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Th17a

5-91-286-A13 (City of Los Angeles)

JULY 14, 2022

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January 27, 2022

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Re: George Wolfberg Park at Potrero Canyon (Park)

City Officials:

On January 19, 2022, BOE produced numerous documents in response to Mr. Spitz's Public Records Act (PRA) request.¹ Our initial review of these documents reveals disturbing evidence of closed-door decision-making, willful disregard of community opinion, obfuscation, falsehoods and even likely Brown-Act violations underpinning the City's decision to open a Friends St. public entrance and close off the south/PCH entrance to Potrero Canyon at the Park's opening.

Among the documents produced is a November 12, 2020 email message from Pedro Garcia (former BOE engineer and immediate past Park project manager, now transferred to the General Services Dept.) to a concerned Friends St. resident, Marco Assante (who lives directly across from where the Friends St. gate and public entrance are proposed to be located). Attempting to justify the City's decision to open an entrance on Friends St., Mr. Garcia told Mr. Assante the following:

"This entrance has been part of the project for many years and has been presented at various community meetings and is supported by the Department of Recreation and Parks, Council District 11, and various community groups including the Pacific Palisades Community Council, the PP Park Advisory Board, and the Potrero Canyon Citizens Advisory Committee."

Virtually every statement in this message is false. Here are the true facts:

1. Entrance part of the project for many years:

Not so. A west rim entrance/accessway has not been in any Coastal Development Permit for this project since 1993 (when RAP removed a "pathway to DePauw St." from prior plans, following strong public opposition by residents to any west rim entrance/accessway, as described in 1992 and 1993 Coastal Commission staff reports).

The entrance was not in the plans in 2013, when then-BOE project manager Robert Hancock, aware of the community's strongly expressed position against west rim access, stated in a written document (BOE spreadsheet entitled "50% Review Comments," produced by BOE in response to the PRA request) that **"after a Community meeting the response was overwhelming that the local residents do not want access to the park along Friends Street. At this time pedestrian access along Friends St. is not a part of the plans"** [*Emphasis added*].²

¹ Additional documents are expected this week from RAP. We anticipate that these documents will confirm the concerning events and matters described in this letter.

² The "50% Review Comments" spreadsheet also stated that this was BOE's response to comments by the "Citizen's Advisory Committee," to the effect that there *should* be a gate and entrance on Friends St. ("Once the neighborhood

The entrance was not included in a map/rendering shown by Mr. Hancock to PPCC in 2016 (*see para. 2 below*).

The entrance was not included in “100% plans” that Kristin Ly of BOE purported to send to the “Potrero Canyon Community Advisory Committee” for review in December 2019 (the actual PCCAC has been inactive since 2008).

Even well into 2020, the entrance was not included in Park plans. Rather, in 2020 BOE and RAP officials questioned whether a gate (but not a pathway) that designers had apparently inserted in prior landscape plans may have been intended solely as a *maintenance gate*. In late January 2020, officials acknowledged that RAP management would need to “be on board with access to Friends” (since a pathway was not in the prior plans). In April-May 2020, when the issue of whether this gate was intended solely for maintenance apparently remained undecided (and the “100% plans” still did not include a pathway), former PCCAC members *pressed BOE to add a pathway to the Friends St. gate in the final plans*.³ As of June 2020, a pathway had apparently still not been included in the plans, and comments again were submitted asking for the pathway to be added. In or about September 2020, BOE began preparing the EIR Addendum, in which it included the utterly and demonstrably false statement that a “decomposed granite path” connecting “the entrance on Friends St.” to Park trails had been studied in the 1985 EIR and that therefore further CEQA analysis was not required.

2. Entrance presented at various community meetings:

Not so. In 2016, Mr. Hancock, accompanied by Mr. Garcia, gave a presentation on the project to PPCC (the only such presentation made at PPCC since 2008), saying nothing about a gate/pathway or entrance on Friends St. (and showing a map/rendering of the project that included *no such gate/pathway or entrance*; the map was posted and remains posted on the PPCC website). In 2020, Mr. Garcia gave a presentation to the PP-PAB, again showing the same map that had been presented to PPCC in 2016 (and which CM Bonin had also publicly shown in 2019 and was posted on the CD 11 website), not referencing Friends St. as the location of any gate/pathway or entrance (according to

sees the park completed, they will want to walk there without having to drive to the Rec Center and parking in the inadequate parking there (spilling out to Alma Real).”) Not only is this statement *not* a position ever taken by the PCCAC, it is **directly contrary** to the PCCAC’s position, reflecting *community consensus*, as expressed in its last official statement: the final 2008 PCCAC report (*Sec. 13c; see excerpt from the report on p. 6, following*). Rather, this statement was the personal opinion of one former PCCAC member who had submitted, verbatim, the same exact comments in an individual document (also produced as part of the BOE PRA response) commenting on the “50% Drawings” (cut and pasted in the “50% Review Comments” spreadsheet).

³ Minutes of a May 1, 2020 meeting among four former PCCAC members (David Card, Gil Dembo, Rob Weber, Bob Harter), City staff and RAP Commissioner Joe Halper, with Mr. Card’s added “changes and additions,” regarding “old comments that still apply to the ‘100% drawings,’” include the following:

“MUST HAVE A **PATH FOR A PEDESTRIAN ACCESS FROM THE FRIENDS GATE** TO THE BENCH AT THE CLOSEST TRAIL. THIS IS A PEDESTRIAN ACCESS POINT” [original comment by Mr. Card; all caps and bold font in original].

“***Agreed that trail or stair case should lead from gate to park, as indicated in 2008 advisory committee report. Pedro [Mr. Garcia] will follow up with DBS and Dept of Disability to help ensure that either a staircase or a trail are located at a pedestrian access gate off of Friends Street.”

The “agreement” is in fact NOT based on anything in the “2008 advisory committee report.” Instead, the 2008 PCCAC report recommends the **exact opposite** of what was purportedly agreed on: “No new walkway/stairway easements for **West Rim public access**. The existing status quo to remain”

available meeting minutes and reporting).⁴ Mr. Garcia was listed on the agenda of a PP-PAB meeting to give an update on the project on November 17, 2021 but did not appear. There have been no meetings of the PCCAC since 2008.

We are not aware that City officials gave any presentations about a plan for a gate/pathway or entrance on Friends St. at any community meetings. Almost all major Palisades organizations are members of PPCC and none have reported publicly that such a presentation was ever given at their meetings – most of which are held privately.⁵ In the 14 years since the 2008 PCCAC report was issued, neither BOE, RAP nor CD11 has ever noticed or scheduled a public community meeting with residents to discuss placement of a gate/pathway or entrance on Friends St., or the plan to close the south/PCH entrance at the Park's opening.⁶

3. Entrance supported by Pacific Palisades Community Council (PPCC):

Not so. The only position ever taken by PPCC on the Park was its motion passed in 2004, supporting the sale of rim lots to fund Park completion; calling for community input on the design; and stating that it would approve the sale of rim lots to fund Phase III (landscaping) only “after **further input from the community** is sought by the City regarding the design and plan,” “**PPCC approves of such design and plan,**” and the plan includes certain particulars, including an “**EIR of project on abutting neighborhoods.**” [*Emphasis added; see excerpt from the motion on p. 6, following.*].

The City has not sought “further input” from the community on the current design and plan. PPCC has never approved any design or plan for the Park (no design or plan other than the map displayed in 2016, 2019 and 2020 has ever been shown to PPCC or the community). An EIR of the project on abutting neighborhoods (specifically as to opening a Friends St. entrance and closing the south/PCH entrance) has never been conducted, despite the false statement in the EIR Addendum. PPCC has never taken a position on west rim access.⁷ The 2008 PCCAC report specifically references the 2004 motion and likewise states that PCCAC “expects” that environmental and traffic studies of impact of the project on adjacent neighborhoods will be conducted (fairly read, the 2008 report calls for such studies of the impact on neighborhoods adjacent to Park entrances; *see excerpts from the report on p. 6, following*). We submit that if a position were ever to be taken by PPCC on this subject (or if a new position were to be taken by PCCAC, assuming the committee still exists), that could only occur

⁴ The map clearly does depict an open entrance at the south/PCH end of the canyon, connecting to a trail running west along PCH to the PCH/Temescal Canyon intersection – one of the PCCAC's 2008 recommendations, to provide access to the beach. The trail's current status is unknown.

⁵ In 2014, Temescal Canyon Association (TCA; a PPCC member) stated in a letter to CM Bonin that it supported greater public access to the Park; the same position is expressed on its website. We assume that consistent with its position, TCA would not support the plan to close the south/PCH entrance and thus *close public access to/from the coast*.

⁶ In late June 2021, some rim residents received written notices from the landscaping company, advising that the Park's landscaping would begin on August 12. These notices said nothing about construction of a gate/entrance or pathway on Friends St. or about the planned fencing off/closure of the south/PCH entrance.

⁷ As noted in earlier correspondence, until recent disturbing events compelled her to speak out, Ms. Spitz had not commented publicly on these issues since 2014, when she became PPCC Chair and was advised that she should remain neutral as PPCC had not taken a position on west rim access. As clearly stated in its Mission Statement and Bylaws, PPCC does not take policy positions unless there is community consensus, reflected by a 2/3 vote of its Board. Community consensus on the issue of west rim access was ascertained and reflected in the 2008 PCCAC report. Current community consensus (if different) has not been ascertained.

(consistent with their public positions) after sufficient environmental impact studies had been conducted.⁸

4. Entrance supported by the Potrero Canyon Community Advisory Committee (PCCAC):

Not so. The 2008 PCCAC report with its clear-cut recommendation – **no new easements for west rim public access; status quo to remain; possible consideration only much later, “if there is public support”** (Sec. 13c) – was and is a public document in the possession of and known to CD 11, BOE and RAP (as well as Messrs. Card, Weber, Dembo and Harter, who are all former members of PCCAC). CM Bonin and his representatives over the years have called the report (unchanged since 2008) the “guidance,” the “guidelines” or the “blueprint” for Park design. At a public PPCC board meeting on June 27, 2019, CM Bonin stated: “City is adhering to the guidance from the [PCCAC’s] 2008 recommendations.” All responsible parties knew that the PCCAC had not met since 2008 and had not changed its recommendations. Any suggestion to the contrary – that an entrance on Friends St. and/or closure of the south/PCH entrance was or is supported by PCCAC – was clearly and demonstrably false.

5. Entrance supported by the Pacific Palisades Park Advisory Board (PP-PAB):

Not so. We are confident that the PP-PAB has never taken a position on this subject. For many years, its members have repeatedly declined to consider action on matters involving Potrero Canyon, based on uncertainty over the board’s jurisdiction (including a request by Mr. Card in 2020 to take a position on homeowner encroachments into the canyon). On January 29, 2020, the board passed only this motion: “This board will take up any matter that arises from Potrero Canyon that may directly impact the quality of this park.” At its November 17, 2021 meeting (at which Mr. Garcia was scheduled but did not appear), the board again expressed doubt as to the extent of its jurisdiction (as it had on several other prior occasions) and did not take up the question of west rim access after Mr. Spitz raised concerns during public comment about the plan to install an entrance on Friends St. (then-new information for PP-PAB board members).

What was the basis for the untrue statements in Mr. Garcia’s message to Mr. Assante? He and other City officials involved with this project (Officials) knew of the actual community consensus position stated in the 2008 PCCAC report. Officials knew that the PCCAC was a Brown-Acted committee which had not held a public meeting since 2008 and that the PCCAC’s position consequently was unchanged. Officials knew or should have known that neither PPCC nor the PP-PAB had taken a position on public west rim access. Officials knew that the City had never provided any public notice to the community to present a west rim access proposal, nor held a public meeting on the subject, nor had (or has, to date) the City explained the decision to open a public entrance on Friends St. (or to close the south/PCH entrance) at a PPCC or PP-PAB meeting or in any other public forum.

What has become abundantly clear is that three or four former PCCAC members have been meeting privately for many years with Officials (including RAP Commissioner Halper), purporting to give “advice” (including promoting a Friends St. public entrance), in direct contravention of the actual PCCAC position.⁹ *Certainly, the*

⁸ As the principal author of over 30 letters/statements submitted in 2021 on behalf of PPCC in opposition to the Bonin motion regarding homeless housing at state beaches – which repeatedly emphasized PPCC’s position in *support of the Coastal Act mandate of preserving coastal access* – Ms. Spitz believes that if the matter of closure of the south/PCH entrance were to come before the PPCC Board, consistent with its past position, the Board would not support closing off that entrance preventing coastal access from/to the Park.

⁹ We appreciate the donation of time and services by Mr. Card and others who may have assisted the City with respect to *landscape design matters that are within their expertise*. However, as previously pointed out, the PCCAC is “inactive” (described as such on the PPCC website, in language approved by Mr. Card as PPCC Chair, by George Wolfberg ((Mr.

highly impactful decision to close off the south/PCH entrance to the canyon at the Park's opening – preventing public access to the coast – has never been shared or explained openly with the community, nor have the impacts of such a closure ever been studied.

On behalf of the many west rim residents who have now spoken out against these decisions and are seeking answers – and in light of what we have now learned from the BOE documents – we implore the City to: 1) temporarily pause work on the Friends St. accessway and refrain from installing any permanent closed fencing at the south/PCH entrance; 2) promptly hold a public meeting with the community to explain these decisions and ascertain whether there is indeed community support; and 3) reverse course if in fact it is demonstrated that significant community support does not exist.

In no event should the City move forward with either of these plans until sufficient traffic and other environmental studies are conducted and Coastal Commission permission is obtained.

We see no reason why landscaping work on the remainder of the Park (which we support) could not continue and be completed while these two matters (Friends St. public access opening and south/PCH entrance closing) are temporarily paused in order to allow for:

- *public explanation and transparency,*
- *ascertainment of the actual extent of community support,*
- *sufficient study of impacts on the adjoining neighborhoods* (as called for by both PPCC and the PCCAC).

Numerous prior requests for action by City officials – our own requests and those of other concerned residents – have unfortunately gone unheeded. We again ask for your prompt response and hope that you will not continue to ignore our reasonable requests.

Jeffrey Spitz and Christina Spitz

30-year residents of Friends St., Pacific Palisades

(For identification only: Ms. Spitz is a former PCCAC member and current PPCC Secretary and Chair Emeritus)

cc (via email): A.P. Diaz, RAP; Cathie Santo Domingo, RAP; Daryll Ford, RAP; Norman Mundy, BOE; Patrick Schmidt, BOE; Kristen Ly, BOE; Noah Fleishman, CD 11; West rim residents

Card's predecessor as PPCC Chair and the former Chair of the PCCAC)), by Ms. Spitz and by other past PPCCC Chairs) and, according to Mr. Card's public explanation at a PP-PAB meeting in 2020, has not acted "officially" since 2008. At the same time, he and less than a handful of former PCCAC members have (as confirmed by the documents produced by BOE) given "advice" to Officials over the course of many years, acting and being treated as if their personal opinions (which included promotion of a Friends St. public entrance) were the official positions of the PCCAC and of the entire Palisades community.

As Officials well knew, the PCCAC was created by the City Council and subject to the Brown Act. To the extent these former PCCAC members offered their personal opinions as those of the PCCAC or led Officials to believe that the PCCAC position on west rim access is anything other than as expressed in its 2008 report, or if their advice exceeded the boundaries of PCCAC's actual position – and if they told Officials that these positions (not in the 2008 report) were the current positions of the community as a whole – this would have been based on falsehoods and raises ethical and legal questions not only about the conduct and violations of the Brown Act, but also the legitimacy of the resulting decisions.

The January 3, 2022 letter to Officials from Mr. Card, Mr. Weber and Mr. Dembo – improperly using the City seal (proscribed by LAMC Sec. 68.108) and purported PCCAC letterhead, thus cloaking themselves in the authority of the PCCAC when the letter itself and its contents (including unfounded accusations against residents) had not been authorized by (or even divulged to) other former PCCAC members or in any public meeting of the PCCAC – underscores the gravity of the matter and further demonstrates how these individuals have apparently been presenting personal opinions as PCCAC-authorized "advice," while not complying with the Brown Act public meetings mandate.

Excerpts from the 2008 PCCAC report and 2004 PPCC motion

2008 PCCAC report excerpts:

“Preamble: In making these proposals, the Committee expects the City of Los Angeles to consider the existing traffic and parking congestion in and around the Pacific Palisades Recreation Center and the adjacent residential and business districts, as well as the projected impact of the Potrero Canyon Trails project on those areas as estimated by traffic and parking studies the city will undertake. The Committee also expects that the city will take into account all applicable land use and environmental laws, including but not limited to the California Environmental Quality Act (CEQA), and all applicable permitting procedures in cooperation with state and local governmental agencies” (p. 1).

“The PCCAC took guidance from the following motion unanimously adopted on May 27 by the Pacific Palisades Community Council . . .” [motion language quoted; excerpts below] (Background Summary, p. 2).

“[Cross-reference to PPCC bullet items”}: “Item: EIR of project on abutting neighborhoods. See preamble” (Background Summary, p. 3).

“13. Access to the Canyon:

c. West Rim Easements: No new walkway/stairway easements for West Rim public access. The existing status quo will prevail, though this issue may be considered again much later in the process of lot sales and park construction if there is public support . . .” (p. 4).

2004 PPCC motion excerpt:

“The Pacific Palisades Community Council

. . .

2. Supports the sale of a sufficient number, but no more, of the City owned developed (improved) lots in Potrero Canyon to fund the completion of Phase II, but not Phase III;

3. Supports the sale of such additional City owned lots in Potrero Canyon, incrementally and sequentially taking into account the environmental impact upon the surrounding neighborhood, as is necessary to fund Phase III only after further input from the community is sought by the City regarding the design and plan of Phase III, the PPCC Board approves such design and plan, and such design and plan includes, but is not limited to, the following particulars:

. . .

h) EIR of project upon abutting neighborhoods

. . .”

From PPCC meeting minutes, May 27, 2004 (posted at www.pacpalicc.org)

End of excerpts.

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February 8, 2022

Steve Hudson, District Director, California Coastal Commission (CCC) steve.hudson@coastal.ca.gov
Aaron McClendon, Deputy Chief of Enforcement, CCC aaron.mcclendon@coastal.ca.gov

Re: George Wolfberg Park at Potrero Canyon (Park), 15101 Pacific Coast Highway, Pacific Palisades, City of Los Angeles, CA – Permit No. 5-91-286 (Project)

Dear Messrs. Hudson and McClendon:

We are 30-year residents of Friends St., a street located adjacent to the Park in an entirely residential neighborhood of Pacific Palisades known as the “West Rim.” For identification only, Ms. Spitz is current Secretary and Chair Emeritus of Pacific Palisades Community Council (PPCC) and a former member of the Potrero Canyon Community Advisory Committee (PCCAC).¹

In brief, the Project has made a dramatic, unexplained turn from its decades-long, principal intended goal – providing a public accessway to the coast (from the Palisades Recreation Center at the north end of the Park to the PCH and coast on the south end) – to providing, instead, a public accessway from the Recreation Center solely to a residential neighborhood street on the West Rim of the canyon with no access to the coast.

We and more than 35 other residents of the West Rim have previously expressed our serious concerns with the substance as well as the “process” of the City of Los Angeles (City) in its decision-making and approval of these new Project developments. *January 6, 2022 letter attached*. Among our concerns is the fact that the City is or may be proceeding with Project construction in violation of the controlling Coastal Development Permit, No. 5-91-286, last amended in 2014 (the CDP).

The many reasons for our concerns include but are not limited to:

1. The City is now engaged in Phase III of Park construction (landscaping). The City has decided to fence off and close the south/PCH entrance (and thus **prevent public access to and from the coast**) when the Park is opened (with signs stating “no coastal access”) (Coastal Access Closure). To our knowledge, this significant change in the Park has not been included in any Project plans either submitted to or approved by the CCC,² nor has it been publicly announced to the community.

¹ The PCCAC was a Brown-Acted committee of 16 members, formed by the Los Angeles City Council in 2004-05 to provide community input into the design of the Park (which had then been stalled for many years). After three+ years of public meetings, the PCCAC issued its final report in 2008 (the 2008 Report) reflecting community consensus, which City officials acknowledge to be the “blueprint” for Park design and construction. *2008 Report attached*. In the 2008 Report, the PCCAC recommended, among other things, that in addition to a pedestrian bridge, a trail should be constructed from the south/PCH end of the Park, running to the intersection of Temescal Canyon Blvd. and PCH (the Lateral Trail), to allow for safe crossing over PCH and access to nearby Will Rogers State Beach; and further, based on overwhelming community opposition to opening a public access point on the West Rim (West Rim access), such access should not be included nor even considered in the future unless there is “public support.” In the ensuing 14 years, the PCCAC has been inactive and has not met; there have been no changes to the 2008 Report and no effort has been made to ascertain the current level of public support (if any) for West Rim access; and to our knowledge West Rim residents remain overwhelmingly opposed to West Rim access.

² Although requested, no such document was provided by the CCC in response to a Public Records Act (PRA) request we submitted in December 2022. Further, the Palisades community has not received word from the City as to when completion of construction and Park opening are expected to occur.

