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SCFP File # 15-0463
Item # 38

**BOARD OF
BUILDING AND SAFETY
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DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

ROBERT R. "BUD" OVROM
GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E.
EXECUTIVE OFFICER

INSPECTION BUREAU

ISSUE DATE: **October 23, 2012**

MACPHERSON SCOTT B/SBM TRUST
283 N. Trino Way
Pacific Palisades Ca 90272

ORDER NO: **KN102312935**
APN: **4415030003**

ORDER TO COMPLY

RECEIVED
CITY CLERK'S OFFICE
2015 APR 22 AM 9:34
BY File CITY CLERK
915 DEPUTY

Violation Address: 283 N. Trino Way

Compliance Date: October 23, 2012

An inspection of the site referenced above on October 23, 2012 and a review of Departmental records reveals that it is in violation of the Los Angeles Municipal Code (L.A.M.C.) section(s) listed below.

Therefore, you are hereby ordered to comply with the following requirement(s) of the L.A.M.C. and other laws on or before October 23, 2012.

The inspection has revealed that the property is in violation of the Los Angeles Municipal Code, as follows:

As a result of a notification dated October 15, 2012 by the California Coastal Commission received by the Department of Building and Safety, a review of Departmental records was performed. During the review, it was revealed that the required clearances by the California Coastal Commission have not yet been obtained. Therefore, effective immediately, on this date Tuesday, October 23, 2012;

1. Stop all construction. 91.103.1, 91.104.2.4 L.A.M.C
2. Install and maintain all SWPPP erosion control devices in accordance with the Los Angeles Municipal Code (L.A.M.C.)
3. Obtain all required clearances and approvals from City Planning and the California Coastal Commission. 12.21.A.1.a

Therefore, you are hereby ordered to discontinue the unapproved use or remove the unapproved construction; or submit plans, obtain ALL required permits for the present use, expose all work that was performed without inspections and call for inspections of said work.

Further, you are ordered to pay the Code Violation Inspection Fee (C.V.I.F.) of \$336.00 plus 6% surcharge (\$20.16), which will be billed to you separately (Section 98.0421 L.A.M.C.). This is not the bill. Wait for the invoice before contacting the Department regarding the C.V.I.F. only. For all other matters, you may contact the inspector at the bottom of this Order to Comply at any time.

Note: Failure to pay the C.V.I.F. within 30 days of the invoice date of the bill noted above will result in a late charge of two (2) times the C.V.I.F. plus a 50% collection fee, for a total of \$1,246.56 (\$1,176.00 plus \$70.56 surcharge). Any person who fails to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of 1% per month.

Non-Compliance Fee Warning:

In addition to the C.V.I.F. noted above, a proposed Non-Compliance Fee in the amount of \$550.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance Fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$1,925.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60th day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

Investigation Fee Warning:

Whenever any work has been commenced without authorization by a permit or application of inspection which violates provisions of the L.A.M.C. and if no order has been issued by the Department or a court of law requiring said work to proceed, a special investigation shall be made prior to the issuance of any permit, license or application for inspection (Section 98.0402(a) L.A.M.C.).

Note: An Investigation Fee shall be double the amount charged for an application for inspection, license or permit fee, shall be collected on each permit, license or application for inspection so investigated. In no event shall the Investigation Fee be less than \$400.00 (Section 98.0402(a) L.A.M.C.).

Penalty Warning:

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of a misdemeanor which is punishable by a fine of not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

Appeal Procedures:

There is an appeal procedure established in this City whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine error or abuse of discretion, or requests for slight modification of the requirements contained in this Order when appropriate fees have been paid (Section 98.0403.1 and 98.0403.2 L.A.M.C.)

If you have any questions or require any additional information, please feel free to contact me at the phone number below.

Inspector:



Date: 10/23/2012

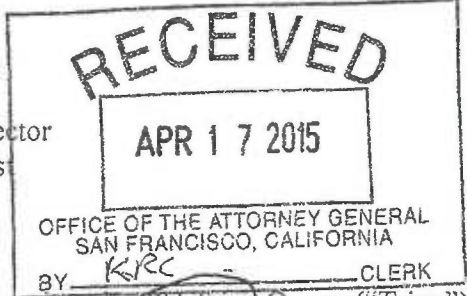
Kenneth Nagle
11620 W. Wilshire Blvd.
Suite 1100
Los Angeles, Ca 90025
310-914-3889

AKW: Kamala Harris 4-17-15
State attorney General

April 17, 2015

EXECUTIVE SUMMARY, 3 page

Mr. Steve Kinsey, Chair
Dr. Charles Lester, Ph.D., Executive Director
Dr. Mark Johnson, Ph.D., Staff Geologist
California Coastal Commission



Registered at Commission
2015 APR 22 AM 09:31
CITY CLERK'S OFFICE
RECEIVED
CITY CLERK'S OFFICE
From: [unclear]
APR 17 2015
P/S DEPUTY

RE: 283 TRINO Way

Re: Response to February 6, 2015 letter written by 283 Trino Owner ("Trino") to Coastal Commission ("CCC") stamped Feb 9, 2015, Copied to Dept. of Bldg. & Safety ("LADBS") re: 283 Trino Way ("Project")

This response is submitted on behalf of Ms. Renee ("REN") to the above-mentioned February 6, 2015 letter ("2-6Tletter"). Trino Owner and all of Trino Owner's agents, representatives, licensed professionals, etc. are collectively referred to herein as "Trino." REN denies every claim that Trino asserts against both REN and REN's property. REN does not otherwise respond in any manner to Trino's claims against REN or REN's property. This response includes only a partial summary of Trino's non-compliance with the permitting process, code violations, and other issues. Public records show that the City of Los Angeles ("City"), LADBS, and CCC each have verified that Trino violated - and is still in violation of - multiple City and State Codes, ordinances, rules, and regulations¹.

In the 2-6Tletter, Trino seeks from the CCC an "emergency permit" and to "resume construction" on its proposed Project. The Project is to be located on a Pacific Palisades coastal bluff subject to the Coastal Act, Ord. #151,603, BHO, Ca CIV 832, the area Community Plan, etc. In order to circumvent City procedures, Trino needs the CCC and its staff to be part of Trino's scheme to build a Project that: (1) Violated CEQA, zoning and building codes; and, (2) Denied area property owners equal protection under the law, due process, notice, and City public hearings.

In spite of Trino's multiple applications, and attempts to piecemeal the Trino Project through the permitting process, a public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole. (*Orinda Assn v. Board of Supervisors* (1986)). In 2010, Trino obtained the CCC exemption #5-10-023-X for a 740 sf addition to an existing 1,657 sf SFD, which SFD has since been demolished. The CCC exemption #5-10-023-X did not include grading, demolition, retaining walls, pool, or increase in height. After obtaining the CCC exemption #5-10-023-X, Trino used the CCC exemption #5-10-023-X for clearance for 6 different LADBS permits, including the 744 sf addition, and: (i) 21 cy of cut; (ii) a different 3,154 sf addition that would require more than 2,000 cy of cut, which cut has no clearance; (iii) 188 sf accessory building; (iv) an 18' x 10' pool; and (v) 260' long retaining walls with 50+ caissons.

To the CCC, Trino made the false and misleading statement that "the City has approved my project". Trino did not state which subproject the City, or the LADBS allegedly approved, however, it is established, and searchable online, that the City has not approved the Trino Project as a whole. (See also, City Order 10-23-2012).

It is undisputed that Trino:

- (1) Is not building a 740 sf addition to an existing 1,657 sf SFD, but used the erroneous exemption nonetheless;
- (2) Was required and still is required to obtain a City CDP prior to obtaining a CCC CDP due to (i) Location 13301(a), 30600(b), 30620.5, 30601; (ii) Geologically unstable area; and (iii) required public participation;
- (3) Has an open City Order to Comply to obtain all required clearances and approvals from City Planning;
- (4) Had No Public hearings as were required for City CDP, State CDP, Haul Route, or desired variances;
- (5) Has No local City CDP application submitted, pending, denied, approved or withdrawn for 283 Trino Way;
- (6) Has at least 14 incomplete, unapproved, erroneous, or expired LADBS permit applications for same Project;
- (7) Submitted six different CCC CDP applications, four of which were for the same structure footprint, but with substantially different grading quantities, and at least one is the subproject of the other four applications.

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Item # 38

pls 2 pictures
1 of 49

- (8) Misrepresented the “amount of cut” and location of cut from the bluff slope, stating in six different CCC CDP applications: #5-10-023-X, **no cut**; #5-11-125-X, **no cut**; #5-12-002, **670 cy cut**, but its DeMinimis Waiver stated **no cut**; #5-12-301, **670 cy cut**; #5-13-412, **828 cy of cut**; #5-14-1559, **2040 cy of cut** ².
- (9) Stated in its 6th CCC CDP application **2,040 cy of cut** earth, but used a July 16, 2014 LADBS Grading Department Geology and Soil Approval Letter, which LADBS letter was **based on only 226 cy of cut** earth;
- (10) Used false grading quantity of **391 cy** of cut in LADBS permit and plans, stamped 10-31-2012 at CCC;
- (11) Used smudged and illegible grading plan for its 9-11-2012 Project in the LADBS public record;
- (12) Used grading plans that omitted elevation lines and stated existing slope to remain for its 6-2-2011 Project;
- (13) Demolished the SFD starting on about Sep 13, 2012, but did not obtain a LADBS demolition permit;
- (14) Parcel Report on the City’s ZIMAS zoning website states at present: 0.0 square feet of building exists;
- (15) Is for a Project that is both a 740 sf addition and a 2,721 sf addition, to a SFD that no longer exists;
- (16) Has no roof remaining to have SFD status, and only the substandard crumbling walls and garage remain;
- (17) Cannot, pursuant to Ca HSC, reside at 283 Trino Way, therefore there can be no existing residence;
- (18) Has no shoring permit and Trino’s new LADBS shoring application and plan is not approved and not valid;
- (19) Retaining wall plan is inadequate, incomplete, “N.T.S.” [Not To Scale]. A new sketch omitted the address, setbacks, elevations, signature and stamp of Trino’s licensed professional, and other data required by law;
- (20) Accessory building permit is erroneous and its new application and plan is not approved;
- (21) Signed two affidavits of awareness that lot “is located in an area subject to landslide and unstable soils”;
- (22) Signed two City-Coastal “Approval in Concept” letters (“AIC”) for two different additions. An AIC states:
 - “Approval in Concept is not a permit”; Trino’s location requires Coastal Permits from City and State;
 - An AIC does not apply to Single-family Dwellings in “geologically unstable areas”;
 - AIC was issued without a detailed plan check, grading, geology report, and in “no way excuses the applicant from complying with all applicable policies, ordinances, codes, and regulations of City”;
 - “If it is found that the [AIC’s] attached plan or statements are not correct or do not conform to applicable City regulations, it shall become null and void.”
 - Trino’s attached plan and statements for Trino’s whole proposed Project were not correct and did not conform to City Regulations. Each Trino AIC was null and void by operation of law.
 - Just as the AIC was null and void, the CCC DeMinimis waiver pursuant to the form, was invalid;
- (23) LADBS permits issued 9-11-2012 state BHO-Yes; the Project must comply with BHO, but Trino does not;
- (24) Violated permits & BHO by attaching non-compliant plans that are also inconsistent with Community Plan;

City and CCC have stated Trino needs a City CDP. The City could not contract away its right to exercise the police power in the future. REN never forfeited any rights, and could not have forfeited any right when the required notice, hearing(s), and final approval have yet to occur. She never knowingly participated in a scheme set-up to deprive her of any rights. In the 2-6Tletter, Trino seeks to deny area property owners, residents, and interested parties due process, notice, public hearings, and equal protection of the laws at the local municipal level, and asks the CCC Executive Director, Commissioners, and CCC staff to help Trino to do so. This is unfair and is prejudicial.

Pursuant to the LAMC, the solution is for Trino to restore the slope. Trino must remove the trash, debris, and illegal structures, and secure a permit to cap its sewer. If Trino chooses to go forward with a Project, Trino must comply with area Zoning and Building Codes, which Trino has not done. Trino’s Project is not entitled to variances because the Trino Project seeks to set a new precedent, which will harm adjacent properties. Trino must obtain all City and LADBS plan check approvals and permits *prior* to commencing construction, which Trino has not done.

As required of all builders, Trino must be Code compliant, which Trino is not. Instead, on 9-11-2012, Trino accepted the benefit of 5 LADBS permits that were conditioned with “BHO-Yes”, which Trino violated by falsely stating, “EXISTING 2 STORY SFD W/ATT. BASEMENT GARAGE”, Height 36’ / 0’ increase, which 36’ Height and Attached Basement Garage **never existed**. By stating a 36’ SFD and basement garage was “existing”, Trino attempted to obtain existing building rights that the demolished SFD does not have, and never did. Presently, Trino wants the CCC to help Trino circumvent the 5 LADBS permits’ binding BHO conditions, which Ordinance limits grading, size, height, floor area, setbacks, and requires a smaller Project on the lot’s slope than Trino wants to build. Trino seeks an “emergency permit” to evade Zoning, City compliance, and to use false and misleading plans. Trino cannot be permitted to adopt that part of the permit, which is beneficial for Trino, and also reject its burdens.

Trino's use of misleading words and typos throughout the City, CCC, and LADBS applications and letters obfuscated issues, obscured facts, and circumvented Codes. CCC identified this pattern³ in the CCC violation letter dated 10-15-2012, on page 2, line 17, in that Trino stated "existing dwelling to remain", then Trino demolished the dwelling, and later argued that the 1,657 sf still existed, which 1,657 sf of building was verified by City to not exist.

Trino stated there is an "emergency" with the unstable slope but omitted known historical issues and hazard maps. The risk of a potentially unstable slope required and still requires the Trino Project to obtain an environmental impact report prior to obtaining (the lead agency, City of Los Angeles) final approval. Project development on this Coastal Bluff is also subject to the City's Coastal Hazard Study Map and the Regional Interpretive Guidelines. The confirmation of a real "emergency" would require an Interim Control Ordinance pursuant to Ca Gov Code 65858. Trino is disingenuous; Trino took variances from public review, and public comment, purportedly because there was no geological risk on the slope. Trino has a pattern of conflicts, such as stating that a 1,657 SFD exists, when 1,657 sf SFD does not exist, even when the **City verifies on its ZIMAS website that 0.0 sf Building exists.**

The CCC document titled "Application For Emergency Permit" requires proof in its attachments:

- "1. If time permits, evidence of approval by local planning department."
- "2. Site plan showing proposed and existing development on the subject parcel."

2 ½ years was more than enough time since Trino received the City "Order to Comply" on October 23, 2012, to have obtained local planning department, Department of City Planning ("City Planning") approval, which approval Trino has not obtained. As of this date, Trino has not applied for a City CDP. Trino has not submitted to the CCC the required site plan showing proposed and existing development on the subject parcel. Only out-of-date site plans exist (drawn prior to site's demolition), which show existing building to remain. No as-built plan exists.

If a true "emergency" presents itself at 283 Trino Way, it would be mandatory that the common slopes' 24+ different property owners, other impacted persons, and Caltrans as the responsible agency for the toe of the slope, be notified immediately, so that potentially impacted properties can be protected. **Presently, there is no notice at site.** REN is not the messenger for Trino, the City, LADBS, or the CCC. If an emergency permit was to be issued, it must only be a temporary permit and be only temporary in scope of work; Trino cannot receive any vested right in furthering Trino's unapproved grading and building Project⁴ unless and until it receives an approval as a whole.

LAMC sec. 91.7005.8.1.3, "No person shall fail, refuse or neglect to comply with the following provisions: **All rules and regulations of the Department with respect to grading which are in effect at the time the grading permit is issued.** Any person violating the above shall be guilty of a misdemeanor." and LAMC sec.12.21.C.10 (f) states "**No Grading permits shall be issued until a Building permit is approved.**" The required City CDP, State CDP, Shoring permit, Haul Route, LADBS plan check, BHO, grading, and environmental approvals for the whole Project have not been approved, therefore no lawful building or grading permit could exist. Trino misleads the CCC, regarding Codes, Ordinances, rules, and regulations in effect at the time the LADBS permits were issued.

For the record: Trino accepted, certified, and signed LADBS "Application for Building [Grading] Permit" on 6-2-2011 for 2 applications, and on 9-11-2012 for 5 applications, both after the Coastal Act, and BHO were effective, with,

"I realize that this permit is an application for inspection and it does not approve or authorize the work Specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law."

Another six LADBS permit applications are not issued, and are not valid.

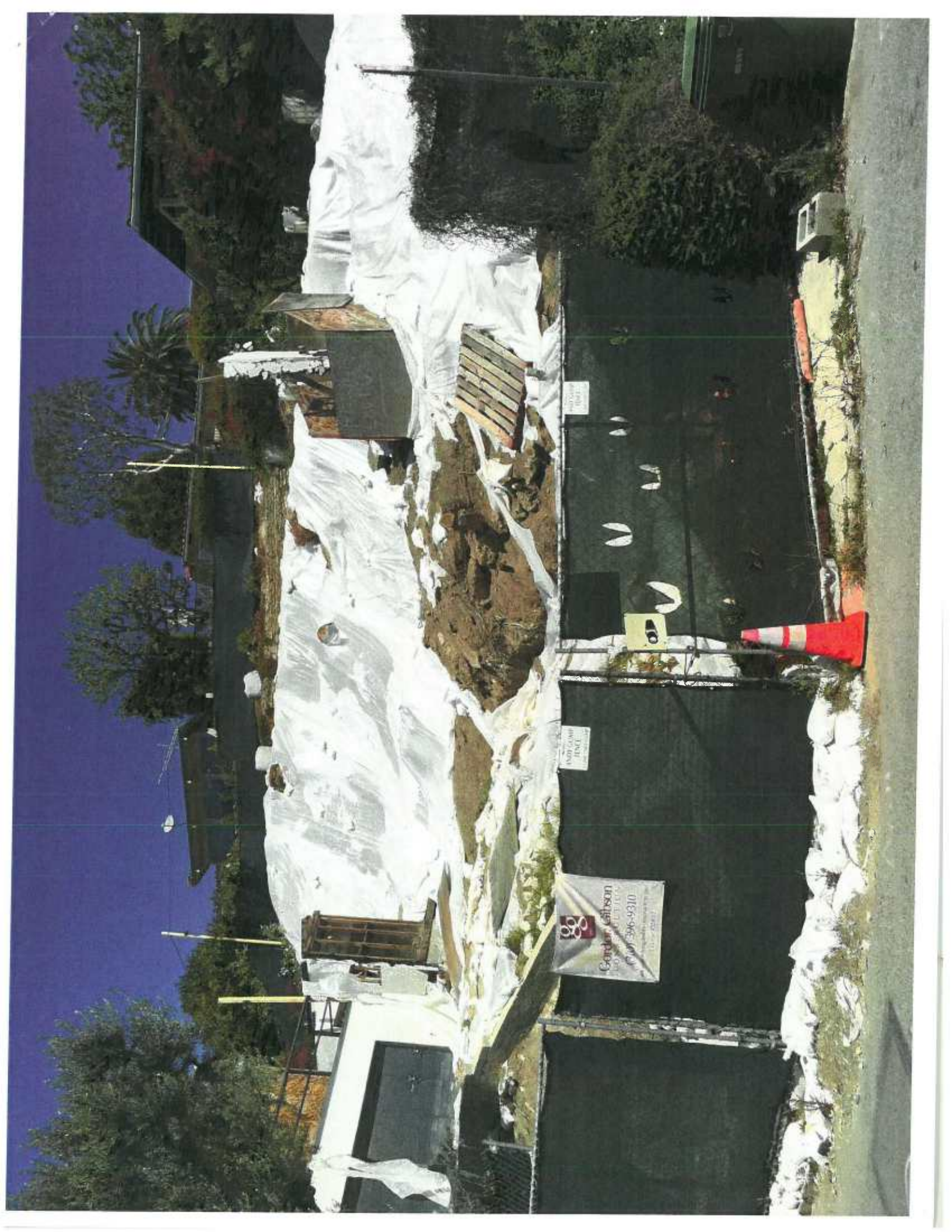
Trino did not comply with applicable law. Please uphold the LAMC, City and State regulations, including but not limited to, the City's Coastal Act Ordinance #151,603, and the Public Interest in the City, and do not use a CCC "emergency permit" to enable Trino to circumvent required development compliance within the City of LA. Respectfully,

Lia Renee,
Lia@Livlove.com
<http://pacificpalisadesbluffs.com>

See Attached.



Compton, California
Compton City
90625-1000



*Trino's 2-6Tletter is printed in full below in *Blue Italics*, Arithmetical errors are as stated. REN responded in **Black** based on public records. All records referred to herein are available at City and State offices or upon request.

A. Page 1, Line 1 through line 3,

Trino: "I am the project owner, and applicant for a [State] coastal permit on the above-referenced property [283 Trino Way, Pacific Palisades]. As I know you and Coastal Commission staff are well aware, my project has been vehemently contested by a neighbor, Lia Renee, from the outset."

Records Reveal

- * **The Project Trino disclosed at the outset is not the same Project Trino seeks to develop**⁵. Pursuant to CCR 15378(a) "Project," means the whole of an action, which has a potential for resulting in either a direct physical change in the environment ⁶ or a reasonably foreseeable indirect physical change in the environment.
- * **Trino failed to disclose that Trino's initial Project at the outset was only for a 740 sf addition to an existing** 1,657 sf single family residence ("SFR") that no longer exists, which application was assigned CCC exemption #5-10-023-X, dated March 4, 2010.
- * **Trino's initial Project submitted to the CCC at the outset had no change in height, no demolition, no grading or excavation, no retaining walls, no removal of lateral support to adjoining properties, no removal of public street parking space, no landscape alterations, and did not bear any resemblance to the current and whole**⁷ Project that Trino is now seeking to develop through a CCC "emergency permit".
- * **The area property owners were denied due process, notice, public comment, and public hearing(s)** in Trino's initial Project for CCC CDP #5-10-023-X, a 740 SF addition to the previously existed 1,657 sf, 26' height SFD. Public hearings were required pursuant to LAMC sec.12.20.2, Ca PRC 30320, CCR 13250(b)(1), 13250(b)(2), but did not occur. However, REN's opinion is that no one would have objected to the initial Project if it was built as stated at the outset, and was designed and built to Code. Pacific Palisades Coastal Bluff area property owners had no reason to believe they would be denied due process, notice, public hearings, public comment, public participation and equal protection of the law, but they were denied. The City and the CCC provided no opportunity to give testimony or to submit evidence into the Trino comment or hearing file because no such file existed and no public hearing occurred prior to LADBS permits being issued.
- * **Trino failed to disclose that for more than 2 ½ years many area property owners and interested parties objected to the Trino Project and it's now documented non-compliance** with: (1) the permitting process; (2) adjacent property owners' rights to due process; (3) the Coastal Act and CEQA; (4) the Brentwood-Pacific Palisades Community Plan; (5) Zoning Codes, including but not limited to the BHO; (6) Excavation and Grading quantities; (7) Demolition; (8) Adjoining property owners' right to protection pursuant to Ca Civ Code 832, 832.4 and LAMC sec. 91.3307, sec. 91.3307.3.2.1, sec. 91.3307.3.2.2; (9) other City and State Codes; and (10) neighborhood character, as well as other issues raised by different area property owners and residents.

