:

(Note: Numbers in parenthesis ( ) refer to applicable sections of the 2002 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

1. Prior to the issuance of any permit, the owners shall file a notarized affidavit with the Office of the Los Angeles County Recorder attesting to their knowledge that the southwest portion of the site is an active landslide, that they are aware that the hydraugers in the landslide are to drain groundwater to improve the stability of the slope and that they agree to contract with a professional service to clean out the hydraugers at intervals less than every 5 years and that they are aware that stabilization of the landslide could be required at a future date if it re-activates. (Note: The completed AFFIDAVIT G6 form must be approved by the Grading Division of the Department prior to being recorded.) (7016.4.3)
2. Hydraugers shall be installed in the existing landslide as shown on section C of the report dated 08/31/05. The hydraugers shall be spaced a maximum of every 30 feet. A minimum of six hydraugers shall be installed.
3. The use of tie-backs for retaining walls on private property is not acceptable.
4. All new footings shall be founded in competent bedrock, as recommended.
5. Soldier piles and retaining walls shall be constructed at the locations and per the design criteria shown on Plate 1 of the report dated July 7, 2006.
6. All new graded slopes shall be no steeper than 2H:1V (7010.2 & 7011.2).
7. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill. (7011.3 & 1806.1)
8. All recommendations of the reports which are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.

ZA 2008-2334 (CDP)(MEL)

1010604200749513 2 of 5

Page 3  
200 Mantua Rd

9. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit. (7006.1)
10. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans which clearly indicates that the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports.
11. Any unsupported shale planes, either existing or exposed by grading, shall be supported by a designed retaining wall or buttress fill. (7010.2)
12. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Constituent Service Division for the proposed removal of support and/or retaining of slopes adjoining the public way (3301.2.3.3)
13. The proposed swimming pool shall be designed for a freestanding condition and supported by piles founded in competent bedrock.
14. The structural engineer shall verify the adequacy of the existing footings for underpinning.
15. Footings adjacent to a descending slope steeper than 3:1 in gradient shall be located a distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the footing bottom to the face of the slope; for in-ground pools the footing setback shall be one-sixth the slope height to a maximum of 20 feet. (1806.5.3 & 1806.5.4)
16. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety. (3301.1)
17. A supplemental report shall be submitted to the Grading Division containing recommendations for shoring, underpinning, and sequence of construction in the event that any excavation would remove lateral support to the public way or adjacent structures. A plot plan and cross-section(s) showing the construction type, number of stories, and location of the structures adjacent to the excavation shall be part of the excavation plans. (7006.2)
18. Prior to excavation, an initial inspection shall be called at which time sequence of shoring, protection fences and dust and traffic control will be scheduled.
19. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation. (3301.2.1)
20. Un-surcharged temporary vertical excavations greater than 5 feet in height shall either be shored or sloped back to a 1:1 slope gradient, as recommended.

ZA 2008-2334 (CDP) (MEL)

1010604200749513

3 of 5

Page 4  
200 Mantua Rd

- 21. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading. (7008.2)
- 22. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored. (7005.3)
- 23. Basement retaining walls shall be designed for a trapezoidal pressure of 40H, as recommended.
- 24. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device. (7013.11)
- 25. All retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soil report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record. (7015.5 & 108.9)
- 26. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector. (7015.5 & 108.9)
- 27. The dwelling shall be connected to the public sewer system. (P/BC 2001-27)
- 28. A grading permit shall be obtained. (106.1.2)
- 29. For grading involving import or export of more than 1000 cubic yards of earth materials within the *grading hillside area*, approval is required by the Board of Building and Safety. Application for approval of the haul route must be filed with the Grading Division. Processing time for application is approximately 8 weeks to hearing plus 10-day appeal period.
- 30. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Inspection Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cu yd. (7007.1)  
1828 Sawtelle Blvd., 3<sup>rd</sup> Floor, West LA (310) 575-8625
- 31. All roof and pad drainage shall be conducted to the street in an acceptable manner. (7013.10)
- 32. Pool deck drainage shall be collected and conducted to an approved location via a non-erosive device. (7013.10)
- 33. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density (D1556). Placement of

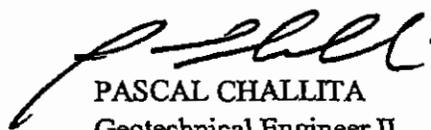
Page 5  
200 Mantua Rd

gravel in lieu of compacted fill is allowed only if complying with Section 91.7011.3 of the Code.(7011.3)