2. The City is constructing a public entrance/accessway on Friends St. (Friends Street Access or “FSA”), which it intends to open at Park opening and which again, to our knowledge has not been included in any Project plans either submitted to or approved by the CCC. There is **no access to the coast** from Friends St.
3. The CDP expressly calls for the Project to provide trail access from the Palisades Recreation Center to the coast, as does the certified 1985 Environmental Impact Report for the Project (the 1985 EIR). *Link to the 1985 EIR provided on p. 6, below.* Coastal Access Closure was never mentioned in the CDP and was not studied or mentioned in the 1985 EIR (not surprisingly, it was never even raised as a possibility by any officials until now).
4. The 1985 EIR also did not study or mention a public entrance/accessway on the West Rim of the canyon, whether on Friends St. or in any other location on the West Rim. Rather, studies were conducted only as to impacts of grading on the *two intended entrance points*: at the Palisades Recreation Center (north end) and at the mouth of the canyon above PCH (south/PCH end).³
5. We and other West Rim residents oppose Coastal Access Closure, which would eliminate public access to and from the coast and thus violate the Coastal Act and the CDP. Indeed, if the planned Coastal Access Closure were made public, opposition would go well beyond the West Rim neighborhood. This Park is intended to be used by the entire region, not simply Palisades residents. The Park’s appeal (and its use by the public) is and will be substantially diminished in the absence of coastal access.
6. We and other West Rim residents oppose including FSA (now under construction); we did not support West Rim access in 1992-93 (when, in light of public opposition, the City removed “trail access” to DePauw/Friends from prior plans and the CDP was amended accordingly), or in 2008 (as reflected in the 2008 Report); nor do we support West Rim access now.
7. Since the 1993 amendment, the CDP has never included West Rim access as a Project condition or requirement (or even mentioned West Rim access).
8. Several years ago, the City submitted a prior landscaping plan to the CCC which, to our knowledge, was approved in 2016. That prior plan did not reflect FSA or Coastal Access Closure.⁴
9. The City approved a final landscaping plan for the Project (the Final Plan) in January 2021. Despite our requests, the Final Plan has not been publicly shown or made available to the Palisades community. To our knowledge, the City has not submitted the Final Plan to the CCC and the CCC has not approved the Final Plan, nor to our knowledge has the City requested or received approval from the CCC for either FSA or Coastal Access Closure.
10. The process by which decisions were reached with respect to FSA and Coastal Access Closure was hidden from the public. The City made no effort to ascertain the level, if any, of public support for these new plans. There was no public notice or opportunity for community input. Based on documents which we have only recently received in response to PRA requests, it is evident that the City’s decisions were made entirely in private meetings and communications between City officials and less than a handful of former members of the PCCAC (none of whom live anywhere near the West Rim). These individuals apparently presented their personal opinions as if they were official

³ According to the 1985 EIR’s supervisor (City Recreation and Parks/RAP Environmental Supervisor David Attaway), *the 1985 EIR covered Phase II (grading)*, and RAP “assumed” that if there were delays, “the EIR might need to be modified for Phase III” (remarks by Attaway at public PCCAC meeting in November 2006). There was more than a three-decade delay between the 1985 EIR certification and final landscaping plan approval (2021), yet inexplicably, the 1985 EIR was never modified and its contents were later misrepresented in a 2020 EIR Addendum (see items 9-12 below).

⁴ A gate only (apparently for maintenance), but no public accessway/pathway, appeared on the prior landscaping plan.

PCCAC positions (which were accepted as such by the City), more than a decade after the last PCCAC meeting. Further, and most disconcerting, the opinions expressed were *contrary to the PCCAC's actual position and the community consensus reflected in the 2008 Report* (the "blueprint"), and potentially in violation of the Brown Act's open meetings mandate.⁵

11. An EIR Addendum for the Project was issued in November 2020 (the EIR Addendum) – an essential basis for the City's 2021 approval of the Final Plan. *Link to the EIR Addendum provided on p. 6, below.* City officials falsely stated in the EIR Addendum that FSA and any potential impacts of FSA (specifically, a "decomposed granite path" connecting "the entrance on Friends St." with Park trails) had supposedly been studied in the 1985 EIR and for this reason, CEQA requirements had been met and environmental review was not required. This is manifestly untrue: *neither Coastal Access Closure nor FSA (a "decomposed granite path" nor any other form of entrance/accessway on the West Rim) was studied or mentioned in the 1985 EIR*, which (as confirmed in 2006 by the RAP supervisor of the 1985 EIR) was concerned with *grading, not landscaping* (see fn. 3 above).⁶
12. We and other West Rim residents were shocked to learn (in early November 2021) of the EIR Addendum and that the City's approval of FSA was based on demonstrable falsehoods in the EIR Addendum. Despite multiple requests for an explanation, the City has refused to explain how these false statements came to be included in the EIR Addendum.
13. The West Rim neighborhood is an area of known, serious geologic instability and limited means of ingress and egress.⁷ We and other West rim residents contend that *direct, significant and*

⁵ A City/RAP Commissioner, who participated with former PCCAC members and other City officials in the private meetings and decision-making, explained in an email to City officials (written the day after Mr. Spitz first formally raised concerns with the City) that the decision to add FSA to the Final Plan was based on a claim that the PCCAC regarded inclusion of FSA as "essential" (according to the Commissioner, this claim was made by a former PCCAC member who was misidentified as PCCAC's Chair). Bureau of Engineering (BOE) officials also confirmed in emails among themselves that this is what had occurred and was the reason that the City paid the Project designer to *change the landscaping plans*. Thus, the underpinning for the change in the plans to include FSA was apparently a false claim that the PCCAC regarded FSA as "essential" to the Project -- clearly this was never a position of the PCCAC and was NOT the community position reflected in the 2008 Report (nor is it now the position of West Rim residents).

⁶ Even if the impacts of a decomposed granite (DG) path from Friends St. had been studied in the 1985 EIR (which they indisputably were *not*), it is unclear whether the FSA now under construction will even consist of DG. Elements visible from the canyon rim include a concrete curb; any other materials being used are not apparent, nor is the angle of the pathway's slope (the Project designer advised BOE in May 2020 that DG was only suitable for maintenance purposes on a steep slope, not for public access). Whatever the materials or design, *the impacts of FSA have never been studied.*

⁷ Friends St. is posted as a "Not-a-through-street," as are other nearby West Rim neighborhood streets leading from/to Friends St. (Lombard Ave. and Swarthmore Ave.). Many pedestrians already visit the neighborhood for recreation on a daily basis, often walking in the middle of these quiet residential streets. Thousands of people regularly visit Will Rogers State Beach (below the Park and bluff area) and many of these beachgoers will also seek to visit the Park, which has been repeatedly described as a *regional* park (one of the FSA proponents has publicly acknowledged that "swarms" of visitors can be expected at the Park). There are no public facilities such as restrooms or a parking lot on Friends St. or in the West Rim neighborhood. The entirety of Pacific Palisades (including the Park and the West Rim neighborhood) is within the Very High Fire Hazard Severity Zone; dangerous wildfires have occurred in the canyon below Friends St. and in the bluff/slide area below Via de las Olas (a *restricted access street* connected to Friends St. on the bluff above PCH), including as recently as 2021. West Rim streets at *critical intersections of ingress and egress* are narrow and traffic is impeded (with only single car passage when vehicles are parked on both sides of the street) even in normal conditions. The addition of more vehicles due to the opening of a Park entrance would not only exacerbate already difficult conditions but also have serious ramifications for public safety during emergency evacuations.

Moreover, as Special Condition 2 of the CDP recognizes, the Project site is in an area of "extraordinary hazard from landslides and erosion." Via de las Olas has been *closed to public use* since the 1950s, when a massive slide buried a Caltrans worker alive and led to the rerouting of PCH; the street is in fact still recognized and described in various CCC

foreseeable negative impacts on the West Rim neighborhood will occur if Coastal Access Closure and FSA are implemented, and that adequate traffic studies and environmental analyses were and are essential to any decision on Project plans that include Coastal Access Closure and FSA.⁸ No such studies or analyses have taken place and, to our knowledge, the City made no effort in its decision-making to take into consideration any of the conditions prevalent in the West Rim area (as described in fn. 7). *Moreover, the negative impacts of FSA will be made much worse by Coastal Access Closure.*

14. The adoption of the new Final Plan and/or the addition of Coastal Access Closure and FSA to the Final Plan are significant and material changes in the Project which, we submit, require approval by the CCC or a new CDP amendment (CDP, Special Conditions 1(b), 8, 16.C, 17.B, and/or 21.D); of course, since Coastal Access Closure would eliminate coastal access and clearly violates the CCC's mandate under the Coastal Act to preserve maximum access to the coast, Coastal Access Closure should be denied outright.
15. The CDP requires the City to submit biannual progress reports to the CCC (Special Condition 25); to our knowledge no such reports have been submitted after 2015.⁹
16. The CDP also requires the City to list the Lateral Trail as a separate line item in biannual reports; to our knowledge this has not occurred after 2015.
17. On August 7, 2015, Mr. Rehm wrote to Norman Mundy (BOE Environmental Supervisor), advising that the CDP "does not indicate that the City must wait until after all other work is completed with the Canyon to begin planning for and constructing the [Lateral Trail]." Mr. Rehm also asked Mr. Mundy to "please submit plans for the lateral access trail to the Department of Building and Safety and to the Coastal Commission for review concurrently with the next set of plans." To our knowledge, plans for a Lateral Trail have not yet been submitted to the CCC.

staff reports for proposed residential projects as being in a "hazardous" area. In a 2008 CDP amendment for *this Project*, the Commission required the City to submit plans separately for stabilization and fill of the adjacent Via de las Olas bluff/slide area (which the City had previously submitted together with prior plans for the Project); the 2014 CDP amendment again required the City to remove plans for the Via de las Olas bluff/slide area from the plan for the Park (Special Condition 10). It is unknown whether the City has ever separately sought approval for plans to stabilize this area; the hazardous and unstable conditions on Via de las Olas still exist (including a recent large slide that occurred in January 2022 which caused trees to topple and drainage pipes and concrete infrastructure to break apart/give way). At a minimum, sufficient studies should take place to determine the impact of additional expected traffic on an already extremely unstable area of "extraordinary hazard" with limited means of ingress and egress.

⁸ As reflected in in the 2008 Report, both the PCCAC and PPCC (in a 2004 motion reflecting community consensus) also called for an EIR of the Project on abutting/adjoining neighborhoods. Section 30253 of the Coastal Act (*quoted in the CDP*) requires that: "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" [*Emphasis added.*] To assure stability and minimize risks to life and property in this area of *acknowledged high geologic and fire hazard* – and to ensure compliance with the Coastal Act -- adequate studies of the impact of FSA and Coastal Access Closure must be undertaken and construction in furtherance of these Park aspects should be ordered paused pending such studies.

⁹ In email communications in 2019 with the Project designer – concerning changes in then-proposed material requirements for the access road running through the Park – CCC Coastal Program Analyst Zach Rehm requested that the designer provide an update on compliance with Special Condition 25; "My understanding is that a progress report and pedestrian crossing feasibility study were due within six months of approval of the last permit amendment in 2014." To our knowledge only two progress reports were submitted (in 2014 and 2015); it is unknown whether the required feasibility study was ever submitted (a draft feasibility study was prepared in 2016, but it is unclear if that draft study or another, final feasibility study was ever submitted to the CCC). Although state funding has been secured, to our knowledge the bridge has not yet been designed and its construction and opening are believed to be many years away.

18. To date, the Lateral Trail has not been constructed *nor even designed* (statement by a BOE official at a recent PCH Task Force meeting of public officials, per a local blog). Despite years of off and on negotiations over permission for the City to use a portion of Caltrans property along PCH for the Lateral Trail, the current status is unclear.¹⁰ It now appears that the City may intend to open the Park with the south/PCH end closed off and *without the Lateral Trail in place*.¹¹
19. Grading of the Park was completed in August 2020. A year and a half later – 58 years after the site was purchased by the City; 37 years after the 1985 EIR was certified; 14 years after the 2008 Report was issued; and 7+ years after the last CDP amendment – construction is *still ongoing* and the Park has not opened for use to the public.
20. To our knowledge, the City has not applied for or received from the CCC any extension or waiver of the requirements of Special Condition 1(d) of the CDP (public use to begin within one year after grading is completed).
21. To our knowledge, the City has not passed a resolution or recorded a deed restriction as required by Special Condition 2 of the CDP (document to show that the City “understand[s] that the site may be subject to extraordinary hazard from landslides and erosion and the applicant[s] assume the liability from those hazards” and indicating that “any adverse impacts on private property caused by the proposed project shall be fully the responsibility of [the City]”), nor, to our knowledge, has the City received from the CCC any extension or waiver of this requirement.

While we support and *do not wish to delay overall Park completion*, we and other West rim residents are deeply concerned with the above developments and strongly oppose the decisions to close the south/PCH entrance and to open a public entrance/accessway on Friends St. Since early November 2021 (when construction began on the FSA), we and other concerned West Rim residents have asked repeatedly (in multiple letters and other communications in November and December 2021 and in January 2022) for an explanation from City officials. To date, the City has completely failed to provide any explanation whatsoever with regard to any of the issues raised above.¹² When submitting our last letter of January 27, 2022 to the

¹⁰ As of October 2021, the City had decided to forego the Lateral Trail and to proceed only with the pedestrian bridge (per documents received from Caltrans). However, shortly thereafter, the City apparently reversed course, deciding instead that construction of the Lateral Trail would go forward while work on the pedestrian bridge would proceed separately. It is unknown what steps have been taken or are now being taken (if any), or what additional steps would be needed, before construction could even begin – nor when the Lateral Trail might actually be completed (although, as noted in fn. 11 below, it appears that this should be accomplished within the same time frame for completion of landscaping, *i.e.*, several months from now).

¹¹ A fair reading of Condition 25 of the CDP, along with Mr. Rehm’s statements to BOE 6 ½ years ago – encouraging the City *in 2015* to “begin planning and construction” of the Lateral Trail without waiting for the Park to be completed – strongly suggest that the CCC intended just the opposite: *that the Park should open to the public with the Lateral Trail already designed, constructed and in place, to allow safe access to and from the coast.*

If the City claims that the reason for Coastal Access Closure is because the Lateral Trail will not be in place at Park opening, *this is a situation of the City’s own making*. Assuming the City is now belatedly working on the Lateral Trail, this work should proceed along with construction of overall Park landscaping. Once both the Park landscaping and the Lateral Trail are completed and approved by the CCC – which should be easily accomplished, since it appears that landscaping will not be completed for at least another 6-8 months – only then should the Park open. Under no circumstances should the Park be permitted to open *without coastal access*.

¹² Our knowledge is limited at this writing to responses to our various PRA requests, our personal knowledge of certain events and matters, and/or our independent research. We have submitted PRA requests to and received responses from the CCC, Caltrans and BOE. RAP, however, has to date failed to provide any documents in response to our PRA request and is *out of compliance with the PRA*. We will advise the CCC if we learn of new, material information that may have a bearing on any of the matters addressed above.

RAP Commissioners and other City officials, we requested the City's complete, meaningful response by February 7, 2022. *January 27, 2022 letter attached.*¹³ There has been no response at all to this last request.

We now respectfully request that the CCC take immediate steps to investigate these matters, address our serious concerns and determine the extent of the City's (non) compliance with the CDP. Once you have reviewed the foregoing, we believe you will conclude, as we have, that the City is acting in violation of either the CDP or the Coastal Act and that enforcement is required.

Time is of the essence; as noted, the City is currently engaged in ongoing construction of overall Park landscaping, including creating a regional Park *with no coastal access* and with access instead at the Recreation Center and on a local neighborhood street on the West rim, Friends St., in an area of possible "extraordinary hazard" (an outcome never contemplated in the CDP). We urge the CCC to act before this result becomes irrevocable.

Thank you for your courtesy and anticipated prompt attention to this important matter. We also thank Mr. Amitay and Ms. Vanderberg-Jones for their courteous assistance with our PRA requests.

Sincerely,

Jeffrey and Christina Spitz

cc (via email):

Zach Rehm, District Supervisor

Andrew Willis, Southern California Enforcement Supervisor

Jordan Sanchez, Enforcement Officer

Shahar Amitay, Coastal Program Analyst

Sonora Vanderberg-Jones, Legal Analyst

Attachments: (1) PCCAC 2008 Report; (2) January 6, 2022 letter to City officials from residents; (3) January 27, 2022 letter to RAPC, *et al.*, from Jeffrey & Christina Spitz

Link: RAPC Approval of Final Park Plan (Attachment 1 - 1985 EIR, pp. 7-194; Attachment 2 - 2020 EIR Addendum, pp. 196-201): <https://www.laparks.org/sites/default/files/pdf/commissioner/2021/jan21/21-016.pdf>

¹³ The January 27th letter, and communications from other concerned West Rim residents, are also publicly posted on the RAPC website. Mr. Spitz has spoken during public comment at two RAPC public meetings (in November 2021 and February 2022), asking for a public explanation and expressing residents' concerns (among other things, that the RAPC had approved the Final Plan and the landscaping bid based on the false EIR Addendum); to date, the RAPC has declined to agendize the matter or respond to the repeatedly-expressed concerns and requests for an explanation.

44 Residents/Homeowners of the West Rim Neighborhood

Friends St., Lombard Ave., Swarthmore Ave.,
Via de las Olas, DePauw St., Earlham Ave. and Via de la Paz
(streets adjacent to or near Potrero Canyon in Pacific Palisades, CA)¹

February 10, 2022

Steve Hudson, District Director, California Coastal Commission (CCC)

steve.hudson@coastal.ca.gov

Aaron McLendon, Deputy Chief of Enforcement, CCC

aaron.mclendon@coastal.ca.gov

Re: George Wolfberg Park at Potrero Canyon (Park), 15101 Pacific Coast Highway, Pacific Palisades, City of Los Angeles, CA – Permit No. 5-91-286 (Project)

Dear Messrs. Hudson and McLendon:

We are 44 residents and/or homeowners of the West Rim neighborhood of Pacific Palisades, located adjacent to or near the Park referenced above. Each of us lives in or owns homes on West Rim streets, as indicated above.

We fully agree with and support the letter of February 8, 2022, submitted to Mr. Hudson and Mr. McLendon of the CCC by West Rim residents Jeffrey and Christina Spitz (February 8th Letter).

We strongly oppose the new plans to 1) close the south/PCH entrance to the Park and thereby prevent access to the coast (Coastal Access Closure), and 2) open a public entrance instead on Friends St., a neighborhood street with no coastal access (Friends St. Access/FSA). As explained in the February 8th Letter (and specifically described in the Coastal Development Permit for the Project), the West Rim is an area of *“extraordinary hazard,” located entirely within the Very High Fire Hazard Severity Zone, with known, substantial geologic instability and extremely limited means of ingress and egress.* There are no public facilities on Friends St. or on any other streets in the West Rim neighborhood. Implementation of Coastal Access Closure and FSA will have *direct, significant and foreseeable negative impacts* on the entire West Rim neighborhood. At a minimum, adequate studies of these impacts (which have never been conducted) are essential before any further steps are taken with respect to these new plans.

The City of Los Angeles (City) has never given public notice or an explanation to the community about Coastal Access Closure or FSA. The City has never asked for our input or sought to learn the actual extent of public support (if any) for these new plans. We believe that most West Rim residents are completely unaware of what has been proposed and is now being constructed for the Park. We are confident that as they become aware, many more residents will express concerns and opposition – just as they did in 1992-93 and again in 2006-08, when a proposal to include public West Rim access was publicly discussed and overwhelmingly rejected by hundreds of residents (including several of the signatories to this letter who lived or owned homes in the West Rim neighborhood at the time).

¹ Signatories' names and the streets where they live and/or own homes are listed on p. 2 below. For convenience, this letter is submitted on behalf of the signatories by West Rim resident Jeffrey Spitz, jspitz@spitzlawgroup.com.

Further, as explained in the February 8th Letter, since the Park is intended to be used by visitors from throughout the region, once the plan for Coastal Access Closure becomes known to the wider public, opposition will unquestionably go well beyond the West Rim neighborhood.

We respectfully urge the CCC to take immediate steps to enforce the Coastal Act and the Coastal Development Permit for this Project.

Thank you for your courtesy and anticipated prompt attention to this important matter.

Sincerely,

44 West Rim Residents/Homeowners:

Rick Albert, Lombard Ave.

Marco Assante, Friends St.

Sandy Correia, DePauw St.

Kimi and Graham Culp, Via de las Olas

Stephen Edwards, Swarthmore Ave.

Anita Gorwara and Daniel Dohada, Earlham Ave.

Gabby and Alain Gourrier, Friends St.

Andrea and Bruce Greenwood, Friends St.

Michelle and Dennis Hackbarth [for ID only: former PCCAC member], Via de las Olas

Richard Hart, Friends St.

Norene Hastings, Via de la Paz

Meaghan and Grant Kessman, Friends St.2

Brooke, Jimmy and Dillon Klein, Friends St.

Isabella, Nicolas and Tony La Rosa, Friends St.

Cathy, Alexandria and Peter Longo, Friends St.

Lucia Ludovico and Greg Glenn, Earlham Ave.

Nancee and Kim Mendenhall, Friends St.

Blake S. Mirkin, Via de las Olas

Bill Moran, Via de las Olas

Phyllis and Leonard Schlessinger, Swarthmore Ave.

Ron Shelton, Via de las Olas

Christina Spitz [for ID only: former PCCAC member] and Jeffrey Spitz, Friends St.

Anna and Ollie Stokes, Friends St.

Mike Sultan, Earlham Ave.

Shoshanna and Clive Svendsen, Friends St.

Leslie Yates, Via de la Paz

cc (via email):

Zach Rehm, District Supervisor

Andrew Willis, Southern California Enforcement Supervisor

Shahar Amitay, Coastal Program Analyst

Sonora Vanderberg-Jones, Legal Analyst, West Rim residents

Jeffrey and Christina Spitz
15210 Friends St., Pacific Palisades, CA 90272
jspitz@spitzlawgroup.com; ppfriends3@hotmail.com

March 15, 2022

Aaron McLendon, Deputy Chief of Enforcement, CA Coastal Commission (CCC)
Via email: aaron.mclendon@coastal.ca.gov

Re: George Wolfberg Park at Potrero Canyon (Park), 15101 Pacific Coast Highway, Pacific Palisades, City of Los Angeles, CA – Permit No. 5-91-286 (Project)

Dear Mr. McLendon:

We appreciate that staff has been busy with the CCC's March meeting agenda. As you resume investigation of matters involving the Project, we bring to your attention additional information that we believe is relevant.