B. Page 1, Line 3 through line 5,

Trino: "I first applied to the City of Los Angeles and the Coastal Commission for a minor remodel in 2010, but did not move forward on that scope of work."

Records Reveal:

- * **Trino "did not move forward on that [2010] scope of work", which was assigned CCC exemption #5-10-023-X for a 740 sf addition with no grading, but Trino currently and wrongly used the same CCC exemption #5-10-023-X for LADBS' clearance of 6,000+ sf of new development including, but not limited to,**
 - (1) 744 sf addition (to a SFD that no longer exists);
 - (2) 2,721 sf addition plus U Occ. Group: +433 sf / 886 sf (to a SFD that no longer exists);
 - (3) 188 sf accessory structure;
 - (4) 21 cy of grading cut;
 - (5) 18' x 10' pool;
 - (6) 260' long retaining walls x 10' high (2 rows) with 9 freestanding piles.

- * **Trino's 2010 scope of work at CCC, City, and LADBS did not include a "minor remodel",** the only initial scope of work stated in the CCC Project description was: "addition to existing SFD of total of 740 sf"
- * **Trino's 2010 scope of work was referenced as** By CCC: # 5-10-023-X (no cut earth was proposed);
By City: # ZA-2010-478-AIC (no cut was proposed);
By LADBS: # 09014-30000-04398, for 744 sf addition;
By LADBS: # 09030-30000-05889, for 21 cy cut, 21 cy fill.
- * **Trino's CCC exemption #5-10-023-X for an addition of 740 sf to an existing 1,657 sf SFR is invalid** pursuant to the form, which states: "If at a later date this information is found to be incorrect or incomplete, this letter will become invalid, and any development must cease until a coastal development permit is obtained."
- * **Trino did not move forward on the initial 2010 Project, therefore the initial 2010 Project and its related CCC, City, and LADBS applications were by operation of law either: (a) invalid, or (b) void. It is unfair and unlawful that Trino continues to use void, invalid, and inaccurate applications.**

C. Page 1, Line 5 through line 9,

Trino: "On September 11, 2012, I obtained

- (i) a building permit, No. 11014-3000-01557, for a major remodel and addition to the existing 2-story home with attached basement,
- (ii) a grading permit, No. 11030-3000-02140, for 391 cubic yards of cut, 49 cubic yards of fill and 342 cubic yard of export, and
- (iii) retaining wall permit, No. 11020-3000-00942, for a 260-foot-long, 10-foot-high retaining wall in 2 rows with 9 piles."

Records Reveal:

- * **Trino omitted from this statement more than 10 other subproject permit applications, including the other 740 sf addition, 21 cy of cut, another 2,040 cy of cut, 4 more piles, 2 pool variations, and an accessory building.** At least 6 of the LADBS permit applications have not yet been issued and are not valid.
- * **Trino also omitted the defining digit from each permit application center section,** which should have been written with 5 digits, not 4 digits (See the above LADBS permit #11020-3000__-00942, from which Trino omitted the "0", "1", or "2" from the center section's 5th space, also detailed below). **The omission of this 5th digit concealed the true permit application number, it's respective description, and hid that the Project as a whole was not approved.** Trino must disclose to the CCC, its staff, and to the public, its true scope of work, which Trino did not do. Trino has a pattern of misrepresenting its whole scope of work.
- * **Trino concealed from the CCC, Executive Director, and the public that each of Trino's LADBS permit applications⁸ were null and void pursuant to LAMC sec 12.26.A.2⁹ and ended any rights¹⁰ pursuant to LAMC sec. 12.26.A.3(a), sec.12.26.A.3(b), sec.12.26.A.3(d), and sec.12.26.A.3(e).**
- * **The partial list below includes Trino's piecemeal LADBS applications** for: (1) Building, grading, and pool permits, which have been issued; (2) Building and grading applications that were not issued and are not valid; (3) Building and grading applications that were required but were not submitted; (4) Required City Planning applications that were not submitted to City Planning. This list below shows Trino's proposed Project as a whole, has not been approved by the City, City Planning, and LADBS:

Scope of the "building permit", allegedly for an addition to an existing 1,657 sf SFD (City states 0.0 sf exist) :

- Issued 6-02-2011: LADBS building application #09014-30000-04398 for 740 sf addition to an existing SFD.
- Issued 9-11-2012: LADBS building application #11014-30000-01557 for 2,721 sf addition to existing SFD w/ att. basement garage.
- Not issued, not valid: LADBS building application for basement garage.
- Not submitted: LADBS application for a Demolition Permit, no Demo plan exists.

- Not submitted: LADBS building application for accurate, whole floor area for proposed new 6,286 sf SFD. Pursuant to BHO slope band analysis, Trino is only entitled to about 3,200 sf SFD at site.
- Not submitted: Plans compliant with LAMC, Ordinance #181,624 or Community Neighborhood Character.
- Not submitted: LADBS building application to add 10' to height (to the previously existed 26' in height SFD, which is now 0' in height).
- Not submitted: Required City CDP application. Because no City CDP findings, determination, and approval were made, no building, pool, or grading permit could lawfully have been issued.

Scope of the “grading permit”, allegedly for 391 cy of cut, but Trino omitted more than 1,640+ cy of cut:

- Issued 6-02-2011: LADBS grading application #09030-30000-05889, for 21 cy of cut earth.
- Issued 9-11-2012: LADBS grading application #11030-30000-02140, for 392 cy of cut earth.
- Not issued, not valid: LADBS grading application #11030-30001-02140, based on 1,847 cy of cut earth.
- Not issued, not valid: LADBS clearance for grading more than 21 cy of cut and 21 cy of fill.
- Not submitted: The 2,040 cy of cut stated at CCC and City Planning has no application at LADBS.
- Not submitted: No grading plan exists at LADBS that is legible, drawn to scale, accurate, and complete.
- Not submitted: No grading plan exists at LADBS to excavate for the basement garage, pad, or retaining walls.
- Not submitted: Required City CDP application. Because no City CDP findings, determination, and approval were made, no building, pool, or grading permit could lawfully have been issued.

Scope of the “retaining wall permit”, Trino has no stamped, legible plans with address, and drawn to scale :

- Issued 9-11-2012: LADBS building application #11020-30000-00942, 260'L x10'H Retain Walls/ 2 rows/ 9 piles
- Not issued, not valid: LADBS building application #11020-30002-00942, Revise piles from 9 piles to 13 piles.
- Not issued, not valid: LADBS building application #13020-30000-02322, Perm shoring & piles for rear retain wall
- Not submitted: No LADBS building application exists for Trino's proposed 20' retaining wall.
- Not submitted: No City CDP application was approved, therefore no retaining wall was/ is lawfully approved.

Trino failed to disclose to the CCC other subprojects for same scope of work, including, but not limited to:

- Not issued, not valid: LADBS building application #11020-30000-00943 for shoring.
- Not issued, not valid: LADBS building application #12020-30000-02063 for temporary shoring.
- Issued 9-11-2012: LADBS building application #11010-30000-00955, accessory building at area of 1962 slide.
- Not issued, not valid: LADBS building application #11010-30001-00955, acces build required LADBS correction.
- Issued 9-11-2012: LADBS building application #11047-30000-00421, 18' x 10' pool at area of 1962 slide.
- Issued 2-4-2014: LADBS building application #11047-30001-00421, pool, correction for wrong size.
- Not Approved: LADBS Haul Route.
- Not Approved: City Case no. ENV-2014-415-EAF for Haul Route.
- Not submitted: No City CDP application is submitted, pending, approved, withdrawn or denied.
- Not submitted: No Demo Plan Exists, No As-Built Plan Exists
- Not disclosed: Wrong Geologist of record, Roland Acuna, is listed on 7 LADBS permit applications

- * **LAMC states in section 91.106.4.3.1. Limit of Authorization. The issuance of a permit is not an approval or an authorization of the work specified therein. A permit is merely an application for inspection, the issuance of which entitles the permittee to inspection of the work which is described therein.**
- * **Trino's 5 LADBS permit applications issued on 9-11-2012 were based on the 188 sf accessory building as the primary building instead of the true proposed primary 6,000+ square foot SFD. Group U accessory buildings do not need to meet all of the same requirements as primary buildings. (See Ca Fire Codes, Ca CBC).**
- * **In the 2-6TLetter Trino failed to state to the CCC that Trino, LADBS, and City Planning have each acknowledged the wrong grading quantity of “391 cubic yards of cut, 49 cubic yards of fill and 342 cubic yard of export” was stated in Trino's 9-11-2012 LADBS set of stamped plans, which were the same plans stamped by the CCC on 10-31-2012, and per Mr. Al Padilla, are also the same plans used in Trino's #5-14-1559 CDP**

application submitted in 2014. Trino's #5-14-1559 application has no submitted, signed, and stamped plans at the CCC. Mr. Padilla stated there are no Trino as-built, grading, and structural plans stamped #5-14-1559; Trino's #5-14-1559 application states 2,040 cy of cut, with 1,938 cy of export, and Mr. Padilla allowed Trino to use plans that stated the false amount of 391 cy of cut, 49 cy of fill and 342 cy of export.

- * **Trino seeks CCC's help for Trino to circumvent City Zoning codes with the use of an "emergency permit".** Trino has not submitted the required documents for a zoning variance. No public hearing or findings for a variance occurred for grading in excess of quantity allowed by LAMC zoning codes; Trino was not and is not entitled to a variance. Trino has not obtained a zoning variance for the excess grading quantity.
- * **The granting of Trino's height, setback, floor area, retaining walls, and grading variances, waiver of the Coastal Act variance, and other variances sought by Trino would constitute an unjustified "special privilege and would set an adverse precedent".** Trino seeks multiple variances that amount to the kind of "special privilege" explicitly prohibited by Government Code section 65906.
- * **Trino concealed from the CCC that as recently as 9-25-2014, City Planning required Trino to submit an updated LADBS Geology and Soils Approval Letter with Trino's correct grading quantity of 2,040 cy of cut earth, but Trino has not complied with the City direction. Trino has continued to use the false and misleading quantity of 226 cy of cut stated on Trino's plans used in the LADBS Grading Department, which were used to obtain each LADBS Geology and Soils Approval Letters dated 7-14-2014, 7-18-2013, and 6-4-2012.**
- * **At present, Trino has no LADBS Geology and Soils Approval letter for the correct grading quantity for the Project as a whole. Trino has no LADBS plan check, Grading Department, or City Planning approval for the whole grading quantity.**
- * **In the Trino statement, "On September 11, 2012, I obtained (i) a building permit, No. 11014-3000-01557, for a major remodel and addition to the existing 2-story home with attached basement,**
 - a. **In addition to the omitted 5th digit of the center section, Trino also omitted the building permit's actual and defining words "SFD" and "Garage".** The building permit's full and accurate words in the "description of work" read:
"for a major remodel and addition to the existing 2-story [home] SFD with attached basement GARAGE."
Deletion of these words unlawfully changed the meaning of the proposed scope of work to the CCC.
 - b. **"SFD" is an acronym for "Single Family Dwelling".** The LAMC defines in short,
Single: One (dictionary)
Family: One or more persons living together in a dwelling unit with common living, kitchen, and eating areas within the dwelling unit, **Dwelling unit** is defined as a group of two or more rooms, one of which is a kitchen.
Dwelling, One-Family: A detached Dwelling containing only one dwelling unit.
Dwelling: Any residential building, **Building** is defined as structure having a roof.
In sum, a SFD is a structure for living, having a roof, with two or more rooms, one of which is a kitchen. There is not 1,657 sf of building and No 1,657 sf SFD existing on the lot at 283 Trino Way.
 - c. **Trino admitted Trino has no roof or living facilities and deleted the "SFD" acronym from the 2-6Tletter, and used the different word "home" instead. By calling the SFD "existing", Trino seeks to use existing SFD building rights, which Trino does not have any rights to. Put simply, there is no roof, therefore there can be no SFD. Trino can have no existing building rights to a SFD that does not exist.**
 - d. **"Remodel", pursuant to the LAMC sec.12.08.C.6 and sec. 12.21.C.10(c) for purposes of verification of Existing Residential Floor Area state "a remodel shall mean the alteration of an existing Building or Structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained."** There is no "existing SFD" to "Remodel".

- e. **Trino stated the SFD with 36' in height already existed. A 36' in height SFD does not exist, and never existed.** LADBS permits show height prior to the 2012 demolition was 26' at highest point. Presently, the City's ZIMAS states building is 0.0 sq ft, since there is 0.0 building square footage, there can be no building height, therefore height is 0'. Trino has no right to build a 36' height SFD.
 - f. **Trino never had an existing attached basement garage,** and therefore in the 2-6T Letter Trino omitted the word "garage" from "basement garage".
 - 1. Trino never obtained a building permit to construct an "attached basement garage", instead Trino stated in the building permit #11014-30000-01557 the "attached basement garage" already existed, a basement garage does not exist, and has never existed.
 - 2. By stating an attached basement garage exists, when no such basement garage exists and never existed, Trino attempts to obtain existing building rights that Trino has no right to.
 - g. **Trino is subject to the LAMC, Coastal Act, BHO, Brentwood-Palisades Community Plan,** and must be consistent with Bel-Air Bay Club neighborhood's historic 1929 tract. Trino has no entitlement to build the structures Trino proposes to build. No SFD in the tract has the floor area ratio to size of lot that Trino seeks to build. Trino seeks a new height, floor area, and setback precedent by stating that the height, 108' wide frontage, and setback already exist, which height, floor area, frontage, and setback do not exist.
 - h. **The existing property owners of the historic neighborhood** and cultural history of the Bel-Air Bay Club neighborhood are entitled to the preservation of this historic tract. Any modification to the historic tract, including but not limited to, widening of vintage substandard streets in geologically unstable areas, required an environmental impact report. An environmental review is still required and has not occurred.
- * In the Trino statement, "On September 11, 2012, I obtained (ii) a grading permit, No. 11030-3000-02140, for 391 cubic yards of cut, 49 cubic yards of fill and 342 cubic yard of export,**
- i. **In addition to the omitted 5th digit of the center section, Trino also omitted the whole quantity of cut and export for the Project.** Trino has three different permit applications for cut and grading, one is for 1,847 cy of cut, which permit is not approved, not filed, and not issued. The other two permits are for 21 cy of cut and 391 cy of cut. Trino also has a fourth grading quantity in its application and plan at City Planning, which states 2,040 cy of cut. In the CCC CDP application #5-14-1559, Trino states 2,040 cy of cut, but Trino only submitted to the CCC a plan for 391 cy of cut. Trino seeks the CCC "emergency permit" to circumvent lawful requirements and consistency.
 - j. **Trino's Grading plan at LADBS is for 391 cy of cut with 342 cy of export** and is smudged, with many illegible figures. The other Grading plan at LADBS is for 21 cy of cut and states existing slope to remain.
 - k. **Trino has not complied with LADBS' Dana Prevost to Mark Johnsson email** dated January 11, 2013, in which Mr. Prevost stated, "An important issue for us is the export quantities discussed in the architects report." (REN hired the architect, structural and civil engineer due to the obvious omission of the Project's whole grading quantity stated in Trino's applications and plans). **Mr. Prevost further stated in the email, "export over 1,000 yards triggers a hearing and a special haul route approval."** This statement by Mr. Prevost is under the authority of LAMC sec. 91.7006.7.4, which requires Notice, Environmental Review, Public Hearing(s) and a Haul Route, Trino did not comply with sec. 91.7006.7.4.
 - l. **City Planning records and City's email to Trino show that Trino is aware that Trino is required to submit and obtain a New LADBS Grading Department Geology and Soils Approval Letter.** Trino has not submitted the required and requested documents to City Planning. Therefore, no environmental review could be performed, no respective City finding and determination could be made, and no Haul Route hearing could be scheduled.
 - m. **The only Trino grading plan submitted to the LADBS Grading department for LADBS Geology and Soils Approval Letters** stated 226 cy of cut with 134 cy of export. The quantity submitted to City Planning

with 2,040 cy of cut earth with 1,938 cy of export and in CCC #5-14-1559 application was not submitted to the LADBS Grading Department or LADBS Plan check.

- n. **Trino stated that 2,040 cy of cut is proposed to be removed from the bluff.** No such plan was approved, the quantity exceeds the maximum quantity of cut earth allowed by right pursuant to Chapter 1 of the LAMC, and it exceeds the maximum quantity of export allowed by right pursuant to Chapter 9 of the LAMC. No City Zoning notice, environmental review, or public hearings occurred regarding Trino's proposed excavation of the Coastal Bluffs, on a substandard street, which exceeds Codes/ Regulations.

* **In the Trino statement,** *"On September 11, 2012, I obtained (iii) retaining wall permit, No. 11020-3000-00942, for a 260-foot-long, 10-foot-high retaining wall in 2 rows with 9 piles."*

- a. **In addition to the omitted 5th digit of the center section, Trino also omitted the retaining wall safety factor issue,** which was identified by Trino team as set forth in their December 3, 2012 email. In the email, Trino stated their 20' high retaining wall along north and northeast sides of the property and the lower retaining wall not yet built did not meet the desired safety factor stated by Trino team reports. Trino team then questioned, "In light of this wall design change, please consider whether the drilled pile report should be submitted to the neighbors now or when the revised walls plans are completed".
- b. **Trino's proposed retaining walls Project exceeded quantity and height regulations,** and violated the LAMC. Trino retaining wall plans, reports, and permits were incomplete, inaccurate, and inconsistent with the LAMC at the time LADBS permit applications were improperly issued. Trino has since attempted to submit new LADBS permit applications, but the LADBS permit applications were not approved, not issued, and not filed.
- c. **Trino concealed from the CCC that City Bureau of Engineering required Trino to move Trino's proposed piles** out of the west side of the lot's public sanitary sewer easement. But instead of moving its proposed piles further to the east in order to accommodate the lot's existing sewer easement, Trino removed all of the proposed piles from the west side of its plan, and has no plan for its proposed west side of lot's excavation, required support for the lot's sewer easement, and the adjoining upslope properties.
- d. **In Trino's plans, Trino did not identify the sewer pipe and easement in relation to Trino's proposed excavation,** removal of its lateral support, and the proposed new structures.
- e. **At the CCC, Trino's structural plans show "Not to Scale".** This unlawfully places a hardship on the upslope adjoining properties that are reliant upon and entitled to lateral and subjacent support from 283 Trino Way earth. It is wrong to remove lateral and subjacent support from adjoining properties and to build on top of or encroach on a public sewer easement.
- f. **Trino did not identify the 9 piles referred to in this retaining wall permit and where the piles were to be located. Trino references its piles differently in different plans and applications.**
- g. **On October 10, 2012, Trino requested to purportedly add another four piles** in permit application #11020-30002-00942 without locating the first nine piles described in permit application #11020-30000-00942 or the piles for the retaining walls. During Sep/Oct 2012, after correction notice, and about the time of the letter of violation of the Coastal Act, Trino installed 28 piles without the correct LADBS grading permits, building permits, City and State Coastal Development Permits, or other required approvals.
- h. **Trino has no lawful plan for:** (1) 260' long retaining walls; (2) retaining walls' height dimensions; (3) walls' setback from property lines and adjoining structures; and (4) the walls' structural calculations.
- i. **Trino has no plan for the front yard retaining wall** or is lowering the entire building pad to street level, which, if true, Trino must disclose such excavation quantity. The front yard excavation must be identified for determining the degree of the slope for parking on driveway because Trino is using the driveway as its

required parking spaces. There is insufficient public parking in the neighborhood. The quantity and elevations of the retaining walls must be disclosed pursuant to LAMC Chapter 1, so that adjoining properties can determine their safety, and any potential violation that infringes upon their property rights.

- j. **At present, Trino's retaining walls and plans exceed Zoning Codes, and Building Codes.** No Public Hearing for Zoning review has occurred. Grading plans which incorporate the proposed retaining walls at LADBS are not legible; Structural plans of the retaining walls at CCC state "N. T. S." ["Not to Scale"]. Structural plans at City Planning, and at LADBS Grading Dept. also state "N.T.S." ["Not To Scale"].

D. Page 1, Line 9 through line 11,

Trino: "On October 31, 2012, I filed an application for a Coastal Development Permit, No. 5-12-301, for this major renovation, having previously been given a waiver for the minor remodel first proposed, No. 5-12-002."

Records Reveal:

- * **Trino was deceptive by stating #5-12-002 and #5-12-301 were for entirely different projects,**
- "major renovation" v. "minor remodel" as these 2 proposed projects were nearly identical.
 - The CCC # 5-12-002 was Trino's third application to the CCC, and was for a 3,446 sf addition (2,872 addition + 574 garage addition) and renovation, and not the 2010 Project first proposed.
- * **Trino misrepresented the application numbers, and omitted the more minor Project first proposed, which was, CCC #5-10-023-X for a 740 sf addition.** Trino admitted in its statement in the 2-6Tletter, Page 1, Line 3 that Trino "first applied to the City of Los Angeles and the Coastal Commission for a minor remodel in 2010, but did not move forward on that scope of work." However, Trino still seeks to use the 2010 permits.

