

Communication from Public

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Date Submitted: 02/23/2020 08:56 PM

Council File No: 20-0027

Comments for Public Posting: Supplemental Response from Project Applicant Representative

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February 21, 2020

VIA E-MAIL AND COURIER

Chair Harris-Dawson
Honorable Members of the Planning and
Land Use Management Committee
200 N. Spring Street, Rm. 272
Los Angeles, CA 90012
Attn: Leyla Campos (clerk.plumcommittee@lacity.org)

Re: Council File 20-0027
560-620 (even) Marquette Street
Supplemental Response to CEQA Appeal
Hearing Date: February 11, 2020 (Item 4)

Chair Harris-Dawson and Members of the PLUM Committee:

We represent Cosimo and Christine Pizzulli, the owners of 560-620 (even) Marquette Street in Pacific Palisades (the "Properties") and applicants for the eight approved single-family homes on eight single-family lots (collectively, the "Project"). We respond to the last-minute document dump attempted by appellants prior to the originally scheduled hearing, and we clarify the requirements for the Class 32 (Infill) Categorical Exemption (the "Cat Ex") adopted for the Project, in light of appellants' selective reading of the applicable regulations. The material submitted by opponents merely duplicates that presented to the West Los Angeles Area Planning Commission (the "APC"), raises no new issues not already addressed by City staff and decisionmakers. These points were properly rejected, and the Cat Ex for the Project was proper and supported by substantial evidence. Again appellants have failed to meet their burden, and PLUM should deny the appeal and sustain the Cat Ex.

1. Substantial Evidence Supports the Categorical Exemption.

Opponents again mischaracterize the facts and selectively quote CEQA and the CEQA Guidelines, and erroneously assert that because the Properties are adjacent to a property that contains vegetation, development on the Properties cannot qualify for a Cat Ex. However, although the Project qualifies even under this definition (as stated in our prior correspondence and in Staff's responses to the appeals), the opponents ignore the second definition, under which the Project also qualifies.

Under the first definition of an infill site, as stated in section 21061.3(a), the site need only adjoin "parcels" that are developed with "qualified urban uses." The CEQA statute (§ 21072) and Guidelines (§ 15191(k)) define a "qualified urban use" as:

“any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.”

(Emphasis added.) The purported woodland area to the south of the Properties are developed residential parcels. They contain two residences, designated in City records as 640 N. Marquette Street and 16421 Pacific Coast Highway, and accessory structures, consistent with its residential zoning. As the parcels are developed with “any residential [. . .] use,” they comprise “qualified urban uses,” in combination with the uses to the north and west of the Properties. Therefore, the Properties are surrounded on at least three sides or 75 percent with “qualified urban uses” as defined by CEQA.

Under the second definition of an infill site, Section 21061.3(b) of CEQA defines a property as an infill site if “[t]he site has been previously developed for **qualified urban uses**” (emphasis supplied). The Properties are currently developed with two residential units and associated accessory structures. As that development is “any residential [. . .] use,” it comprises “qualified urban uses” and qualifies the Properties themselves as an infill site under CEQA. Consequently, the designation of the Properties as an infill site by the Director and the APC complies with CEQA and is supported by substantial evidence. No evidentiary or legal basis exists to overturn those determinations.

2. Prior Geologic Stabilization of a Portion of the Properties Occurred.

As we described in detail in our prior correspondence, all of the claims of a major landslide on or near the Properties are based on one outdated report that included no physical testing of the Properties. This includes the Coastal Commission staff report for the prior stabilization work at the Properties. The condition on the Properties referenced in the 1999 report by MEC was a man-made surface condition, not an ancient deeper condition at that involved the entire canyon face: as stated in the Byer Report, historical grading at the toe of the canyon face had created the conditions for a surface slump along the edge of the canyon along the southern boundary of the Properties. MEC’s work designing retaining walls, fill, and drainage fully stabilized the slope, and the Project would continue that work along the entire southern perimeter of the Properties. Again, although the Coastal Commission required recordation of document requiring Mr. Pizzulli to assume any risk of landslide, this is a standard requirement for any such project, particularly where the project involves stabilization.

Because the Coastal Commission references to a larger ancient landslide was based on the existence of the same outdated Army Corps. report upon which the appeal relies, it does not constitute any independent test or finding. Although the opponents include the report in its entirety, its inclusion in the record is neither novel nor helpful, as it does not prove what the opponents claim. The opponents also included the 1999 MEC report, which is clear in its recommendations and the extent of the condition it sought to address. Although it refers to a landslide, MEC did not drill deeply enough to fully discount the presence of an ancient

landslide. Byer subsequently did so, as did three other reports prepared for the appellants properties.

3. In 2010, the City Completed Extensive Prior Excavation along Virtually the Entire Length of Marquette Street.

On or around April 15, 2010, the City Department of Water and Power completed extensive excavations in the Marquette Street right-of-way to replace a water main. As shown in Exhibit "A" to this letter, photographs demonstrate that these excavations extended virtually the entire length of the street. No evidence indicated the presence of a landslide or any adverse effects of excavation in that location. Opponents did not, as far as Mr. Pizzulli is able to recollect, object to City work on Marquette Street or allege the presence of a landslide to prevent or forestall that work.

As described above and in prior correspondence, not only has the appeal failed to provide substantial evidence, but the evidence in the record concerning environmental impacts contradicts the appeals. Simply put, the appeals have failed to meet their burden, and the record for the proposed Project cannot support a rejection on the grounds the appeals proffer. Therefore, PLUM should reject the unfounded claims of the appeal, deny the appeal, and sustain the Director's and APC's determinations for the Project.

Sincerely,



NEILL E. BROWER of
Jeffer Mangels Butler & Mitchell LLP

NEB:neb
Exhibit

cc: Len Nguyen, Council District 11 (via email)
Michelle Singh, Department of City Planning
Shannon Ryan, Department of City Planning
Kenton Trinh, Department of City Planning

Exhibit A