1. Public entrance/pathway on Friends St.

As you know, the 2016 landscaping plans previously approved by the CCC (2016 plans) did not show a pathway or public entrance to the Park on Friends St.; we contend that the "gate" depicted in the 2016 plans was intended for **maintenance only**. *Please see the attached email exchange on February 8, 2022 between Mr. Spitz and CCC District Supervisor Zach Rehm about this issue (Attachment 1).*¹

We have now received additional documents in response to PRA requests which, along with other information and evidence, decisively show that the "gate" depicted in the 2016 plans was intended for maintenance only; that there was no intention to include a public entrance or pathway; that a pathway was only added to landscaping plans for the project after pressure from a small number of individuals through much of 2020; and that the CCC has never considered or approved any such pathway. *See the attached email messages among Recreation and Parks (RAP) and Bureau of Engineering (BOE) officials, Jan.-Mar. 2020 (Attachment 2) and May 1, 2020 Meeting Notes (Attachment 3).*

Among other things, these documents demonstrate that:

- 1) In early 2020, City officials were uncertain as to whether a public entrance/entry/pathway had been intended, requested and/or should be included in new plans then under development (since the CCC-approved 2016 plans had included only a gate but did not include a pathway); *see, e.g., Jan. 15, 2020 message from then-Project Manager Pedro Garcia: "There is a proposed entrance to the park from Friends St. However **the plans do not show a trail from this entrance down into the park main trail.**" [Emphasis added.]*
- 2) On February 28, 2020, in the course of discussions as to whether a public entrance/pathway on Friends St. should be added to the plans or who might have requested it, Mr. Garcia emailed RAP Planning supervisor Darryl Ford, indicating that while the prior plans included an "entry" on Friends St., a "trail from the entrance to the main park road was not included." Mr. Garcia asked to meet with RAP staff "[if] the Friends entry and trail are still requested and approved by RAP" to determine the "best solution" for a connection to the "main park road."
- 3) On February 28, 2020, in a follow-up with RAP staff, RAP civil engineer Sean Phan) advised Mr. Ford that there was a "challenge" in creating an ADA compliant pathway on Friends St. Mr. Phan stated: **"I highly doubt**

¹ In our letter to you and Mr. Hudson of February 14 2022, we also made clear the differences between the 2016 plans, which did not include a Friends St. pathway, and the new/final plans (to our knowledge unapproved by the CCC), which include a "new" pathway on Friends St. that was not depicted in the 2016 plans.

that we [RAP] made that request (serving us no purpose at all). I'd suggest not to have that entrance unless CD brings it up." *[Emphasis added.]*

4) On March 2, 2020, with the issue not yet being clarified or decided, Mr. Ford asked Mr. Garcia: "Can you advise who requested for the landscape plans to include an entrance from Friends St.?" Mr. Garcia replied on March 4, 2020: "The landscaping plans that show the entrance from Friends Street were developed at least six years ago based on input received from the community at various Community meetings and in collaboration with the Council Office. I do not know who exactly requested this entrance." These statements by Mr. Garcia were **inaccurate**.²

5) On March 11, 2020, in a further follow-up, Mr. Garcia advised Mr. Ford: "We spoke with our design consultant's landscape architect yesterday and he informed us that **the Friends St. entrance was intended to be a maintenance entrance only and that's why there is no trail connecting it to the park.**" *[Emphasis added.]*

6) In May 2020, following these exchanges, City officials agreed to include a Friends St. pathway in the new plans then under development. This agreement was the result of persistent, privately-applied pressure by, and private meetings of City officials with, a small number of individuals improperly holding themselves out as the Pacific Palisades Community Advisory Committee (PCCAC).³ *See May 1 Meeting Notes (Attachment 3).*

Again, the Friends St. gate was intended to be for maintenance, not for public pedestrian access. The 2008 PCCAC report, reflecting overwhelming community opposition, clearly recommended no such access unless there is "public support." There has never been an effort to ascertain the current level of public support (if any) for west rim access. On the contrary, there is **substantial, documented community opposition**. The statement in the May 1 Meeting Notes that a "trail or staircase should lead from gate to park, as indicated in 2008 advisory committee report" is manifestly inaccurate. The "agreement" privately reached by this small group of individuals was contrary to the actual community consensus (as reflected in the 2008 PCCAC report) and arguably violated the Brown Act "open meetings" mandate.

7) Other documents received in response to PRA requests evidence that after additional lobbying by some of these same individuals, the pathway was eventually included in the new plans sometime after June 8, 2020. The EIR Addendum was then prepared (and approved by the RAP Commissioners), containing *false statements* to the effect that the pathway had been studied in the 1985 EIR. Again, the pathway now being constructed – which we respectfully submit is a "development" under Section 30106 of the Coastal Act – has **never been subjected to environmental review or approved by (or even disclosed to) the CCC.**

8) On November 9-10, 2021, in internal messages among City officials after Mr. Spitz's first formal expression of concern about the new Park developments, RAP and BOE officials acknowledged among themselves that the reason for the "gate and path becoming part of the project" – which in turn was **"one of the many changes for which we have paid Marrs [the landscape designer] to redesign"** *[emphasis added]* – was because Mr. Card (misidentified as the PCCAC's "Chairperson") had advised City officials that it was the PCCAC's position that inclusion of the pathway was "essential." *See the attached email messages among City officials, Nov. 9-10, 2021 (Attachment 4).* In fact, **no such position was ever taken by the PCCAC.**

² In fact, the only public meetings in which input was received from the community occurred in 2005-2008. In these meetings, community members expressed overwhelming *opposition* to a public entrance/pathway on Friends St., as expressed in the PCCAC's 2008 final report – the opposite of Mr. Garcia's characterization. Moreover, as we explained in our letter of February 14, 2022, in 2013 Mr. Garcia's predecessor as Project Manager **rejected a lobbying attempt by individual PCCAC members to include a Friends St. accessway, respecting the community's overwhelming opposition.**

³ As we have previously explained, the PCCAC, a Brown-Acted committee, is "inactive" and has held no meetings in 14 years (since it issued its report reflecting community consensus in 2008, recommending *no addition or consideration of west rim access unless there is "public support"*). This is the only position ever taken by the PCCAC.

Again, we have received no explanation or response from the City with respect to any of these matters.

We respectfully submit that these facts conclusively demonstrate that the City has failed to comply with the Coastal Development Permit. We hope you reach the same conclusion and that the CCC takes prompt action to require compliance.

2. Concerns of the wider community.

Pacific Palisades is a community of over 25,000 residents. Recent events demonstrate that beyond the 44 west rim residents who have written to the CCC and expressed concerns, *the wider Palisades community is also concerned about these issues.*

At a public meeting of Pacific Palisades Community Council (PPCC) in February 2022, several board members (some of whom do not live anywhere near the west rim neighborhood) indicated that they too had questions and concerns which have not been answered about the closure of the south/PCH entrance and the inclusion of an entrance/pathway on Friends St., and requested a presentation by City officials about these matters.⁴

The PPCC Executive Committee (EC) accordingly requested that City officials attend a PPCC meeting to give a public presentation on the status of Potrero Canyon and specifically the concerns that have been raised. City officials declined the EC's request. As a result, the EC requested a written response from City officials to specific questions about the Project (*see March 7, 2022 EC letter/Attachment 5*); *letter also linked on the PPCC website at: <http://pacpalicc.org/wp-content/uploads/2022/03/PPCC-EC-Potrero-Questions-1.pdf>.*

To date, City officials have not responded to the March 7th EC letter nor provided answers to the EC's questions. In connection with the CCC's own investigation, we hope that the CCC will ask similar questions and demand answers from the City.

3. New public safety concerns.

In January 2022, extensive damage occurred in certain hillside areas of the Park – in the vicinity of the south/PCH entrance and the Friends St. pathway – due to major rain storms. This damage is documented in photographs attached to a 3/17/22 meeting agenda of the RAP Commissioners' "Facilities Repair and Maintenance Commission Task Force" (the photographs): (https://www.laparks.org/sites/default/files/pdf/commissioner/MTFagenda/2022/FRM%20Task%20Force%20Agenda_3.17.22.pdf).

At this writing, we do not know what measures, if any, the City has undertaken or proposes in order to mitigate any damages and/or remedy unsafe conditions. We do not know if a study or investigation has taken place (or will take place) specifically as related to the safety to the public of trails/pathways or other Park features on or near steep hillsides in the vicinity of the "Main areas of major damage" identified in the photographs. We respectfully suggest that the CCC follow up on these matters to ensure public safety going forward.⁵

We continue to look forward to receiving an update from the CCC as soon as possible. Thank you again for your prompt attention to these issues and your continuing courtesy and cooperation.

Jeffrey and Christina Spitz

cc (via email): Andrew Willis, Southern California Enforcement Supervisor, CCC
(Separate Attachment list on p. 4, following)

⁴ As confirmed in public statements and positions on its website (www.pacpalicc.org), PPCC is the most broad-based community organization and has been the voice of the Palisades since its founding in 1973. Minutes of its public meetings may be found on the website. Again, for identification only, Ms. Spitz is PPCC Secretary and Chair Emeritus; she writes here solely on her individual behalf.

⁵ Please also see a further letter written by the PPCC EC to RAP officials on March 15, 2022 regarding these matters (*Attachment 6*; also linked at <http://pacpalicc.org/wp-content/uploads/2022/03/PPCC-EC-Letter-RAP-Commissioners.pdf>).

Separate Attachment:

1. Email exchange between Mr. Rehm and Mr. Spitz, Feb. 8, 2022
2. Email messages among City officials, Jan.-Mar., 2020
3. May 1, 2020 Meeting Notes
4. Email messages among City officials, Nov. 9, 2021
5. March 7, 2022 EC letter to RAP officials
6. March 15, 2022 EC letter to RAP officials

From: bcaloha@aol.com
To: ppfriends3@hotmail.com; Willis_Andrew@Coastal; McLendon_Aaron@Coastal; Hudson_Steve@Coastal; Rehm_Zach@Coastal
Cc: Amitay_Shahar@Coastal; Tealer_Nicholas@Coastal; jspitz@spitzlawgroup.com
Subject: Re: Construction on FSE has resumed (Potrero Canyon development)
Date: Tuesday, April 12, 2022 10:21:04 AM
Attachments: [GWP 2021 Landscape plan pp L404 L405 2.28.22.pdf](#)

All,

I am extremely concerned that the City has carved a road and constructed concrete retaining walls in the exact spot of a large 1969 landslide without doing an Environmental Impact Study or a traffic study. The entrance is located on a street that is "not a through street" with nowhere for cars to turn around other than in neighbors' driveways.

The City (Pedro Garcia) included false statements which led to the approval of the Friends Street entrance, however, the map they included for approval did NOT include a Friends Street entrance. We have brought this to their attention yet they continue constructing a road that has not been approved and could affect the instability of the hillside.

In addition, the Friends Street entrance road does not seem to connect to the main path leading down to the coast or the lookout. On the latest landscape map which I have attached, the road doesn't connect to connect to any trail and may just lead up to the Palisades Recreation Center. I don't understand why they would include an entrance leading up to the park and not to the coast.

Thank you for taking our concerns seriously and for your time on this matter. We really appreciate it!

Brooke Klein

-----Original Message-----

From: Chris Spitz <ppfriends3@hotmail.com>
To: andrew.willis@coastal.ca.gov <andrew.willis@coastal.ca.gov>; aaron.mclendon@coastal.ca.gov <aaron.mclendon@coastal.ca.gov>; steve.hudson@coastal.ca.gov <steve.hudson@coastal.ca.gov>; Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>
Cc: Amitay, Shahar@Coastal <shahar.amitay@coastal.ca.gov>; Tealer, Nicholas@Coastal <nicholas.tealer@coastal.ca.gov>; Brooke Klein <bcaloha@aol.com>; Jeffrey Spitz <jspitz@spitzlawgroup.com>
Sent: Tue, Apr 12, 2022 7:51 am
Subject: Re: Construction on FSE has resumed (Potrero Canyon development)

Good morning CCC staff/officials:

I attach additional photos taken yesterday by resident Brooke Klein. These show the very substantial, ongoing construction of a Friends St. entrance/pathway, including concrete retaining walls and poles being inserted apparently for railing along the trail (unreviewed/unauthorized by the CCC).

I also understand from Ms. Klein (who has been able to observe first-hand the construction activity in Potrero Canyon) that there may be issues with the trail configuration, i.e., it is apparently not being constructed to connect with the main trail and may not even be consistent with the unapproved most recent set of plans, nor does it appear to provide access to the coast). Please contact Ms. Klein (cc'd above) should you wish to learn more about this troubling aspect of construction.

Thank you again for your anticipated prompt attention to these serious matters.

Best regards,
Christina Spitz

From: Chris Spitz <ppfriends3@hotmail.com>

Sent: Monday, April 11, 2022 12:13 PM

To: andrew.willis@coastal.ca.gov <andrew.willis@coastal.ca.gov>; aaron.mclendon@coastal.ca.gov <aaron.mclendon@coastal.ca.gov>; steve.hudson@coastal.ca.gov <steve.hudson@coastal.ca.gov>; Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Cc: Amitay, Shahrar@Coastal <shahrar.amitay@coastal.ca.gov>; Tealer, Nicholas@Coastal <nicholas.tealer@coastal.ca.gov>; Brooke Klein <bcaloha@aol.com>; Jeffrey Spitz <jspitz@spitzlawgroup.com>

Subject: Fw: Construction on FSE has resumed

Dear Andrew and CCC staff/officials:

Appreciating that you are still in the process of review and may be writing soon to the City with your concerns, I bring to your attention these recent photographs, taken by rim resident Brooke Klein.

The photos show that the City has resumed extensive construction work on the unauthorized Friends St. entrance/pathway, including drilling holes, installing poles and cable wire railing all the way down to the main path through the canyon.

As we have previously made clear, we and other residents are very concerned with the extent of unauthorized/unpermitted construction already taking place. We believe it is urgent that the CCC take action without delay so that this work can be paused for further review by the CCC before the conditions become irreversible.

Thank you again,

Christina Spitz





Across the canyon:





From: [Chris Spitz](#)
To: [Tealer, Nicholas@Coastal](#); [Willis, Andrew@Coastal](#); [Amitay, Shahar@Coastal](#)
Cc: [Jeffrey Spitz](#); [Brooke Klein](#)
Subject: Potrero Canyon Park Development
Date: Friday, April 29, 2022 9:31:24 AM

Dear Nick and CCC officials:

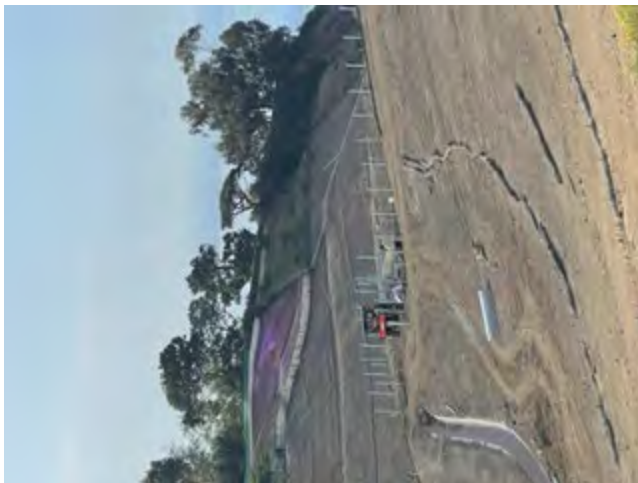
Please note that the City is again working on the "Friends St. trail" today. Attached is a photo taken this morning by resident Brooke Klein. You will note the numerous fence posts that have been inserted (into cement) along the rim. This work has been ongoing since your letter was sent via email to the City a week ago, on Friday, 4/22. The BOE project manager has acknowledged receipt of the letter.

The City is knowingly disregarding the CCC's directive to cease work on this aspect of the project. It is apparent that without immediate CCC action, the City will continue to violate the CDP and ignore the CCC's admonition to stop work.

We respectfully urge you to address this issue without further delay.

Thank you again.

Chris Spitz



Jeffrey & Christina Spitz
15210 Friends St., Pacific Palisades, CA 90272
jspitz@spitzlawgroup.com; ppfriends3@hotmail.com

June 14, 2021

Shahar Amitay, Coastal Program Analyst
California Coastal Commission

shahar.amitay@coastal.ca.gov

Re: George Wolfberg Park at Potrero Canyon, 15101 Pacific Coast Highway, Pacific Palisades – Permit No. 5-91-286 (Project); CDP Amendment Application No. 5-91-286-A13

Dear Shahar:

Thank you for forwarding the June 8 “Application Status Letter – Incomplete.” We appreciate that the CCC requires the City to submit a more complete application to address in greater detail the concerns that have been raised. We also appreciate that notice and a hearing will be required.

We have additional questions and concerns that we hope you will be able to answer and clarify:

1) Site Plan/Final Landscaping Plans:

You direct the City to submit either a “narrative explanation” or two full-sized sets of “Existing Site Plans” explaining the existing extent of the proposed Friends St. trail (proposed trail) and other “after-the-fact” development. To our knowledge, the CCC has never received, let alone approved, the *complete 2021 landscaping plans for Phase 3 of the Project* (final plans). As we have explained, Phase 3 is now being constructed according to the *unapproved* final plans, *i.e.*, different plans from those that the CCC approved in 2016 – another apparent violation of the CDP.

Will the CCC also direct the City to submit the complete unapproved final plans in connection with the application for a CDP amendment? Isn't CCC approval of the final plans required before any further work is undertaken on the Project?

2) Environmental Review:

The Status Letter does not specifically require the City to show that environmental review of the proposed trail has ever taken place. However, in order to determine consistency with the Coastal Act's resource protection policies (Chapter 3 of the Act), environmental review is required when permission is sought for proposed development in the Coastal Zone.¹

As you know, (1) to date, *there has never been any environmental review of the proposed trail,*² and

¹ See Item 9 of the Required Attachments for CDP applications: “9. All available environmental review documents for the project, such as a CEQA Notice of Exemption, mitigated negative declaration, or EIR (Environmental Impact Report), NEPA review documents, or others. Include all comments and responses to comments to date.” See also: California Code of Regulations Sec. 13057(a)(1)-(4); *Friends, etc. of Elkhorn Slough v. California Coastal Commission* (2021) 72 Cal.App.5th 666, 695-696.

² Instead, as we have explained in detail in prior correspondence, the City prepared a **false EIR addendum** in 2020, claiming that the proposed trail had been reviewed in a 1985 EIR for the Project, when it was manifest from the EIR itself that no such review had ever taken place (see, *e.g.*, our letters to the CCC of February 8 and March 15, 2022).

(2) as we and 42 other neighbors have shown, the proposed trail will likely have a *substantial adverse impact* not only on the surrounding coastal neighborhood, but also on the slope area of the canyon rim top, including the viewshed from future park trails.³

Please clarify and confirm that the CCC will require environmental review of the impacts of the proposed trail in connection with the application for a CDP amendment.

3) **Lateral Trail Status:**

The CCC's April 22 letter to the City clearly required the City to recommence construction of the Lateral Trail within 30 days. The City's recent annual report does not explain the Trail's status, other than to indicate that a funding source has not yet been ascertained and the CCC's assistance may be necessary to obtain Caltrans' permission (despite City officials having known for more than seven years that the Lateral Trail was required by the CDP and that permission from Caltrans would be necessary).

From personal observation, we can report that workers and construction vehicles are intermittently present in the area where the Lateral Trail would be constructed (below the Via de las Olas bluff, to the west of the mouth of Potrero Canyon), but it appears that this involves Caltrans work on other, unrelated PCH projects; construction of the Lateral Trail does not appear to have commenced. Moreover, from public reporting at recent meetings of the Pacific Palisades Community Council (on which Christina currently sits as Secretary), funding for construction of the Lateral Trail has apparently not yet been secured.

This is particularly concerning because the status of the Lateral Trail is intertwined with the matters referenced in items 1 and 2 above. Specifically, as we have explained, the unapproved final plans anticipate that the park will be open to the public *without the Lateral Trail in place and without any coastal access*.⁴ In addition, there is *no access to the coast from Friends St*. If the south entrance above PCH is closed at park opening, the *only* park entrance other than the north entrance at the Recreation Center will be via the proposed trail on Friends St.

This is a matter of significant concern to residents and should also be of concern to the CCC. Since "swarms" of park visitors are expected (according to a public statement by a proposed trail proponent), opening the park with the second entrance only on Friends St. would clearly result in an undue burden on a quiet, residential, coastal neighborhood – a narrow street with limited means of ingress & egress that is essentially a cul-de-sac, and in an area of known geologic instability and "extraordinary hazard" (as described in the CDP)⁵ – *while providing no coastal access (in direct contravention of the CDP and Coastal Act)*.

³ See our letter to the CCC of February 8, 2022; the letter to the CCC of February 10, 2022 from 44 neighbors; and Christina's email to the CCC of April 15, 2022 (review of impacts is required to determine compliance with the CCC's Regional Interpretive Guidelines: "The [CCC] . . . has expressed concern regarding the potential affect [sic] of proposed development along the slope areas of rim top properties on the viewshed from the future Potrero Canyon park trails").

⁴ Depicted on the *unapproved* final plans: a sign at the south entrance above PCH stating "no coastal access"; a locked gate below the south entrance, to remain locked indefinitely, or until "future ped connection" (see, e.g., our letter to the CCC of February 14, 2022).