1. The building scope of work identified in 2010 by agency was:
 - a. CCC as # **5-10-023-X**; 740 sf addition, existing height to remain
 - b. City as # **ZA-2010-478-AIC**, no stated increase in height;
 - c. LADBS as # **09014-30000-04398**, for 744 sf addition, 0' increase in height.
2. The previously existed height on record at LADBS and in Trino's 2008 survey was 26' to highest point, at top of chimney. Trino falsely stated height was 36'. No 36' in height SFD ever existed at 283 Trino Way. The original neighborhood plan limited such height to stop detriment to others.
3. Trino's CCC applications **#5-12-002** and **#5-12-301** attached plans state:

CCC application #5-12-002 plan stamped by CCC on 2-8-2012 states:

A total **5,273 sf** of Floor Area Per Zoning Code + 954 sf of Carport/Garage
A total **6,227 sf** of gross floor area,
A total **3,446 sf** addition (2,872 sf + 574 sf).

CCC application #5-12-301 plan title page stamped by CCC on 10-31-2012 states:

A total **5,120 sf** of Floor Area Per Zoning Code +886 sf of Carport/Garage
A total **6,286 sf** of gross floor area
A total **3,454 sf** addition.

The Trino CCC #5-12-301 and #5-12-002 applications had substantially the same:

1. Project description pursuant to Building Code, with a gross floor area difference of **59 sf**;
2. Floor Area Square feet pursuant to Zoning Code, **except #5-12-002 was 150 sf larger**;
3. Addition size with a difference of **8 sf**;
4. Site plan SFD footprint; South elevation view; and Roof plan;
5. Both CCC #5-12-301 and #5-12-002 stated the previously existed SFD (SFR) would remain, which SFD (SFR) is now demolished. City and CCC agree no SFD (SFR) remains.
6. Both plans omitted the 2,040 sf of cut earth, which cut included basement garage excavation,
 - i. #5-12-002 stated no grading, and #5-12-301 stated 392 cy of grading

- * **Trino's CCC De Minimis Waiver #5-12-002-W for a 2,872 sf + 574 sf garage (3,446 sf) to an existing 1,657 sf SFR is invalid** pursuant to the form, which states: *"If at a later date this information is found to be incorrect or incomplete, this letter will become invalid, and any development must cease until a coastal development permit is obtained."* (Proposed gross sf is incorrect at 5,103 sf, Grading omitted 2,040 cy of cut).

E. Page 1, last paragraph

Trino: *"I have most recently been supplied with copies of three letters that Ms. Renee has directed to you: (1) a letter misdated January 4, 2014 (the Coastal Commission received stamp on which is dated January 5, 2015) regarding "Acts in Violation of the Law, and Aiding Applicant, his Agents, Representatives, Architects, Builders and Related Team, Collectively 'Trino' to Continue Violating the Law," (2) a second letter misdated January 6, 2014 (the Coastal Commission received stamp on which is dated January 6, 2015) regarding "283 Trino Way, Owner, agents, collectively 'Trino' seeks to take advantage of own wrong," and finally (3) a copy of a letter from the City of Los Angeles to Ms. Renee dated December 19, 2014, responding to her California Public Records Act request for a copy of my Coastal Development Permit application. Ms. Renee's letters assert multiple violations of law and attribute fraud and collusion to me, the consultants working for me, and your staff, in particular Mr. Al Padilla."*

- * **Trino admits receipt of the City's December 19, 2014 CPRA letter, wherein the City stated "The Department of City Planning has no submitted, pending, denied, approved nor withdrawn Coastal Development Permit application for 283 Trino Way."** In response Trino did not provide any evidence of any City document, City record number, or Case number of Trino's purported "Coastal Development Permit application". Trino cannot provide such items, because none exist.
- * **Trino has not provided evidence to contradict the City Letters** dated January 15, 2015, and March 10, 2015, each of which also state, "The Department of City Planning has no submitted, pending, denied, approved nor withdrawn Coastal Development Permit application for 283 Trino Way."
- * **Trino received a City Order to Comply to obtain all required clearances and approvals from City Planning and Coastal Commission, Trino has not complied.**
- * **The CCC identified Trino's Unpermitted Development: Demolition and New Construction,** and issued a CCC letter of violation. Trino has continued to use plans that state 1,657 sf SFD is still existing, when no SFD (SFR) exists (City verified 0.0 sf Building exists). Trino has not submitted as-built plans for the as-built development.
- * **City Planning requires: a City CDP; Environmental Review; LADBS Geology and Soils Approval Letter; Haul Route;** Trino has not complied with City Planning requirements or the City Order to Comply.
- * **LADBS Permits state "BHO-Yes", Trino's plans do not comply with the BHO.** Grading and Floor area is excessive. Trino stated the 36' height SFD and attached Basement garage already existed. They do not exist and have never existed. Trino demolished the previously existed SFD. Trino has no existing building rights. Trino has no vested right in unlawfully and improperly issued permits based on Trino's erroneous applications.
- * **Trino compounded its unlawful submission of noncompliant plans** to the CCC by misleading the CCC with an illegal, unstamped Landscape plan, marked as page A-3.5 and called "Planting Plan". Trino's landscape plan is under the authority of LAMC sec. 12.40 for proposed landscaping, as well as the Very High Fire Hazard Severity Zone ("VHFHSZ") in which landscaping is under the authority of City and State Fire District Codes. In August 2012, the Trino plan page A-1.0 obtained "APPROVED LANDSCAPE PLAN" from City, and was stamped accordingly, and it became part of the 20-page set of plans that were stamped by LADBS on 9-11-2012 and submitted to the CCC on 10-31-2012. Nevertheless, Trino wrongly added the unapproved and different landscape plan page A-3.5 as the additional 21st page to the last of the 20-pages. The unlawful, unstamped 21st page Landscape plan has been brought to the attention of CCC staff on prior occasions, but CCC staff continued to allow Trino to harbor the unstamped and unapproved by City Landscape Plan. Trino's "Approved Landscape Plan" on page A-1.0 does not resemble in any way its Planting plan on page A-3.5.

- * **Trino's unstamped, unapproved landscape plan page A-3.5 violated the LAMC**, which Code sec. 12.22.C.20(f), and 12.24.X.7¹¹, limit the height of landscaping in a Hillside Area that would have "any detrimental effects on the view which may be enjoyed by the occupants of adjoining properties". Trino continues Trino's conscious disregard for other persons' rights and the rights of other persons' properties.
- * **The City, LADBS, CCC, and Trino cannot keep Trino's improperly issued permits in place** so that they become the foundation for the decisions that will thereafter have to be made. In *Horwitz v. City of Los Angeles* (2004) 124 Cal.App.4th 1344, 1356, the Court of Appeal stated:

"We do not see any basis in law, fact, or fairness to allow the City or Beglari [Applicant] to keep the improperly issued permits in place so that they become the foundation for the decisions that will thereafter have to be made."

"As noted, it seems far more fair and equitable to us to place the burden on Beglari [Applicant] to submit proper permit applications, and to prevent him from retaining some unstated and ephemeral benefit from the nonconforming permits issued in response to his substantially erroneous applications."

- * **In violation of the CCR, LAMC, City and State Regulations**, some City, LADBS, and CCC staff have been helping Trino to evade compliance with the CCR, Coastal Act, LAMC, Rules, Regulations, and Case Law, by leaving government applications open that are expired, invalid, void, or closed, which is deceptive to other persons and other agencies who need to know the actual status of the Project. Pursuant to LAMC 11.02, and as outlined herein, the Trino proposed subprojects are void, null, invalid, expired, or closed. The proposed Project has not been approved and has no final approval. Government staff who have left applications, permits, or permit applications open when they are invalid, void, expired or closed have caused REN prejudice and harm.
- * **Trino's erroneous applications can be read more fully at:** CCC in #5-10-023-X, #5-11-125-X, #5-12-002, #5-12-002-W, #5-12-301, #5-13-412, #5-14-1559; LADBS BF# 13007, #14002, and public permit records; City Planning #ZA-2011-3266, #ZA-2010-478-AIC, and City Planning Case file #ENV-2014-415-EAF.

F. Page 2, Line 1 through line 2

Trino: "I was in the process of installing the structural foundation for my home when Ms. Renee began her assault."

Records Reveal

- * **Trino provided no notice to adjoining property owner REN as required by Ca Civ Code 832 and LAMC 91.3307**, and had no building approval for the Project as a whole. Therefore, Trino had no authority to commence cutting slope to install the structural foundation that Trino proposes to install.
- * **Trino did not have a LADBS stamped shoring plan, with signed, paid for, and issued shoring permit** for "installing the structural foundation", as well as other protections for the four-upslope adjoining properties and public sewer easement, which pursuant to LAMC 91.3307, were required when Trino started cutting the slope and "installing" the unpermitted structures. Trino was attempting to install a different Project than the Project that was initially and erroneously permitted by the LADBS.
- * **Trino was required to have, but did not have, a City and State CDP** when Trino began its unpermitted demolition of the SFD on about 9-13-2012. Trino began site demolition with no demolition permit, no shoring permit, with incorrect grading permit, and with other erroneous permits. Trino began cutting and grading this Pacific Palisades Coastal Bluff with no legal entitlement to circumvent the requirements of the Coastal Act. The City and State verified that Trino was non-compliant and issued Letter of Violation, Correction Notice, and Order to Comply. At present, Trino still has not obtained required approvals for the true scope of work.
- * **Instead of obtaining a City and State CDP, Trino wrongly used a City form called "Approval in Concept" ("AIC")**. An AIC is not a permit and could not be used to circumvent the Coastal Act and its mandatory requirements in the City of Los Angeles, at 283 Trino Way.

- * **There is no City exemption from the Coastal Act when a project is in a geological hazard area, as is Trino.**
- * **Instead of obtaining a City CDP as required by City and State Codes, Trino unlawfully used the AIC form twice, purportedly for different floor area additions to the previously existed SFD.**
- * **Pursuant to City regulations, Trino was required to obtain a City CDP but did not.** The 744 sf addition is not correct; Existing SFD is not correct; Trino omitted all cut and export from AIC. Therefore, Trino's first AIC # ZA-2010-418-AIC form dated 2-26-2010, for a 744 sf addition to an existing SFD was automatically null and void as stated on the AIC. The AIC stated, **"If it is found that the attached plan or statements are not correct or do not conform to applicable City regulations, it [AIC] shall become null and void."**
- * **Pursuant to City regulations, Trino was required to obtain a City CDP but did not;** the 2,872 sf addition + 574 sf garage is not correct; Existing SFD is not correct; Trino omitted all cut and export from AIC. Therefore, the second AIC # ZA-2011-3266-AIC form dated 12-21-11, for a 2,872 sf addition + 574 sf garage to an existing SFD was automatically null and void as stated on the AIC. The AIC stated, **"If it is found that the attached plan or statements are not correct or do not conform to applicable City regulations, it [AIC] shall become null and void."**
- * **Trino had no entitlement to use the City AIC form because:**
 - (1) Trino was required to obtain a City CDP first from the City, and a second CDP from the State pursuant to Trino's location subject to Ca PRC 30600(b), 30601, 13001(a)- City calls this Pacific Palisades Coastal bluff area the "Dual Permit Jurisdiction", upheld by California Case law.
 - (i) But, the AIC stated, "This approval in concept is not a permit." Pursuant to the AIC form, an AIC could not be used in Trino's location, because the location required a permit from the City.
 - (2) AIC form stated "An approval in concept may only apply to (from section 30624 California Coastal Act) Single-Family Dwellings **except those in geologically unstable areas...**";
 - (i) Trino certified and signed 2 affidavits which state, **"I am fully aware that the subject property is located in an area subject to landslide and unstable soils"**,
 - (3) **AIC form stated, "This approval in concept is being issued without a detailed plan check, grading or geology report, or visit to the property and in no way excuses the applicant from complying with all applicable policies, ordinances, codes and regulations of the City of Los Angeles."**
 - (4) **The AIC form stated, "If it is found that the attached plan or statements are not correct or do not conform to applicable City regulations, it [AIC] shall become null and void."** As shown herein, Trino's plans and statements were not correct and did not conform to applicable City regulations.
- * **No addition to the previously existed SFD, no demolition, no grading, and no remodeling occurred prior to the site's demolition, which began on about September 13, 2012.**
- * **Trino has no legible grading plan at LADBS or structural plan at CCC drawn to scale for public review.** No structural calculations are available at LADBS or the Coastal Commission because they either do not exist or they are being concealed from REN. No Trino structural foundation plan exists that shows compliance with Codes, including but not limited to, protection for adjoining property pursuant to LAMC 91.3307.
 - a. Pursuant to LAMC 91.7006.1 Plans and Specifications. (Amended by Ord. No. 171,939, Eff. 4/15/98.) Application for a grading permit shall be accompanied by: (A) Plans and specifications prepared and signed by an individual licensed by the State to prepare such documents; (B) Plans shall be drawn to appropriate scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and **show in detail that they will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations.** Plans shall include, but not be limited to, the following information: (1) Property limits and accurate contours of existing ground and details of terrain and area drainage; Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction; (2) **Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated**

runoff of the area served by any drains; (3) **Location of any buildings or structures** on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet (4572 mm) of the property or **which may be affected by the proposed grading operations**; (4) Location of top and toe of all cuts and fills; (5) the location of all “daylight” lines; (6) Amount of cut and fill.

b. The specifications in their entirety as required pursuant to LAMC 91.7006.1, were not included on the alleged plan shown to REN.

* **Pursuant to Building Codes, in September 2012 Trino had no entitlement to proceed** with: demolition; and the excavation of the upslope adjoining properties lateral and subjacent support with incorrect grading quantities, without a shoring permit, and without a haul route approval and without consistent and correct Project descriptions that stated the whole Project and its full scope of work were in compliance for the area. Trino was not in compliance as stated in LADBS 9-25-2012 Correction Notice.

* **Pursuant to Zoning Codes, in September 2012 Trino had no entitlement to proceed** with altering the area’s landforms and to proceed with development that violated the Community Plan, and the zoning ordinances in this Pacific Palisades Coastal Bluff, with no CDP, no public hearings and public comment.

* **Trino had no grading and structural foundation plan** for the 18’ x 10’ pool and accessory building, which were proposed to be located in the area of the Trino’s 1962 slope failure.

* **Trino has no “home” at 283 Trino Way**, and can have no home at 283 Trino because the SFD was demolished. Trino’s “home” is Trino’s recently developed SFD at 450 Chapala Way, 90272. See Trino’s homestead affidavit at LA County Records for 450 Chapala Way.

* **When Trino was in the process of Trino’s non-permitted 2,040 cy of cutting, excavation, and exportation of earth from the Coastal bluff** for installing Trino’s inadequate structural foundation, Trino had supplied to City, LADBS, and the CCC the following false and misleading grading quantities:

- a. 226 CY of Cut, 134 CY of export to the LADBS Grading Department;
- b. 21 CY of Cut, 0 CY export to Plan Check in Application for Grading Permit # 09030-30000-05889;
- c. 391 CY of Cut, 342 CY export to Plan Check in Application for Grading Permit #: 11030-30000-02140;
- d. 0 CY of Cut stated in the City’s “Approval in Concept” ZA-2010-418-AIC form dated 2-26-2010;
- e. 0 CY of Cut stated in the City’s “Approval in Concept” ZA-2011-3266-AIC form dated 12-23-2011
- f. 0 CY of Cut stated in the Coastal Commission for CDP Exemption no. 5-10-023-X, dated 3-1-2010;
- g. 0 CY of Cut stated in the Coastal Commission for CDP Waiver no. 5-12-002

G. Page 2, Line 2 through line 3

Trino: *“She has managed to delay my project for over 2 years while I and the City considered and addressed the plethora of issues that she raised.”*

Records Reveal:

- * **Trino has an open City “Order to Comply”**. **Trino has not complied with the City Order**. Trino has no entitlement to proceed until its Project complies with the Community Plan, Zoning, Building, City and State Codes, Ordinances, Rules, and Regulations, including, but not limited to, environmental review, notice, and required public hearings.
- * **At any time Trino could have been consistent** with and complied with City and State Codes, Rules, Regulations, Guidelines, and Ordinances, and submitted accurate, complete, and consistent applications and plans to the City, LADBS, and CCC. However, Trino has continued through to the present, including in this 2-6Tletter, to submit inconsistent, inaccurate, untrue, and incomplete applications, plans and records. Trino created Trino’s own delays. Ca Civ 3539 states, “Time does not confirm a void act.”

- a. On 9-25-2012, LADBS issued Trino a correction notice to submit a demo plan. No demo plan exists.
- b. On 10-15-2012, CCC issued Trino letter of violation of the Coastal Act for Unpermitted Development: Demolition of existing residence and construction of new structure. No As-Built plans exist. No City or State CDP exists and cannot exist because Trino has not submitted a City CDP application to City Planning, therefore the City could make no City Planning determination and required findings.
- c. On 10-23-2012, City issued to Trino violation of the LAMC, Zoning Code 12.21.A.1.a, and LAMC 91.103.1,91.104.2.4, Coastal Act, and Erosion Control. Trino has not complied.
- d. On 10-24-2012, Trino attempted to submit application for Shoring Permit, but has not done so, and no shoring application and respective plan exists for public review. Trino has not submitted notice to adjoining properties the depth of proposed excavation, which is required pursuant to Ca Civ 832.
- e. On 1-31-2014, LADBS inspectors admitted that the grading quantities stated on the Trino plans were inaccurate and again required Trino to obtain a new grading permit application. Trino attempted to submit a new grading permit application, but no plan check approval was issued. At present, no new and correct Trino grading plan exists at LADBS.
- f. On 1-31-2014 Trino attempted to obtain an LADBS permit application for corrected accessory building, Trino did not obtain plan check approval for the corrected accessory building.
- g. On 9-25-2014, City required Trino to obtain an updated Geology and Soils Approval letter for the Correct Grading Quantity of 2,040 cy of cut, and to resolve discrepancy, but Trino has not done so.

*** At any time Trino could have applied for the City CDP, complied with the Regulations, Guidelines, neighborhood consistency, BHO, and LAMC but Trino did not. Trino by its failure to act, delayed its own Project.**

*** In Trino's request to CCC for an "emergency permit" Trino seeks to take advantage of own wrong.**

H. Page 2, Line 3 through line 7

Trino: *"Over the course of the last 2 years Ms. Renee has raised a parade of criticisms about my project, including planning issues, permitting issues, architectural issues, geology issues, soils issues, grading issues, engineering issues, construction issues, safety issues, earthquake issues - anything and everything she could muster to stop the construction of my home."*

Records Reveal:

- * Trino inaccurately perceives the recognition of Trino's violations of Code, CCC letter of violation, LADBS Correction Notice, and City "Order to Comply" as "criticisms". Trino either complies with Code or does not comply with the Code, which is a statement of a fact, not a criticism.**
- * LAMC Chapter 1, Article 1, Section 11.00 (m) states, "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code." Trino has not complied.**
- * Trino has not corrected Trino's Project in order to comply with City "Order to Comply", LADBS Correction Notice, and CCC letter of violation. Trino blames others, but at any time Trino could comply with regulations and procedures, and submit correct, consistent, compliant applications, but Trino has not done so.**
- * Trino has spent 2 ½ years doing all possible to avoid being in front of City Planning, including, but not limited to, not filing a City CDP application because the Project as a whole is not compliant. City Planning is the Department responsible for, including, but not limited to, Zoning, and the Coastal Act. Trino received a City Inspection Bureau Order to Comply on 10-23-2012 to obtain all required clearances and approvals from City Planning. Trino seeks an "emergency permit" from the CCC and its Executive Director to circumvent City Planning procedures and regulations, including, but not limited to, City Planning clearances and approvals.**
- * At any time Trino could have filed a City CDP application, filed the correct plans and reports with the LADBS grading department, performed and obtained data from boring holes at Trino's upslope property lines at site of Trino's proposed excavation, but Trino chose not to. Any delay was Trino's choice of actions.**

I. Page 2, Line 7 through line 10

Trino: *“ In each case my architect, soils engineers, structural engineer, civil engineers and permitting consultants, Mr. Morris and Ms. Flinn, have carefully evaluated those criticisms and I have authorized them to modify my project to address any legitimate concerns, particularly with respect to safety.”*

Records Reveal:

- * **Trino wrongly characterizes its many “Violations” as a “Concern”**, which avoids responsibility for Trino’s direct violations of Code and substantially erroneous applications. Only Trino is responsible for Trino’s violations of Code and Trino’s substantially erroneous applications.
 - * **Trino received a City Order to Comply, a State CCC Letter of Unpermitted Development: Demolition of existing residence, and LADBS Correction Notice**, which reflected violations, not “criticisms” and not “concerns”. For 2 ½ years, Trino has failed to comply.
 - * **Trino misrepresented and omitted many facts and figures** in circumventing City and State Codes, guidelines, ordinances, rules, and regulations in the scope of work Trino seeks to develop at 283 Trino Way.
 - * **If Trino is to legally develop a SFD, Trino must comply with procedures** and the area’s Zoning, Building, Grading, and Public Resource Codes, Fire Codes, Parking Codes, Substandard Street Codes, as well as Health and Safety Codes, and due process for the adjacent and adjoining properties.
 - * **Trino stated that Trino “authorized [agents] to modify... project to address any legitimate concerns”**, which means in the 2½ years that have passed since Trino obtained the City “Order to Comply”, apparently Trino did not believe that obtaining a City Coastal Development Permit, proper “rainy season” slope coverage, and other approvals and clearances from City Planning were “legitimate concerns.”
 - * **Trino has not signed the required adjoining “Maintenance of Building Support” affidavit for 3 of the 4 upslope properties.** Trino has no legible, to scale grading/structural plans with structural calculations for supporting the 4 upslope properties during or after Trino’s earth removal. Apparently, Trino did not believe the safety of the upslope properties was and is a “legitimate concern”.
 - * **In September 2012, Trino started cutting and excavating the lateral and subjacent support** of the upslope properties without any shoring plan or permit. Apparently, Trino did not believe that shoring a Pacific Palisades Coastal Bluff during excavation is a “legitimate concern”.
 - * **Trino did not obtain boring holes pursuant to LAMC 91.1802.2.5 and 91.1803.5.6, which each state,** “Rock Strata. Where subsurface explorations at the project site indicate variations or doubtful characteristics in the structure of the rock upon which foundations are to be constructed, a sufficient number of borings shall be made to a depth of not less than ten feet (3048 mm) below the level of the foundations and to a depth that would allow investigation of any unsupported bedding planes or any other rock discontinuities that could influence the foundation stability to provide assurance of the soundness of the foundation bed and its load-bearing capacity.”
- In spite of these Municipal Codes, Trino did not do deep boring holes at Trino’s upslope adjoining property lines at the site where Trino started to excavate the lateral support from the upslope properties. Ultimately, Trino put the burden and costs onto the upslope adjoining properties to perform boring holes adjacent to where Trino installed its caissons without plans, permits, and due process for adjacent property owners.
- 5 deep boring hole explorations were performed by adjacent property owners at the north, west, and east adjoining property lines of the 283 Trino lot, which found evidence not represented in Trino’s reports. Trino has not charted the 5 boring holes, and updated its reports to reflect the evidence found in those boring holes.
- * **Trino did not comply** with State and Zoning Codes, other provisions of the LAMC, and City Ordinances such as City’s Coastal Act #151,603; Baseline Hillside Ordinance #181,624 (“BHO”), LAMC 12.26.A.2 or Health

and Safety Code 17912 for the date of compliance with effective rules, regulations, or building standards. Apparently, Trino did not believe Zoning, Coastal Act, Ca HSC Codes, Grading, other provisions of LAMC, and the general welfare of the historic neighborhood and area property owners are “legitimate concerns”.