- 34. Prior to the placing of compacted fill, a representative of the consulting soils engineer shall inspect and approve the bottom excavations. He shall post a notice on the job site for the LADBS Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the LADBS Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be filed in the final compaction report filed with the Grading Engineering Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Engineering Division of the Department upon completion of the compaction. The engineer's certificate of compliance shall include the grading permit number and the legal description as described in the permit (7011.3).
- 35. Prior to the pouring of concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. He shall post a notice on the job site for the LADBS Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the LADBS Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Department upon completion of the work. (108.9 & 7008.2)
- 36. The LABC Soil Type underlying the site is S<sub>D</sub>. (1636A)



DANA PREVOST  
Engineering Geologist III



PASCAL CHALLITA  
Geotechnical Engineer II

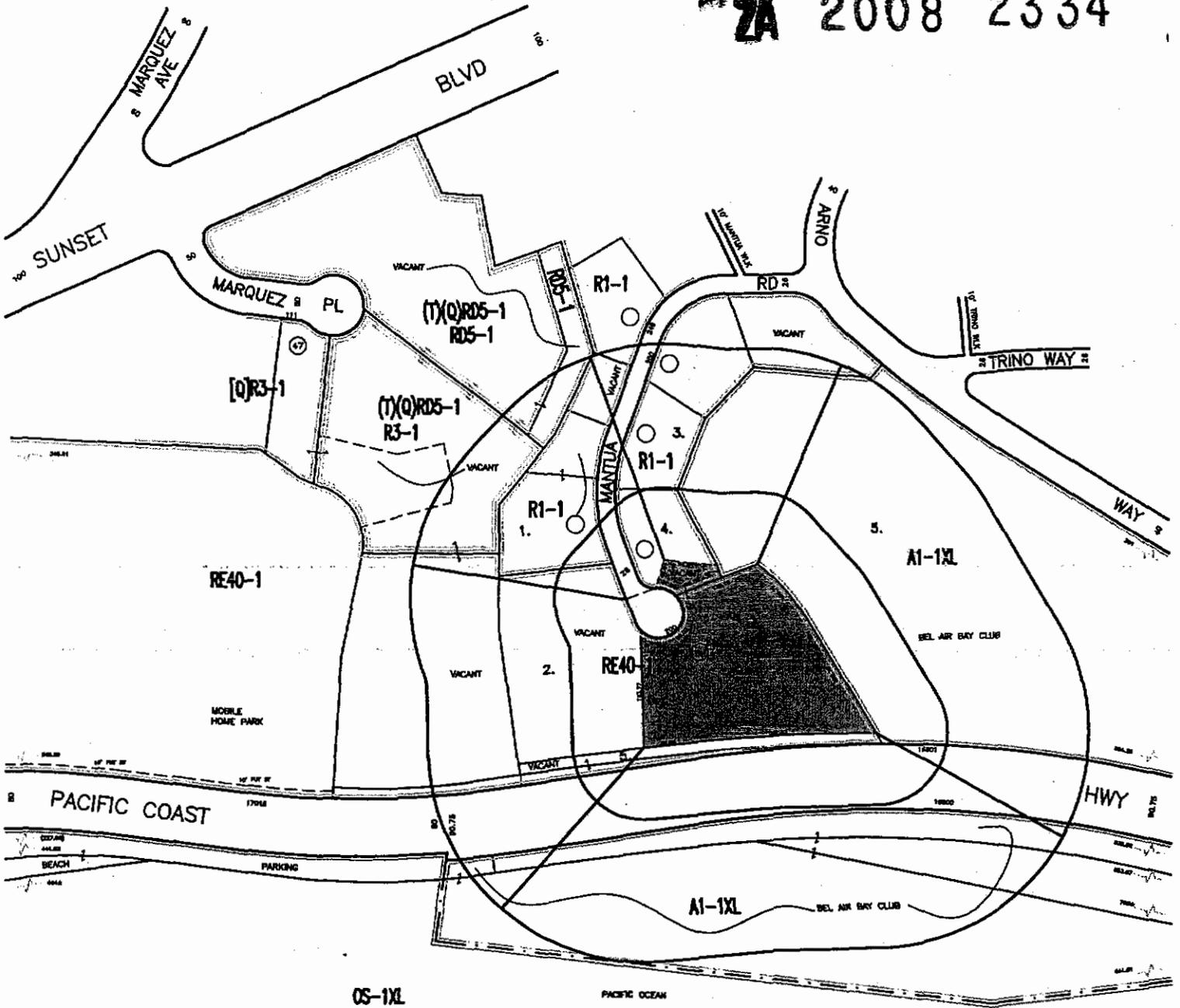
45946-03  
(213) 482-0480

cc: Ralph Stone & Co  
WLA District Office

ZA 2008 - 2334 (CDP)(MEL)