⁵ We again note Section 30253 of the Coastal Act, which requires that new development "minimize risks to life and property in areas of high geologic, flood and fire hazard," and "neither create nor contribute significantly to . . . geologic instability."

Will the CCC follow up with the City to obtain a more detailed and accurate description of the status of the Lateral Trail? Most importantly: Will the CCC require that the park remain closed to the public until the Lateral Trail is completed and coastal access can be assured (as the CDP requires)?

We respectfully direct your attention to our prior communications with the CCC which provide *detailed factual and legal support* for the matters discussed above, as well as other important matters related to the proposed Friends St. trail and Lateral Trail: our letters to CCC staff of February 8, February 14, and March 15, 2022; the letter from 44 neighbors to the CCC of February 10, 2022; Jeffrey's email to CCC staff of April 5, 2022; Christina's email to CCC staff of April 15, 2022; and all attached documents.

Thank you again for your continuing attention to these important matters.

Sincerely,

Jeffrey and Christina Spitz

cc (via email):

Steve Hudson, District Director, CCC

Zach Rehm, District Supervisor, CCC

Andrew Willis, South Coast Enforcement Supervisor, CCC

Nicholas Tealer, District Enforcement Officer, CCC

Jeffrey & Christina Spitz
15210 Friends St., Pacific Palisades, CA 90272
jspitz@spitzlawgroup.com; ppfriends3@hotmail.com

June 17, 2022

Board of Recreation & Parks (RAP) Commissioners

rap.commissioners@lacity.org

Re: George Wolfberg Park at Potrero Canyon (Project)

Dear Commissioners:

At the June 16, 2022 meeting of the RAP Commission Facilities Repair & Maintenance Task Force, the public was invited to submit additional comments in writing because time limitations prevented more extensive comment during the meeting. Accordingly, we are providing the following information to clarify and correct certain inaccurate statements concerning the Project.

1) Community Outreach/Support

The “Task Force Briefing Report” attached to the meeting agenda claims that “regular meetings” were held with the “committee” (the Potrero Canyon Community Task Force, also known as the Advisory Committee) “throughout the design process” – suggesting that community outreach has been extensive. In fact, the Advisory Committee (a **Brown-Acted** Committee) last met in 2008, when it issued its report with recommendations to the City.¹ It has held *no public meetings since that time* and has taken no positions other than as set forth in its Report.² Many of its members have either moved or sadly passed away, and the Committee is recognized as being “inactive” by the Pacific Palisades Community Council (PPCC) (public documents on the PPCC website, approved by current and former PPCC Chairs, including David Card, George Wolfberg and Ms. Spitz).³

Moreover, City officials have conducted minimal community outreach since 2008, with only a few meetings over the years at the PP-PAB and one meeting six years ago at PPCC when BOE officials were present. More recently, PPCC requested that RAP and BOE officials attend a PPCC meeting to answer questions about the Project’s status, but PPCC was advised by a representative of CD 11 that neither RAP nor BOE would attend a meeting to answer PPCC’s questions; PPCC also requested written answers to questions from RAP and BOE, but that request has likewise been ignored.

¹ Ms. Spitz was a member of the Advisory Committee. She is aware that there have been no public meetings of the Committee nor any properly noticed meetings of any kind since 2008, and that the Committee has taken no positions other than as stated in the Report, nor could it in the absence of a properly noticed meeting.

² Report entitled “Potrero Canyon Trails: City of Los Angeles Greenspace and Pathways Connecting Palisades Village to the Beach,” provided to City officials and recognized by CD11 (in public statements at PPCC meetings) as being the “blueprint” for the Park’s design (the Report).

³ Mr. Wolfberg in fact advised in 2013 that he did “not foresee the Committee ever officially meeting again” (email from G. Wolfberg to C. Spitz, Mr. Card and City officials, 10/24/13). Indeed, Mr. Card has publicly acknowledged that the Advisory Committee’s “formal responsibility concluded” when the Report was issued in 2008. Nevertheless, as Mr. Card has also acknowledged, he, another Committee member (Gil Dembo) and RAP Commissioner Joe Halper continued to hold meetings regarding the Project (Pacific Palisades Park Advisory Board (PP-PAB) meeting minutes, 1/29/20). Documents we have obtained from the City also evidence that Mr. Card purported to represent the Committee in numerous private meetings with City officials, including with Commissioner Halper, at which decisions were made about the plans for the Project and in particular about an accessway on Friends St. Whatever discussions were had at these meetings did not and could not have reflected the position of the Committee (and certainly not of the community), since these meetings were not public and were not properly noticed in accordance with the Brown Act.

As to the issue of a Friends St. pathway/entrance (Friends St. Trail), the Report specifically stated that there were to be **no new easements for west rim public access; that the status quo was to remain; and that there may be possible consideration of the issue only much later, “if there is public support”** (Report, Sec. 13c).

In 2008, west rim access was (and is today) *overwhelmingly opposed by local residents* (as recognized by former BOE Project Manager Rob Hancock in internal BOE documents obtained in response to Public Records Act requests). In the 14 years since the Report was issued, public opposition has not changed and there have been *no efforts by the City to obtain current community input or to ascertain whether public sentiment has changed*. The statement made by the inactive Committee’s “Vice-Chair” during public comment at the June 16 hearing, that “the Advisory Committee fully supports the Friends St. Trail,” is contradicted by the Report itself and is demonstrably inaccurate – again, since there have been no public meetings of the Committee *in over 14 years*, the conclusion in the Report has not changed, and there is no showing at this time of “public support” for a Friends St. Trail; in fact, the opposite is true (over 44 west rim property owners have submitted letters voicing their opposition).

2) Friends St. “Kiosk”

A media presentation attached to the June 16 meeting agenda (showing proposed park signage) depicted, on p. 13, a map with a noticeable boxed marker entitled “Friends St. Kiosk” pointing to a spot where the proposed Friends St. Trail is sited. RAP officials noted at the meeting that the park signage had been approved, but did not indicate whether the Friends St. kiosk specifically had been approved, nor was anything said about the purpose of this kiosk or its design or dimensions.

As Mr. Spitz noted during public comment, this was the first “public” indication that a kiosk of any kind was planned for the Friends St. Trail. *There was no advance community outreach about the kiosk or park signage*; the fact that any park signage had already been approved was not known until the meeting and raises important questions: When was the signage approved, and by whom and by what process? When, if ever, was any notice given about the proposed park signage, and to whom? Was the Friends St. kiosk specifically approved? Why weren’t west rim residents told anything about a planned kiosk for Friends St.? What is the purpose, size and design of the planned structure? Has the California Coastal Commission (CCC) been apprised of the plans for a Friends St. kiosk, and if not, why not? Does the City intend to request CCC permission (which is clearly required) for the Friends St. kiosk?

Clearly, the City plans a *prominent entrance with a kiosk on Friends St.* – a posted “Not a through street” in a quiet residential neighborhood with limited means of ingress & egress and no direct access to the coast – while at the same time closing off the long-planned south entrance at the mouth of the Canyon above PCH.⁴ Records received from RAP and BOE demonstrate that two years ago, the City had already developed plans (never submitted to or approved by the CCC) which depict the planned closure of the south entrance (and no Lateral Trail). We and other west rim residents were never apprised in advance of these plans. We strongly object to the Friends St. Trail, entrance and kiosk.

3) LAFD Emergency Use

An assertion was made during public comment on June 16 that the Los Angeles Fire Dept. (LAFD) supposedly requires the Friends St. Trail – in addition to a gate at that location – for emergency purposes. This claim is unsupported and contrary to fact.

⁴ The closure is a result of the City’s own decisions and inaction, specifically its inexplicable failure for more than seven years to obtain permission from Caltrans or to begin construction of the Lateral Trail to Temescal Canyon Blvd. – *required by the Coastal Development Permit (CDP) to provide coastal access.*

As we have previously explained – and as described in detail in CCC staff reports related to the CDP for this project – the original CDP in **1991** provided for an accessway to the west rim at Friends St. & DePauw St. (variously described as a “fire road,” “fire lane,” “fire truck access” or “emergency access trail”) that could accommodate LAFD vehicles. It was believed at the time that this accessway was needed because 1) LAFD required a 20 ft. wide road to accommodate emergency vehicles, and 2) such a road could not be sited to cross a dam in the riparian zone running through the center of the Canyon. After community opposition to a west rim accessway arose, City officials met with LAFD and CCC staff and determined that a 12 ft. wide road, wide enough to accommodate emergency vehicles, could be rerouted through the riparian zone, making a west rim accessway unnecessary.

As a result, the prior accessway was “abandoned” and removed from the amended CDP in **1993**; it has not been included in the CDP nor in any plans submitted to or approved by the CCC ever since. As explained in the 1993 CCC staff report:

“The previous plan had a fire truck access to the park at DePauw/Friends Street, a residential street. The current plan does not exit at Friends Street. This rerouting saves additional area of existing coastal sage scrub, and also eliminates a potential off-road vehicle entry that had been the subject of opposition from adjacent lot owners. Currently access will be from the Pacific Coast Highway and from the community park, which has provision for parking and supervision.”

We have reviewed hundreds of pages of documents pertaining to this Project, including many documents produced by the City in response to Public Records Act requests, and have never seen any documents reflecting an LAFD position to the effect that a Friends St. Trail is needed for emergency purposes. The current partially-built trail is not wide enough to accommodate LAFD vehicles, unlike the 12 ft. wide road which was designed and sited for use by LAFD in emergencies. Nor, as was claimed during the June 16 meeting, will the currently-proposed Friends St. Trail or gate be of use to LAFD. Indeed, it is clear that for fire prevention and LAFD access to the Canyon, a throughway via the 12 ft. road from the Recreation Center to an *open entrance at the south/PCH end is essential*.

The fact that a gate was approved on Friends St. is also not dispositive: The plans approved by the CCC in 2016 depict only a gate, not a pathway or trail to Friends St., and records that we have obtained show that City officials were aware that the gate shown on the 2016 plans was intended for *maintenance only*, not for public access or emergency purposes.

Moreover, as the CCC recognized in 1993, there is no provision for “parking and supervision” on Friends St., as there is at the Recreation Center (where the 12 ft. wide road, designed to accommodate LAFD trucks, begins). There is simply no basis for a claim that LAFD now requires the Friends St. Trail for emergency access.

We submit the foregoing so that you will have accurate information on which you can rely as this Project moves forward.

Thank you for your consideration.

Sincerely,

Jeffrey and Christina Spitz

cc (via email):

Daryll Ford, Planning Supervisor, RAP; Norman Mundy, Environmental Supervisor, BOE; Kristen Ly, Project Manager, BOE; California Coastal Commission

From: [Chris Spitz](#)
To: [Amitay.Shahar@Coastal](#)
Cc: [Hudson.Steve@Coastal](#); [Willis.Andrew@Coastal](#); [Rehm.Zach@Coastal](#); [Tealer.Nicholas@Coastal](#); [Jeffrey Spitz](#)
Subject: Potrero Canyon Park -- Condition Compliance
Date: Tuesday, June 21, 2022 8:12:37 AM
Attachments: [Screen Shot 2022-06-18 at 9.22.34 AM.png](#)

Dear Shahar:

In your email message of June 15, you explained that the **condition compliance process** is ongoing. In that regard, we bring to your attention the following:

In April and again in June 2022, a new "map" of the park was included among various signage images proposed for "kiosks" that the City plans to install at two park "entrances" -- the Recreation Center and Friends St. (posted on the RAP website).

Attached is a screen shot of the page showing the map. See also agendas for RAP "Facilities Repair and Maintenance Task Force" meetings (scroll down for signage images):
[April 21 meeting](#)
[June 16 meeting](#)

As you can see, this map clearly indicates that Friends St. is proposed to be one of only two prominent entrances to the park, with the south entrance (mouth of the Canyon above PCH) to be closed and with no Lateral Trail. There is **no access to the coast** on this most recent map (which again, is one of the images that would be included on the kiosks).

This is in stark contrast with the map previously shown to the public at PPCC and Pacific Palisades Park Advisory Board meetings, and which is posted on websites of PPCC, RAP and Council District 11 (the City Council District for Pacific Palisades) -- which contains *no Friends St. entrance or trail* and instead shows the *main trail through the Canyon continuing to Temescal Canyon Blvd.* (see notation at bottom right: **"Trail Continues to Temescal Canyon"**): [Original Map](#).

Clearly -- despite the Coastal Act mandate to provide maximum access to the coast; the decades-long express goal of the park; the CDP requirement for the Lateral Trail (which the City has known about for 7+ years); and the CCC's recent directive to recommence construction of the Lateral Trail -- the City *still* intends to proceed with a park that has a closed south end above PCH and **no access to the Coast** -- dramatically different from what has long been envisioned and required for this park.

Please also note: a rendering of the proposed kiosk for Friends St. was included among the documents attached to the Task Force agenda in April (see attached image). As you can see, the structure will be very large -- **7+ ft. x 8 ft.** It would be placed on the bluff top near the entrance to the Friends St. trail. We respectfully submit that 1) CCC permission would be required for this structure; and 2) if sought, CCC permission should not be granted as this obtrusive structure would violate the CCC's Guidelines for bluff top construction on the Canyon rim.

Of course, we continue to 1) strongly oppose the opening of the park without the Lateral Trail/coastal access; and 2) urge that appropriate and required environmental review take place before any decision is made with respect to the Friends St. Trail.

Thank you as always for your work on these significant matters.

Best regards,

Christina Spitz

Jeffrey Spitz

Jeffrey & Christina Spitz
15210 Friends St., Pacific Palisades, CA 90272
jspitz@spitzlawgroup.com; ppfriends3@hotmail.com

June 27, 2022

Shahar Amitay, Coastal Program Analyst
California Coastal Commission (CCC)

shahar.amitay@coastal.ca.gov

Re: George Wolfberg Park at Potrero Canyon (Park) -- CDP Amendment Application No. 5-91-286-A13 (Item 17 on the CCC's 7/14/22 Meeting Agenda)

Dear Shahar:

As you and/or other CCC staff members review the City's CDP amendment application and prepare the staff report on this matter, we respectfully request your consideration of the following key facts and concerns regarding the proposed Park entrance and trail on Friends St. (the Friends St. Trail) and related hardscape/posted metal fencing and entrance kiosk (Hardscape/Fencing/Kiosk):¹

1) The gate on Friends St. was intended for maintenance only.

As you know, a gate on Friends St. – but no trail connected to the gate – is depicted on the 2016 landscaping plans approved by the CCC (2016 Plans). A trail from Friends St. was not depicted on any plans until the City prepared new landscaping plans in 2020 (2020 Plans; unapproved by the CCC) – and was only added to the 2020 Plans after repeated private lobbying of City officials by a small number of individuals who had long sought to add the Friends St. Trail.²

Proponents of a Friends St. Trail now argue that this gate was supposedly intended for pedestrian access as a *public entrance* – notwithstanding that no trail is depicted on the 2016 Plans. This argument is completely without merit and belied by actual facts.

As demonstrated in our letter to Aaron McLendon of March 15, 2020 (and accompanying attachments), in early 2020, the City knew that the 2016 Plans **did not include a trail**. Then-Bureau of Engineering (BOE) Project Manager Pedro Garcia acknowledged in an email on January 15, 2020 that “the plans do not show a trail from this entrance down into the park main trail.” In follow-up discussions in 2020 about whether a public entrance and trail should be added to new plans then being developed by BOE, Mr. Garcia learned that the gate depicted on the 2016 Plans was intended for **maintenance only**. Specifically, Mr. Garcia stated on March 11, 2020 in an email to Recreation & Parks (RAP) Planning Supervisor Darryl Ford:

“We spoke with our design consultant’s landscape architect yesterday and he informed us that the Friends St. entrance was intended to be a **maintenance entrance only** and that’s why there is no trail connecting it with the park.” [Emphasis added.]

¹ Many of these matters were addressed in greater detail in prior communications with the CCC; we again respectfully direct staff’s attention to our letters and/or emails to the CCC of [February 8](#), [February 14](#), [March 15](#), [April 5](#), [April 15](#), [June 14](#) and [June 21, 2022](#); the letter from 44 neighbors of [February 10, 2022](#); our letter to the RAP Commissioners of [June 17, 2022](#); and all attached and/or linked documents.

² As we have previously pointed out, a fire access trail on the west rim was included in the original 1991 CDP but was “abandoned” by the City and removed from the CDP in 1993 after a public outcry and after LAFD determined that the main road running through the canyon was wide enough (12 ft.) for emergency access. *The project CDP has never required west rim pedestrian access nor provided for a Friends St. Trail ever since.*

Moreover, in a February 28, 2020 email to Mr. Ford, a RAP civil engineer (Sean Phan) provided this explanation as to whether a trail had previously been requested or should even be included in any plans:

“I highly doubt that we [RAP] made that request (**serving us no purpose at all**). I’d suggest not to have an entrance unless CD brings it up.” [Emphasis added.]

Notwithstanding the officials’ knowledge and understanding about the actual intended purpose of the gate (for maintenance only) – and the fact that, according to the RAP civil engineer, a Friends St. trail served “no purpose at all” – the City proceeded to add the Friends St. Trail to the new 2020 Plans. Again, as demonstrated by the many documents we obtained in response to public records requests, this occurred as a result of private pressure improperly placed on City officials by a few individuals who claimed to be speaking for the Potrero Canyon Community Advisory Committee (PCCAC) -- and thus for the community.³

Yet, as these individuals and City officials all knew, the PCCAC had issued a report in 2008 (2008 Report), finding specifically that there should be no change in the status as to west rim pedestrian access and the issue of whether there should be a Friends St. Trail should not be taken up again *in the absence of public support* (see 2008 Report attached to our letter to Steve Hudson of February 8, 2022). Disturbingly, the Friends St. Trail was added to the 2020 Plans and construction subsequently began, *without CCC permission* and despite the fact that there was -- and over a decade later still is -- *strong opposition by west rim residents* to pedestrian access or a public entrance and trail on Friends St.

2) Lack of public support.

The public has spoken to express opposition to west rim pedestrian access and a Friends St. entrance and trail on many occasions during current and past public processes. The process of considering the CDP amendment is by definition a process that involves public input. Consideration of whether there should be a public entrance and pathway on Friends St. was extensively vetted and exhaustively discussed in a series of public meetings with the Brown-Acted PCCAC in 2005-2007. During this time, local residents expressed overwhelming opposition to a proposed Friends St. entrance and trail. These meetings culminated in the PCCAC’s recommendations for the Park’s design as set forth in the 2008 Report. The Report clearly stated that there should not be any changes in the current status and the issue of west rim access should not even be taken up in the future in the absence of public support.

In 2013, so-called “50% plans” were prepared and distributed among City officials and a small number of former PCCAC members for review and comment. The then-BOE Project Manager was Rob Hancock. According to a spreadsheet prepared by Mr. Hancock at the time, one former PCCAC member (David Card, purporting to speak for the PCCAC but in fact relaying his personal opinion) remarked that it was “time to discuss a public access gate (or no fence at all) where the park abuts Friends St. . . . Once the neighborhood sees the park completed, they will want to walk there without having to drive to the Rec Center”⁴

Mr. Hancock then cut and pasted Mr. Card’s remarks into a column on a spreadsheet in an item regarding Public Access (“50% Review Comments”), titling the remarks as those of the “Citizen’s Advisory Committee.” He added another column in response, rejecting these remarks and stating:

³ As we have previously explained, the PCCAC was a Brown-Acted committee established in 2004-2005; it last met 15 years ago, several of its members have passed away or moved, and it has long been inactive. Christina Spitz was a member, as were the individuals who privately pressured the City to add the Friends St. Trail. Ms. Spitz was unaware of these private discussions until recently (after reviewing documents received from public records requests) and to her knowledge other former members of the PCCAC were unaware as well.

⁴ Nine years later, in June 2022, Mr. Card (who lives miles away from Friends St.) made these exact same remarks at a public Task Force Meeting of the RAP Commissioners. These remarks were untrue then and are untrue now.

“Disagree – After a Community meeting the response was overwhelming that local residents do not want public access to the park along Friends St. At this time pedestrian access along Friends St. is not a part of the plans.” [Original emphasis by Mr. Hancock.]

(See attached Spread Sheet – 50% Review Comments.)

Tellingly, Mr. Hancock was still the Project Manager when the plans were then completed, submitted to the CCC and approved in 2016 by the CCC. His name appears as a cc on the September 19, 2016 letter advising the City of the CCC Executive Director’s approval of the 2016 plans (see letter from Al Padilla, CCC Regulatory Permit Supervisor, to Norman Mundy of BOE, cc Rob Hancock). Consistent with the community’s position recognized and reiterated by Mr. Hancock in 2013, the approved 2016 Plans contained no “access along Friends St.” and no Friends St. Trail.

The reality today is that the local community’s position has not changed – residents of the Friends St. neighborhood are overwhelmingly opposed to the Friends St. Trail. We submit that the Trail was inappropriately added to the 2020 Plans and has now been partially constructed solely due to the efforts of a few individuals who do not live in the neighborhood and who are seeking to promote their own personal desire for a public entrance on Friends St. This result is the opposite of the PCCAC’s 2008 recommendation; is not required by or even mentioned in the controlling CDP; and was never approved by the CCC.

3) There has been no environmental review of impacts on coastal resources or public safety.

We reiterate in the strongest possible terms that the proposed (and partially constructed) development and structures will likely result in substantial negative impacts and pose significant risks to public safety. Notably, there has been *never been any environmental review of the impacts* of the Friends St. Trail or of the Hardscape/ Fencing/Kiosk on coastal resources or on public safety.

(a) The Friends St. Trail.