- * **At least 5 of Trino’s LADBS permits state “BHO-Yes”,** Trino’s plans do not comply with “BHO”, Trino disregards compliance with BHO and area Zoning Codes, and does not see them as “legitimate concerns”.

J. Page 2, Line 11 through line 13

Trino: *“I plan to live in this home, once it is finally constructed, and I have not spared any expense addressing any concern with respect to which my engineers or the City's engineers have identified as an issue worth any consideration.”*

Records Reveal:

- * **It is irrelevant whether Trino or someone else will live in the SFD.** The SFD must be built in compliance with Zoning Codes, Building Codes, and other rules and regulations. Trino’s whole scope of work is not compliant as verified by City Order to Comply, Correction Notice, and by CCC Letter of violations of the Coastal Act, and other City and CCC acknowledgements.
- * **Trino admitted after notice from adjacent property owners that Trino retaining wall was inadequately designed** and placed much of the financial burdens of exploration and analysis onto the upslope adjoining property owners. The adjacent property owners’ exploration and analysis of Trino Project resulted in Trino being required to make disclosures of grading, inadequate data, and to correct deficiencies. Trino continues to fail to correct deficiencies and to make publically required plans available for review.
- * **No Zoning public hearing** has ever occurred and no respective finding and determination has been made.
- * **Trino does not comply with City Zoning Codes, which compliance would be addressed in a local City Coastal Development Public Hearing,** including a zoning review, if and when Trino submits a City CDP application. Trino is seeking to evade the City CDP and Zoning public hearing(s) with the help of the CCC use of an “emergency permit”.
- * **Trino has consistently concealed material data, and has either refused to make required records public,** or is proposing to develop without lawful plans and documents. Either way, Trino has unfairly shifted Trino development costs and burdens onto upslope property owners to their detriment.
- * **The City engineer is Mr. Gary Lee Morris. Mr. Morris did not sign Trino’s building records.** LADBS Grading Engineering Geologist, Mr. Jeffrey Wilson, and Grading Geotechnical Engineer, Mr. Curtis Dietz, who do not have City Zoning regulations or Structural regulations under their purview, signed Trino’s Geology and Soils reports submitted by Trino to the CCC. Trino misrepresented the reports as a “City” final approval, which they are not. City Planning, and LADBS Grading each agreed Trino did not have the correct cut quantity in its Geology and Soils Reports. LADBS plan check engineer stated on LADBS permits that Trino must comply with BHO. Trino was not compliant in its applications and plans, and has not obtained a correct LADBS Geology and Soils Approval.
- * **In spite of the undisputed facts listed in the Executive Summary, it is increasingly evident that Trino does not believe development in compliance with Zoning, Grading, and Structural rules and regulations is “worth any consideration”.**

K. Page 2, Line 13 through line 15

Trino: *“The lengthy critical process fostered by Ms. Renee's many complaints has resulted in a highly scrutinized project -- far more than others -- but one that will significantly benefit the community.*

Records Reveal:

- * **This statement is a conclusory remark irrelevant to Trino’s continued non-compliance** with laws, rules, regulations, and procedures.
- * **Trino’s length of process has been entirely due to Trino’s non-compliance** with Codes and procedures in order for Trino to piecemeal its unlawful Project through the City and States building system from 2009 through to the present. Trino is still attempting to piecemeal its Project with this request for an “emergency permit”.
- * **At any time Trino could have submitted its Project plan in compliance**, but Trino chose not to.
- * **Trino has presented no evidence in a local City public hearing** of a significant benefit from the Trino Project that will be conferred on the neighborhood. As shown herein, Trino’s applications show evidence of its proposed infringement on adjacent properties’ rights, for self-serving purposes, and private motivations.
- * **The Trino Project with substantially erroneous applications does not and cannot confer a significant benefit to anyone other than Trino.**
- * **Trino cannot honestly make this statement** because Trino evaded all required public comments and public hearings prior to LADBS permits being issued. Trino has failed to submit required documents when ordered to do so by City, and failed to make plans that are required to be public, available for public review. Trino’s Project is only for its private benefit.
- * **Trino seeks to change the neighborhood precedent without public hearings** and without public comment, and in spite of neighborhood outcry. Trino deprived the neighborhood, and any interested person from public participation by submitting erroneous applications that circumvented required public review.
- * **In spite of LAMC requirements**, no environmental review, studies, or impact reports were performed for Trino. Trino violated the general welfare, Community Plan, and Community Character without Trino having presented Trino’s proposed Project in a City case file for a City Planning public hearing.
- * **No cumulative impacts, identification, and mitigation and their respective findings have been addressed** for the Project’s impact and its precedent setting cumulative impacts on: (1) Cutting and Export; (2) Area’s aging infrastructures; (3) Storm drains; (4) Smoke from 4 new illegal fireplace chimneys on air quality for area and immediately upslope adjacent homes; (5) Required widening of the substandard street; (6) New precedent and unlawful variance for setback, floor area, height, floor area to lot ratio, grading, parking, and retaining walls in Brentwood-Palisades Community Plan historic preservation area¹²; (7) Volume and source(s) of underground water and on tract’s storm drains and storm sewers; (8) The respective back-up of water behind the proposed 260’ x [20’] 10’ 2 rows of retaining walls and the retaining walls of the 2-story 108’ long proposed new residence; (9) Removal of public street parking space; (10) Violation of the slope-band analysis requirements; and, (11) The precedent set by giving variances and waiving respective hearings.
- * **Project Development in Tract 10179 Coastal Bluff requires compliance with the Coastal Act**, the California Environmental Quality Act, and is subject to an environmental review. Trino sets multiple new precedents, including but not limited to, the widening of the tract’s substandard streets and removal of a public street parking space. Cumulative impacts include the review of all modifications of the tract map and its related compliance with the LAMC. Trino misrepresented its scope of work, and evaded compliance.
- * **Trino’s retaining wall plans are drawn “N.T.S.” [Not To Scale]**; Trino has refused to provide structural plans, structural calculations, and legible, consistent, to scale grading plans, all of which are to the detriment of the area property owners.
- * **Trino’s Public Record Grading plans at LADBS are smudged to the point that many figures are not legible.** It is unknown what Trino plans to build at the City because LADBS has kept Trino’s smudged, blurry grading plans or plans with no marked elevations in its public records for Trino.

- * **Wrongdoing at 283 Trino Way was discovered and citations were issued** but Trino has not resolved to bring its Project into compliance with codes. The CCC letter of violation of the Trino Project remains open, the City Order to Comply remains open, and requirements in the LADBS correction notice were not performed.
- * **In spite of direction from City Planning, CCC and LADBS for Trino to obtain a City CDP, Trino has refused to file a City CDP application in violation of the Coastal Act, and in violation of City Ordinances. All delays are Trino's choice and are the results of Trino's actions.**
- * **Trino's location is Mapped** on the (upper) slope above Pacific Coast Highway and below the top of the Pacific Palisades Coastal Bluff by City, State, and Federal Agencies. It is also mapped as being subject to multiple hazards such as: Landslides, Seismic Activity, and Fire Hazards, and has been subject to the authority of the Coastal Act, LAMC, and the Community Plan long before Trino purchased the slope property. Therefore, Trino had knowledge of the requirements for the general welfare and development on the historic Bel-Air Bay Bluff, and common slope shared by dozens of other property owners. The LAMC and the Coastal Act require City public comment and City public hearings prior to development in this Pacific Palisades bluff for these reasons. At all times, Trino evaded required procedures and due process for area property owners.
- * **For the exclusive and entire benefit of Trino**, Trino is seeking help from the CCC and its staff to deny due process, notice, and public hearings at the local City level to all other property owners who also own portions of this same Pacific Palisades coastal bluff and adjacent area, and to enable Trino to circumvent zoning and building compliance at the local City level.
- * **In spite of verified City and State violations, as well as Trino's upslope adjacent properties' earlier property rights**, Trino seeks to continue to use Trino's nonconforming plans, which are inconsistent with the neighborhood, the Community Plan, LAMC, and specifically in violation of LAMC sec.11.02.

L. Page 2, Line 15 though line 20

Trino: *"At this point, my project is frankly over-engineered, but between the expanded foundation and extensive engineered drainage collection facilities, it will collect the natural surface runoff that is currently saturating adjoining slopes and placing these properties and the area around them at risk of slides, and will instead channel that runoff through engineered drainage courses and out of the neighborhood, eliminating the serious risk of slides posed by current conditions."*

Records Reveal:

- * **Trino's purportedly "over-engineered" Project ignores the misrepresentations** regarding: (1) Geology, grading, and quantity of soil removal; (2) Size and scope of Project; (3) volume, depth, and speed of subterranean water; (4) Direction of bedding planes; (5) Omits structural calculations and plans for public review; and (6) The Project's non-compliance with Zoning Codes, Guidelines and the Community Plan.
- * **Trino has presented no evidence** plans or records that the Trino Project was over-engineered. To the contrary, in a December 3, 2012 email, Trino stated that the 20' high retaining [wall] condition needed an estimated additional 7 piles. Trino team stated, "to achieve desired safety stated by Earth Systems report, we see a need to add piles,... and initially estimate that additional 7 pile(s) may be necessary." Since the time of the December 3, 2012 email, Trino has not presented legal structural plans, and no legal grading plan. Two sketches submitted by Trino have no author; no date; no address; no identification; no stamp by the specifically required licensed professional; and do not have the requirements pursuant to LAMC 91.7006.
- * **Trino split the grading Project into subprojects, one grading plan is not legible, the other has no elevation markings.** At CCC and LADBS there is no to scale structural foundation plan, with elevations, setbacks, and other items as legally required pursuant to LAMC sec. 91.106.3.2; sec. 91.106.4.2.2.2; sec. 91.7006. Therefore, Trino cannot truthfully claim that the Project is engineered at all. Trino has not made available to upslope adjoining property owners any structural calculations and the depth of the excavations for the retaining walls. If such Trino plans and calculations exist, they have been concealed from REN by the CCC and LADBS.

- * **Trino destroyed the Trino lot's original drains.** Broken drainage pipe remnants could be seen on the slope after the SFD and site's demolition. Trino has not replaced its broken drainage pipes. Trino does not need to excavate the slope, and lower the pad in order to put in drains. At any time Trino could have replaced the drainage pipes and put in additional drainage pipes, but Trino chose not to.
- * **The four-upslope adjoining properties provided geologic data from 5 boring holes** at Trino's upslope north, west, and east, property lines, but Trino failed to chart the 5 boring hole results, failed to put such boring hole data into Trino's subsequent Geological reports, grading /structural plans, and make results public.
- * **Trino ignored the subterranean (underground) water issues and only addressed "natural surface runoff".** Substantial underground water was found in 4 of the boring holes located immediately adjacent to Trino's property lines in the second year of a record drought. No source(s) of water have been identified. Trino presented no plans based on subterranean water data and volume, combined with surface water. Trino omitted pool's potential leakage, and ignored the lot's public sewer(s) and sewer easement(s). Trino has not obtained a storm drain permit for the groundwater that will be impacted by the 2 rows of 20' or higher retaining walls. The cumulative impacts of damming the slope's underground water have not been addressed. Therefore, Trino cannot truthfully claim there are "extensive engineered drainage collection activities".
- * **Prior to cutting the slope at the end of September 2012, pursuant to LAMC sec. 91.3307, and Ca CIV Code 832,** Trino was required to provide, but did not provide, notice and protection to the upslope adjoining property owned by REN, as well as to the other adjoining properties. Notice deprived to REN included, but was not limited to, the depth to which the excavation was intended to be made, and when the excavation was to commence. The required protections deprived to REN, included, but was not limited to, the proper shoring and underpinning pursuant to LAMC 91.3307, and the required LADBS affidavit "Regarding Maintenance of Building Support" pursuant to LAMC 91.3307.3.2, which states, "The owner of the site records a sworn affidavit with the Office of the County Recorder, which will inform future owners of the site that the lateral support of a portion of the building footings on the adjoining property is provided by the subterranean walls of the building on the site." Trino has continued to fail to comply.
- * **On September 28, 2013 LADBS plan check engineer required in application number B13WL03537 correction sheet page 5 of 6, number 8,** that Trino "Record a 'Maintenance of Building Support' affidavit pursuant to LAMC sec. 91.3307.3.2.1(ii). Again, Trino failed to comply.
- * **Trino started cutting the lateral support to the upslope adjoining properties without an issued shoring permit and without a temporary shoring permit as required pursuant to LAMC 91.3307.3.**
- * **The LADBS issued Trino a Correction Notice September 25, 2012 to "obtain additional grading permits" and to "provide a copy of the demo plan",** Trino has not complied with LADBS' correction notice. Trino did not properly implement the mitigation measures resulting from the City Order to Comply.
- * **Trino omitted critical data** from Trino's reports written prior to issuance of LADBS permits, such as:
 - (a) Adjoining 286 Trino used a slope stability factor of less than 1.5, (see 1996 affidavit for 286 Trino Way). LAMC 91.7016.4.2. requires a minimum factor of safety of 1.5 for the stability of the site.
 - (b) 280 Trino Way. Ten months after LADBS permits were issued, Trino's expert Jon Irvine stated on May 29, 2013, in IC 13053-1, page 2, "The thickness of the slide debris along the south side of the [Trino] street is known to be more than 20 feet thick and likely 30 to 35 feet. At the intersection of Trino Way and Arno Way, the slide is more than 50 feet thick."
 - (c) 283 Trino Way's documented 1962/3 slope failure.
- * **Trino made the untrue statement unsupported by plans that Trino is "eliminating the serious risk."**

Trino: "The City has since approved my project twice, which approvals Ms. Renee has appealed to the City."

Records Reveal:

- * **The City has not approved Trino's Project**, therefore City could not have "approved" Trino's "project twice". City Planning and LADBS have not given final approval to the Trino Project as a whole. *"A public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole (Orinda Association v. Board of Supervisors of Contra Costa)."*
- * **Trino has a City Order to Comply and a LADBS Correction Notice**, the burden to comply with regulations is on Trino. Trino has not complied. The Trino Project is still before the City because required City public hearing(s) and respective determinations have not yet occurred. Pursuant to LAMC 12.20.2.I, the Trino Project is not yet before the CCC and cannot be before the CCC until the City's final determination occurs.
- * **REN did not file an "appeal" and no initial and required City public hearing(s) on the Project occurred prior to the issuance of the LADBS' improper permits.** On about 9-21-2012, REN filed a complaint regarding wrongdoing at 283 Trino Way, which complaint of unpermitted development and violations of Code were verified and substantiated in writing by LADBS on 9-25-2012, by the CCC on 10-15-2012, and by the City on 10-23-2012. Trino has not complied with the LADBS Correction Notice, the CCC letter of violation, or the City Order to Comply.
- * **REN could not have filed an appeal with City Planning because the required notice, public hearing(s)/ public comment have not yet occurred, and the City Planning finding(s)/ determination have not yet been written for REN or anyone else to agree to, or to appeal.** The City cannot schedule a City Planning hearing because Trino has not submitted required documents, report(s), plans, and applications.
- * **Trino is deceiving the CCC that the City Planning hearing occurred, which it did not.** An "emergency permit" to proceed would give Trino the ability to circumvent the City Planning requirements, City Zoning Codes, City Grading Codes, and the City Order to Comply.
- * **It is undisputed that multiple City and LADBS applications have no approval, including but not limited to:**
 1. **City Planning Case no: ENV-2014-415-EAF** for haul route is still pending and not approved.
 - a. This case can have no determination because Trino has not submitted the required and requested updated LADBS Geology and Soils Approval Letter for the accurate, whole, and complete scope of work. City Planning requested Trino to correct the known grading discrepancy of 1,800+ cy of cut in their Geology Report; Trino has failed to do so.
 2. **No Haul Route** has been approved by LADBS.
 - a. A Haul Route could not be approved by LADBS because a Haul Route requires a local public hearing, which has not yet occurred, and could not occur because Trino has not obtained the required environmental approval and clearance from City Case # ENV-2014-415-EAF. The environmental case is incomplete due to incorrect grading quantity.
 3. **No local City Coastal Development Permit application has been submitted.**
 - a. Trino's Project could not and cannot be approved as proposed because the Trino Project did not and does not meet City regulations and State Codes.
 4. **Each LADBS permit clearance used CCC erroneous 5-10-023-X for a 740 sf addition.**
 - a. Trino's CCC 5-10-023-X exemption was deemed "Not Exempt. Need Coastal Development Permit" on November 28, 2011 (See 5-11-125-X).
 - b. LADBS used and still uses the same erroneous CCC exemption for Trino's proposed 740 sf addition, Trino's different 2,721 sf addition to the same now demolished 1,657 sf SFD, accessory building, retaining wall, pool, and unpermitted new 6,000+ sf SFD.
 5. **LADBS only gave clearance for grading 21 cy of cut, not the 2,040 cy of cut proposed.**
 6. **It is undisputed that the following LADBS permit applications are not approved**, and have no Trino plans available for public review, which plans, pursuant to LAMC, are public record.

LADBS stated it does not make plans available until approved and these are not approved.

- a. LADBS grading permit # 11030-30001-02140, based on 1,847 cy of cut earth
- b. LADBS building permit # 11020-30002-00942, to revise piles from 9 piles to 13 piles
- c. LADBS building permit # 13020-30000-02322, Perm shoring/piles for rear retain wall
- d. LADBS building permit # 11020-30000-00943 for shoring
- e. LADBS building permit # 12020-30000-02063 for temporary shoring
- f. LADBS building permit # 11010-30001-00955, accessory building

Trino has not obtained required grading, building, and retaining wall permits for whole Project.

*** Trino did not identify by a complete number, which one of Trino's many subprojects the City allegedly "approved", therefore it is impossible to respond specifically to what, if anything, was allegedly approved.**

However, the Trino Project as a whole, including, but not limited to, its unpermitted development is not approved. Trino has many subprojects, which cannot be approved by the City until Trino:

- (1) Submits an application for a City CDP and obtains both a City CDP and a subsequent State CDP;
- (2) Submits the required and requested documents to City Planning for the required City environmental assessment form;
- (3) Submits a correct geology and soils report with the correct cut/fill/export to the LADBS Grading Department and obtains a new Grading Department Geology and Soils Approval Letter (See 9-25-2014, 6:09pm email from City Planning, Juliet Oh to Chris Parker (member of Trino));
- (4) Pursuant to the City Order, obtains all required approvals and clearances from City Planning;
- (5) Makes public the proposed depth of its excavation, and provides notice;
- (6) Required City Planning and LADBS Public Hearings have occurred; and,
- (7) Records "Covenant and Agreement Regarding Maintenance of Building Support"

*** It is undisputed with the City, and City records show that Trino:**

- (1) Has not corrected the 1,800+ cy of cut earth discrepancy between LADBS Grading Department (226 cy) and City Planning (2,040 cy);
- (2) Has not obtained LADBS clearance for grading more than 21 cy of cut at 283 Trino Way;
- (3) Has no legible, complete, and accurate grading plans at LADBS;
- (4) Has no structural calculations for the proposed retaining walls and pool;
- (5) Has not submitted the required slope band analysis for the building permits, which state "BHO-Yes";
- (6) Has not complied with the terms of the BHO as stated on Trino's LADBS permits, "BHO-Yes";
- (7) Has no plan or structural calculations for 334 Aderno Way as required by LADBS Grading Department.
- (8) Has no Demo Plan.

*** A City environmental report, City CDP, any proposed variance, and a Haul Route for the Trino Project** each requires public comment or public hearing(s), which have not yet occurred. Trino continues to evade and circumvent compliance, notice, and due process for affected property owners.

*** Trino seeks to deceive the CCC that REN has lost her rights, REN has not lost her rights.** REN reserves all of her rights to file an appeal if an appeal is necessary, for when the lawful, complete, and correct public hearing(s) and public comment period occurs, which has not yet occurred.

*** It is absurd and impossible to "appeal" a City Planning public hearing, with no respective findings, and a determination that never occurred, that is still required, and for which the builder has an open City Order to Comply.** On 10-23-2012, Trino was ordered by City to obtain all required City Planning approvals and clearances, which Trino has not performed.

N. Page 2, Line 22 through line 25

Trino: "As in the case of the letters that you have most recently received, those appeals accused the City of misapplying its laws and regulations and the City staff of colluding with me to avoid the law, as well as accusing me and my consultants of a myriad of wrong doing, including falsely representing my project."