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**2A 2008 2334**



LEGAL: LOT 2 & LOT 3 (ARB 1), TRACT 10178, MB 165-33/38

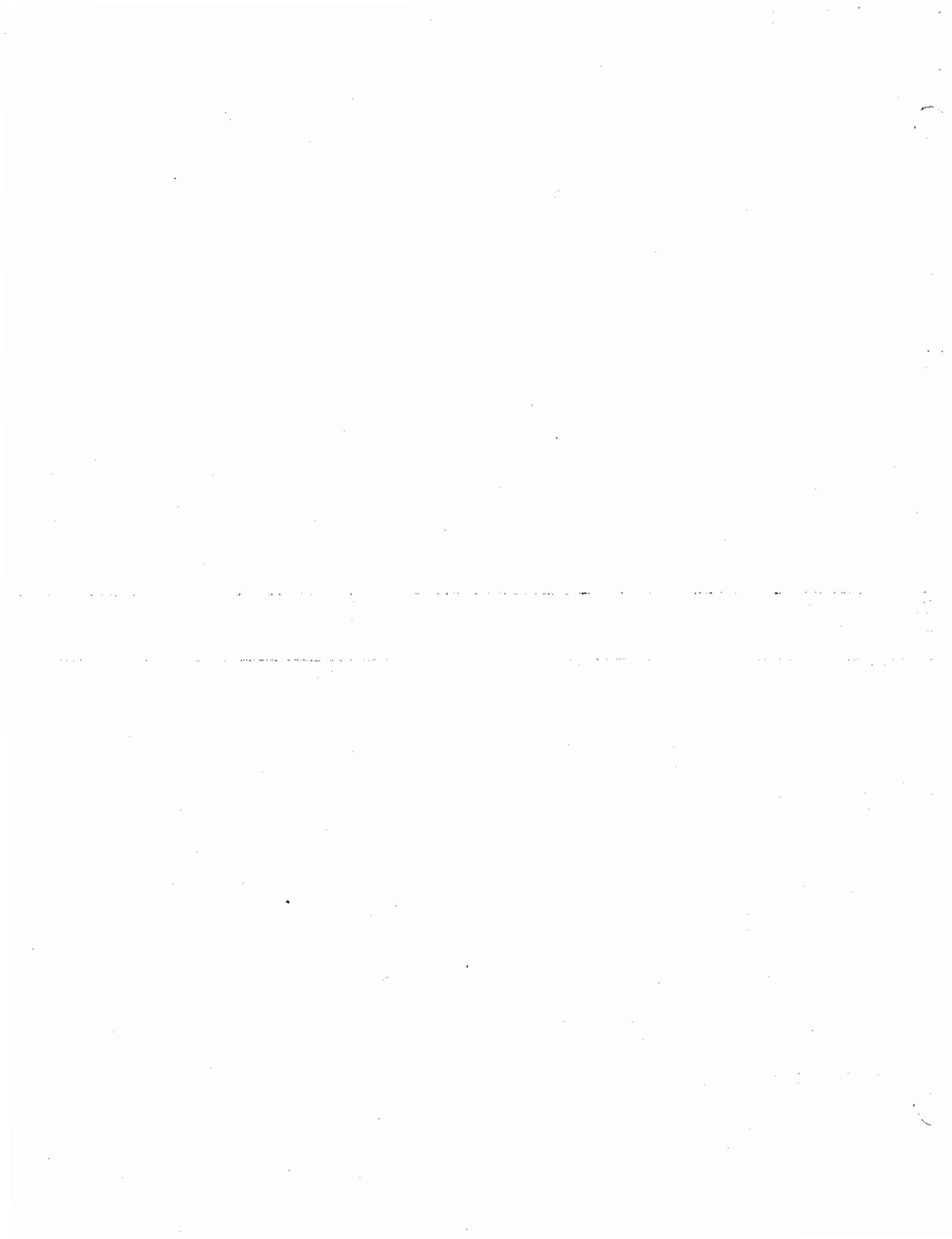
<p>NEW T.B. PAGE 630 GRID H-6</p> <p>C.D. 11-ROSENDAHL C.T. 2627.01 P.A. BRENTWOOD- PACIFIC PALISADES</p>	<p><b>ENVIRONMENTAL ASSESSMENT</b></p> <p>CAD GRAPHICS BY <b>JPL Zoning Services, Inc.</b> 6263 Van Nuys Blvd Van Nuys, CA 91401 (818)781-0016</p> 	<p>CASE NO: DATE: 03-24-08 DRAWN BY: JPL ZONING SERVICES D.M. OR CAD: 126B121 SCALE: 1"=100' USES: FIELD</p> <p>CONTACT PERSON: ANTONINO BRUNO PHONE NO: (310) 663-1585</p>
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NET ACRES  
= 1.32 Acres