No formal or informal study or analysis has ever been undertaken as to the impact this development will have on the community or the specific neighborhood surrounding the entrance to the Friends St. Trail. As we have previously brought to your attention, the 1985 EIR addresses only the **grading phase** of the project (with a further EIR believed to be necessary in the future for the design phase, but which was never prepared) and contains no mention of a Friends St. Trail or any studies of the impact of such a trail – not surprising, since *the Trail was never even included in any plans for the project until 2020*. In a subsequent EIR Addendum in 2021, the City cited to specific sections of the 1985 EIR which supposedly addressed the Friends St. Trail – but those sections on their face do not reference the Trail; in fact, there is no reference whatsoever to the Trail in the 1985 EIR. *(See link to the RAP Approval & EIR Addendum in our February 8, 2022 letter to Mr. Hudson.)*

The neighborhood adjacent to the Friends St. Trail is located in the Coastal Zone and as such, we submit, is a coastal resource. The location is within the designated Very High Fire Hazard Severity Zone and the controlling CDP recognizes that this is an area of “high hazard” and geological instability – not only with respect to the canyon rim but also the adjacent Via de las Olas bluff and rim streets. As described more fully in our letter to Mr. Hudson of February 8, 2022, this is a quiet residential neighborhood with very limited routes of ingress and egress. Friends St. itself is posted as “Not a Through Street”; to the west of the proposed Friends St. entrance the street narrows to *one lane* when cars are parked on both sides of the street; at the other end there is restricted local access only to Via de las Olas. Surrounding streets are similarly narrow and winding. *(See attached “Street Photos.”)*

Wildfires have occurred in our bluff areas, often from illegal homeless camping which continues

despite the community's efforts at prevention and enforcement. "Swarms" of visitors are expected when the Park opens (public statement made by one of the individual Friends St. Trail proponents) which would put a strain on these conditions if a Friends St. Trail and entrance were used by large numbers of visitors. At a recent public meeting of the Pacific Palisades Park Advisory Board, RAP officials informed the community that *no park rangers will be assigned to the Park* – a disturbing development that we submit will put the Friends St. neighborhood at further risk if the Friends St. Trail is permitted. Evacuation during emergency events would be difficult at best, and lives and safety of residents and Park visitors alike may be put at risk. These conditions will only be exacerbated if, as current plans provide, the south/PCH entrance is closed at Park opening (due to the City's failure to construct the Lateral Trail to Temescal Canyon Blvd.) and, as a result, there are only two means of access to the Park – at the Recreation Center and Friends St.

To put it simply, the Friends St. Trail is not only unnecessary and uncalled for, it is potentially dangerous. Appropriate environmental review and traffic studies should be required, at a minimum, before any decision is made on the CDP amendment application for permission to construct the Friends St. Trail.

(b) Hardscape/Fencing/Kiosk

The hardscape and fencing related to the Friends St. Trail – cement retaining walls (constructed); steel posts cemented to the ground (partially constructed); wire fencing (to be constructed) – were never mentioned, let alone approved, in the 2016 Plans. The same is true of the large kiosk (7 feet tall x 8 feet wide), with signage board, proposed for the entrance to the Friends St. Trail. These structures are either already in place or will be positioned on the slope areas of the canyon rim top and, we submit, will be visible from canyon trails. (*See attached "Hardscape/Fencing" photos; a rendering of the Kiosk was attached to my email message to you of June 21, 2022.*)

We believe that these obtrusive structures violate the Regional Interpretive Guidelines developed by the CCC many years ago for Potrero Canyon (Guidelines).⁵ Palisades community organizations such as Pacific Palisades Community Council (PPCC) and Temescal Canyon Association (TCA) have weighed in over the years on canyon rim development, insisting on compliance with the Guidelines to protect the viewshed from canyon trails and to comply with the Coastal Act's requirement that the "scenic and visual qualities of the coastal area" be protected as a "resource of public importance" (Coastal Act, Sec. 30251). As the City recognizes in the Zoning Information Bulletin (footnote 5 below): "The State Coastal Commission . . . has expressed concern regarding the potential affect [sic] of proposed development along the slope areas of rim top properties on the viewshed from the future Potrero Canyon Park trails."

The CCC has long made clear that Park development must preserve the natural environment of this important coastal resource. At the very least, appropriate environmental review should be required before any decision is made on the CDP amendment application for permission to construct these obtrusive structures.

Thank you again for your continuing attention to these important matters.

Sincerely,

Jeffrey and Christina Spitz

(See cc's on p. 5, following)

⁵ See LA Planning Dept. Zoning Information Bulletin: <http://zimas.lacity.org/documents/zoneinfo/ZI2422.pdf>.

cc (via email):

Steve Hudson, District Director, CCC

Zach Rehm, District Supervisor, CCC

Aaron McLendon, Deputy Chief of Enforcement, CCC

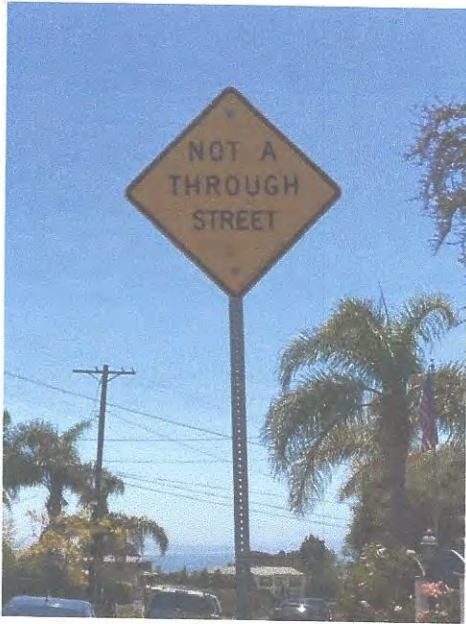
Andrew Willis, South Coast Enforcement Supervisor, CCC

Nicholas Tealer, District Enforcement Officer, CCC

	A	B	C	D	E	F	G
1	Prepared By Robert Hancock						ACTION LEGEND:
2	Dated: October 22, 2013						Green- MARRS to do
3	Potrero Canyon 50% Review Comments						Yellow-RRM to do
4	The following summarizes the comments on the 50% Grading Plans:						Gold- City (RH) to do
5							Blue-A repeat comment
6	No.	Sheet	Reviewer	Review Comment	Bureau of Engineering Response	RAP Concurrence / Comments	MARRS / RRM Comments
7	1	All	Citizen's Advisory Committee	A. Bridge: Add the pedestrian overcrossing at PCH at the mouth of the canyon. The first priority of the Community Advisory Committee was a "safe, direct and unimpeded access to the beach, canyon and village for walkers, runners and bicyclists, and to avoid interfering with the flow of traffic on PCH" and to "prevent further pedestrian deaths" on a 60 mph (normal speed) six lane highway. The Pacific Palisades Community Council also supported the "Construction of a walk bridge from the mouth of Potrero Canyon over PCH to beach parking in its May 27, 2004 resolution supporting the concept of a park in Potrero Canyon.	Disagree - The pedestrian bridge is not part of the exist Coastal Permit. The anticipated cost of the bridge is outside of the available funding. The bridge is considered to be an ancillary project that will be evaluated after the completion of the park and when funding is identified.		Overruled - no action required
8	2	All	Citizen's Advisory Committee	B. Turf, NOT Mulch at the "Meadow": Mowed lawn (turf) was what the Committee asked for at the Meadow (like the "Sheep Meadow" in Central Park). Mulch will just become a weed eyesore and a de facto dog run, not useable otherwise and not attractive to anyone. The turf Meadow is what the Pacific Palisades Community Council asked for in its 2004 conceptual approval: "Recreational Pads" - that is the U ring of space below the baseball fields from Patterson Place to the tennis courts. The Meadow was intended by the Committee to fulfill that community expression for useable passive recreation space. Much of that space has been given up already to the riparian area.	Agree - The turf can be extended as far as practical.		

	A	B	C	D	E	F	G
6	No.	Sheet	Reviewer	Review Comment	Bureau of Engineering Response	RAP Concurrence / Comments	MARRS / RRM Comments
9	3	All	Citizen's Advisory Committee	C. Public Access – Fencing, Gates and Access: I notice that there are approx. 12 private access gates on the West Rim of the Canyon and approx. 21 private access gates on the East Rim, for a total of 33 private access points. But there are no public access points on the West Rim at all and only the Frontera tennis court parking lot access point at the top of the East Rim. It's time to discuss a public access gate (or no fence at all) where the park abuts Friends Street. As drawn, the 6' chain link fence there goes up to the street curb, but with no gate. The two neighbors to the right on drawing L-1.4 have private access. You have drawn a trail up to a viewing spot with a bench right in that area, but you can't get to it from Friends Street. Just continue that trail from the bench up to Friends Street and to a gate there. We can discuss the details of when the gate is open and closed, such as keeping it open for daylight hours. Once the neighborhood sees the park completed, they will want to walk there without having to drive to the Rec Center and parking in the inadequate parking there (spilling out to Alma Real). The alternative to a gate along the West Rim is what we have now: a wrought iron low fence anyone can roll over and chain link fencing that is regularly breached by cutting holes in it or tearing it down.	Disagree - After a Community meeting the response was overwhelming that the local residents do not want public access to the park along friends street. At this time pedestrian access along friends street is not a part of the plans.		Overruled - no action required
10	4	Sheet C-1	Architectural Division	1. Signature block for cover sheet is different than all other sheets - BOE will provide a copy.	Agree - Architectural Division will provide an example.		BOE to provide
11	5	Sheet C-1	Architectural Division	2. Under project team, add: BOE Architectural Division, Jane Adrian, Landscape Architect I; Department of Recreation & Parks, Michael A. Shull, Assistant General Manager, RRM...etc.	Agree		We'll do
12	6	Sheet C-1	Architectural Division	3. General Notes: all notes need to be CAREFULLY coordinated to be consistent with or not in conflict with SSPWC standards, RAP standard GR's/GC's and all similar notes on RRM drawing set.	Agree		We'll do. BOE will provide RAP standard
13	7	Sheet C-1	Architectural Division	4. RAP has standard tree protection notes - BOE will provide you a copy.	Agree - Architectural Division will provide an example.		We'll get notes from RH
14	8	Sheet C-1	Architectural Division	5. Landscape sheet set not properly referenced in index.	Agree		We'll fix
15	9	Sheet C-1	Architectural Division	6. All titleblocks in project shall use RAP standard, which includes a Facility Number (720 for this site). BOE will provide a copy.	Agree		BOE will provide RAP standard. Facility # 720 will be added.
16	10	Sheet C-1	Architectural Division	7. Vicinity map needs to show larger region - show actual project area - color map will not reproduce well in BW.	Agree		We'll do
17	11	All C-sheets	Architectural Division	Titleblock: each sheet needs a unique title - such as "Details, sheet 1", etc.	Agree		We'll do
18	12	Sheet C-10	Geotechnical Division	1. Show fill key for slope below Earlham	Agree		RH to provide
19	13	Sheet C-10	Geotechnical Division	2. Show fill key for slope below Alma Real properties	Agree		RH to provide
20	14	Sheet C-10	Geotechnical Division	3. Add 3 foot high split rail or equivalent fence (approved by RAP) with appropriate signage around the riparian area	Agree		Compare cost for cable fence & equivalent

Street Photos



Hardscape/Fencing Photos



From: [Chris Spitz](#)
To: Amitay.Shahar@Coastal
Cc: [Jeffrey Spitz](#)
Subject: Re: Potrero Canyon Park matter (on CCC agenda 7/14)
Date: Tuesday, June 28, 2022 5:47:59 PM

Dear Shahar --

I'm sure you've been busy but I'm wondering if you could please forward the City's application for a CDP amendment at your earliest convenience.

If I need to make a more formal request, please let me know that as well.

Thank you so much.

Best regards,

Christina Spitz

From: Chris Spitz
Sent: Friday, June 24, 2022 5:41 PM
To: Amitay, Shahar@Coastal <shahar.amitay@coastal.ca.gov>
Cc: andrew.willis@coastal.ca.gov <andrew.willis@coastal.ca.gov>; Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>; steve.hudson@coastal.ca.gov <steve.hudson@coastal.ca.gov>; Tealer, Nicholas@Coastal <nicholas.tealer@coastal.ca.gov>; Jeffrey Spitz <jspitz@spitzlawgroup.com>
Subject: Potrero Canyon Park matter (on CCC agenda 7/14)

Dear Shahar:

We see that the City has posted the required notice on Friends St. (see attached).

We also see that this matter is now on the CCC's July meeting agenda (for 7/14).

I presume the required written notices of the hearing will eventually go out.

Would it be possible for you to forward to us a copy of the City's revised application in the meantime?

Thank you for your assistance.

Best regards,

Chris Spitz

From: [Chris Spitz](#)
To: Amitay_Shahar@Coastal
Cc: [Jeffrey Spitz](#)
Subject: Potrero Canyon Park/CDP amendment application no. 5-91-286-A13
Date: Wednesday, June 29, 2022 2:41:10 PM
Attachments: [Corr to CC 3.15.22.pdf](#)
[Attachment to Coastal Comm correspondence 3.15.22.pdf](#)

Dear Shahar:

Thank you again for providing the City's supplemental submission.

In reviewing the very brief document, we were surprised to see that there is no discussion of the reasons why the City believes the new pathway is essential or even beneficial to this project. We also note that there is no reference to the City having made any effort to determine if there is community support or interest in the proposed pathway (indeed, we have previously provided both to the City and to the CCC evidence of strong community opposition).

Further, the City has made no showing that it has done any analysis -- environmental, traffic or otherwise -- as to the impact the proposed development will have on coastal resources or public safety.

In our recent letter we highlighted the fact that the City designers were not the people who proposed the pathway in the first place, but rather a few individual community members. In this regard, and to provide you with additional context, we attach correspondence of March 15, 2022, which was previously submitted to the CCC but was not directed specifically to you. We think that you should be aware of this information as you prepare the staff report.

Once again, we very much appreciate your ongoing attention to this important matter.

Sincerely,

Christina Spitz
Jeffrey Spitz
Pacific Palisades

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Tuesday, July 5, 2022 12:20 PM
To: Amitay, Shahar@Coastal
Subject: FW: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

-----Original Message-----

From: Francesca Muller <famuller53@msn.com>
Sent: Friday, July 1, 2022 6:34 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

How will this entrance on Friends be managed when the park closes? It is my understanding there will not be a park employee to supervise the access to the park. Will there be a gate that is locked in the evenings? What will happen if a homeless encampment is started, are their provisions to prevent this? Is this park going to be managed on the honor system? I'm very concerned about the potential effect on our neighborhood and the quality of our community if there are not resources to manage this access, should it be approved.

I look forward to your response.

Thank you,
Francesca Muller
Widow of Wallace Leifer

Sent from my iPad

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Tuesday, July 5, 2022 12:07 PM
To: Amitay, Shahar@Coastal
Subject: FW: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

From: Hannah Spitz <hspitz1@icloud.com>
Sent: Monday, July 4, 2022 9:31 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

Dear Coastal Commission:

I grew up and lived on Friends St. in Pacific Palisades for almost 30 years, until December 2020. I currently live in Los Angeles but visit my family on Friends St. on a weekly basis. I am very familiar with Friends St., the West Rim neighborhood and Potrero Canyon.

I strongly oppose the proposal to place a public entrance and trail to the park in Potrero Canyon on Friends St. This is a quiet residential neighborhood with very limited means of ingress and egress and in a high fire zone where wildfires have often occurred. I believe that a public entrance and trail on Friends St. would present a serious public safety risk for residents.

I urge you to deny the application.

Sincerely,

Hannah A. Spitz

Sent from my iPhone

palisades preservation association

July 5, 2022

Californua Coastal Commission,
301 E. Ocean Blvd,
Suite 300,
Long Beach, CA, 90802

Th17a

Application No. 5-91-286-A13
(City of Los Angeles, Pacific Palisades)

Honorable Commissioners,

Our members voted unanimously to support the construction of the Friends Street Trail however, the members do not support the recommendation of the Staff to delete the requirement that parking be provided by the City at the access to the Friends Street Trail. The Staff recommendation to remove that condition is erroneously based on the premise that there is “ample street parking is available along the stretch of curb nearest the Friends Street Trailhead,”¹ Not only is that not true, it fails to recognize how popular the Friends Street Trail will be.

First, let us put this in context. Prior to the filling in of Potrero Canyon, residents in the Alphabet Streets and Huntington Palisades had to use either Chatauqua or Temescal Canyon to walk to the beach, both of which were not that convenient. Moreover, if beachgoers did not want to drive, it was a very long walk using Chatauqua or Temescal and during the summers, it was hard to find parking on Temescal because most of the parking on the street was taken up by visitors either going to the beach or to Upper Temescal Canyon.

So prior to Potrero Canyon being filled in, people (mostly teen agers) would use Potrero Canyon as a short cut to get to and from the beach. Often, they would stash their surf boards in the brush in the Canyon rather than carry them up and down the steep trail in and out of the canyon.

Now with the pedestrian and bicycle bridge to be constructed over PCH to the beach, the Potrero Canyon trail will be extremely popular for everyone living north and in the areas adjacent to the Rim to use the trail to get to and from the beach. And that includes many living on the Mesa west of Potrero Canyon.

¹ Staff Report p. 19

Application No. 5-91-286-A13

We have heard from a number of residents that the statement that there is ample parking available on Friends Street is untrue and our own observations confirm that. Available street parking on Friends Street cannot begin to support the amount of use of the Friends Street Trail. It will mean that users of the Trail will be parking in the adjacent neighborhoods. That is an adverse impact that the City should be required to mitigate. But the City made it that much more difficult to mitigate because the City sold off the lots where parking could have been provided. Nevertheless, the City should be required to install at least a 20 space parking area near the trailhead.

The Opposition

From the beginning, there has been strong opposition from the residents on west side of the Canyon to having a trail connecting the west side of the Canyon to the main trail, even though it also provided them with access. The principle fear has always been that homeless persons (homeless persons are known to use the Canyon) will use the Trail to gain access to and from their neighborhoods. Because of that, their opposition to the construction of the Trail has been ferocious, especially from Chris Spitz.

While some have called the opposition the work of a bunch of NIMBYs, we share and understand their concerns and hope that the use of a time locking gate will mitigate the problem. Nevertheless, we believe that the public benefit that the Friends Street Trail will provide to the public far outweigh the potential problems that homeless intrusion into the adjacent neighborhood. We believe the best way to approach this problem is for the City provide shelter and mental health services for any homeless person who populate the Canyon and its nearby environments.

Therefore, we urge the Commission approve the Staff Report but require the City to provide a parking lot of at least 20 spaces at or close to the Trailhead.

Respectfully,



JACK ALLEN,
President



MARIA FOREMAN,
Secretary

Agenda No. Th17a
Application No. 5-91-286-A13
David Card
IN FAVOR of the permit amendment

David M. Card

landscape designer, davidcard22@gmail.com

July 7, 2022

Board of Commissioners, California Coastal Commission
c/o Shahar Amitay, Coastal Program Analyst, CCC
shahar.amitay@coastal.ca.gov

Re: George Wolfberg Park at Potrero Canyon (Park), Application by the City of Los Angeles to amend the Coastal Development Permit, hearing before the Board of Commissioners on July 14, 2022. IN FAVOR.

Dear Honorable Commissioners:

Our new Park in Pacific Palisades has been named by the L.A. City Board of Commissioners, Dept. of Recreation and Parks, after George Wolfberg. As Chair of the Potrero Canyon Community Advisory Committee appointed by the City of Los Angeles, George led the community outreach starting in 2005 and helped build the consensus on its design. From that beginning and until his death in 2020, George believed in the necessity of an access gate and trail from Friends Street (on the canyon rim near the mouth of the canyon) into the Park, for the benefit of the thousands of nearby residents living on that coastal mesa.

Where the Park fronts that block of Friends Street, about 525 feet long, people have long had access. I rode my newspaper route along that Friends St. rim in 1957-8, where there were big stretches of vacant open access to the canyon. When the construction chain link fence went up for the filling and grading of the canyon decades ago, neighbors and other Palisadians showed their desire to enter

the canyon there by pushing the fence down or cutting it open. That has been going on ever since. There has always been access on Friends Street.

The Park is one mile long, from the L.A. City Recreation Center to PCH. The easiest way for the west rim residents to access the Park is to walk in at Friends Street. Otherwise, they would drive their car to the Rec Center, the business district, or the Huntington Palisades neighborhood on the east rim. Parking is overflowing at that north end of the canyon. Residents on the east rim and patrons of the Rec Center complain about the parking, even with the added spaces created by this Park project.

People want to explore the canyon, hike, bike and walk their dogs, and they also want to go to the beach. The Park trails now end at the mouth of the canyon at the CalTrans right of way on the north side (bluff side) of PCH. With the help of Senator Ben Allen and Assemblymember Richard Bloom, there is \$11 million in the State budget for a pedestrian overcrossing to continue the Park trail safely over PCH to the beach and bike path at Will Rogers State Beach.

City Councilmember Mike Bonin has applied for a Community Project grant from Congressman Ted Lieu for a lateral trail connecting Potrero and Temescal Canyon Parks, for another safe crossing at the signal at PCH/Temescal. The Park will become a regional park with all of these trails connecting, including the Friends St. trail. The Park will be connected to Will Rogers State Beach, Temescal Canyon Park (L.A. City), and Temescal Gateway Park, which leads to Topanga State Park and the National Recreation Area of the Santa Monica Mountains. The CCC staff report is right to encourage CalTrans to agree to the lateral trail through the State's PCH right of way as soon as possible.

The Friends Street access gate and trail make the Park much safer. Both my professors at landscape architecture school and our local Senior Lead Officer, LAPD, have taught us that more eyes and ears make a place safer. The more access points and trails, the safer the park users and nearby residents will be, because more people will be enjoying the park.