Records Reveal:

- * In spite of Trino's statements to the contrary, there is no existing 1,657 sf SFD at 283 Trino Way.
- * REN did not file "those appeals", she filed complaints of wrongdoing at 283 Trino Way. The City, LADBS, and CCC verified there was unpermitted development at 283 Trino Way. The definition of "appeal" and "complaint" is different. Trino has a pattern of using the wrong and misleading word "appeal" when the initial and required public hearing never occurred.
- * CCC verified Trino performed "Unpermitted Development: Demolition of existing residence and construction of new structure" (See CCC 10-15-2012 Letter).
- * City verified that Trino was in violation of the LAMC. See City Order to Comply 10-23-2012; and LADBS Correction Notice 9-25-2012, which states, "Provide a copy of the demo plan". Thereafter, the City verified that 1,657 sf of Building no longer existed at 283 Trino Way and corrected the City ZIMAS.lacity.org parcel report around February 2013 to reflect that 0.0 sf of building exists. In spite of multiple government records, Trino wrongly stated as recently as 2-5-2014 that there is an existing 1,657 sf SFD located at 283 Trino Way, which is false, Trino demolished the 1,657 sf SFD in about September 2012.
- * Trino obfuscated the authority of City Planning, the LADBS, and LADBS' Board. The City Planning department has authority over the Coastal Act in the City of Los Angeles, not the LADBS and its Board. The staff at City Planning is different than staff at LADBS and its Board.
- * In different letters to the CCC, Trino admitted that if the Project were to be called "*a new home, city of LA zoning rules would require a dramatically deeper front yard setback and as a result render the [Trino] project unfeasible*" therefore Trino knowingly called Project a "*renovation*" to circumvent City of LA zoning rules. Trino also asserted that the "building department" [LADBS] helped Trino by reviewing the Project as a remodel instead of a new home so that Trino could evade City of LA zoning rules and the required dramatically deeper front yard setback.

Sent from Mr. Elmanovich, VEA Architects [collectively part of "Trino"] to Mr. Al J. Padilla, Coastal Program Analyst, California Coastal Commission, **Received CCC Nov 10, 2011**

Sent again from Mr. Elmanovich, to Mr. Al J. Padilla, **Received CCC Dec 23, 2011**

Sent from Mr. Macpherson [collectively part of "Trino"] to Mr. Al J. Padilla, **Received CCC Nov 2, 2012**

"We realize that it is more complicated and expensive to maintain this project as a remodel vs. new home. However, for a new home, city of LA zoning rules would require a dramatically deeper front yard setback and as a result render the project unfeasible. Therefore project will remain as a renovation of existing structure and is reviewed this way by building department."

In the same Nov 2, 2012 letter, Mr. Macpherson to Mr. Padilla, further stated,

"It was fully disclosed to staff that the project was proceeding as a renovation under the City regulations because the City regulations applicable to a complete rebuild would have made my project unfeasible."

- * There is no City regulation that authorizes a substandard wall, with no roof, and no rooms, to be called: a remodel (renovation) of an existing 1,657 SFD. City Regulations for remodel state in: LAMC sec.12.08.C.6 and in LAMC sec. 12.21.C.10(c) for purposes of verification of Existing Residential Floor Area state "a remodel shall mean the alteration of an existing Building or Structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained."
There is no regulation that allows persons to make private agreements to violate the LAMC.

- * **Trino's expert states this is a "new residence"**. Trino's licensed professional Jon Irvine stated on May 29, 2013 in report IC 13053-I stamped received by the CCC on Jun 24, 2013, "It is not believed that additional remediation or mitigation is required because this is a new residence." (Jon Irvine's report does not reflect actual geology or geotechnical reports because it was written prior to data obtained from the upslope adjoining properties' 5 exploratory boring holes obtained about Sept 2013)
- * **At the time of Trino's three letters** on Nov 10, 2011, Dec 23, 2011, and Nov 2, 2012, when Trino stated its proposed Trino Project was unfeasible with city of LA zoning laws:
 1. No City Public hearing for Trino had ever been noticed and did not occur.
 2. No Code or regulation existed that stated Trino could demolish the 1953 era, 1,657 sf SFD, and leave only a substandard 1953 era wall with no roof, kitchen, or toilet, and a 1953 garage, but keep the previously existed building rights for the entire 1,657 sf SFD, which the City has verified as 0.0 sf.
 3. The CCC did not have possession of any lawful record of a variance from the City stating Trino, Mr. Macpherson, or agent Mr. Elmanovich was entitled to a variance for, including but not limited to, a reduced front yard setback. Trino did not comply with LAMC 12.27, which governs City variances.
- * **LAMC sec. 12.27.A Procedures for Variances**, required Trino to file any variance on a City Planning form. Trino did not file an application with City Planning for a variance. LAMC sec 12.27.C requires an application for a variance be set for public hearing and findings be made. Any lawful City variance would have had the required notice, public hearing(s), and required City Planning finding(s), which did not occur. Pursuant to Ca Gov 65906, Trino was not entitled to set a new precedent at 283 Trino Way.
- * **An agreement to circumvent applicable zoning laws is invalid and unenforceable. (Summit Media LLC v. City of Los Angeles). In Summit Media LLC v. City of Los Angeles**, "the court observed that the exemption 'functionally resembles a variance,' a departure from standard zoning that requires administrative proceedings and public hearings, and "[c]ircumvention ... by contract is impermissible."
- * **Trino seeks to use the CCC Executive Director and the CCC "emergency permit" to circumvent the local City CDP and local Codes, Ordinances, rules, regulations, requirements, and procedures.**
- * **LAMC sec. 98.0202 states causes for revocation of licenses [approvals], including but not limited to:**
 - 98.0202.12. Willful complicity in any act designed to circumvent or violate any provisions of this Code or of any rule or regulation of the Department.
 - 98.0202.13. Willful omission or misrepresentation of any material fact in an application for any permit required or any work or act regulated by this Code.
 - 98.0202.20. Publishing, uttering or disseminating any false, deceptive or misleading statements or advertisements in connection with any work, service or act authorized to be done under any license granted by the Department.
 - 98.0202.6. If any reason exists which would have been cause for denial of such license.
- * **Trino could not legally make a private agreement with the CCC and CCC staff** to contract away the police power of the City. Land use regulations involve the exercise of police power, and "the government may not contract away its right to exercise the police power in the future" (Summit Media LLC v. City of Los Angeles). The CCC could not and cannot provide or facilitate Trino's unlawful setback variance on behalf of a private agreement with Trino or the "building department". A City variance required due process for potentially affected properties, persons, and interested parties, but they were denied. Trino has no legal variance to be exempt from the area's required: setbacks; floor area limits; height limits; grading limits; and parking that Trino seeks to exceed. Trino cannot lawfully be granted a variance by the CCC or City to evade mandatory City Zoning Codes, Landscape, Building, and Fire Codes, as it would amount to a special privilege explicitly prohibited by Government Code section 65906 and Cal Const. Art. 1, sec.7, (b).

- * **In spite of the October 15, 2012 CCC letter to Trino for violations of the Coastal Act for “Unpermitted Demolition and Construction of New Structure”, Trino has not paid to the CCC the required “After-The-Fact” permit fees or grading fees, which amounted to a special privilege.**
- * **City did not hold the public hearing(s) required pursuant to LAMC sec. 12.20.2.F prior to the issuance of LADBS’ 8 erroneous permits.** The City was required to, but did not hold the City Planning public hearing in which to determine the issuance of a Trino City CDP with written findings, including specific factual findings, supporting the following conclusions: (a) That the development was in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code); (b) That the permitted development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976; (c) That the Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination; (d) That the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code; (f) Any other finding or findings as may be required for the development by the California Environmental Quality Act.
- * **In response to putting the City on notice of Trino’s unpermitted development and wrongdoing, which violations were substantiated by different government offices, the LADBS and its Board of Building and Safety Commissioners (the “Board”) required REN on February 28, 2013 to fill out a LADBS form titled “Request for Modification of Building Ordinances under authority of L.A.M.C. section 98.0403” (“ROMBO98”). REN did not request and did not want 283 Trino Way to receive a “Modification of Building Ordinances”, but the LADBS and the Board staff told REN that she was required to file the ROMBO98 form, despite its misleading title, and that no other City form existed. It appears to be a common and deceptive practice of the LADBS and its Board to induce complaining persons to fill out a ROMBO98 even when the person was filing a complaint of an illegal action rather than asking for a ROMBO98.**

On Aug 16, 2013, REN was told to come into the LADBS/Board office where REN was told to pay a fee, which REN paid. REN learned the LADBS denied the alleged “Request for Modification of Building Ordinances”, which was good because REN had not requested a “Modification of Building Ordinances”. REN then learned the LADBS used REN’s name and back of form to allegedly “APPEAL” the “DENIAL” of the “Request for Modification of Building Ordinances”. Evidence shows REN filed complaints, which were verified by City and State as true Trino violations. REN never filed an “Appeal”. It was absurd for anyone to state that REN wanted to “Appeal” the LADBS’ written decision to deny Trino a “Modification of Building Ordinances”. REN questioned the City’s process that she was being subjected to because the burden was already on Trino to comply with the law as the City had already determined Trino was in violation and had already issued Trino “Order to Comply” #102312935 on Oct 23, 2012. Nevertheless, the LADBS and its Board secretary told REN she was required to fill out the ROMBO98 form in response to the complaining letter because no other form existed, and she had no other choice. The LADBS and its Board essentially made REN the “Appeal Mule” to help Trino in the scheme. LADBS helped Trino by creating an illusion that REN had appealed an initial hearing determination that had never occurred. LADBS’ policy of requiring complaining persons to file a “Request for Modification of Building Ordinances under authority of L.A.M.C. section 98.0403” on behalf of builders who have violated building Codes and have performed unpermitted development, is absurd, unlawful, and a violation of complaining persons’ constitutional rights.

- * **As stated herein, multiple government offices had already verified Trino was in violation of the LAMC and Coastal Act, therefore, the burden was on Trino to comply with the law. Once government determinations had been made and the Order to Comply, Correction Notice, and CCC Letter of Violations were issued, pursuant to City Administrative Code sec. 22.20, the LADBS had the mandatory duty to require Trino to comply with the Code and render Trino’s permits [applications] void pursuant to LAMC sec. 11.02. The duty was on LADBS, not on REN. The LADBS’ actions and lack thereof have caused REN substantial harm.**

LAAC sec. 22.20 states, *The Department of Building and Safety shall have the power and duty to enforce all ordinances and laws relating to the construction, alteration, repair and demolition, or removal of buildings or structures in the City, and to the installation, alteration, repair, use, and operation of all heating, plumbing, lighting, ventilating, refrigerating, electrical and mechanical appliances and equipment therein;*

The Department also shall have the power and duty to enforce the zoning ordinance of the City.

LAMC sec. 98.0403.1(a)5 states [LADBS] shall have the power and duty to enforce all portions of the Rules and Regulations of the State Fire Marshal which relate to the construction, alteration, repair, demolition, or removal of buildings, or structures. Trino proposed the use of type V-B construction, which is not fire rated and not allowed for new construction in the VHFHSZ.

- * As Trino had already been charged with violations of Chapter I of the LAMC and other land use ordinances, including Erosion Control, and the Coastal Act, and LAMC sec. 12.21.A.1.a in the City's 10-23-2012 "Order to Comply", Trino was not entitled to obtain a "Modification of Building Ordinances". The LAMC sec. 98.0403.1.(b)5.i.a. states,

The power of the Board shall not include the right to hear and act upon any of the following:

i. An appeal from the Department's action on a request for a slight modification, **an appeal of a legitimate Department order, or an appeal objecting to the Department's determination, if such** appeal is:

a) *Filed on or after the date a citation is issued charging a person with a violation of the Code or any other ordinance or law enforced by the Department, and the appeal in any way involves the citation issuance, ...or the facts or Code issues underlying the citation issuance.*

If an appeal or request for a slight modification is not filed within 15 days after the Department's action on the violation, the action and/or determination of the Department shall be final.

(LADBS cited Trino's violations on 9-25-2012 and 10-23-2012. If Trino was allowed by statute to file a "Request for Slight Modification of Building Ordinances", Trino's deadline to file a ROMBO98 form ended by 11-6-2012 or earlier.)

ii. An appeal in violation of limitations placed upon the Board's powers as specified in other ordinances, regulations, or law.

v. (Amended by Ord. No. 173,159, Eff. 5/7/00, Oper. 7/1/00.) An appeal dealing with financial, personnel, or administrative issues or other similar matters.

- * **The Board had no authority to hear Trino Zoning violations, Coastal violations, or other Land Use ordinances.** There is the appearance the Board was forcing REN to be an unwitting "Appeal Mule" to carry Trino's "request for a Modification of Building Ordinances" through a LADBS Board hearing on behalf of Trino. **The Board was precluded by statute, LAMC sec. 98.0403.1.(b)2, to hear any Trino appeal on Zoning, and Coastal violations. The LAMC states in sec. 98.0403.1.(b)2.**

"Notwithstanding the above, the Board shall have no authority to hear and determine appeals from orders, interpretations, requirements, determinations, or actions of the Department pertaining to enforcement of specific ordinances, regulations, or laws contained in Chapter I of this Code and in other land use ordinances." [LAMC Chapter I is City's Codes for General Provisions and Zoning.]

- * **Because Trino's applications, permits, plans and statements were substantially erroneous, incorrect, and did not conform to and were inconsistent with applicable Codes, Rules, and Regulations, they were pursuant to the LAMC sec.11.02, void.**

LAMC sec. 11.02 states “ *INCONSISTENT PERMITS AND LICENSES. if any permit or license is issued in violation of any provision of this Code or any other ordinance of the City of Los Angeles the same shall be void. Any permit or license issued, which purports to authorize the doing of any act prohibited by any other provision of this Code or any other ordinance of the City of Los Angeles, shall be void.*”

- * **Trino had no vested rights.** But if Trino did, which they do not, Trino’s rights would have ended pursuant to LAMC sec.12.26.A.3 (e), that states these rights shall end when the discretionary land use approval for the project terminates under the provisions of Chapter 1 of this Code or any ordinance adopted pursuant to Chapter 1 of this Code.
- * **In sum, since the City, through its Inspection Bureau of LADBS, had already determined Trino was in violation, and issued Trino the City Order to Comply #102312935** on October 23, 2012, the burden was on Trino to comply with City and State Codes, rules, and regulations. Pursuant to City Administrative Code sec. 22.20, the burden to require Trino to comply with City and State Codes, rules and regulations rested on the LADBS, not on REN. Therefore, there was no basis for the LADBS and the Board to require REN to file a ROMBO98 form on 2-28-2013, and to set a Board hearing in REN’s name on 2-11-2014. Under protest REN was required to attend the Board hearing because the Board and LADBS put REN’s name on it.
- * **City and LADBS have a pattern of non-compliance with their mandatory duties** to, including, but not limited to, protect the Pacific Palisades Coastal Bluffs, provide fair hearings, and to void erroneous permits and applications. See Haggis v. City of Los Angeles, Horwitz v. City of Los Angeles, and Summit Media v. City of Los Angeles. City and LADBS also have a pattern of seeking refuge under the California Government Tort Liability immunity clauses, and the unwitting CCC, and its Executive Director.
- * **Trino was aware of the Board’s obfuscation of the LAMC and the erroneous use of the ROMBO98** request form against REN. On April 22, 2013, Trino representative wrote a letter to the Board, and stated to the Board that the “Request for Modification of Building Ordinances” form was an inaccurate request and was procedurally incorrect. Trino representative further stated in the April 22, 2013 letter:
 - On page 2, line 4,
“ a Request for Modification of Ordinance cannot properly address the complaints enumerated in the Request in any event”
 - On page 2, line 31,
“By its very definition, the Request for Modification of Building Ordinances is a procedure designed to obtain what amounts in effect to a minor variation from Code to construct a project; it was not designed as a procedural vehicle by which to seek revocation of an existing permit, to challenge City determinations respecting an already-issued permit or to compel enforcement of Code provisions in manner that is contrary to that previously imposed by the City.”
 - On page 3, line 4,
“The Request does not seek a “slight modification of the Code”
 - On page 3, line 18,
“Ms. Renee is not complaining about the granting or denial of a slight variation of Code. She is asserting that the Project permit was improperly issued...”
 - On page 3, line 27,
“It does not seek any relief that the Department is empowered to grant under the Request for Modification of Building Ordinance process.”
 - On page 4, line 8,
“As this empowering language provides, the Board can only hear appeals by persons who requested ‘a slight modification’ of Building Ordinances. As previously noted, the Request does not request a slight modification of Code. As a result, the Board does not have the power to hear an appeal of the Department’s decision to reject the Request.”

As stated herein, REN did not file “those appeals”. Once complaints were made, and Orders were issued, the burden was on Trino to comply, and on the LADBS to enforce the City’s Order. Any attempt by Trino or any

other person to move Trino's burden elsewhere was a false and misleading statement.

*** In spite of notices** from both Trino representative and REN to the Board and to the City of the illegal LADBS Board procedures being forced upon REN, the LADBS and their Board scheduled a LADBS Board hearing in REN's name. After REN's numerous protests, the constitutionally and procedurally unlawful LADBS Board hearing in REN's name was held in conscious disregard of REN's rights. In spite of Trino's contrary and erroneous claims to the CCC, the Board did not address Trino's Zoning violations, the City's Order to Comply, the nonexistent shoring permit, the piecemeal additions, failure to comply with protections pursuant to LAMC 91.3307, or that no City CDP had been issued to Trino prior to the issuance of LADBS permits as was required by City and State law. The LADBS, Superintendent of Building, LADBS Inspectors, Trino, and the Board did admit REN was correct that:

- (1) Trino's grading quantity of "342 cy of export" was wrong, and a new permit for the correct grading quantity (2,040 cy of cut earth) needed to be obtained. Plans respective to the true Project have not been approved by City Planning, LADBS plan check, or LADBS Grading Department;
- (2) Trino's pool permit was wrong and it was subsequently re-submitted;
- (3) Other issues such as: No notice; No public hearing pursuant to LAMC chapter 1; Violations of the Coastal Act; and the other Violations of the LAMC Chapter 1, Zoning and Land Use Regulations were not addressed.
- (4) As required pursuant to City Order to Comply #102312935, issued to Trino on 10-23-2012, the City CDP violations are under the jurisdiction of the Director of Planning, which issues will be heard when or if Trino files the required City CDP application with City Planning.

*** At Present, Trino has still not submitted a City CDP application to City Planning.** If the CCC and the Executive Director issue Trino an "emergency permit" it will enable Trino to evade compliance with required City Planning clearances and approvals, Grading and Zoning Codes and Provisions of the LAMC.

*** In spite of Trino's knowledge that the LADBS and the Board had acted unlawfully,** noted in its April 22, 2013 letter, Trino sent an email to CCC staff Mr. Al Padilla on Feb 12, 2014, stating "the Los Angeles Board of Building and Safety Commission unanimously rejected Lia's appeal challenging our permits", which was a concealment and misrepresentation of material fact. Trino omitted from its Feb 12, 2014 email 103 pages of evidence, and omitted Trino's April 22, 2013 letter of Trino's knowledge of LADBS and its Board's erroneous and unlawful use of the ROMBO98. Also of note, Trino emailed the misleading statement 15 days prior to the Board's written determination and without admission and correction of the substantially erroneous grading quantity. At present, the grading quantity has still not been corrected. LADBS' clearance of 21 cy of cut earth is little more than 1% of the 2,040 cy of cut amount proposed. The burden was and continues to be on Trino to comply with all Codes, Guidelines, Ordinances, rules, and regulations.

*** Although the Board stated in its 2-27-2014 Board File #13007 letter that the LADBS did not err or abuse its discretion in not revoking 5 of the LADBS Trino permits (the 6th permit #11020-30000-00943 was never issued, it was absurd to state that it was not revoked), the LADBS required Trino to obtain:**

- (1) New grading permit application;
- (2) New retaining wall permit application;
- (3) New shoring permit application; and
- (4) New accessory building permit application.

As stated herein, these permit applications cannot be legally issued because Trino is not compliant with City regulations, the City's Coastal Act, and Trino does not have LADBS plan check approvals. Trino has not submitted requested and required application(s), reports, and data to City Planning.

The Board did not make a determination or finding on the erroneous, expired, and piecemeal LADBS permits #09030-30000-05889 and #09014-30000-04398. LADBS admittedly combined these 2 permits in a later discussion, which caused Trino to violate LAMC sec. 12.26.A.3(b), increasing height and floor area by more than 5%. The Board was required to look at the Project as a whole, including all 14+ permit applications, but the board did not look at the project as a whole.

- * **Trino is attempting to use the erroneous and unlawful LADBS Board hearing to mislead the CCC, CCC staff, other persons, and agencies that the City “public hearing” occurred. No City Planning public hearing(s) have ever occurred, and therefore the required findings could not have been made.**
- * **There was no basis to require REN to participate in an unlawful LADBS Board hearing under the authority of 98.0403 for a “Modification of Building Ordinances” other than to use the alleged unlawful hearing as a basis to mislead and misrepresent to other agencies, persons, and departments that a hearing had been held in REN’s name. Trino, being aware of the unlawful Board hearing, further caused REN harm by disseminating misleading statements about the Board’s alleged rejections to other persons and government offices. Even though the hearing was held without authority, the Board agreed with REN that Trino had, including, but not limited to, used false grading quantities. Therefore, Trino had no basis to make the false claim that REN’s claims were baseless.**
- * **While Trino was aware of the absurd LADBS and LADBS Board policy enforced upon REN, Trino has asked the CCC and its staff to be a party to the policy.**

O. Page 2, Line 25 through line 27

Trino: “Of course the City investigated all of her claims through out the process and in the end denied the appeals and stood behind its approval of my Project, precisely because Ms. Renee's claims and appeals were baseless.”

Records Reveal:

- * **Trino’s statement is False and misleading. There is no record submitted from the City directly to the CCC, which states that each of REN’s claims and appeals were baseless. There is no record from the City to the CCC of the City’s approval of the whole Trino Project, or the City’s final approval, because the City has not approved the Trino Project as a whole. The Project is not in front of the CCC for review. The Project is still under the City’s review, regulations, and procedures.**
- * **Trino did not identify by LADBS permit #, or by City Planning case #, what exactly was allegedly approved by the City, and what was not approved by the City. Trino has consistently separated Trino’s Project into multiple smaller subprojects in order to evade review for Trino’s Project development as a whole. Trino has no City final approval for the Project development as a whole.**
- * **Trino received the City Order to Comply #102312935 for violations of the Zoning and Building Codes, and LADBS Correction Notice. The Trino Project was noncompliant when the LADBS permits were issued. Trino proceeded with unpermitted demolition, and is still noncompliant. Trino misleads the CCC.**
- * **The CCC, Trino, and City have acknowledged that Trino’s permits are incorrect. Trino has been required to obtain new and required permits. Trino has acknowledged the erroneous applications and attempted to submit new permit applications to LADBS, which were not accepted for filing, or were expired, but either way, have not been approved. See LADBS.org or Zimas.lacity.org. Trino wrongly filed an incomplete haul route application and used LADBS Geology and Soil Approval Letters based on a false grading quantity,**
- * **During the same period of time that Trino was processing its proposed Project at 283 Trino Way, Trino also processed its other Coastal Zone project for a different 790+ sf addition to an existing SFD at 450 Chapala Way, Pacific Palisades, 90272. The 450 Chapala Way project is located in the single jurisdiction of the Coastal Zone, and is in an area that is not subject to LAMC 12.20.2, or Ordinance no. 151,603.**
- * **Trino has delayed or has refused to comply with City Orders, notices, rules, regulations, and State Codes.**

P. Page 2, Line 27 through line 28

Trino: “She did not further contest those appeals, as a result of which the findings of the City are now final and binding on her.”

