

Communication from Public

Name: Neill Brower (Applicant Rep.)
Date Submitted: 03/06/2020 02:10 AM
Council File No: 20-0027
Comments for Public Posting: Communication from Applicant's Representative.

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Ref: 77705-0001

March 5, 2020

VIA E-MAIL

President Nury Martinez
Honorable Members of the City Council
200 N. Spring Street, Rm. 272
Los Angeles, CA 90012

Re: Council File 20-0027
560-620 (even) Marquette Street
Response to Proposed Findings
Council Date: March 6, 2020 (Item 21)

President Martinez and Honorable Councilmembers:

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 purported report of the Planning and Land Use Management (“PLUM”) Committee, granting the appeal and disapproving the Categorical Exemption adopted by the West Los Angeles Area Planning Commission. As discussed in testimony before the PLUM Committee, rejection of the categorical exemption and denial of the Project was not supported by substantial evidence, and violated the Housing Accountability Act (the “HAA”, Govt. Code §65589.5, *et seq.*).

As a preliminary matter, we are compelled to note that Mr. Pizzulli is a 20-year resident of the Project Site who only sought, with his own funds, to improve his house and build others on already existing residential lots. Further, **Mr. Pizzulli worked in consultation with Council District 11 for two years**, which were dedicated to attempting to design a public sewer option for Marquette Street that would have accommodated his neighbors as well as the Project. Ultimately, no such design was possible that the City could approve, and Mr. Pizzulli was advised to move forward with his Project. After a further year of public process, environmental documentation, and administrative approvals, the Council District informed Mr. Pizzulli of purported (though unsubstantiated) defects in the environmental documentation merely **three hours** before the PLUM Committee hearing.

The findings purported to have been modified by the PLUM Committee and attached to its report do not appear to be those actually adopted by PLUM. In the understanding that those findings constitute the proposed findings of the City Council, we address them below.

1. The Project is Consistent with the Applicable General Plan Designation and Policies, and is Not Designated as “Desirable Open Space.”

The Findings attempt to manufacture a General Plan inconsistency through selective readings of policies that do not even apply to the property or the Project, and are in any event neither objective nor mandatory. As noted by Courts, General Plans necessarily balance a range of competing factors, and consistency with each and every policy is impossible. Consequently, even though a project may—and likely will—deviate from some particular provisions of a plan, it remains consistent with that plan on an overall basis.¹

Courts have consistently distinguished between policies that are objective and mandatory and those that are not for the purpose of determining overall consistency with the plan. In *Sequoyah Hills Homeowners Assn. v. City of Oakland*², the Court stated, “a project need not be in perfect conformity with each and every [] policy” to be consistent with the General Plan. In fact, the Court treated the idea of complete consistency as impossible, stating, “it is beyond cavil that no project could completely satisfy every policy stated in the [General Plan], and that state law does not impose such a requirement.”³ The California Attorney General has agreed in published opinions.⁴ The Court rejected a claim of non-conformity on the basis of policies that are not mandatory.⁵

Here, the policies cited by the findings relate to protection of visual, biological, and geological resources, including through design. However, these policies provide general statements, preferences, and directions, but do not impose any specific, objective obligation or command any particular course of action. Therefore, the policies are not mandatory, and any claimed conflict does not constitute a basis for finding a conflict with the Community Plan or General Plan as a whole, and even if a conflict existed with a discrete policy. As described in the MND, supporting documentation, staff reports, prior correspondence, and below in this letter, no conflict exists with any objective, mandatory policy.

The legal framework above also relates to the HAA which, as stated in our prior correspondence, forbids the rejection of a project on the basis of inconsistency with the General Plan or zoning where those policies are not objective, and where a project complies with the objective standards established under either framework. Also, the HAA provides that the City’s failure to identify any of the policies at the outset of the Project as potential bases for rejection is fatal to the City’s attempts here.⁶ Further, based on the extensive documentation cited above, a reasonable person could conclude that the Project complies. Consequently, the HAA deems the Project compliant with applicable objective policies,⁷ and the attempt of the findings here fail to overcome that statutory command. Consistent with

¹ *Friends of Lagoon Valley v. City of Vacaville*, 154 Cal. App. 4th 807, 815 (2007).

² 23 Cal.App.4th 704, 719 (1993).

³ 23 Cal.App.4th at p. 719, citing *Greenebaum v. City of Los Angeles*, 153 Cal.App.3d 391, 406- 407 (1984).

⁴ 59 Ops.Cal.Atty.Gen. 129, 131 (1976).

⁵ 23 Cal.App.4th at p. 719.

⁶ Govt. Code §65589.5(j)(2)(B).

⁷ See Govt. Code §65589.5(f)(4).

this established doctrine, the Director determined, and the APC affirmed, the Project complied with the General Plan and Community Plan.

(a) The Policies Cited in the Findings do not Apply to the Project.

The proposed findings quote policies from the Open Space area of the General Plan regarding open space and the provision of roads and trails to serve the development and that open space. However, as described in our prior correspondence and in discussion below, the Project is not located within an open space area. Moreover, even to the degree the Project is adjacent to “desirable open space,” no direct access from the Project exists or is possible, as a steep slope separates the Properties from the open space. Consequently, this policy does not comply. Moreover, this policy is not a mandatory policy: even as quoted by the findings, it merely says “should,” and it does not provide an objective standard. Consequently, the HAA forbids its use as a basis for denying the Project.⁸

The findings also quote language in the Community Plan that states, “where feasible,” roads on headlands should be visually screened and driveways connecting to the coastal highway minimized, as well as a Conservation Element policy regarding retention of natural landforms on headlands. First, the findings provide no facts to demonstrate the Project is located on a headland or bluff. Second, the Project would be developed along a long-existing street, and as that street is a local residential street substantially removed from Pacific Coast Highway or Sunset Boulevard, no driveways associated with the Project would connect to any coastal highway.