First responders will have access via the fire road at each end of the canyon (the Rec Center gate and the gate at the mouth of the canyon), and on foot at the Friends Street gate and trail. Park users near the mouth of the canyon will be able to seek nearby help and escape using the Friends Street trail and gate.

The Friends Street residents wanted a 6' fence, and they got it. They also wanted the park closed at night, and they got a Friends Street gate with a Trilogy lock that locks between sundown and sunup. They wanted stabilized slopes and a beautiful new park in their neighborhood, and they got it.

This is a public park, built with about \$40million of taxpayer money. The Park is for everyone, not just the people who live in homes on Friends Street overlooking the Park. A handful of nearby residents want to shut their neighbors out of this public park, while they enjoy the views from their rim homes or through the 525 feet of chain link fence where the Park comes right up to Friends Street.

The L.A. City Recreation & Parks Department's Strategic Plan Goal No. 1 is to provide safe accessible parks, so that every Angeleno has walkable access to a park in their neighborhood, within a ½ mile of their home. The Friends Street trail provides that close access to all of the residents of the coastal mesa west of the Park.

The Friends Street trail is almost completed. Stoppage of work is costing time and money, which is in short supply. The proceeds of the sale of city lots and homes on the Potrero Canyon rims will be all used up completing this project.

This project has been ongoing for about 50 years. Let's finish George Wolfberg Park at Potrero Canyon, with the Friends Street trail, the pedestrian bridge over PCH, and the Lateral Trail to Temescal Canyon Park, so we can all have easy access to and from the beach.

With hope for the Park's opening this fall,

David M. Card,

Landscape designer.

Very long-time resident of Pacific Palisades (1957-67; 1978-present).

Vice Chair, Potrero Canyon Community Advisory Committee.

Chair Emeritus, Pacific Palisades Community Council (in my individual capacity, not speaking on behalf of PPCC).

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Subject: FW: public comment on July 2022 agenda item Thursday 17a - application no. 5-91-286-A13 (city of LA Pacific Palisades)
Date: Thursday, July 7, 2022 5:55:26 PM
Attachments: [Dear Coastal Commission \(v2\).docx](#)

From: Kathy Magliato <kmagliato@gmail.com>
Sent: Thursday, July 7, 2022 5:04 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Cc: Karen Ridgley <Karenridgley4PPCC@gmail.com>; Lee anne Sanderson <leeannesanderson@gmail.com>; Navid Khodayari <navidkhodayari@gmail.com>; JANE HILTON <janehiltondesign@yahoo.com>; Harriet Glaser <happyglase@gmail.com>; Denise & Michael Doyen <doyenhouse@earthlink.net>; Magliato, Kathy <kmagliato@gmail.com>; Chris Spitz <ppfriends3@hotmail.com>
Subject: public comment on July 2022 agenda item Thursday 17a - application no. 5-91-286-A13 (city of LA Pacific Palisades)

Dear Coastal Commission:

I am a 16-year resident of El Medio Bluffs, Pacific Palisades on Asilomar Blvd., directly across the street from the Asilomar View Park (Asilomar Park). El Medio Bluffs and Asilomar Park are situated on the bluff above PCH and Temescal Canyon Rd. El Medio Bluffs is a neighborhood of 780 R1 homes. Asilomar Park is a narrow neighborhood park along the bluff and contiguous with the El Medio Bluffs community. El Medio Bluffs and Asilomar Park are located to the west of Temescal Canyon Road and are geographically identical to the bluffs neighborhood to the east (Via de las Olas and Friends St./west rim of Potrero Canyon).

I oppose the proposal to place a public entrance on Friends St. to the park in Potrero Canyon.

There is no need for this entrance because there will be sufficient access to the park via an entrance at the Palisades Recreation Center. More importantly, based on my experience, I believe that an entrance on Friends St. would pose a significant safety risk for residents of Friends St. and the surrounding west rim neighborhoods.

Asilomar Park is operated by the Los Angeles City Dept. of Recreation and Parks (RAP). For many years, Asilomar Park has been frequented by individuals who drive

to the park at night, park on the street in front of homes, ignore rules and parking restrictions posted on signage, and engage in high risk and illegal activities involving smoking in a very high fire risk zone, drugs, fireworks, vandalism and disturbing the peace. These activities are not only a nuisance but also pose a serious public safety risk for nearby residents. Unfortunately, enforcement efforts against these activities have been minimal or sporadic and the City/RAP provides no security, despite years of residents' complaints, police reports and requests for protection.

The Via de las Olas neighborhood, east of Temescal Canyon Rd., also has a neighborhood park. It is named Via de las Olas Bluffs View Park (Via Park) and is situated similarly on the bluffs above PCH and directly across the street from homes. Via Park is adjacent to Potrero Canyon; Friends St. (on the Canyon rim) merges with Via de las Olas. Via Park to my knowledge is also operated by RAP; I understand that RAP will also operate the future park in Potrero Canyon.

No RAP Park Rangers are assigned to Asilomar Park nor to my knowledge, to Via Park. I understand that the same types of prohibited activities that occur at Asilomar Park also occur at Via Park. Based on experience, I believe they are also likely to occur on Friends St. if a park entrance were placed there, posing a similar public safety risk for residents.

I urge you to deny the City's application for permission to construct a public park entrance on Friends St.

Sincerely,

Dr. Kathy E Magliato MD, MBA, FACS

kmagliato@gmail.com, 310-291-7128

El Medio Bluffs neighborhood

Pacific Palisades

--

Kathy E. Magliato, MD, MBA, FACS

Cardiothoracic Surgeon

St. John's Health Center, Santa Monica, CA

Founder, CEO, CMO Cordex Systems Inc

President, American Heart Association Western States Regional Board

Past President of the Board, American Heart Association,
Greater Los Angeles Division

Cell 310-291-7128

NY Times Bestselling Author of *HEART MATTERS: A Memoir of a Female Heart Surgeon*

Co-Executive Producer of NBC's *HEARTBEAT*

Co-Executive Producer of TNT's *PROOF*

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Subject: FW: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)
Date: Thursday, July 7, 2022 8:59:51 PM
Attachments: [Friends access A CCC 7 6 2022.pdf](#)
[Friends access B ccc 7 7 2022.pdf](#)
[Friends access E CCC 7 7 2022.pdf](#)

From: Sunset Blvd <william.moran@yahoo.com>
Sent: Thursday, July 7, 2022 6:58 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Cc: William Moran <william.moran@yahoo.com>; Ines Boechat <miboechat@gmail.com>; Chris Spitz <ppfriends3@hotmail.com>
Subject: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

July 7, 2022

California Coastal Commission

Commissioners:

I am a resident of Via de Las Olas, located about one block from the proposed Friends Street entrance/gate to Potrero Canyon Park. I am a signatory of the letter dated July 8, 2022 which has been sent in by Jeffrey/Chris Spitz, signed by 50+ residents of the neighborhood and I agree with all of its contents.

There are two additional points I wish to present. First is that in 2006 when an access walkway to Potrero Canyon from Friends was proposed, the neighbors circulated a petition in opposition to that proposal. Petitions with approximately 400 signatures from residents of the Via Mesa area (Sunset/Pacific Coast Hwy/Temescal Cyn/Potrero Cyn) were presented to the Potrero Canyon Citizen's Advisory Committee in opposition to the proposed access/walkway. Secondly the Via Mesa area has one pre-school and four elementary schools located between Sunset Blvd and the proposed Friends access gate. (One elementary school, Seven Arrows, actually has two separate locations - four blocks apart - therefore a total of six physical locations.) Twice a day (Mon-Friday) Via de la Paz, Swarthmore, La Cruz and Alma Real are significantly impacted by the vehicular traffic to/from the schools. The safety of these small people and their parents crossing intersections will be affected by the additional traffic of Park attendees if the proposed Friends gate becomes an official City sanctioned access point.

In 2006 public hearings were conducted and the neighborhood residents were overwhelmingly in opposition to a Friends access gate. Attached is a petition with 92 signatures of residents of the neighborhood, at that time, in opposition to a public access to Potrero Canyon Park via Friends. These are copies of the petitions that I found in my personal files. There are approximately 300 additional signatories to the petition. I am requesting that, at the very least, the Coastal Commission withdraw permission for the Potrero Canyon landscaping to proceed and halt completion of the opening of the Potrero Canyon Park for a 90 day period from the

date of your July meeting date. During that time I will locate the other 300 signatories of the petition, or if they cannot be located, I will circulate a new petition and get hundreds of current residents to sign.

The only reason more people are not currently expressing opposition to the proposed Friends gate access is that they are unaware of what is currently taking place. They were assured that this issue was resolved in the negative in 2006 and that any Friends access proposal in the future would need "widespread neighborhood approval" before proceeding. No public hearings have taken place on this topic since 2006 -- the current incorrect, unapproved plan to install a Friends access gate has been spearheaded and supported by only a handful of people -- none of whom have the authority to create a Friends access. Also I am not aware that any of the persons currently attempting to push this through Los Angeles City agencies even live in the affected Via Mesa area. Via Mesa residents have to receive a notification, via U S Mail, that a hearing will take place -- then those hearings need to actually happen. Proceeding with the proposed Friends access gate/path, at this time, is contrary to many City of Los Angeles procedures and laws as well as the state of California Coastal Commission procedures and laws.

The five schools in the Via Mesa sub section of Pacific Palisades are: Methodist Pre-School, Palisades Elementary School (both on Via de la Paz), Village School (Swarthmore), Seven Arrows (La Cruz and Haverford), and Corpus Christi (Alma Real/Toyopa). I am confident that each of these schools has a maximum of students that they can enroll, due primarily to traffic/parking considerations. City of Los Angeles will not allow any additional vehicular traffic into the neighborhood due to additional students, and yet the proposed Potrero Canyon Park could possibly bring many hundreds of additional vehicles into the area to access the proposed Friends entrance/gate. I haven't had an opportunity to contact the Heads of Schools, however when I do so a couple of them may have heart attacks when they hear of the proposed Friends access. Probably 98% of the hundreds of parents whose children attend those schools will sign a petition in opposition to the Friends access. The Via Mesa area has about 650 single family homes and if each of those averaged 1.5 vehicles that equals 975 vehicles, plus all the five school's vehicles, plus all the vehicles accessing the commercial businesses in the area -- all of which total an already overloaded traffic situation. An EIR must be conducted to ascertain the impact to the residential community if public access is granted to Potrero Canyon Park via Friends St. The City of Los Angeles has 3,000,000 residents and Los Angeles county has 10,000,000 residents. If a Friends access is authorized, there will be an unknown number of Park goers who will use the four arteries from Sunset to Friends. What if there are 75 vehicles per day. What if there are 475 vehicles per day. There could be huge traffic congestion in the area -- much worse than already exists.

Concerning the streets from Sunset Blvd./Temescal Blvd to Friends: There are only four streets that run East/West to Friends from Sunset. They are: Radcliff, Swarthmore, Lombard and Via de La Paz. Via de La Paz is the only one with sufficient width to accommodate significant traffic safely. If one takes Via de La Paz West, it dead-ends at Via de Las Olas (due to 1950's landslide). Therefore one needs to turn left onto Friends. Friends then has two blocks where parking is allowed on both sides of the street and if there are cars parked across from each other, only one vehicle can use the street (not one each way, one total). Cars have to wait at the end of the block for an oncoming vehicle before they can proceed. Same thing occurs if coming from Lombard, Lombard is 24 feet wide and with cars parked on both sides it is a one car at a time usable street. These are the ONLY two legal ways to access the proposed Friends access gate. Via de Las Olas has been "Withdrawn from Public Use" since

the 1950's due to the landslide that bifurcated Via de Las Olas and necessitated Via de La Paz becoming a dead-end street. Via de Las Olas is currently not legally usable by the public to gain access to/from Friends. All entrances to Via de Las Olas are either completely blocked or have fences (and signs) that limit the access to one vehicle at a time and it is only legally usable by the residents of Via de Las Olas. The proposed Friends access to Potrero Canyon Park is therefore legally only accessible by two streets that already, currently, have only one vehicle width of space to accommodate two way traffic. The block of the proposed Friends access is essentially a cul-du-sac. At the intersection of Friends and Lombard it is posted with a traffic sign: "NO THROUGH TRAFFIC". -- as is Lombard going West. Vehicles entering Friends at that intersection traveling West end up at a place where further travel is blocked by three steel posts filled with concrete, thereby blocking the entire lane. At this point the street becomes Via de Las Olas. To continue, a driver needs to illegally cross into the opposing lane (which is not blocked by steel posts) and go around the posts in their lane. In doing so, the person has committed two illegal procedures. Entering a street that has been purposefully blocked and entering a street that has been withdrawn from public use. To proceed lawfully, a driver must turn around either in the middle of Friends Street or use a driveway of a resident and return the direction that they entered.

Not a single off-street parking space exists at the proposed Potrero Canyon Park Friends access.

In summary, the volume and flow of traffic has not been considered; which is why a complete EIR , with emphasis on the potentially serious traffic congestion, needs to be conducted prior to any additional work being done on the proposed Friends access. The proposed Friends access gate/trail/walls/kiosk should be removed completely now and if ever approved in the future would then need to be reconstructed.

Many of the Coastal Commission rules and regulations have been ignored and the current proponents of the Friends access, including the City of Los Angeles are circumventing the will of the neighbors without due process.

Please either require an EIR to be conducted, or at the very least require a stay of construction in Potrero Canyon Park for 90 days, during which time I will provide to the Commission significant written opposition to the Friends access. My petition signatures from the Via Mesa area residents in opposition to the Friends access will be a multiple of any signatures received in favor of it. Please give me three months to substantiate my claims to significant neighborhood opposition. The Potrero Canyon Park project is now 30 years old and another 3 months will not represent a significant additional time period in which to do it correctly.

Attached as a file are copies of signed Petitions (10 pages) from 2006. A second attachment is a file with 22 pages of emails, Notes from the Potrero Canyon Community Advisory Committee Meetings of 4/19/2006 and 5/17/2006 and an article from the Palisades Post dated 4/27/2006.

I have pictures of all the signs and streets I referred to in this email. I will try to put together a second email with those pictures as well as a map of Via Mesa area depicting the traffic flow to/from the proposed Friends St access.

We are requesting your assistance for due process of the proposed Friends access to Potrero Canyon Park. Please do not allow the proponents of the Friends access to deny us an

opportunity to be heard.

Thank you for your time and consideration,

Sincerely,

William Moran
310-717-5474

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Subject: FW: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)
Date: Thursday, July 7, 2022 4:02:48 PM

From: bcaloha@aol.com <bcaloha@aol.com>
Sent: Thursday, July 7, 2022 3:25 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

All,

Thank you for taking the time to read my comments. I have been a Friends Street resident for 14 years and have been following the development of the park closely, as my house is on the canyon directly next to where the landslide was in the '50s. When the Potrero Canyon Task Force last met in 2008, they determined that there was not public support for a Friends Street entrance. There has been no contact from the City to reach out to residents who will be directly affected by this entrance, since we were told in 2013 that there would not be an entrance on our quiet street.

There was never an Environmental Impact study done for this entrance, yet there were studies done for the other two entrances that have been approved (PCH and Palisades Park). There has also never been a traffic study done for the Friends Street entrance, yet there were traffic studies done for the two approved entrances. I believe those entrances were approved because these studies were done and there would only be a minimal impact on residents. This entrance will have a major impact on all the residents living on Swarthmore, Friends, Lombard, and Via De Las Olas. Please do not consider approving this entrance until those two studies have been completed and evaluated.

The Friends Street bluff is an unstable hillside, which was the exact spot of the 1950s landslide (see photo). The City did not have permits to cut a road in the unstable hillside, to install retaining walls (that are more than double the height of the 10" they are calling the curb), to drill and install 5.6' metal posts and an underground irrigation system (only above ground was allowed in the Coastal permit). I alerted Pedro Garcia and Mike Bonin's office in 2020 to let them know that this entrance was not permitted and they continued to give me false information, claiming this was permitted and continued construction, knowing this was illegal. We finally alerted the Coastal Commission who ordered them to stop construction until they received permission. This has been an extremely frustrating process for residents who have been lied to and ignored for years.

Friends Street is a narrow Street, and only one vehicle can pass at a time leading to the Friends Street entrance (see photo). Friends Street is not a through street (see photo of signs posted). Please see photos of the dangerous posts in the middle of the street yards away from the proposed entrance, which could be hit if park-goers didn't know they were there. You can also get to the proposed entrance via Swarthmore, which is also a one lane road, and not a through street (see photo), and you must drive on Via De Las Olas, which is closed to public use due to a landslide that killed a Cal Trans worker. There are fences with a small opening for one car to enter or exit (see photo of fenced opening). Since Friends Street is not a through street, the only way to turn around is in residents' driveways, which would be from sunrise to sunset every day. This will negatively impact residents and their families, some who have bedrooms on the street. This entrance is just feet away from residents' homes.

There is no security, supervision or restrooms at this proposed entrance. There will be no one monitoring who goes in or out or if people leave the park at Sunset. It only makes sense to have entrances at the two

approved entrances: Palisades Park and at PCH.

I beg you to listen to the residents and deny the City the permit for this entrance that has not been studied. If you do not immediately abandon this idea, please do the proper studies to determine the environmental impact it will have on the unstable bluff. As you are aware, the City is now asking for millions more than the landscape contract for unforeseen circumstances. Would you want to have to pay millions more if there was a negative impact because the City did not do proper studies on this entrance where there has already been a landslide? The only environmental study done on this area was for grading, not for a road, retaining walls, high posts and heavy foot traffic. What happens during the next heavy rain? Let's pray no one else gets injured or killed.

Thank you for your time. Best,

Brooke Klein
Friends Street Resident

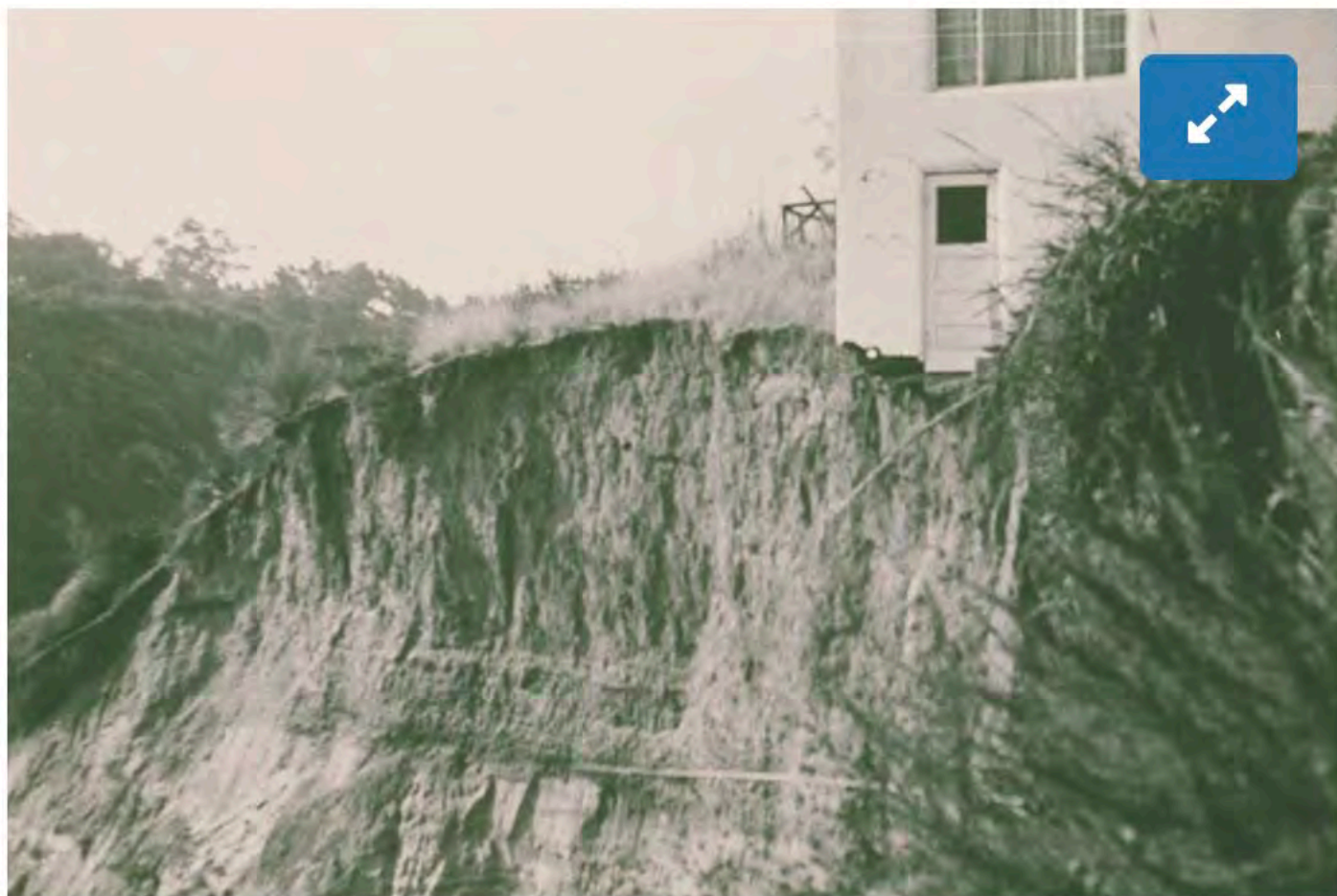




NOT A
THROUGH
STREET



Potrero Canyon landslide at Friend Street, Pacific Palisades, Calif.