Records Reveal:

- * **Trino, with conscious disregard of REN's rights denied REN notice, due process, equal protection under the law, and the ability to protect her property by uttering the false claim that the required City Planning public hearing occurred, but which did not occur. REN was and still is entitled to participate in a fair and unbiased public hearing prior to being potentially deprived of any of her rights, and prior to the issuance of LADBS permits.**

- * Public hearings, local notices, public comment period, and the required environmental findings have never occurred for Trino's 14 "applications for inspection" for its building, grading, pool, and other unpermitted development located in Bel-Air Bay Neighborhood Coastal Bluff pursuant to LAMC sec.12.20.2 for a City CDP, sec.12.27, sec. 91.3307, and sec.91.7006.7.4, . Therefore, there has been no respective City finding, City determination, nor City final approval. LADBS, its inspectors, and its Board found, and Trino agreed, that Trino's grading quantity had omitted more than 1,600 cy of cut earth and ordered Trino to obtain a new grading permit, and a LADBS haul route. At present, Trino has not submitted the corrected Geology reports, or grading plans to the CCC.

- * **The Trino case is not before the Coastal Commission as it is still before the City.**

- * **Trino's false and misleading statement shows Trino's attempt to induce the CCC and its Executive Director into entering into Trino's scheme to deprive REN, her upslope property, and others similar to REN due process, notice, public participation, and equal protection of the law. Retaliatory actions against REN have been harmful and prejudicial.**

- REN has filed complaints, which have been entered into City, LADBS, and CCC files. The City, LADBS, and CCC have verified that all of REN's complaints thus far reviewed were accurate, and other complaints have not yet been reviewed. Presently, the burden is on Trino to comply with the City's Order to Comply, LADBS Correction Notice, State Letter of violation, and local procedures, and to submit plans, reports, and applications that are compliant with City and State regulations, most notably a City CDP. It is well documented the mandatory City CDP application has not been submitted by Trino to City Planning. Therefore, no City Planning Public Hearing(s), CDP findings, and no City final approval of the Trino Project were or could be made. It was false and misleading for Trino to state that "*the findings of the City are now final and binding on her*" because City Planning has not made the required determination and its findings. Such action would be the definition of "absurd", i.e., "having no rational or orderly relationship to human life."

- * **The LADBS and Trino agreed that Trino's grading plan stated a false quantity of 391 cy of cut, but no new grading plan with the newly stated quantity of 2,040 cy of cut exists at LADBS or CCC. The respective and required LADBS Board public hearing, local notice, public comment period, and required environmental documents and respective finding(s) for grading and hauling of about 1,900+ cy of cut earth on the substandard hillside street pursuant to LAMC sec. 91.7006.7.4. did not occur. Pursuant to LAMC sec. 11.02, the two LADBS piece-meal grading permits issued to Trino are void.**

- * **Trino's retaining wall plans stamped by LADBS on 9-11-2012 were found to be erroneous. Trino is presently attempting to file but has not filed, multiple new building applications, each of which are subject to the same required Coastal and environmental reviews, notice and public hearing(s). Trino has continuously sought to mislead the CCC and, its Executive Director by using different subprojects with erroneous effective dates, in order to evade required local City public hearings where public comment, testimony, and evidence can be put into the City record and for the Project as a whole.**

- * **As stated on the City AIC forms that Trino signed, Trino was aware that Trino never had an entitlement to an exemption from the requirements of the Coastal Act due to its development being a Single-Family Dwelling located in a "geologically unstable area". Trino signed 2 affidavits stating awareness that the subject property is located "in An Area Subject to Landslide and Unstable Soil."**

- * **Trino accepted the AIC forms' requirement that Trino was "in no way excuse[d] from complying with all**

applicable policies, ordinances, codes and regulations of the City of Los Angeles.” In spite of Trino’s attached, and sworn AIC affidavits, Trino did not comply with the forms’ requirements. Trino did not comply with other applicable policies, ordinances, codes, and regulations of the City, such as the applicable BHO-Ord. #181,624, CEQA, LAMC sec. 91.3307, and the requirements of LAMC sec. 12.20.2 for Trino’s 14 applications for building, grading, pool, and unpermitted development.

- * **Trino obscured its self-contradictions, misrepresented facts and approvals**, and falsely stated data in hopes that the CCC and the Executive Director would help Trino circumvent: (1) The Area Grading Requirements; (2) Preparation of accurate and compliant plans; (3) Local and State Codes; (4) Ordinances; (5) Rules and Regulations; (6) Required City Planning and Grading Findings; as well as (7) Due process, notice, public hearings, and equal protection of the law for impacted persons, property owners, residents, and interested persons with the use of a CCC “emergency permit”.
- * **Trino has made an elaborate attempt to convince the CCC** that the erroneous, ultra vires, and unlawful LADBS Board hearing held in REN’s name, was a required City Planning public hearing, which it was not. City Planning cannot schedule its hearing or review Trino’s environmental records until Trino submits a City CDP application to City Planning, and submits, pursuant to the City’s request, a new LADBS Geology and Soils approval letter with correct cut/fill/export. Trino has not submitted the required applications, data, reports, or records.
- * **The city cannot divide the Trino Project into smaller subprojects in an effort to circumvent the required review of the Project as a whole.** The less is included in the whole. Trino signed LADBS applications, in which Trino agree[d] “to comply with all city and county ordinances and state laws relating to building construction.” Trino did not comply.
- * **As stated in the Executive Summary**, Trino accepted, certified, and signed,
“I realize that this permit is an application for inspection and it does not approve or authorize the work Specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law.”

Trino signed LADBS applications accepting the burden that “neither the City of Los Angeles nor any board, department officer, or employee thereof, ma[d]e any warranty, nor shall be responsible for the performance or results any work described herein, nor the condition of the property nor the soil upon which such work is performed.”
- * **Trino has misrepresented in multiple statements to the CCC that the City approved the Trino Project. Trino certified, accepted, and signed that Trino’s LADBS permits were applications for inspection and were not an approval or authorization of the work.** In order to evade City compliance, Trino seeks to convince the CCC and its Executive Director to knowingly violate City codes and allow Trino to proceed with development in spite of established records at the CCC, LADBS, and City Planning, which records state Trino needs a City CDP, shoring permit, haul route, a new grading permit for 2,040 cy of cut, a new retaining wall permit, a new accessory building permit, demo plan, all required clearances and approvals from City Planning, and an affidavit for building support, and must comply with “BHO-Yes”. Trino does not have any of these approvals. Trino cannot lawfully obtain these approvals because the Trino Project as proposed, is not compliant.
- * **One excuse LADBS has used to keep some LADBS permits open is because the higher Coastal body, CCC,** and its staff have not formally closed Trino’s erroneous CCC 2010 exemption file #5-10-023-X for the 740 sf addition, in spite of the CCC and its staff having knowledge that Trino’s Project is not for a 740 sf addition to a 1,657 sf SFD that does not exist . The CCC should have closed the 5-10-023-X file on 11-28-2011 when CCC stated in its CCC #5-11-125-X response, “Not Exempt. Need Coastal Development Permit”. The CCC should have closed all of Trino’s files on 10-15-2012 when CCC discovered that the 1,657 sf Trino SFD (SFR), was demolished, and unpermitted construction was in progress on the Coastal Bluff.

Q. Page 2, Line 28 through line 29

Trino: "Put another way, her criticisms were found to be false and she cannot resurrect them before you."

Records Reveal:

- * **Complaints of Trino's non-compliance and violations were made, which were verified by the City Order to Comply, LADBS Correction Notice, and CCC Letter of Violation as being true, including but not limited to: (1) Trino has no CITY CDP, and was required to have a CITY CDP; (2) Trino is cutting more than 2,000 cy of earth, not the 226 cy of cut stated to the LADBS Grading Department or the 391 cy of cut stated on the Trino plan title sheet; and (3) there is No existing 1,657 sf SFD at 283 Trino Way. At any time Trino could have chosen to be Code, regulation, and procedurally compliant, but instead, Trino chose to cause and continues to cause REN harm.**
- * **Many area property owners have written and signed letters to the CCC, LADBS, and City to require Trino to comply with the Codes, rules, and regulations, which Trino has not. Trino has elected to target REN to be denied due process and equal protection under the law. However, all area property owners, affected property owners, and interested parties have been denied due process and equal protection of the law. Trino has continued to target REN, and cause REN harm in conscious disregard of REN's rights.**
- * **Trino did not identify in the 2-6T Letter what was false; Trino did not provide by statute what was false. Trino did not provide Trino records to disprove statements. Again, Trino seeks to do everything possible to deny REN, and others similar to REN due process, and equal protection under the law at the local level and to circumvent the City's permitting procedures. Trino has repeatedly sought and still seeks the Coastal Act's higher body, the State of California Coastal Commission, for help to circumvent the City's Coastal program, the City's Zoning and grading regulations, and other land use ordinances, and issue Trino a CCC "emergency permit" to "resume" an unapproved hillside Coastal development Project with erroneous plans and applications.**

R. Page 2, Line 30 through line 32

Trino: "Unfortunately my project is not the only object of her hysteria. As your staff and City staff can confirm, she has followed the same pattern opposing other projects in the area, although I believe my project has been the principal object of her obsessions."

Records Reveal:

- * **Trino cannot present evidence to refute Trino's non-compliance with the Coastal Act because no such evidence exists. Trino can only hope to avoid the City public hearings, and omit, conceal, or misrepresent data in order to mislead the CCC and its Executive Director. Trino used negative adjectives, misleading statements, and made attacks on REN in order to move focus away from: (1) Trino's non-compliance with the permitting process pursuant to the Coastal Act, State Codes, and the LAMC; (2) Trino's participation in the denial of persons' due process rights; and, (3) Trino's verified violations of City and State regulations.**

S. Page 2, Line 32 through line 37

Trino: "Her property is immediately above my lot, and while her un-engineered retaining wall is actually collapsing into and now on my property, she remains obsessively opposed to my even completing the structural foundation of my project to address the increasingly dangerous situation created by her unpermitted and failing wall, in my view because her only objective is to stop me from constructing anything on my property."

Records Reveal:

- * **Trino's construction documents and its set of 21 plan pages submitted to the CCC, and different variations of the plans submitted to City Planning, LADBS, and its Grading Department omit, and misrepresent data, facts and figures and violate Codes, including, but not limited to, the heights and necessary elevations for the site's proposed retaining walls, areas of proposed excavation, and the demolition of the SFD.**
- * **Trino has failed to meet Trino's required responsibility pursuant to Codes, Rules, Regulations, Guidelines, and**

Ordinances. Instead, Trino has resorted to fear tactics, adjectives, and exaggerated the objections of REN or minimized Trino's violations, and has continued to refuse to produce lawful, legible, complete, accurate, and required documents and records. Trino made other false and misleading statements that are not before the CCC. Procedurally, Trino must proceed through the City process first, where evidence and testimony can be put into the City record. If Trino were to obtain a CCC "emergency" permit to circumvent local procedures, the CCC would be enabling Trino to remove evidence from the site prior to local hearings, which site evidence is needed for the adjoining property owner's fair hearing.

- * **Trino failed to be remorseful for the harm Trino has caused to the upslope adjoining property owners and their properties.** Instead of becoming Code compliant, which Trino had the capacity to do, but did not do, Trino choose to blame others for Trino's actions, and violations. At any time, Trino could have taken responsibility for its actions and violations at 283 Trino way, but Trino did not take responsibility for actions and violations at 283 Trino Way, even when ordered to do so by the City.
- * **At any time Trino could have become compliant** with Building, Zoning, and State Codes, but Trino does not have compliant building, grading, structural, architectural, and as-built plans. At present, public records show Trino's plans are either erroneous, non-compliant, not approved, or do not exist.
- * **Trino failed to state, in violation of Ca Civ Code 832, and LAMC sec 91.3307.1, the depth to which Trino's excavation is intended to be made and when the excavation will commence.**
- * **Pursuant to the Coastal Act and the LAMC, Grading plans are public.** Trino has not submitted lawful grading plans, which plans should include, but not limited to, Trino's proposed excavation, placement of excavation, distance of excavation to adjoining property lines and adjacent structures.
- * **Trino has refused to make available the required retaining wall plans, structural calculations, structural plans, building plans, and grading plans** as required by statute, LAMC, State Codes, and Trino's CCC CDP application.
- * **Trino has already installed 28 caissons/piers** without the proper permits, plans, reports, notice, public hearings, and approvals, including but not limited to, City CDP, and Ca Civ Codes. Trino received a correction notice from LADBS, a letter of violation from CCC, and a City Order to Comply, Trino has not complied, and cannot be allowed to take further advantage of own wrong.
- * **REN reserves all rights to address any and all issues** when, including but not limited to, the required City Public hearing(s) and any subsequent required hearing(s) occur, which are required and have not yet occurred.

T. Page 2, Line 37 through page 3, line 1

Trino: *"The result is that I have been prevented from taking the steps I would immediately implement to stabilize my property and adjoining properties."*

Records Reveal:

- * **As required by law, prior to cutting the slope,** Trino should have had shoring plans, obtained temporary shoring permits, complied with Ca Civ Code 832 and LAMC 91.3307, but Trino did not comply with law.
- * **Trino seeks to continue excavating earth from in front of the already installed upslope piers, which grading has No LADBS permits, No City approvals, No City or State CDP, and to commence cutting the bedding planes along Trino's property lines on the North, East, and South sides.**
- * **In order to provide protection to the adjoining properties while Trino was processing lawful permit applications,** Trino could have submitted plans to restore the slope and Trino's cuts. Trino made no attempt and made no applications to restore the slope cuts, which Trino made without CDP permits, without disclosing correct grading quantity, and without final approval for the new 6,200+ sf SFD.

- * **Only Trino has prevented itself from taking the steps** necessary to develop its Project. At any time Trino could have submitted complete, consistent, compliant, and accurate applications, and plans, obtained the required City, and LADBS approvals and then obtained the State CCC approvals. Trino has consistently failed to submit compliant applications and has failed entirely to submit the required applications and plans for the Trino Project as a whole, including, but not limited to the proposed retaining walls for upslope properties.
- * **Trino did not seek to stabilize adjoining properties.** If that were true, 2 ½ years ago Trino would have restored the slop’s illegal cuts with earth. However, Trino seeks to continue its illegal cutting and exporting with the help of an “emergency permit” issued by the CCC and its Executive Director.
- * **Trino seeks to continue cutting and removing the lateral support of the upslope properties** in conscious disregard of the upslope properties rights. Trino has a pattern of disregarding adjoining properties rights, including, but not limited to: Trino never obtained the required shoring permit prior to cutting slope at upslope property lines; Trino did not have any plans or permits to put up temporary shoring upon cutting the upslope adjoining property lines; Trino allowed the wall’s downslope footings to be exposed and without protections; and Trino did not comply with LAMC 91.3307 Protections For Adjoining Properties.

Trino’s continued refusal to make public lawful grading plans as required by the LAMC, which same grading plans propose to provide the future support to the upslope adjoining properties, is with conscious disregard of the rights of the upslope adjoining properties and has caused unjust hardship to adjoining property owners.

- * **Trino caused or consented to the delays.** Therefore, Trino cannot be wronged by it. Ca Civ Code 3515.
- * **Trino has provided no legible, to scale retaining wall plans, grading plans, shoring plans, or as-built plans** to show how Trino intends to protect the upslope adjoining properties as required by statute.
- * **Trino has failed to sign the affidavit** for “Covenant and Agreement Regarding Maintenance of Building Support” for three of the upslope adjoining properties required pursuant to LAMC and Plan check.
- * **REN submitted a PRA request for Trino’s proposed grading/foundation plans to CCC LB office, CCC SF office, and at the CCC hearing January 9, 2015, CCC hearing February 2015.** To date, REN has not been given access to lawful, legible, to scale grading/foundation plans, and therefore such plans must not exist or are being concealed from REN.
- * **For 2 ½ years Trino has refused to provide to REN, City Planning, LADBS, and the CCC, Trino’s as-built plans,** as well as grading and excavation plans that are drawn “to Scale”, which are legible, signed, stamped, and which show that Trino’s grading plans comply with Codes, and which plans are inclusive of the proposed retaining walls, and setbacks from the upslope adjoining property lines, and adjacent structures.
- * **In spite of the City Order** to Trino to obtain all required clearances and approvals from City Planning, and the State CCC letter of violation of the Coastal Act, Trino has refused to submit a City CDP application to the City, which City CDP approval is required prior to obtaining a State CCC CDP. Trino’s delay was entirely due to Trino’s inaction and was entirely Trino’s choice. At any time Trino could have submitted the correct applications, and plans, but Trino did not do so.
- * **Any excavation of earth from the lot’s slope in this Pacific Palisades Coastal Bluff, which common slope is shared with dozens of other property owners, without notice, public hearing(s), findings and respective determination would be inconsistent with and in violation of the Community Plan, Historic Neighborhood Plan, Landform Alterations, the Regional Interpretive Guidelines, the Coastal Act, and due process for impacted property owners, adjacent property owners, and interested persons.**

U. Page 3, Line 1 through line 2

Trino: “That is why I am requesting an emergency permit from you.”

Records Reveal:

- * Trino already installed 28 caissons in Sep/Oct 2012 in order to purportedly stabilize the slope. Now, Trino wants to further cut and lower the slope to an undisclosed Height/Depth. Trino violated Ca CIV 832 and LAMC 91.3307 in not disclosing the depth of Cut. Adjoining property owners were forced to hire independent licensed professionals to ascertain Trino's proposed height, which investigations revealed that Trino is attempting to cut the Bluff to a depth of about 40+', which Trino has not disputed, which Depth could also be greater than 40+'. Therefore, Trino's total proposed depth of cut of about 40+' needs more caissons and substantially deeper caissons in order to keep cutting, excavating, and exporting more earth, in order to enlarge Trino's proposed building pad.
- * Trino is seeking to lower and enlarge its building pad as part of the CCC "emergency permit" in a deceptive front to proceed with Trino's new SFD (SFR), grading and retaining walls, which violated rules and regulations relating to the construction of buildings that were in effect on 6-02-2011 and on 9-11-2012. (See above for Trino's 6-02-2011 and 9-11-2012 piecemeal and unlawful "approvals" of the alleged additions to the previously existed SFD (SFR), which SFD is now demolished. Also see the other piecemeal applications, which Trino seeks to obtain that are still pending or are expired).
- * Trino's request, and justification for an "emergency permit" unique to 283 Trino Way is absurd. If there is a true emergency, it affects many properties, see the City's Zimas.lacity.org website, which shows 283 Trino Way, and more than 20 other bluff slope properties are already impacted by 286 Trino Way in City case # MND-93-134-CDP, which shows 286 Trino Way was developed with a slope stability factor of less than 1.5. The 286 Trino Way development is located adjoining and to the southeast of 283 Trino Way. Presently, LAMC 91.7016.4.2 requires a minimum factor of safety of 1.5 for the stability of the site.
- * At present there is no CDP permit notice, no building permit notice, nor grading permit notice posted at site. No emergency was or is noticed, posted at site, or publicized to area property owners and interested parties.
- * In Trino's request for a CCC "emergency permit", Trino would evade compliance with the Community Plan, BHO, LAMC, Ca PRC, CEQA, the findings of the cumulative impacts, and would evade the local City Zoning laws for grading quantities, and would evade City and State regulations and guidelines against excavating a Coastal Bluff.
- * Trino intends to build higher, larger, and to excavate more earth than allowed by the City's Zoning Codes, and is inconsistent with the historic neighborhood, therefore Trino needs CCC and its Executive Director to approve Trino's non-compliant development through the use of a CCC "emergency permit".
- * As shown above, Trino does not have the building permits, grading permits, shoring permits, retaining wall permits, plans, Building clearances, City Planning approvals and clearances in order to develop anything at this time. Trino's 9-11-2012 building permits each state BHO-yes, but Trino did not comply with the BHO. Trino was misleading in Trino's plans by stating that a 36' in height building existed, which never existed. As public records show, Trino was non-compliant and therefore needs an "emergency permit" in order to evade compliance at the local level and in required local public reviews.
- * At any time in the last 2½ years Trino could have:
 - (1) Submitted a local CDP application to City Planning as required by statute, CCC, LAMC, and Supreme Court Case law, however, even through today, Trino has no local City CDP application that is submitted, pending, approved, denied, or withdrawn at City Planning.
 - (2) Submitted the required City CDP Application, and all other required clearances and approvals to City Planning as ordered by the City on October 23, 2012, in City order # 102312935.
 - (3) Obtained a City CDP if Trino had been compliant with Codes, but Trino has gone through elaborate measures, in order to avoid having to comply with Codes, and to avoid having a public review by the City Planning Department. The Trino Project did not and does not comply with

Zoning Codes and therefore does not want to be reviewed by City Planning where Trino's zoning violations and other land use ordinances would be addressed.