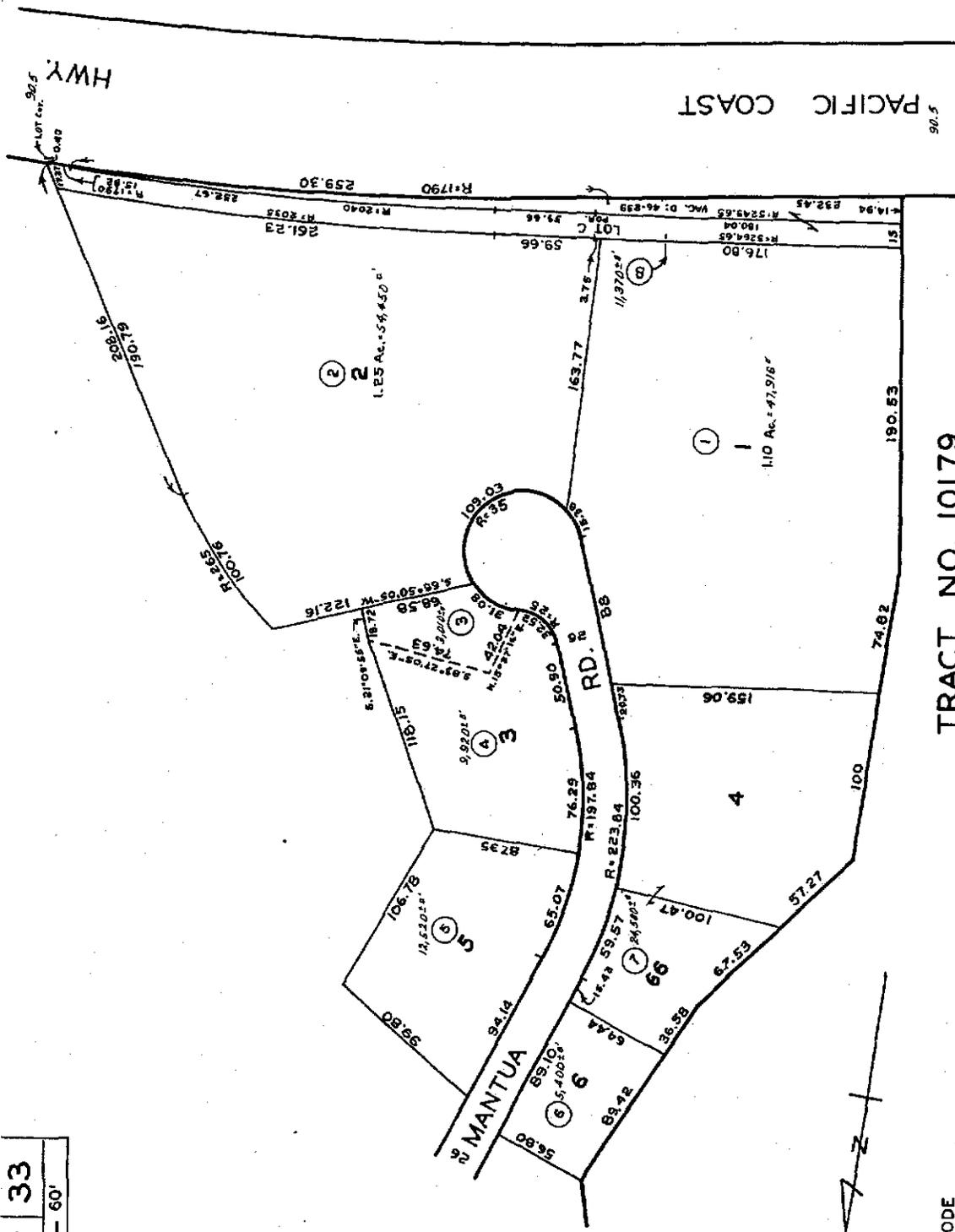
JPL-5097RM





3-4-65

4415 33  
SCALE 1" = 60'



TRACT NO. 10179  
M.B. 163-33-38

CODE  
67

FOR PREY. ASSMT. SEE 1988 - 33

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.