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Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Thursday, July 7, 2022 5:55 PM
To: Amitay, Shahar@Coastal
Subject: FW: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

From: Ines Boechat <miboechat@gmail.com>
Sent: Thursday, July 7, 2022 5:23 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

Honorable Commissioners:

My husband, Vicente Gilsanz, and I, M. Ines Boechat, are residents and homeowners of the properties located at 15231 and 15237 Vía De Las Olas in Pacific Palisades. We are co-signers of the letter sent to you on behalf of the 60 residents/homeowners of the West Rim Neighborhood, regarding the Potrero Canyon FriendsStreet entrance and would like to bring to your attention issues from our perspective.

Via de las Olas is a street long withdrawn from public use, located in an area of extraordinary high geologic and fire hazard. The street is blocked to through traffic, as indicated by postage placed in the streets that give access to it. We have lived here since 1983 and have witnessed serious landslides, which required expensive city repair and stabilization, brush fires, homeless encampments at the base of the bluffs and increased traffic, despite signaling advising against it.

Since Friends Street ends at Via de las Olas, we are afraid the proposed entrance to the park will bring further traffic, increasing the risk of added damage to a geologically fragile area. In 2006, when the Potrero Canyon Park project proposal was circulated in the neighborhood, we were part of a group of residents who collected more than 500 signatures against a Friends Street entrance. We were told by city officers that it would not be created unless there was agreement with the neighbors. So it came as a surprise when we were told the Friends St. entrance was going to be a reality.

We would be most grateful if the plans to add a Potrero Canyon Park entrance at Friends Street would be stopped in order to protect this neighborhood from further irreparable damage.

Respectfully,

Vicente Gilsanz, MD

Maria Ines Boechat, MD.

60 Residents/Homeowners of the West Rim Neighborhood
Friends St., Lombard Ave., Swarthmore Ave.,
Via de las Olas, DePauw St., Earlham Ave. and Via de la Paz
(streets adjacent to or near Potrero Canyon in Pacific Palisades, CA)¹

July 8, 2022

California Coastal Commission
Via email to: southcoast@coastal.ca.gov

Re: George Wolfberg Park at Potrero Canyon (Park): Comment on CDP Amendment Application No. 5-91-286-A13 (Item 17a on the CCC's 7/14/22 Meeting Agenda) (the Application) -- OPPOSE approval of Friends St. public entrance/trail and related fencing/kiosk structures

Honorable Commissioners:

We are 60 residents and/or homeowners of the West Rim neighborhood of Pacific Palisades, located adjacent to or near the Park. Each of us lives in or owns homes on West Rim streets, as indicated above.

On February 10, 2022, many of us submitted a letter expressing our concerns with and opposition to the City's plans to open a public entrance and trail on Friends St. (the Friends St. Trail) and to close the south/PCH entrance to the Park. We reiterate the concerns and points made in the February 10th letter, which has also been submitted for comment on this matter.²

We strongly oppose the Staff Report's recommendation to approve, as proposed, the Friends St. Trail and related fencing and signage kiosk (the Related Structures).

At the outset, we note that this Application presents a highly unusual request: to create a **street-front, prominent public entrance to a regional park in a residential neighborhood of "extraordinary" high geologic and fire hazard (without amenities or services and with restricted means of ingress & egress), mere feet from homes.**³ In light of these circumstances, it is particularly appropriate that the City be held to an exacting standard: the CCC should require the City to strictly comply with all applicable rules, regulations and guidelines.⁴ As detailed below, it is clear that the Application falls far short of these standards and therefore must be denied.

We emphasize the following key facts and concerns:

1. The Friends St. Trail Provides No Coastal Access.

As recognized in the Staff Report, the *sine qua non* for the Park and the rationale for the Friends St. Trail is to

¹ Signatories' names and the streets where they live and/or own homes are listed on p. 7 below. For convenience, this letter is transmitted on behalf of the signatories by West Rim resident Jeffrey Spitz, jspitz@spitzlawgroup.com.

² We also reiterate the concerns and points made in the following letters submitted by residents Jeffrey & Christina Spitz, which we fully support: January 27, February 8, February 14, March 15, April 5, April 15, June 14, June 17, June 21 and June 27, 2022.

³ We are unaware of any similar such entrance on a residential street in the surrounding areas of Los Angeles.

⁴ Given that the City has demonstrated a consistent refusal to abide by the terms of the controlling CDP – e.g., by commencing construction of the Friends St. Trail before even requesting the required amendment and by failing for years to file required annual reports or to commence construction of the required lateral trail to Temescal Canyon Road – it is particularly important for the CCC to hold the City to strict compliance going forward.

provide “maximum coastal access” for the public.⁵ Yet, under the current Park plans, the Friends St. Trail provides ***no coastal access whatsoever***.

There is no access to the coast from Friends St. itself. The most recent Park plans (not yet approved by the CCC) provide for a *closed* south/PCH entrance/exit (the only Park entrance/exit that would otherwise lead to coastal access), *i.e.*, the main trail through the canyon itself does not provide coastal access. The lateral trail to Temescal Canyon Road (required for coastal access) has not been constructed; it is unknown if or when such a trail will ever be completed; and the proposed pedestrian bridge is years away from approval and construction, let alone completion (according to Exhibit 6 to the Staff Report, the April 1, 2022 letter from the City, the bridge project will not be completed until 2025-26). Indeed, CCC staff recognizes the current status by requiring applicable Park signage to read: “Future Coastal Access.”

Simply put, the entire premise for the Friends St. Trail is false and does not withstand even simple scrutiny. Under the circumstances, the Friends St. Trail should not be allowed and the Application should be denied. At a minimum, the CCC should impose an additional condition that the Friends St. Trail not be opened to the public **unless and until coastal access is provided** through an open south/PCH entrance/exit connecting either to the completed lateral trail to Temescal Canyon Road (as required by the controlling CDP) or to the bridge over PCH.

2. Public Safety Considerations Require Evaluation of Impacts of the Friends St. Trail.

As an initial matter, Section 30214 of the Coastal Act requires that, in considering the Application, the CCC consider the rights of the local residents and balance those rights in a reasonable and equitable manner, along with the general public right of access to the coast. As noted below, the Friends St. Trail is not essential for coastal access through the Park; that access is provided by the entrance at the top of the canyon (the Recreation Center) where the public can also access resources, including parking and restrooms.

Section 30214 also sets forth a list of factors which the CCC must consider in balancing the equities of local residents and the public right of coastal access. Unfortunately, the Staff Report does not reflect an adequate consideration of many of these factors, including topographic and geologic characteristics, the fragility of the natural resource and the proximity of the Friends St. Trail to residences (indeed, the entrance is proposed to be located in the middle of a residential neighborhood).

There has been only one environmental study of the entire Potrero Canyon project, conducted 37 years ago in 1985 (the 1985 EIR). That study was of the *grading phase (Phase II) only, not of the design/landscaping phase (Phase III)*;⁶ the 1985 EIR did not reference anything about a Friends St. Trail, let alone study the impacts of such a trail – not surprising, since the Trail was not even contemplated in 1985, was not in the plans approved by the CCC in 2016, and was not inserted into the plans until 2020 (plans which have only recently been submitted to the CCC and have not yet been approved).

⁵ In the words of a City engineer in 2020, the Friends St. Trail otherwise serves “no purpose at all” (see the Spitz’s March 15, 2022 letter). We also note that under Section 30210 of the Coastal Act, “maximum access” is to be provided “**consistent with public safety needs**” [emphasis added]; see also Sec. 30212 of the Act. As we demonstrate in section 2 below, an environmental analysis must take place in order to determine the extent of impacts on public safety and whether approval of the Friends St. Trail would be consistent with protection of the public safety of the entire West Rim neighborhood.

⁶ See the Spitz’s letter of February 8, 2022, footnote 3 on p. 2 (1985 EIR Supervisor’s explanation at a public meeting of the Potrero Canyon Community Advisory Committee (PPCAC; now inactive)); see also PCCAC final report dated 2008 (Report), attached to the February 8 letter, *calling for environmental evaluation (specifically including traffic and parking studies) of the design plan’s impact upon adjacent neighborhoods* (Report Preamble, p. 1, and Background Summary, pp. 2-3). The Report was principally authored by former PCCAC Chair George Wolfberg, for whom the Park is named. It would indeed be ironic if, in construction of a Park in his honor, the wishes of Mr. Wolfberg and the PCCAC members, and by extension the *community’s wishes*, as expressed in the Report, were ignored by an approval of the Application without proper environmental analysis.

In fact, there has **never been a study, analysis or evaluation of any kind with respect to the impacts on public safety of the Friends St. Trail – impacts which, without question, may be considerable.**

In *Friends, Artists & Neighbors of Elkhorn Slough v. California Coastal Com.* (2021) 72 Cal. App. 5th 666, the Court of Appeal explained: “Generally, ‘[w]henver a project may have a significant and adverse physical effect on the environment, an EIR must be prepared and certified.’” *Id.* at 698, quoting from *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal. 4th 105 (“[e]nvironmental review must be completed before project approval.” 16 Cal. 4th at 113). Here, under the California Supreme Court authority of *Mountain Lion*, the only way the Application can be approved without an environmental evaluation is if “it can be seen with certainty” that the Friends Street Trail “will not have a significant effect on the environment” *Id.* “A ‘[s]ignificant effect on the environment’ is a substantial or potentially substantial, adverse change in the environment [citations].” *Mountain Lion, supra*, at 113.⁷

The Staff Report in this matter utterly fails to serve as an adequate substitute for an EIR. It contains no information about the environmental impacts of the Friends St. Trail, and merely states in conclusory fashion that the Coastal Act’s policies have been complied with and that there are no feasible alternatives or mitigation measures (without the checklist or other detailed documentation required by CCR Sec. 15252 and under *Elkhorn, supra*).⁸ At a minimum, it is clear that the following *known conditions* and potentially significant effects on the environment were never examined or even considered:

- The means of ingress & egress at this location are extremely limited (Friends St. is a posted Not-a-Through-Street at the location, as are other nearby West Rim neighborhood streets leading from/to Friends St. (Lombard Ave. and Swarthmore Ave.); Via de las Olas at the south end of Friends is blocked to through traffic; restricted traffic only is allowed on Via de las Olas due to significant landslide activity in the bluff area; streets at critical intersections leading to and from the site are narrow and winding, with only *single-car passage* feasible when vehicles are parked on both sides of streets).⁹
- The Park has often been described publicly as a “regional” park, which thousands of visitors are expected to visit when the Park opens (Will Rogers State Beach, located at the mouth of the canyon, was rated in a 2021 LA Times survey as the most popular family beach attraction in the Los Angeles area and annually attracts millions of visitors).
- Traffic congestion and impeded emergency evacuation in West Rim neighborhoods are likely to occur as a result – putting public safety at risk.

⁷ See also California Code of Regulations (CCR) Guidelines for Implementation of CEQA, Section 15061(3) (activity not subject to CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment”). Moreover, although the CCC (as an agency operating pursuant to a certified regulatory program) “is not required to prepare an EIR document, the agency is still required ‘to comply with all of CEQA’s other requirements.’” *Elkhorn, supra*, at 694, quoting from *Mountain Lion, supra*. In *Elkhorn*, the Court found that permit approval must be preceded by preparation of a written report serving as a substitute for an EIR, and that the report must contain **detailed information about the project’s environmental impacts, alternatives, mitigation measures, conditions of approval and other information required to inform the Commission’s decision.** See also CCR Guidelines, Sec. 15252 (“Substitute Document”) (statement that the agency’s review of the project showed no potentially significant effects on the environment “shall be supported by a **checklist or other documentation to show the possible effects** that the agency examined in reaching this conclusion” [emphasis added]).

⁸ Of course, if there were no feasible alternatives or mitigation measures, that would not mean that the Friends St. Trail must be approved. As noted, in the current Park iteration the Friends St. Trail *does not provide any coastal access*; but even if coastal access becomes available through the Park, the Friend St. Trail cannot be approved if such approval is **inconsistent with public safety** (Coastal Act, Sec. 30210). In that event, *there would in fact be feasible alternatives for access to the coast*: via the entrance at the Palisades Recreation center, connecting to the main road through the canyon to the south/PCH entrance, which in turn would lead to coastal access.

⁹ See photos attached to the Spitz’s letter of June 27, 2022.

- Street parking is limited and there are no public facilities (parking lot, restrooms and the like) located on or near Friends St. or in the Park at the location of the Friends St. Trail.
- Due to the street's configuration, visitors who wish to park on Friends St. must often make 3 point turns, using residents' driveways, in order to maneuver into parking spaces and/or to exit the street.
- The area is acknowledged to be one of "extraordinary" hazard (per the controlling CDP), with ongoing serious issues of geologic instability in bluff areas (including dangerous slides and extensive damage from rainstorms which occurred as recently as January 2022 in bluff areas of Via de las Olas and Potrero Canyon, near the mouth of the canyon and Friends St.).
- The area is entirely within the designated Very High Fire Hazard Severity Zone.
- Wildfires have occurred with some frequency over the past several decades in the bluff areas of Potrero Canyon and Via de las Olas, often caused by illegal, unsafe campfires set by homeless individuals.
- Homeless individuals frequently camp illegally in the canyons and bluff areas and are increasing in numbers (per the respected Pacific Palisades Task Force on Homelessness).
- City officials have publicly stated that there will be *no park rangers assigned to the Park*.
- For many years, individuals have been drawn to Palisades bluff park areas during nighttime hours (the adjacent Via de las Olas Bluffs View Park and the nearby Asilomar Bluffs View Park – both operated by the City Dept. of Recreation & Parks/RAP) to engage in prohibited activities involving drugs, fireworks, firearms, vandalism, disturbing the peace, etc., near residences located a few feet away. Enforcement against these illegal activities has been sporadic at best and no security is provided by the City/RAP.

Each of these known and *certain* conditions will likely be exacerbated by the addition of the Friends St. Trail, putting public safety at risk. We further note: Sec. 30253 of the Coastal Act expressly mandates that new development *shall*:

"(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

"(b) 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."

Implementation of the Friends St. Trail will have a direct, significant and foreseeable negative impact on public safety, not only on Friends St. but on neighboring West Rim streets in this area of "extraordinary" (according to the CDP) "high geologic . . . and fire hazard." At a minimum, adequate studies of these impacts (which were called for by the PCCAC in 2008 but have never been conducted) are essential before any further steps are taken with respect to approval of the Application.

3. The Related Structures Violate the Coastal Act and the CCC Guidelines for Potrero Canyon.

a) Fencing.

We agree with proposed Special Condition 29G, which states: *"All fencing shall be the minimum necessary to ensure public safety and protect public views."*

The unpermitted fencing along the Friends St. Trail, as partially constructed and proposed, violates Special Condition 29G and Section 30251 of the Coastal Act. That section provides:

"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."

Moreover, under the CCC's Interpretive Guidelines for Potrero Canyon (the CCC Guidelines),¹⁰ structures along the canyon rim must be sited to "blend the proposal with the surrounding topography" and should not be sited in a way that will destroy the view corridor or the viewshed from canyon trails (specifically referenced in the CCC Guidelines: Coastal Act, Sec. 30251). Unfortunately, the unpermitted fencing which has already been constructed does just that.

As explained in the Staff Report, the unpermitted fencing along the sides of the Trail, as partially constructed, consists of metal posts cemented to the ground that are 4 feet, 8 inches (56 inches) from the Trail's surface, with wire cables to be added between the posts. The City proposes that the Friends St. Trail is or should be ADA-compliant. If permitted, the fencing may necessitate *handrails* (per ADA requirements), and portions of the Trail may also require *guardrails* (per Cal/OSHA requirements, if applicable here), depending on the angle of the slope.

The Staff Report does not address (and it is unclear) whether the metal post and wire fencing is intended to be used as a continuous handrail or guardrail (or both). If a *handrail*, under ADA rules the handrail must be constructed at a maximum height of **34-38 inches**, measured vertically from a walking surface with a 1:20 slope – at 4 feet, 8 inches, the fencing already-constructed *does not comply with (i.e., is at least 18 inches higher than) ADA handrail height requirements.*¹¹

If the fencing is instead intended to be a *guardrail*, under Cal/OSHA regulations (assuming they apply to exterior/public works projects), the height of the top rail must be **42-45 inches**, and may not exceed 45 inches above the walking surface; the fencing along the Friends St. Trail, at 56 inches, *clearly exceeds regulations for guardrail height (if a guardrail is even needed) by 11 inches.*¹²

At a minimum, consistent with Coastal Act requirements, there should be a threshold determination (including an investigation and showing) as to whether the fencing is in fact needed or required under applicable regulations, *e.g.*, whether and in what locations the slope ratio is 1:20 and where along the Trail a handrail or guardrail is actually needed. If needed, the fencing should be lowered to a height of 34-38 inches (if intended and needed as a handrail), and/or to no more than 42 inches (if intended and needed as a guardrail) – *the minimum heights necessary to protect public safety.*

A 56-inch high, continuous metal post and wire fence is not required under any circumstances. It impairs and degrades the scenic and visual quality of the coastal area and is an unnecessary, obtrusive blight on the view corridor. The CCC should direct that the fencing be removed or lowered to the minimum height required under applicable public safety regulations.

b) Cement Retaining Wall.

We are also concerned that the unpermitted cement retaining wall constructed along the side of the Friends St. Trail violates Sec. 30251 of the Coastal Act. It is unattractive, alters the natural land form and degrades the scenic and visual quality of the resource. It may also undermine slope stability. Even this feature appears to have been constructed at twice the height called for in the City's own (unapproved) plans. Adequate studies should be conducted to ascertain the safety of the bluff in light of construction of the Friends St. Trail retaining wall.

c) Signage Kiosk.

The CCC Guidelines contain the following "Sign Criteria," pursuant to Sec. 30251 of the Coastal Act:

¹⁰ See LA Planning Dept. Zoning Information Bulletin: <http://zimas.lacity.org/documents/zoneinfo/ZI2422.pdf>.

¹¹ <https://inlinedesign.com/pages/handrail-height-requirements-ada>.

¹² [https://www.dir.ca.gov/title8/3209.html#:~:text=\(a\)%20A%20standard%20guardrail%20shall,%2C%20runway%2C%20or%20ramp%20level](https://www.dir.ca.gov/title8/3209.html#:~:text=(a)%20A%20standard%20guardrail%20shall,%2C%20runway%2C%20or%20ramp%20level).

“SIGN CRITERIA:

*“ . . . These guidelines contain general criteria which **must be met before a permit can issue.***

*“1. Signage shall be restrained in character and **no larger than necessary** for adequate identification.*

. . . .

“3. No sign will be allowed which disrupts or detracts from the quality of view or the line of sight in any view corridor. . . .

“4. No scenic values or other public interests should be harmed as a result of signing.”
[Emphasis added.]

We do not object to appropriate signage that highlights the work of the Park’s namesake, Mr. Wolfberg, and provides information about the Park’s history and natural features. However, such signage *must* comply with the Coastal Act and CCC Guidelines.¹³ A **huge 7 feet by 8 feet** signage kiosk may be appropriate for this purpose at the main entrance to the Park (not located on the canyon rim), where the main road through the canyon begins, and where there are facilities, including restrooms and a parking lot (*i.e.*, at the Recreation Center – the Park’s “front door”). It is clearly *not* appropriate at the entrance to the Friends St. Trail – an ancillary entrance and effectively a Park “side door,” situated in a residential neighborhood with no facilities, directly on a street-front along the canyon rim (thereby protected by the CCC Guidelines).

This very large kiosk in the dimensions proposed would be a blight on the view corridor; would harm scenic values; is completely *unnecessary for adequate identification at this huge size and at this location*; directly violates the spirit (if not the letter) of the CCC Guidelines’ “SIGN CRITERIA;” and, most importantly, violates Sec. 30251 of the Coastal Act. The kiosk is objectively much larger than necessary for “adequate identification.” If the Friends St. Trail is approved, relevant Park rules could and should be posted via a *smaller sign* as can be found on the adjacent Via de las Olas Bluffs View Park (also operated by the City/RAP). *See photo attached below*, showing smaller sign with park rules (approximately 4’ x 2’) posted on a bluff top at the location where Friends St. merges with Via de las Olas (only a few hundred feet from the proposed Friends St. Trail entrance).¹⁴

For these reasons, if the Friends St. Trail is approved, a signage kiosk should not be permitted on the canyon rim at the Friends St. Trail entrance; a sign substantially reduced in size similar to the sign posted on Via de las Olas could and should be affixed to the perimeter fencing at the entrance to the Trail (as needed to provide information about Park rules).

4. Conclusion.

To reiterate: The Friends St. Trail *does not provide coastal access in its current iteration* and serves no other purpose; it should not be approved and the unpermitted fencing should be ordered removed. At a minimum, there should be adequate environmental review, including a traffic study, prior to any decision on the Trail or Related Structures. Alternatively, if the CCC determines that the Friends St. Trail should be approved, additional specific conditions must be imposed to require (i) open coastal access to and from the Park before the Trail is opened for public use; (ii) construction that minimally impacts coastal resources, including lowering of fencing height as needed to comply with minimal height requirements for handrails and/or guardrails (only if and where required), and (ii) installation of smaller, less obtrusive informational signage at the Friends St. Trail entrance.

¹³ Mr. Wolfberg himself was adamant that the CCC Guidelines (as contained in the Zoning Information Bulletin) for rim construction must be followed; see <http://pacpalicc.org/wp-content/uploads/2019/05/DIR-15425-W-De-Pauw-2.pdf>.

¹⁴ The Via de las Olas sign is attached to a post – necessary because there is no fencing at the site. At the Friends St. Trail entrance, a similar sign could be affixed to the chain link perimeter fencing, *i.e.*, no otherwise obtrusive post is needed.

Thank you for your attention to and consideration of these important matters.