- (4) Submitted grading plans with grading quantities, which were consistent, but Trino is not consistent in its different Project descriptions, between each different government desk.
 - a. LADBS Plan Check (which states 1,847 cy of cut earth);
 - b. LADBS Grading Dept. (which states 229 cy of cut earth);
 - c. City Planning (which states 2,040 cy of cut earth);
 - d. CCC stamped plans (which states 394 cy of cut earth);
 - e. CCC written application (which states 2,040 cy of cut earth),
- (5) Trino did not resolve the substantially erroneous grading discrepancy when Trino was first noticed in 2012, and did not resolve the grading discrepancy when noticed again by LADBS in February 2014, and again still did not resolve the grading discrepancy when emailed to do so by City Planning, as recently as September 25, 2014.
- (6) Submitted Architectural Plans that complied with the BHO, but Trino's plans violate the BHO.
 - a. Trino's Floor Area is more than double allowed by the BHO.
 - b. Trino's Grading quantity is more than double allowed by the BHO.
 - c. Trino's Height violates Neighborhood Consistency, the Community Plan, and BHO.
 - d. Trino admitted it violated the front yard setback, and if Project were to be called a "new home" it would render the Project infeasible for Trino, and therefore Trino called Project an existing SFD.
 - e. Trino also violated the parking, slope-band analysis, landscape codes, and fire codes.
- (7) If Trino were honestly trying to protect upslope-adjointing properties against an emergency, Trino would have, including but not limited to, kept the earth cuts that Trino made in Sept/Oct of 2012, covered each time it rained. But Trino did not keep the earth cuts that Trino made covered during rain. Instead, Trino put lightweight plastic across most of the lot, which looked OK in pictures, but at the upslope property lines where the slope's cuts were made, Trino left the cuts uncovered and unprotected from the rain and elements. At any time Trino could have put protection against the cuts, but Trino did not.
 - a. During Trino's 2+ years attempting to circumvent the LAMC, Trino installed intrusive, and harassing cameras and high wires at each of Trino's upslope property lines, which intruded into the adjacent properties' private areas and bedrooms.
 - b. From the cameras, from walking the property, or from street, Trino could also see that Trino does not keep Trino's cuts at the adjoining property lines protected and covered.
 - c. From the cameras, from walking the property, or from street, Trino could see that the plastic on the slope was too thin, shredded easily and repetitively during ocean breezes.
 - d. From the cameras, or from walking the property, Trino could see that Trino's plastic did not cover the unprotected bare earth at upslope property lines.
 - e. From the cameras, or from walking the property, Trino could see that Trino's actions or lack thereof caused and were causing erosion at upslope adjacent property lines in violation of the City Order to Comply #102312935.
 - f. Trino's actions or lack thereof give the appearance that Trino could be attempting to cause an emergency on purpose and by design, rather than to proceed through the normal City channels to build in compliance with Code.
- (8) If Trino actually believed that there was an emergency, then pursuant to LAMC sec.91.7016.4.1, no development could occur on the slope until the entire slope was stabilized,
 - a. LAMC sec. 91.7016.4.1 states in full,
 - i. **Active Landslide or Historic Landslide Area**, no building or grading permits shall be issued for development in active or historic landslide areas until, and unless, stabilization of the entire slide or soil mass which may have an adverse

effect on the proposed development or access thereto can be satisfactorily demonstrated to the Department.

ii. **LAMC defines**

1. **LANDSLIDE** is the falling, slipping or flowing of a mass of land from a higher to a lower level.
 2. **ACTIVE LANDSLIDE** is a landslide that has been active since January 1, 1952.
 3. **HISTORICAL LANDSLIDE** is a landslide that was active in historical time prior to 1952 as determined from photographs, maps and written records.
- b. US ARMY Corps of Engineer Maps show the entire bluff slope is from Trino's upper most rear property line and continues downslope and to the south, down to Pacific Coast Highway.
- c. CCC hazard maps show the hazard area to be the same, and also includes the first row of houses on the Bluff slope side of Aderno Way.
- d. However, since no such emergency has been advised, noticed, and publicized to the adjacent and area property owners, the "emergency permit" Trino seeks appears to be for Trino's exclusive benefit to circumvent the LAMC, Ordinances, rules and regulations.

* Trino has no Geotechnical reports pursuant to LAMC sec. 91.7016.4.2 attesting to the apparent safety of the proposed cuts to the adverse bedding planes, and no reports pursuant to LAMC 91.3307.3.2. that justify cutting adverse bedding planes along Trino's adjoining upslope property lines without underpinning adjacent structure, which reports include removing 2,000+ cy of cut earth from this Pacific Palisades Coastal Bluff in violation of the Community Plan, Coastal Act, Regional Guidelines, Work Program Hazard Study, Landform alterations, BHO, LAMC, and required public participation.

* Trino is seeking a CCC "emergency permit" to circumvent City Zoning laws, to obtain an illegal variance, and to excavate and install retaining walls, which would give Trino the benefit of making a larger, flat building pad, in violation of local City Zoning Codes, Community Plan, and Community Character.

* In seeking an "emergency permit" in order to obtain a benefit not granted to other landowners subject to Ca PRC 30601, also known in the City of Los Angeles as the "Dual Permit Jurisdiction" area of the Coastal Zone, Trino seeks a benefit, which amounts to a Zoning variance and a "special privilege" explicitly prohibited by Government Code section 65906 and Cal Const Art.1 Sec.7 (b).

* If at any time, an "emergency" does present itself, then an immediate interim control ordinance ("ICO") for tract 10179 and for the lots adjacent to tract 10179 must be immediately implemented so that any purported "emergency" can be addressed, and the right actions can be taken, and all impacted property owners can be noticed, and the entire slope (see US Army Corps of Engineers Map of Pacific Palisades Landslides) stabilized pursuant to the LAMC 91.7016.4.1. See Haggis v. City of Los Angeles.

V. Page 3, Line 3 through line 5

Trino: *"It goes without saying that projects should comply with law, and I have gone to extraordinary lengths and extraordinary expense to visit and revisit issues over and over again to create a project that does exactly that."*

Records Reveal:

- * From the Order to Comply, Correction Letter, Letter of Violation, and statements of Mr. Ainsworth, Mr. Padilla, and City Planning Department, Trino has ample notice of what it must do to "create a project" that will "comply with law".
- * Trino's Project does not comply with law, which has been verified by the City, LADBS, and by the CCC. Trino is knowingly violating the law. See undisputed facts in the Executive Summary.

- * It is irrelevant what expense Trino has gone to, if any, because Trino has not and does not comply with Codes, Ordinances, rules, and regulations. Trino has consistently and unfairly shifted burden of costs, discovery, and disclosures to the affected adjoining property owners.
- * It was Trino's burden to pay for development and compliance with the law, no one else's. Trino has gone to extraordinary lengths to avoid compliance with City Planning, LAMC, and State law, and to unfairly put Trino's burdens onto the upslope property owners.
- * Trino has caused, and is still causing the upslope adjoining property owners to incur financial burdens and unjust hardships in conscious disregard of their rights, precisely because Trino has refused to comply with Trino's City Order to Comply, CCC letter of violations and other correction notices. Trino did not provide plans, reports, and applications that were consistent with the LAMC and State Law.
- * Trino's Project does not comply with Zoning rules, and Trino admitted in November 10, 2011, December 22, 2011, and November 2012, that Trino did not comply with City of LA Zoning rules because the Project Trino wants to build would not be "technically feasible". Trino has made no changes to the SFD in order to be compliant with Zoning rules, again Trino seeks a "special privilege" explicitly prohibited by Government Code section 65906 and Cal Const Art.1 Sec.7(b)
- * As shown elsewhere herein, Trino has not complied with Codes, Ordinances, Rules, and Regulations. See records at City Planning, LADBS, and the CCC for Trino's further non-compliance with the permitting process and non-compliance with LAMC, Ordinances, Rules, and Regulations.

W. Page 3, Line 5 through line 8

Trino: *"We all know that unhappy neighbors and project opponents can and do misuse permitting and building regulations to stop or delay legitimate projects for their own gain and objectives, and that the in final analysis it is necessarily up to the agencies and their staff to issue permits where appropriate."*

Records Reveal:

- * **This statement is false, it is up to agencies to issue permits where legal and compliant, not where "appropriate"**. Propriety has no bearing on the issuance of permits, which criteria for permit issuance is clearly set forth in existing city and state Codes. Trino has consistently failed to meet this standard, which is the only standard that applies.
- * Agencies and their staff do not issue permits "where appropriate", Agencies and their staff issue permits when an application and its respective proposed project is complete, consistent, and in compliance with the Codes and regulations for the area. Trino has not been fully compliant with Codes and regulations, and presently is still not compliant, in spite of City and State directives to do so.

X. Page 3, Line 8 through line 9

Trino: *"In this case, my project has been scrutinized well beyond normal requirements and it is more than appropriate to now issue the permit I am requesting."*

Records Reveal:

- * The only time it is "appropriate" to issue a permit is when the permit application and respective plans are compliant with laws in force at the time of issuance (LAMC 12.26.A.3).
- * Trino also misrepresented the rules, regulations, and building standards that were in effect on the date that the Trino Project was (erroneously) approved by piecemeal on 9-11-2012 for 5 permit applications, and on 6-2-2011 for 2 permit applications. Another 5 permit applications have not been approved and 1 permit application was approved in known violation of the City's Order to Comply, and the CCC letter of violation.
- * Trino brought own scrutiny solely due to its recurring pattern and efforts to construct a Project that failed to comply with Code requirements, rules, regulations, and permitting procedures.

- * Trino has continued to cause its own delay due to its own non-compliance. Time does not confirm a void act, Ca Civ Code 3539

Y. Page 3, Line 10 through line 13

Trino: *"While I am certain that your staff and/or City staff can explain why Ms. Renee's many repetitive complaints and false assertions are misguided and both misapprehend and misinterpret the law, I am compelled to write to you because of her now-expanded and groundless accusations against my consultants, particularly Mr. Morris, as well as your staff member, Mr. Padilla."*

Records Reveal:

- * Trino has continued to use the CCC CDP exemption #5-10-023-X issued in March 2010, for a 740 sf addition to an existing 1,657 sf SFD (SFR), which SFD no longer exists. Using the invalid CCC exemption, Trino plans to build a new and much larger SFD and accessory building, totaling more than 6,400 sf.
- * **Trino did not:** (1) obtain City Planning clearances and approvals when ordered to do so; (2) Trino does not have legible, consistent, and to scale grading plans at public counters; (3) Trino did not make its structural calculations available to dependent, upslope adjoining property owners; (4) Trino exceeded the terms of City Planning, LADBS and CCC permit applications, therefore, it follows that Trino's actions have lacked trust for building and grading on a fragile bluff.
- * **CCC staff have been helping Trino by leaving Trino's withdrawn October 31, 2012 application on the internet**, which misleads other Agencies, interested persons, and the Coastal Commissioners into believing that the Trino Project was approved when the project was not heard and not approved by City or by CCC. No current status of each of Trino's 6 different CCC CDP applications is available for public review anywhere, not on the internet, and not in the CCC offices. These actions by the CCC and the CCC staff have caused and continue to cause prejudice and harm against REN and REN's property.
- * **Multiple CCC staff members knew Trino was not entitled to file a CCC CDP application** because no City CDP had been obtained or denied, but CCC staff members helped Trino evade the City and CCC requirements. CCC staff also knew that the Trino State CDP application was incomplete, but CCC staff helped Trino by writing that the Trino State CDP application was complete, even though there was no City CDP hearing and findings, and the CCC CDP application used plans an existing 1,657 sf SFD, which did not exist, as was verified by CCC enforcement.
- * **See undisputed facts in the Executive Summary.** Trino has not complied with required LAMC and State Laws. Trino, City, LADBS, and CCC staff have admitted that Trino was in violation, or that Trino's LADBS applications were erroneous and new applications have not been approved.

Z. Page 3, Line 13 through line 18

Trino: *"I have retained a team of skilled, licensed professionals whose reputations depend upon good, honest work. Mr. Morris and his staff have been processing permits with the City and the Coastal Commission for decades. Neither he, nor any of my other consultants, have any reason to engage in any of the unsupported misconduct fabricated by Mr. Renee - they have simply considered her complaints and, where ill-founded, explained why that is the case."*

Records Reveal:

- * Trino states that Trino's team (identified collectively in this letter as "Trino") *"have been processing permits with the City and the Coastal Commission for decades"*, and public records show that Trino knew by experience that it was required to obtain a City CDP, as well as a State CDP for the Dual Permit Jurisdiction of the City's Coastal Zone Area. Trino's licensed professionals were required and the Trino Owner-Builder agreed to be compliant with City and State Codes, Ordinances, rules, and regulations, but as the City and State public records state, they did not comply.

- * Trino's licensed professionals also knew that plans that are not stamped, signed, drawn to scale, and not legible are not lawful construction documents. Trino also knew, or should have known as licensed professionals, that Trino's issued permit applications did not comply with the codes that were in effect on the date of their issuance. These "*skilled, licensed professionals whose reputations depend upon good, honest work*" who "*have been processing permits with the City and the Coastal Commission for decades*" should have been the first to advise Trino of all of the violations of the law.
- * Trino has presented no structural or grading plan stamped or signed by Trino's licensed professionals for the whole and true scope of grading, building and pool Project.
- * Trino has a City "Order to Comply", CCC notice of violation, LADBS correction notice, and more than 6 LADBS applications, which are not approved. Trino has no City CDP application submitted.
- * Trino has written 3 pages of defense and deflection without providing written evidence with City or State letterheads countering REN's complaints of Trino's non-compliance with the permitting process, violations of Code, and denial of due process.
- * It was with conscious disregard of REN's rights, and other area property owners' rights, that they were denied notice, protections of the general welfare for the neighborhood/ community plan, and due process prior to being deprived of their rights, their property rights, zoning regulation protections, and equal protection under the law.

AA. Page 3, Line 18 through line 20

Trino "*The same is true for your staff. We have completed investigation of many rounds of these same baseless claims before the City and the City has approved my project.*"

Records Reveal:

- * Trino obtained an approval for a 740 sf addition with no grading, to a 1,657 sf SFD, which SFD is now demolished, then Trino made incremental additions and subprojects to grow the Project by piecemeal. The Project as a whole, was not and is not approved, and cannot be approved because the Project as proposed violates City Zoning Codes, Grading Codes, the Community Plan, Regional Interpretive Guidelines, and the City's local Coastal Ordinance 151,603. Trino is hoping that the CCC as the higher Coastal agency will give Trino the approval to proceed under an "emergency permit".
- * Trino, City, and CCC have not presented any evidence or document to REN that the City approved the Trino Project as a whole. Trino seeks to use incomplete, unapproved, and substantially erroneous applications, some of which were issued, some which were not issued, and some that by statute are expired.
- * Trino seeks an "emergency permit" in order to further circumvent the local building and zoning codes and continue with Trino's Project in direct violation of City Zoning Codes, Grading Codes, and other Building Ordinances, Rules, and Regulations.
- * If Trino's Project had been approved, Trino would be in receipt of, but Trino is not in receipt of, including but not limited to: (1) A city issued CDP; (2) A finding and determination from City Planning that Trino is in compliance with the Community Plan, Zoning Codes, Building Codes, Grading Codes, Regional Interpretive Guidelines, and the Coastal Act; (3) A Haul Route approval; (4) Each Trino LADBS permit application would state "plan check approved", which Trino applications do not state; (5) A Demolition Permit; and (6) An Environmental finding and determination.
- * CCC, its staff, and the Deputy Director have each stated that the Coastal Act procedure in the City of LA required development at 283 Trino to obtain a City issued CDP prior to obtaining a State CDP. Trino seeks to evade the City's Coastal Act Ordinance and its Regional Guidelines. (The California Court of Appeals and California Supreme Court in Pacific Palisades Bowl v. City of Los Angeles upheld the City's procedure).

- * The City Planning Department advised Trino on, including but not limited to, September 25, 2014, that Trino must submit and obtain a new LADBS Geology and Soils Approval letter taking into account the correct amount of cut/fill/export. LADBS has stated the Trino grading quantity is inaccurate. Trino has failed to comply with City Planning.

BB. Page 3, Line 20 through line 25

Trino: *“We have now worked through the same barrage of complaints with Mr. Padilla in pursuing our Coastal Development Permit application (which was initially intended to be heard by the Coastal Commission without the need for further review or approvals by the City, until a Coastal Commission policy change in September 2014 forced us to file our Coastal Development Permit application with City Planning for approval prior to any action by the Coastal Commission, which has delayed matters further; ”*

Records Reveal:

- * **Pursuant to Ca PRC 30600(b), 30601, CCR 13301(a) at all times Trino was required to obtain a City CDP, and after obtaining the local CDP, a second CDP from the commission.** Pacific Palisades Bowl Mobile Estates v. City of Los Angeles, the California Court of Appeals and the California Supreme Court.
 - * **The Coastal Act, City, and CCC had no lawful policy change in September 2014.** On 11-25-1978 LAMC sec. 12.20.2 became effective, which code section states, “It is the purpose of this section to provide for the approval or denial of Coastal Development Permits in accordance with Section 30600(b) of the California Public Resources Code.”
 - * Subsection F, of LAMC 12.20.2 states, “at the public hearing, all interested persons shall be afforded a reasonable opportunity to testify and present evidence.” No public hearing pursuant to LAMC 12.20.2 ever occurred. Trino unlawfully used the AIC form to circumvent this and other legally required City procedures. The AIC form gave Trino no entitlement to circumvent the Coastal Act because of the property’s location in a geologically unstable area in the City’s Dual Permit jurisdiction, subject to Ca PRC 30601.
 - * Pursuant to City Ordinance #151,603, the Coastal Act, CCC determinations and findings, CCR, and public records, Trino was always required to obtain a City CDP, Ca PRC 30600(b), 30601, 30620.5, CCR 13301(a). **Any “policy change in September 2014” that Trino referred to could only have been a private agreement between Trino and Mr. Padilla** (and any other person(s) of the CCC).
- An admission that Trino and Mr. Padilla and any other person(s) of the CCC made a private agreement for Trino to circumvent the City’s Coastal program pursuant to 30600(b), City Ordinance #151,603, and the City’s October 23, 2012 order to Trino to “..obtain all required clearances and approvals from City Planning..” has serious ramifications far beyond the response in this letter, and should be addressed by the CCC and the CCC Chair, to the State Attorney General, and the DOJ.
- * Trino stated Trino was “forced” to file their CDP application with City Planning, however Trino has no submitted pending, approved, denied, or withdrawn City CDP application for 283 Trino at City Planning. For the actual Project Trino seeks to develop, pursuant to statute, Trino was always required to obtain a City CDP and a second CCC CDP, prior to cutting the bluff, and prior to obtaining LADBS permits. Trino could not obtain a City CDP for the Project as proposed, and could not obtain City approvals for the Project as proposed, therefore Trino circumvented the required procedures.
 - * On October 23, 2012, Trino received a City “Order to Comply” for violations of LAMC sec. 12.21.A.1.a, Erosion Control, and Coastal Act, and was ordered to obtain all required clearances and approvals from City Planning, Trino has not obtained all required clearances and approvals from City Planning.
 - * Pursuant to LAMC 91.7007.1. **Safety Precautions During Grading**, Trino was required to put in erosion control prior to October 1 of the given year, and prior to cutting and grading the Coastal Bluff slope. Trino did not comply with LAMC 91.7007.1 and did not put in erosion control prior to cutting the slope. On 10-23-2012, LADBS issued Trino an Order to Comply, as stated herein Trino has only somewhat complied.

- * The Trino “Order to Comply” remains “Open” as of today, and the Order cannot be closed until City Planning approves: (1) A Trino local City CDP application, which Trino has not submitted; (2) A finding that Trino’s proposed structures meet Code, which they presently do not; and (3) Required Environmental Impact Report for the LADBS Haul Route, and City CDP.
- * Pursuant to LAMC sec. 91.7006.7.4.4, the LADBS Haul Route Public hearing cannot be scheduled until City Planning completes the CEQA review for development and hauling on this hillside substandard street, however, Trino has not submitted the required data requested by City Planning in order for City Planning to complete its CEQA review. The LAMC sec. 91.7006.7.4.4 requires that the soils/geology report for the Project, required pursuant to 91.7006.2, has been reviewed and approved by the Department’s Grading Division, which report used a substantially erroneous quantity. Trino has delayed its own Project by not submitting the correct and consistent grading quantity to City Planning, the LADBS Grading Department, and LADBS Plan Check. Any and all delays that Trino incurred were due to Trino’s actions and inactions.
- * The City Coastal AIC form that Trino signed states, “this approval in concept is being issued without a detailed plan check, grading or geology report, or visit to the property and in no way excuses the applicant from complying with **all** applicable policies, ordinances, codes and regulations of the City of Los Angeles.”
- * See Executive Summary for undisputed issues.

CC. Page 3, Line 25 through line 27

Trino “a copy of a letter from Earth Systems Southern California we will be submitting to the City regarding a proposal to perform work immediately to secure the site in the meantime is enclosed with this letter).

Records Reveal:

- * Pursuant to certified City public records, Earth Systems’ reports are each based on Trino’s proposal to cut 226 cy of earth, and to export 132 cy of Earth. In Trino’s Earth Systems report dated January 22, 2015, and attached to the 2-6TLetter, Mr. La Chapelle stated on page 2, line 5, “**with the goal of allowing the minor grading and mitigation work required to secure site to proceed.**” However, Trino stated to the CCC in its most recent application that Trino proposes 2,040 cy of cut and 1,938 cy of cut. As stated by Mr. Prevost to Mr. Johnsson, “**export over 1,000 yards triggers a hearing and a special haul route approval**”. **No special haul route hearing has been held, and no approval has been given. Trino seeks to “resume construction”.**
- * **Trino’s grading Project at more than 2,040 cy of cut and 1,938 cy of export is not minor grading.** Either Trino’s Mr. Chappelle does not know the full quantity being cut and exported, or Mr. Chapelle is also helping Trino to circumvent the Codes by stating to the LADBS Grading Department that the cut is 226 cy, to the CCC that the grading is minor, and to other departments that the grading is in excess of Code.
- * Trino’s submissions of geology and soil reports misrepresented the Trino “rubble wall”, and often confuse readers of the placement of the Trino “rubble wall”, which was factually on 283 Trino Way. Trino had multiple “rubble walls” at time of the site’s demolition, currently, one “rubble wall” can be seen at the top of Trino’s slope on Trino’s property. This is evidence and must be preserved.
- * **Trino continues its pattern of submitting conflicting data to each department and agency.**
- * **As shown herein, Trino seeks to “perform work immediately” without being compliant** with City and State Codes and to circumvent local public hearings. At any time, Trino could have made the Trino Project code compliant and by submitting the proposed Project for review pursuant to City Ordinance no. 151,602, Ca PRC 30600(B), Ca PRC 30601, CCR 13301(a), Ca PRC 30620.5, but Trino did not submit the proposed Project compliant for review.