Sincerely,

60 West Rim Residents/Homeowners:

*Jeffrey and Christina Spitz [for ID only: former PCCAC member], Friends St.
Rick Albert, Lombard Ave.
Catherine and Rudy Alvarez, Lombard Ave.
Laurel Anderson and David Kauss, Friends St.
Marco Assante, Friends St.
M. Inês Boechat and Vicente Gilsanz, Via de las Olas
Sandy Correia, DePauw St.
Kimi and Graham Culp, Via de las Olas
Stephen Edwards, Swarthmore Ave.
Anita Gorwara, Daniel Dohad and Joshua Dohad, Earlham Ave.
Gabby, Alain, Isabelle and Emmanuel Gourrier, Friends St.
Andrea and Bruce Greenwood, Friends St.
Michelle and Dennis Hackbarth [for ID only: former PCCAC member], Via de las Olas
Richard Hart, Friends St.
Norene Hastings, Via de la Paz
Lisa Jackson and Brian Carey, Friends St.
Meaghan and Grant Kessman, Friends St.
Brooke, Jimmy and Dillon Klein, Friends St.
Isabella, Nicolas and Tony La Rosa, Friends St.
Cathy, Alexandria and Peter Longo, Friends St.
Lucia Ludovico and Greg Glenn, Earlham Ave.
Nancee and Kim Mendenhall, Friends St.
Karina, Blake, Max and Dean Mirkin, Via de las Olas
Bill Moran, Via de las Olas
Michelle and Roger Potash, Via de las Olas
Phyllis and Leonard Schlessinger, Swarthmore Ave.
Ron Shelton, Via de las Olas
Anna and Ollie Stokes, Friends St.
Mike Sultan, Earlham Ave.
Shoshanna and Clive Svendsen, Friends St.
Leslie Yates, Via de la Paz*

cc (via email):

Jack Ainsworth, Executive Director, CCC
Steve Hudson, District Director, CCC
Zach Rehm, District Supervisor, CCC
Andrew Willis, Southern California Enforcement Supervisor, CCC
Nicholas Tealer, District Enforcement Officer, CCC
Shahar Amitay, Coastal Program Analyst, CCC

(Attachment on p. 8, following)

Attachment:



Via de las Olas Bluffs View Park signage

Jeffrey and Christina Spitz
15210 Friends St., Pacific Palisades, CA 90272
jspitz@spitzlawgroup.com; ppfriends3@hotmail.com

July 8, 2022

California Coastal Commission

Via email to: southcoast@coastal.ca.gov

Re: George Wolfberg Park at Potrero Canyon (Park): Comment on CDP Amendment Application No. 5-91-286-A13 (Item 17a on the CCC's 7/14/22 Meeting Agenda) (the Application) -- **OPPOSE** approval of Friends St. public entrance/trail and related fencing/kiosk structures

Honorable Commissioners:

This will follow up on our letter of March 15, 2022, alerting CCC staff to **extensive damages in the lower Potrero Canyon and adjacent Via de las Olas bluff areas** due to recent winter storms and related landslides (also referenced in the July 8, 2022 letter from 60 West Rim residents/homeowners, submitted concurrently with this letter).

We are again writing to bring to your attention recent action by City agencies regarding these damages.

The City Board of Recreation and Parks (RAP) Commissioners took up a Board Report dated July 7, 2022 (7/7 Report) at its meeting of the same date. The 7/7 Report recommended authorization for substantial change orders of an additional *almost \$2 million* related to Potrero Canyon, including *ongoing work to repair the extensive landslide damages*. Link to the 7/7 Report: <https://www.laparks.org/sites/default/files/pdf/commissioner/2022/jul07/22-185.pdf>. The RAP Commissioners approved the 7/7 Report.

The 7/7 Report provides detailed information about the damages, including an aerial view depicting the "Main areas of major storm damage" (scroll down to attachments, figure 1).

The damaged area is immediately adjacent to the location where the Friends St. Trail has been partially constructed. **It is abundantly clear that this entire area of "extraordinary" geologic hazard remains at risk for landslides.** The public safety of Park users as well as area residents and homeowners must be paramount. For these reasons, *a thorough evaluation of all impacts on public safety, including a study of geologic conditions*, particularly as it relates to construction of the Friends St. Trail (alteration of land forms, new retaining walls in canyon rim/slope areas, etc.) should be required before any decision is reached on the Application.

We again emphasize: The Coastal Act makes clear that the right of public access is not absolute. Public safety considerations must be taken into account and the interests and rights of residents must be balanced with the general right of public access (Coastal Act, Secs. 30210, 30212, 30214). As Section 30214 states: *"The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case. . . ."*

In this case, there is no access to the coast from Friends St., the Park plan currently provides for no coastal access and it is unclear if or when such access will ever be provided. Nonetheless, if coastal access is eventually secured (through either the Lateral Trail or the pedestrian bridge),¹ *the public will have access to the coast through the long-planned main trail running through the canyon.*²

Under the particular facts and circumstances present in this case, the risks to public safety substantially outweigh the need for an additional access point to the Park at Friends St.

Thank you for your consideration.

Sincerely,

Jeffrey Spitz

Christina Spitz

cc (via email):

Jack Ainsworth, Executive Director, CCC

Steve Hudson, District Director, CCC

Zach Rehm, District Supervisor, CCC

Andrew Willis, Southern California Enforcement Supervisor, CCC

Nicholas Tealer, District Enforcement Officer, CCC

Shahar Amitay, Coastal Program Analyst, CCC

¹ There is no reference to the status of either the Lateral Trail or the pedestrian bridge in the 7/7 Report. To our knowledge the work now ongoing in the area of the mouth of the canyon consists solely of repair of storm-related and landslide damages; construction of the Lateral Trail has not commenced despite the clear directive to the City in the CCC's letter of April 22, 2022.

² We note that a few proponents of the Friends St. Trail (many of whom do not live in the West Rim neighborhood) have publicly argued that residents will find it personally more convenient to enter the Park from Friends St. rather than having to travel to the Recreation Center entrance. This argument is not relevant to Coastal Act consideration and is unsupported by relevant facts. West Rim residents who live near the Park overwhelmingly oppose – and for decades have opposed -- the Friends St. Trail, regardless of convenience. At least half of those who reside in the wider mesa area on the West Rim of the canyon live *closer to the Recreation Center* than to Friends St. (or are *equidistant* between the two entrances). More importantly, the CCC's sole focus is on *access to the coast*, not personal Park entry convenience, which is and should be irrelevant to consideration of the Application.

California Coastal Commission
Meeting on July 14, 2022
Agenda Item No. 17.a. (Th17a)

Harris S. Leven
Michael Lane, Pacific Palisades, California 90272
harris.leven@gmail.com

July 8, 2022

Re: City of Los Angeles
Application No. 5-91-286-13A

Permit Amendments to be considered at the California Coastal Commission
Meeting on July 14, 2022; Item No. 17.a.

To the Honorable California Coastal Commission and Commission Staff:

My name is Harris Leven, and my wife and I are the owners of a home in, and are residents of, the Pacific Palisades section of Los Angeles, California. As such, we look forward to using and enjoying George Wolfberg Park at Potrero Canyon after over thirty years of planning and construction, and the expenditure of a horrific amount of dollars that I have yet to see fully tabulated and reported.

From the Staff Report filed June 23, 2022, it is my understanding that the Commission's Hearing on July 14, 2022 will consider only what can generally be described as: 1) authorization for work on the Park that has already been completed; 2) requiring the City of Los Angeles to complete other work and file reports; and 3) imposing new or amended conditions to the City's Permit in part to ensure compliance with the Permit going forward. I do not see that the Commission intends to consider closing the Friends Street access gate or ordering the removal of the path from that gate to the interior of the Park. However, over a dozen pieces of correspondence already in the Commission's files clearly indicate that the Commission will indeed be asked to terminate the access to the Park from Friends Street.

The correspondence indicates that those who would have the Friends Street access terminated and the gate removed argue, among other things, that: no environmental study / EIR has been performed to support that access point; the gate area is in a Very High Fire Hazard Severity Zone, which needs to be considered as wildfires have occurred; no consideration was given to the geologic instability of the area and no study of the geological impacts has been done; Friends Street itself has limited ingress and egress; no traffic study has been done; Friends Street is in the Coastal Zone and a Coastal Resource, and the impacts on Friends Street have not been fully

Harris S. Leven
July 8, 2022 Letter to California
Coastal Commission
Re: Application No. 5-91-286-13A

considered pursuant to PRC § 30253; public safety has not been considered; and local residents overwhelming oppose the Friends Street Access.

I have great empathy for the self-labeled “44 Residents/Homeowners of the West Rim Neighborhood” who have raised the above issues because over two hundred of my neighbors who are residents and homeowners in another area of Pacific Palisades that is also in the Coastal Zone and my wife and I raised the exact same concerns in filings with the City of Los Angeles and the Coastal Commission about the construction of a four-story, 64,600+ sq. ft. building intended to house a for-profit institution. That building is being constructed in our 99.98% residential neighborhood of homes and townhomes of no more than three-stories and of structures, including those encompassing as many as ten townhomes, that are less than half the size of the building. We were supported by petition signatures from over 1600 people evidencing, like the West Rim Neighborhood asserts, overwhelming opposition to the building project. In addition, my neighbors and I argued that the building project also violated numerous sections of the Coastal Act and in particular PRC §§ 30240, 30250, 30251, 30253, 30620, and 30620.5.

Unfortunately, in a private letter written to our City Councilmember, one person accused some of my neighbors of exhibiting the “height of NIMBYism,” with NIMBY being used as a pejorative term. No doubt that same writer will accuse the West Rim Neighborhood of the same thing. More unfortunately, the City rejected our neighborhood’s arguments and misapplied the Coastal Act reasoning that the Act’s protections did not apply to the building because the building’s site is two and a half miles from the coast and does not have a view of the ocean. The City essentially ignored that the building’s site is within the Coastal Zone, adjacent to the City’s Santa Ynez Canyon Park and Topanga State Park, and amidst the Santa Monica Mountains for which the provisions of the Coastal Act do apply. Most unfortunately, the Coastal Commission established a hard precedent against the arguments of the West Rim Neighborhood when the Commission found “no substantial issue” in my neighbors’ appeal of the City’s decision to the Commission in Appeal No. A-5-PPL-18-0035. I do not see how the Commission can in any way entertain the West Rim Neighborhood’s concerns when the Commission has flat out rejected those concerns elsewhere in the Pacific Palisades area of Los Angeles.

The good news, however, is that the City’s and the Commission’s rulings on the building in my neighborhood are still pending before the California 2nd District Court of Appeal in the matter of *Pacific Palisades Residents Association, Inc. v. City of Los Angeles, et al.*, Case No. B306658. Briefing in that case has only recently concluded and as of this writing no date has been set for oral argument. If the Commission does wish to entertain the arguments of the West Rim Neighborhood, then the Commission must instruct its counsel to withdraw its opposition to the PPRA appeal and indicate to the Court of Appeal that the Commission is reconsidering its application of the Coastal Act to projects in the Pacific Palisades section of Los Angeles.

Harris S. Leven
July 8, 2022 Letter to California
Coastal Commission
Re: Application No. 5-91-286-13A

To be sure, there are distinctions between the construction of an incongruous building in the Coastal Zone and an access gate with an attendant path to a Coastal Zone park. But if anything, those distinctions weigh against allowing the building and for the Commission's allowing the Friends Street access gate and path. For example, in recent correspondence regarding the City's Permit, members of the West Rim Neighborhood complain that a planned 7 ft. - 2 in. high by 8 ft. wide interpretive / welcoming kiosk would be "obtrusive" and violate the Commission's guidelines for bluff top construction. But my neighbors and I will forever have to look at a 45 ft. tall (55 ft. tall if elevator and stairway extensions above the roof are considered) by 192.5 ft. long by 152 ft. wide building that is also being built on a bluff and blocks views of the Santa Monica Mountains from the central street intersection in our community. Certainly, because the building has been allowed by the Commission, the Commission logically cannot reject the kiosk.

Similarly, the building in my neighborhood will be only a few steps away from the gate and access point to a popular trail in Topanga State Park, a Coastal Zone park, and overflow parking by those using or visiting the building has the potential to severely reduce, or eliminate, the only parking available to people who wish to hike that trail. By contrast, the Friends Street gate will be the only access point to George Wolfberg Park along over a mile of the perimeter of the Park and will be within reasonable walking distance of over 500 homes. Closure of the gate would require residents of those homes to drive around the Park and through other neighborhoods if they wish to use the Park. That seems to be contrary to the spirit, if not the letter, of the objective of minimizing vehicle miles traveled in PRC § 30253. Moreover, without an access gate, George Wolfberg Park essentially will become the private preserve of those who own homes adjacent to the Park's western side. Here again, the facts heavily weigh against allowing the building and for the Commission's allowing the access gate and path.

To conclude: I understand and appreciate the concerns expressed about the Friends Street access to George Wolfberg Park at Potrero Canyon and the related path and planned kiosk. I do not expect the Commission to order the closure of that access, but if the Commission wants to do so, or even entertain the idea of doing so, the Commission must first act to reverse the contrary precedent involving my neighborhood in the case currently pending in the California 2nd District Court of Appeal cited above.

Thank you for your consideration of my comments.

Respectfully submitted,

Harris S. Leven

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Friday, July 8, 2022 1:17 PM
To: Amitay, Shahar@Coastal
Subject: FW: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

From: Karen Ridgley <karenridgley4ppcc@gmail.com>
Sent: Friday, July 8, 2022 10:07 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

Dear Coastal Commission:

I am a 46 year resident of El Medio Bluffs, Pacific Palisades on Northfield St. in El Medio Bluffs. I am the Area 4 Representative to the Pacific Palisades Community Council. I represent constituents on Asilomar Blvd., directly across the street from the Asilomar View Park (Asilomar Park). El Medio Bluffs and Asilomar Park are situated on the bluff above PCH and Temescal Canyon Rd. El Medio Bluffs is a neighborhood of 780 R1 homes. Asilomar Park is a narrow neighborhood park along the bluff and contiguous with the El Medio Bluffs community. El Medio Bluffs and Asilomar Park are located to the west of Temescal Canyon Road and are geographically identical to the bluffs neighborhood to the east (Via de las Olas and Friends St./west rim of Potrero Canyon).

I oppose the proposal to place a public entrance on Friends St. to the park in Potrero Canyon.

There is no need for this entrance because there will be sufficient access to the park via an entrance at the Palisades Recreation Center. More importantly, based on my experience fighting problems at Asilomar Park, I believe that an entrance on Friends St. would pose a significant safety risk for residents of Friends St. and the surrounding west rim neighborhoods.

Asilomar Park is operated by the Los Angeles City Dept. of Recreation and Parks (RAP). For many years, Asilomar Park has been frequented by individuals who drive to the park at night, park on the street in front of homes, ignore rules and parking restrictions posted on signage, and engage in high risk and illegal activities involving smoking in a very high fire risk zone, drugs, fireworks, vandalism and disturbing the peace. These activities are not only a nuisance but also pose a serious public safety risk for nearby residents. Unfortunately, enforcement efforts against these activities have been minimal or sporadic and the City/RAP provides no security, despite years of residents' complaints, police reports and requests for protection.

The Via de las Olas neighborhood, east of Temescal canyon Rd., also has a neighborhood park. It is named Via de las Olas Bluffs View Park (Via Park) and is situated similarly on the bluffs above PCH and directly across the street from homes. Via Park is adjacent to Potrero Canyon; Friends St. (on the Canyon rim) merges with Via de las Olas. Via Park to my knowledge is also operated by RAP; I understand that RAP will also operate the future park in Potrero Canyon.

No RAP Park Rangers are assigned to Asilomar Park nor to my knowledge, to Via Park. I understand that the same types of prohibited activities that occur at Asilomar Park also occur at Via Park. Based on experience, I believe they are also likely to occur on Friends St. if a park entrance were placed there, posing a similar public safety risk for residents.

I urge you to deny the City's application for permission to construct a public park entrance on Friends St.

Sincerely,

Karen Ridgley,

El Medio Bluffs neighborhood, including Asilomar View Park

Pacific Palisades, CA 90272

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Friday, July 8, 2022 2:51 PM
To: Amitay, Shahar@Coastal
Subject: FW: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

From: Navid Khodayari <navidkhodayari@gmail.com>
Sent: Friday, July 8, 2022 1:14 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

Dear Coastal Commission:

I am a multi-year resident of El Medio Bluffs, Pacific Palisades on Asilomar Blvd., directly across the street from the Asilomar View Park (Asilomar Park). El Medio Bluffs and Asilomar Park are situated on the bluff above PCH and Temescal Canyon Rd. El Medio Bluffs is a neighborhood of 780 R1 homes. Asilomar Park is a narrow neighborhood park along the bluff and contiguous with the El Medio Bluffs community. El Medio Bluffs and Asilomar Park are located to the west of Temescal Canyon Road and are geographically identical to the bluffs neighborhood to the east (Via de las Olas and Friends St./west rim of Potrero Canyon).

I oppose the proposal to place a public entrance on Friends St. to the park in Potrero Canyon. There is no need for this entrance because there will be sufficient access to the park via an entrance at the Palisades Recreation Center. More importantly, based on my experience, I believe that an entrance on Friends St. would pose a significant safety risk for residents of Friends St. and the surrounding west rim neighborhoods.

Asilomar Park is operated by the Los Angeles City Dept. of Recreation and Parks (RAP). For many years, Asilomar Park has been frequented by individuals who drive to the park at night, park on the street in front of homes, ignore rules and parking restrictions posted on signage, and engage in high risk and illegal activities involving smoking in a very high fire risk zone, drugs, fireworks, vandalism and disturbing the peace. These activities are not only a nuisance but also pose a serious public safety risk for nearby residents. Unfortunately, enforcement efforts against these activities have been minimal or sporadic and the City/RAP provides no security, despite years of residents' complaints, police reports and requests for protection.

The Via de las Olas neighborhood, east of Temescal canyon Rd., also has a neighborhood park. It is named Via de las Olas Bluffs View Park (Via Park) and is situated similarly on the bluffs above PCH and directly across the street from homes. Via Park is adjacent to Potrero Canyon; Friends St. (on the Canyon rim) merges with Via de las Olas. Via Park to my knowledge is also operated by RAP; I understand that RAP will also operate the future park in Potrero Canyon.

No RAP Park Rangers are assigned to Asilomar Park nor to my knowledge, to Via Park. I understand that the same types of prohibited activities that occur at Asilomar Park also occur at Via Park. Based on experience, I believe they are also likely to occur on Friends St. if a park entrance were placed there, posing a similar public safety risk for residents.

I urge you to deny the City's application for permission to construct a public park entrance on Friends St.

Sincerely,

Navid Khodayari
El Medio Bluffs neighborhood
Pacific Palisades

Amitay, Shahar@Coastal

From: SouthCoast@Coastal
Sent: Friday, July 8, 2022 4:42 PM
To: Amitay, Shahar@Coastal
Subject: FW: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

From: Lee Anne Sanderson <leeannesanderson@gmail.com>
Sent: Friday, July 8, 2022 4:37 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Public Comment on July 2022 Agenda Item Thursday 17a - Application No. 5-91-286-A13 (City of Los Angeles, Pacific Palisades)

I could not get my comments submitted on the website, so I will email you. Please add or submit my letter for me.

To: Southcoast@Coastal.com

<https://www.coastal.ca.gov/meetings/agenda/#/2022/7>

Dear Coastal Commission,

I am a 25 year resident of El Medio Bluffs, Pacific Palisades on Asilomar Blvd., directly across the street from the Asilomar View Park (Asilomar Park). El Medio Bluffs and Asilomar Park are situated on the bluff above PCH and Temescal Canyon Rd. El Medio Bluffs is a neighborhood of 780 R1 homes. Asilomar Park is a narrow neighborhood park along the bluff and contiguous with the El Medio Bluffs community. El Medio Bluffs and Asilomar Park are located to the west of Temescal Canyon Road and are geographically identical to the bluffs neighborhood to the east (Via de las Olas and Friends St./west rim of Potrero Canyon).

I oppose the proposal to place a public entrance on Friends St. to the park in Potrero Canyon. There is no need for this entrance because there will be sufficient access to the park via an entrance at the Palisades Recreation Center. Based on my personal 25 years of experience, I believe that an entrance on Friends St. would pose a significant safety risk for residents of Friends St. and the surrounding area.

Asilomar View Park is operated by the Los Angeles City Dept. of Recreation and Parks (RAP). For many years, Asilomar View Park has been frequented by individuals who drive to the park at night, park on the street in front of homes, ignore rules and parking restrictions posted on signage, and engage in high risk and illegal activities involving smoking in a very high fire risk zone, drugs, fireworks, vandalism and disturbing the peace. These activities are not only a nuisance but also pose a serious public safety risk for nearby residents. Unfortunately, enforcement efforts against these activities have been minimal or sporadic and the City/RAP provides no security, despite years of residents' complaints, police reports and requests for protection.

The Via de las Olas neighborhood, east of Temescal Canyon Rd., also has a neighborhood park. It is named Via de las Olas Bluffs View Park (Via Park) and is situated similarly on the bluffs above PCH and directly across the street from homes. Via Park is adjacent to Potrero Canyon; Friends St. (on the Canyon rim) merges with Via de las Olas. Via Park to my knowledge is also operated by RAP; I understand that RAP will also operate the future park in Potrero Canyon.

No RAP Park Rangers are assigned to Asilomar View Park nor to my knowledge, to Via Park. I understand that the same types of prohibited activities that occur at Asilomar Park also occur at Via Park. Based on my difficult experiences, I believe they are also likely to occur on Friends St. if a park entrance were placed there, posing a similar public safety risk for residents.

I urge you to deny the City's application for permission to construct a public park entrance on Friends St. It would be horrible for the residents and it is your job to keep them safe from fire and loitering and crime.

Thank you for keeping our neighboring beautiful and safe,

Respectfully Submitted,
Lee Anne Sanderson