- * **Trino seeks an “emergency permit”** in order to “perform work immediately” to remove and obscure the evidence of Trino’s previous and continuing wrong doing and violations of the LAMC, and rules and regulations of the City. The site’s physical evidence is needed for the required City public hearings. It appears Trino is attempting to remove Trino’s evidence of wrongdoing prior to the required City Planning public hearings.
- * Trino is attempting to use Earth Systems reports to obtain a CCC “emergency permit” to circumvent City and State Codes, Ordinances, rules, and regulations. Earth Systems reports have a few fatal flaws. One is that the Earth Systems reports are based on grading plans of 226 cy of cut, and 139 cy of export. City Planning and LADBS have noted this factual misstatement. On September 25, 2014, City Planning issued directive to Trino to obtain an updated “LADBS Geology and Soils Approval letter that reflects the correct grading quantity. Trino has not submitted a Geology and Soils Report with the correct grading quantity of 2,040 cy.
- * Trino does not have previously approved, lawful grading plans, site plan, structural plan, or structural calculations with correct scope of work at CCC or LADBS. It appears that Trino is attempting to request a CCC “emergency permit” to circumvent such plans. It would be absurd and unlawful for any licensed professional to attempt to: (1) Authorize or commence the work of excavating a coastal bluff without legible, signed, and to scale grading and structural plans; (2) Conceal legible and to scale plans that include all requirements of the LAMC; (3) Deny Ca Civ 832.4 and other protections to the adjoining properties pursuant to LAMC sec. 91.3307, including, but not limited to the affidavit for “Building and Maintenance Support”; and (4) Work with other persons and other licensed professionals to help deprive adjoining property owners of due process and equal protection under the law.
- * In February 2015, REN spoke with Mr. Pascal Challita of the LADBS Grading Department, and Mr. Challita stated that there was no emergency at 283 Trino Way.
- * On February 26, 2015 in a meeting with Mr. Challita and Mr. George Abrahams, Mr. Challita again stated that there was no emergency at 283 Trino Way.
- * LADBS Grading Department records and reports show there were no City or LADBS emergency reports, no City or LADBS emergency approvals, no City or LADBS declarations of an emergency or any other record or report identifying or stating an “emergency” at 283 Trino Way.
- * No updated LADBS Approval Letter exists after the last LADBS Grading and Soils Approval Letter dated July 17, 2014, which report was based on Trino’s proposed cut of only 226 cy of earth and of 134 cy of earth export. Trino admitted in February 2014 to City Planning and admitted to the CCC in May 2014 that Trino proposes to cut more than 2,000 cy of bluff and export more than 10 times the stated amount in Earth Systems Reports attached plans.
- * **Trino made the erroneous statement** to the CCC that the additional dirt generated on the Project was due to the additional [9] piles, but to City Planning Trino stated an entirely different cut and fill plan for the same 2,040 cy of earth cut.

DD. Page 3, Line 27 through 31

Trino: I am offended by her assault on my consultants and your staff. Mr. Padilla and your other staff members have demonstrated that they are very knowledgeable with respect to the Coastal Development permitting process and Mr. Padilla has been more than patient and professional addressing Ms. Renee's complaints, while assuring compliance with the Coastal Act and City regulations.”

Records Reveal:

- * Mr. Padilla and CCC staff have helped Trino by giving Trino a privilege not given to others by not charging Trino for: (1) Grading; (2) After the fact fees, or (3) Fees for each time that Trino submitted a new application.
- * CCC and Staff members are on record and have been on record for years with the knowledge that a City CDP is required prior to a State CDP, and is subject to Ca PRC 30600(b), 30620.5, 30601, and 13301(a). Ca PRC

section 30601 is also known in the City of Los Angeles as the Dual Permit Jurisdiction Area. See California Supreme Court and Court of Appeals in Pacific Palisades Bowl Mobile Estates v. City of Los Angeles, as well as CCC, CCC staff, and City letters regarding Coastal Development Permit procedures in the City bluff area subject to Ca PRC 30601, also known as the City's "Dual Permit Jurisdiction" area. Trino seeks to use the CCC, its staff, the CCC Executive Director, and a CCC "emergency permit" to circumvent the local City CDP procedures, and in the process also circumvent required Grading Codes, Haul Route and City Zoning laws and Community Plan.

- * Trino has no knowledge in the manner in which Mr. Padilla addresses REN, as Trino has never been in the CCC LB office when REN visited with Mr. Padilla and other staff at the CCC LB office. If Trino has participated in another manner in which Mr. Padilla addressed REN, it was not disclosed to REN.
- * **In January 2015, Mr. Padilla alleged to the CCC that Trino had submitted a City CDP application to the City based solely on the assurance of Trino. Trino has submitted no City CDP application to the City. The CCC has no record of a City CDP application, and has no City Planning Case number of a City CDP application. The CCC can have no record of a Trino City CDP application because no such record exists.**
- * Trino has attached no evidence that Trino complied with the City's Coastal Act Ordinance #151,631, or any of the other violations and issues REN and other area property owners' have raised to the CCC. Trino is inconsistent with the provisions of the LAMC and Ordinances for the area. Trino is in violation of the Community Plan, consistency with the neighborhood, and property owners' rights to due process.

EE. Page 3, Line 32 through line 34

Trino: "Having already repeatedly done so over the past 2 years, I am very disinclined to re-engage in debates over Ms. Renee's continued misguided interpretations of the law or her misrepresentations about my project."

Records Reveal:

- * The CCC and CCC staff agreed with REN that:
 - (1) The Trino Project was not an existing 1,657 sf SFD;
 - (2) The Trino Project was a Demolition and New Construction;
 - (3) The Trino Project required and always required a City CDP prior to a CCC CDP and that the City CDP is required to go first. (Case law also holds this to be true.)
 - (4) The grading quantities in Trino's geology and soils reports were wrong and Trino needed to correct the grading quantities in the reports given to the LADBS Grading Department, and obtain new LADBS Approval letters, which Trino has not done.
 - (5) Trino was required to obtain a City CDP.
 - (6) Trino was in violation of the Zoning Code sec.12.21.A.1.a, and the Coastal Act, as well as other Building Codes such as Grading quantities.
- * Trino also agreed that REN was correct on Trino's erroneous data, including but not limited to:
 - (1) Trino's cut and grading quantity was wrong at 226 cy of cut and 391 cy of cut. Trino has since applied for a new LADBS grading permit for 1,847 of cut, which was not approved and has not been issued;
 - (2) Trino needed a Haul Route Approval and an environmental review, which approvals Trino has applied for, but which applications are not complete pursuant to City requirements and regulations, and Trino has not fixed the grading quantity discrepancy and erroneous geology and soils reports as directed;
 - (3) Trino's proposed retaining wall was inadequate to meet safety factor requirements of Earth Systems reports and Trino has since applied for a new LADBS retaining wall permit. The LADBS permit and plan was not plan check approved and has not been issued. Trino's alleged new retaining wall plan is unsigned, omits almost all required figures and data for retaining walls and grading plans.
 - (4) Trino had no shoring permit when Trino started cutting the bluff, and has since applied for a new LADBS shoring permit application, which new LADBS permit application has not been approved;

- (5) Trino's accessory building was not to Code. Trino has since applied for a new LADBS accessory building permit, which LADBS application was not approved, was not filed, and is not been valid;
- (6) Trino pool was larger than permitted, and Trino sought a new LADBS pool permit, which LADBS issued without City Planning clearance and without Coastal Clearance in violation of LAMC 11.02.

* The LADBS has agreed with REN that:

- (1) The Trino grading quantity was wrong and Trino needed a new Grading permit for the correct quantity.
- (2) The LADBS has agreed with REN that the Board was not able to review Trino's violations of Zoning Codes. Trino has not applied to City planning for Coastal Development Permit review at which time the Zoning violations can be reviewed and a City determination could be made. Trino has not applied for a City CDP. Therefore, no City determination could be made.

FF. Page 3, Line 34 through line 38

Trino: "However, if after your staff completes their review of Ms. Renee's latest barrage of claims, you or they should have any questions or concerns, I would be happy to have my consultants address them. My goal is to complete the process and obtain the required Coastal permit so that I can resume construction, complete my home and stabilize my property and that of my adjoining neighbors."

Records Reveal:

- * **Trino cannot "resume construction" until all of the following have been corrected:** (1) City Order to Comply; (2) State Notice of Violation; (3) Unpermitted Demolition; (4) City Planning and Building requirements; (5) LADBS notices and statements that Trino was non-compliant; (6) Trino's substantially erroneous applications; (7) Horwitz v. City of LA, cannot keep substantially erroneous permits in place; (8) Pacific Palisades Bowl Mobile Estates v. City of LA, is required to obtain a City CDP first and a State CDP second; (9) Haggis v. City of LA, obtained an Order to Comply, must comply; (10) No Oil v. City of LA, needs an environmental impact review; (11) Arviz v. City of LA Planning, cumulative effects require an environmental impact report; and (12) Orinda v. Board, cannot separate project into subprojects to avoid responsibility of the project as a whole.
- * **Presently, Trino is not and has a pattern of not being consistent between departments and agencies. Trino's inconsistencies between the departments and agencies enlarged the initial Trino Project from a 740 sf addition to an existing 1,657 sf SFD with no grading, and no demolition, into a demolished SFD, and new 6,200+ sf three story SFD with 2,040 cy of cut earth. Trino demolished the lot's 1953 SFD in September 2012, and has no vested rights to any alleged SFD at site. Trino cannot "resume construction" on an addition to a SFD that does not exist.**
- * **Trino's plans at the CCC, which were stamped and dated by LADBS on 9-11-2012, were inconsistent with the Codes, rules, and regulations for the area as of 9-11-2012, and therefore Trino has no vested rights. Trino has no lawful City approvals.**
- * **Trino had no legal basis to demolish the SFD and to start cutting the coastal bluff, and Trino has no legal basis to "complete the process".** Trino must submit new accurate, complete, consistent, and true applications, plans and reports, and obtain valid City, LADBS, and CCC approvals prior to building a proposed Project. Trino cannot use as a foundation Trino's substantially erroneous applications to "resume construction".
- * **Trino has a City Order to Comply issued to Trino on October 23, 2012 which Trino has not complied with. Trino must comply with the City Order prior to submitting a CDP application to the CCC. Trino must return to the City, and submit compliant applications and obtain all required zoning and building clearances and approvals from the City, and only after approvals for the Project as a whole can Trino proceed to the CCC for review of a new CCC CDP application based on what has been approved in the City, which CCC CDP application must be consistent with the same Project Trino proposed in the City.**

- * Pursuant to the LAMC, the LADBS Geology and Soils Letters, the site must be brought to Code and therefore the substandard and technically infeasible structures will also be removed, including the 1953 era garage and the remnants of the remaining walls. (50% rule exists in City and Coastal Codes)
- * At any time, Trino could have complied, but did not comply with City and State Codes, Ordinances, Rules, and Regulations. At any time Trino could comply with law and submit consistent, complete, and accurate plans, figures, reports, and applications as the records revealed, and as listed herein.

GG. Page 3, Line 38 through line 39

Trino: *“Please let me know if there is anything we should address further before the hearing on my permit.”*

Records Reveal:

- * **Trino must obtain plans and approvals to restore the slope.** Trino does not need to further cut and excavate the slope to make the slope stable. Trino is using this subterfuge to put in a large flat building pad for the non-compliant structures and out of scale SFD.
- * Trino’s permits and applications are expired pursuant to LAMC Ch.9, Art.8, Div.6. If Trino decides to move forward, Trino must submit compliant plans and obtain all required approvals. Trino cannot receive special privileges to circumvent procedures and requirements of the LAMC and State Codes.
- * In the Trino statement “is there anything we should address further before the hearing on my [Trino] permit”, Trino causes confusion and does not state which hearing, and on which permit Trino is referring to. The Trino Project is not and cannot lawfully be before the CCC. The Trino Project is still before the City, with void, expired, unapproved, or substantially erroneous applications and permits.
- * It is undisputed that Trino must address the issues in the Executive Summary, the issues addressed in this response, and the issues in the records of the City, LADBS, and the CCC, such as:
 - a. Trino has never filed a Local City CDP application, therefore there can be no scheduled City or State CDP permit hearing.
 - b. Trino has an open City Order to Comply to obtain all required City Planning Approvals and Clearances, Trino has not complied with this City Order;
 - c. Trino cannot keep Trino’s substantially erroneous permit applications as the foundations for the City and State decisions that will have to be made (*Horwitz v. City of Los Angeles*);
 - d. No LADBS application approvals are valid as they were issued in violation of Codes, Ordinances, Rules, and Regulations;
 - e. No LADBS Permit Approvals at City or State level can occur until Trino obtains a local City CDP, and submits correct, consistent, complete, and compliant plans. Trino is not entitled to a variance.
 - f. Trino’s request for a CCC “Emergency Permit” would deny others equal protection of the law, notice, due process, and would circumvent the local rules and regulations written for the protection of the public interest and the general welfare of the people and property owners.
 - g. Presently, LADBS Grading Department, and CCC Geologist each state there is no emergency, it appears Trino is also using the “Emergency Permit” in order to conceal/remove evidence of the site’s conditions and irregular grading.
 - h. In the event that an “emergency” presents itself at 283 Trino Way, all of the common slope property owners (21+ different property owners) must be timely noticed, and be entitled to due process prior to potentially being deprived of their rights. An emergency interim control ordinance should be issued in order to prevent such “emergency” from happening again under a different group of builders, and impacting the same property owners.
 - i. Any CCC “Emergency Permit” may only be issued for work temporary in scope.

- * Trino's applications, plans and statements are not correct and do not conform to applicable City Codes, Rules, and Regulations. Trino's applications are substantially erroneous and inconsistent with Codes, Rules, and Regulations, therefore pursuant to the LAMC sec.11.02 Trino's permit applications and plans are void.
- * Any delay of Trino's Project development was and is solely due to Trino's actions, decisions, and lengthy attempts to circumvent Codes, Rules and Regulations for the area, and to deprive area property owners their due process rights and equal protections of the laws.

In conclusion, this is an attempt to remove the evidence from Trino's actions, and advance a project that circumvented City and State regulations. The site evidence is critically needed for a fair and unbiased City hearing(s) for the adjoining and area property owners. If the CCC and Executive Director were to grant Trino an "Emergency Permit" it would continue Trino's pattern of circumventing required local public hearings, and without a local public hearing the CCC Executive Director would be granting Trino a grading variance from the LA Regional Interpretive Guidelines, the Community Plan, and the LAMC Zoning and Grading Codes, regulations and guidelines designed to protect the Pacific Palisades Coastal Bluffs. A CCC "emergency permit" issued to Trino would grant Trino privileges not granted to all citizens and coastal landowners and would again deny due process to each of the four adjoining property owners, as well as other adjacent property owners and interested parties.

Trino cannot be allowed the privilege to use the CCC and the Executive Director's help through the use of an "emergency permit" to continue using the invalid CCC exemption no. 5-10-023-X for a 740 sf addition to an existing SFD (SFR), which no longer exists, for the LADBS' clearance of an unapproved new 3 story 6,200+ sf SFD, 188 sf accessory structure, 3+ retaining walls, pool, 2,000+ cut earth excavation, and shoring.

If the CCC and the Executive Director participated in allowing Trino's violations and non-compliance with the permitting process to continue, the CCC and Executive Director would be giving no consideration to the interest of the public and existing landowners in the coastal zone area of the City of LA. A precedent must not be established with Trino through which, by favoritism or otherwise, the public interest may be mulcted or public policy defeated. To do so would effectively nullify 'a strong rule of policy, adopted for the benefit of the public, and for the general welfare of local property owners, travelers along PCH, visitors to Will Rogers State Beach, and the California Coast.

The solution is for Trino to restore the 283 Trino Way slope as required by the LAMC. If thereafter Trino decides to develop a Project at the site, Trino must submit to City, LADBS, and CCC complete, true, consistent, and accurate applications and plans, comply with all applicable City and State codes, ordinances, rules, and regulations, obtain all required clearances and approvals, obtain final approval, and must do so prior to commencing construction.

This has been a tedious task matching up Trino's many variations, typos, and misrepresentations, REN reserves the right to make any necessary corrections. All supporting records are publically available, and have been re-submitted to the agencies and departments by REN on previous occasions, however, if, for your ease of reference, you would like to see any supporting record that REN refers to in this letter, please let REN know, and she will provide it to you.

Regards,

Lia Renee
Lia@livlove.com
<http://pacificpalisadesbluffs.com>

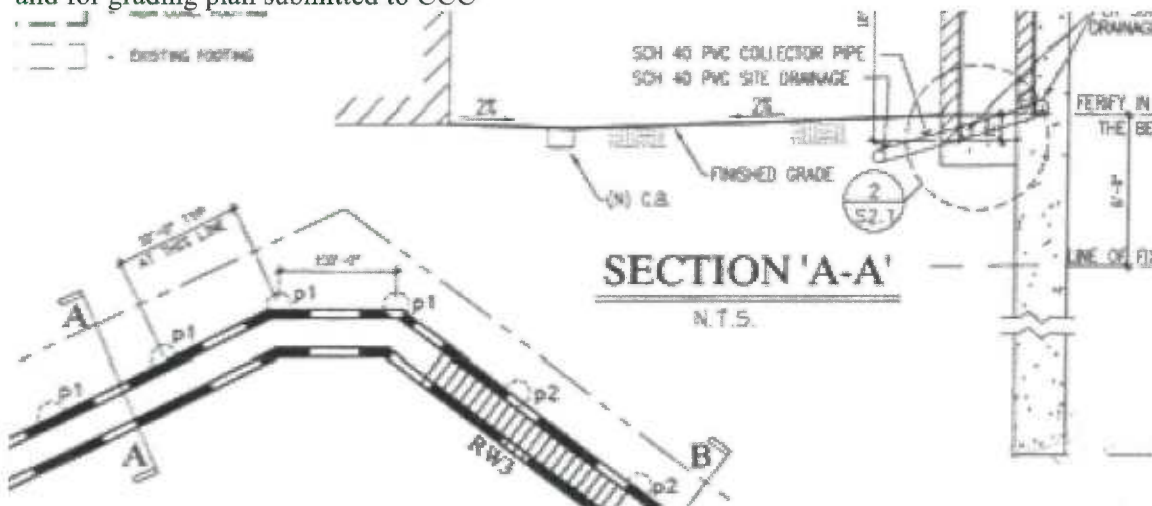
*Cc: Mr. John (Jack) Ainsworth, Deputy Director California Coastal Commission
 Mr. Al J. Padilla, Coastal Program Analyst, Ports Coordinator California Coastal Commission
 Mr. Eric Garcetti, Mayor City of Los Angeles
 Mr. Raymond Chan, General Manager City of Los Angeles - Dept. of Bldg. & Safety
 Mr. Pascal Challita, Grading Div. Chief City of Los Angeles - Dept. of Bldg. & Safety*

¹ See City Order to Comply # #102312935, LADBS Correction Notice, CCC Letter of Violation #V-05-12-039, and email of erroneous LADBS Grading Department Geology and Soils Approval letter.

² Trino stated in # 5-14-1559, page 2, number 2, “Due to this [additional row of 9 piles] change the amount of dirt generated on the project increased by the amounts removed for the additional piles [purportedly more than 1,200+ cy for pile spoils] and is summarized on page 3 number 8 of this application. Trino plan submitted to City for a Haul Route, dated Feb 04-2014, stated only 531cy of the total 2,040cy of cut, is pile spoils, however Trino stated that the additional 1,200 cy that more than

³ See CCC Letter of Violation V-5-12-039, October 15, 2015, page 2, line 18

⁴ See Grading and Structural Plans of the different projects, i.e., 2040 cy grading plan, blurry grading plan. N.T.S. and for grading plan submitted to CCC



⁵ See CCC #5-10-023-X for the Project Trino disclosed at the outset.

⁶ CCR 15360 “Environment” means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The “environment” includes both natural and man-made conditions.

⁷ CCR 15003. Policies. (h) The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect. (*Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151)

⁸ See LADBS Permit and Inspection Report on 283 Trino Way, 90272

⁹ LAMC sec. 12.26.A.2. **Permits** – No permit pertaining to the use of land or buildings shall be issued by any department, officer, or employee of this City, vested with such duty, unless the application for the permit has been approved by the Department of Building and Safety as to conformance of said use with the provisions of this chapter. **Any permit or certificate of occupancy, issued in conflict with the provisions of this chapter shall be null and void.**

¹⁰ LAMC sec. 12.26.A. 3. **Vesting of Development Plan. (Amended by Ord. No. 173,492, Eff. 10/10/00.)** Whenever plans sufficient for a complete plan check are accepted by the Department of Building and Safety and a fee is paid, a vested right is granted to the project to proceed with its development in substantial compliance with the zoning, and development rules, regulations, ordinances and adopted policies of the City of Los Angeles in force on the date that the plan check fee is paid as indicated on a valid building permit application. These rights shall not

include exemption from other applications or approvals that may be necessary to entitle the project to proceed (*i.e.*, subdivision, zone variance, design review board review, *etc.*) and from subsequent changes in the Building and Safety and Fire regulations found necessary by the City Council to protect the public health and safety and which are applicable on a citywide basis, contained in Chapters V and IX of this Code and policies and standards relating to those chapters or from citywide programs enacted after the application is deemed complete to implement State or Federal mandates. These rights shall end: **(Amended by Ord. No. 182,106, Eff. 5/20/12.)** (a) 18 months after the plan check fee is paid, or if a permit is issued during that time, when the building permit terminates pursuant to Section 98.0602; (b) when subsequent changes are made to those plans that increase or decrease the height, floor area, or occupant load of the proposed-structure by more than five percent; (c) when the use of the property is changed; (d) when changes exceed or violate the Zoning Code regulations in force on the date the plan check fee was paid; or (e) when the discretionary land use approval for the project terminates under the provisions of Chapter 1 of this Code or any ordinance adopted pursuant to Chapter 1 of this Code.

¹¹ LAMC sec. 12.24.X.7. **Fences or Walls in A or R Zones (c) Findings.** In addition to the findings otherwise required by this section, the Zoning Administrator shall consider the environmental effects and appropriateness of materials, design and location of any proposed fence or wall, including any detrimental effects on the view which may be enjoyed by the occupants of adjoining properties, and security to the subject property which the fence or wall would provide.

¹² See Brentwood-Pacific Palisades Community Plan, and Bel-Air Bay Neighborhood Booklet.