The findings also fail to provide any facts to demonstrate the Project retains its natural landform, nor could it do so. As described in depth in the geology and soils reports prepared for the Project and for prior development on the Properties, as well as the prior Coastal Development Permit (“CDP”) file submitted by the appellants themselves, the Properties are already developed with qualified urban uses. This development includes two residences and accessory structures, as well as extensive grading and the installation of retaining walls and drainage systems across a substantial portion of the southern boundary of Properties. These man-made features are shown in the aerial photograph attached as Exhibit A.

Further, even the portions of the slopes and areas adjacent to the slopes within Las Pulgas Canyon are not natural. As described in detail in the geology and soils report prepared by Byer Geotechnical, part of the need for the slope stabilization work undertaken under the prior CDP was a result of substandard grading at the toe of the slope within the canyon. As also demonstrated by aerial photography and the biological resources report prepared by SWCA in support of the Mitigated Negative Declaration (“MND”) and the Categorical Exemptions, the portion of Las Pulgas Canyon that abuts the Properties was previously modified with the installation of a concrete drainage channel. Further, the canyon contains two residences and accessory structures—it does not function and is not designated open

⁸ See *Honchariw v. City of Stanislaus*, 200 Cal. App. 4th 1066, 1070 (2011).

space. Simply put, both the Properties and the abutting canyon have been extensively modified and are not natural or unique landforms.

(b) The Analysis for the Project Specifically Evaluated Potential Effects on Las Pulgas Canyon, Contrary to the Claim in the Findings, and the Project is Consistent with Policies Related to Biological Resources.

The findings cite a Conservation Element policy to preserve and protect natural plant and wildlife diversity, corridors, and habitats, and state, without evidentiary support, that the analysis “conducted by the applicant” (though extensively and repeatedly reviewed by the City) “do not demonstrate, nor recognize, the sensitive environmental context of this community.” That statement is flatly wrong, and contradicted by the record. Among other things, the extensive environmental analysis undertaken for the Project included a dedicated biological resources report. This report specifically recognized the adjacency of the Project to Las Pulgas Canyon, and included animal and vegetation surveys of the Properties and a 200-foot buffer area into Las Pulgas Canyon, and evaluated the effects of the Project not only on the Properties, but on adjacent areas in Las Pulgas Canyon. The findings appear to imply the Project will extend into or encroach into the canyon, when it cannot and will not do so. Even to the extent the Council District testified that runoff currently occurred into the canyon, the Project would reduce or eliminate this runoff, as required by the City’s Low Impact Development Standards and the current requirements of the City’s Standard Urban Stormwater Mitigation Plan. Further, as stated in the hydrology and water quality analysis of the MND, the Project would not increase impermeable surface area in comparison to the existing development on the Properties.

The use of the Conservation Element policy to claim the Project does not comply with the General Plan Designation of Low Density Residential does not follow from the findings’ statement, even if the statement were accurate (it is not). As stated in every staff report, the Project would construct single-family residences on existing single-family lots, consistent with the Residential designation of the General Plan and of the already developed character of the Properties. The findings fail to provide any objective General Plan or Community Plan standard with which the Project would conflict, and that failure is necessarily fatal under the HAA.

As to the claim regarding habitat linkages, the findings fail to provide any evidence, let alone substantial evidence, of the Properties as an element of the habitat linkage. This appears to be an offshoot of the argument presented at PLUM—for the first time—that the Properties are located within an area designated as “desirable open space.” As demonstrated by the excerpts of the Community Plan Map provided to PLUM and attached to this letter as Exhibit B, the “desirable open space” designation coincides with the Minimum Density Residential designation of the Community Plan, which the Properties do not share and are located outside.

The letter provided by the Santa Monica Mountains Conservancy in itself provides no substantial evidence of the Project’s location within a habitat linkage or its effect on such a

linkage. Even if the author of the letter were an expert—and the letter establishes no such expertise—the letter constitutes nothing more than speculation or narrative. The law is clear that “argument, speculation, unsubstantiated opinion or narrative” **do not** constitute substantial evidence.⁹ Further, courts have well established that testimony, even by an expert, is not substantial when the party proffering that evidence is not qualified to render an opinion on the subject.¹⁰ This is particularly true where, as here, the argument that a significant impact could occur is not supported by any expert testimony, is in fact **contradicted** by all available expert data and testimony, and consists of nothing more than suppositions and assertions, not supported by facts, that certain things may occur.¹¹

The findings further state—again without any evidence—that the Properties “contribute” to an ecological refuge area, as defined in the Coastal Act. This statement also stems from the erroneous claim that the Properties, or some portion thereof, are designated as “desirable open space” in the General Plan, though the record establishes that they are not. Irrespective the definition provided in the findings, the Properties are already developed with urban uses, and already contain stabilized slopes and dewatering systems. As stated in the biological resources analysis provided in the MND, the Property does not provide habitat value for any sensitive species, nor was any sensitive species observed in the buffer area, with the exception of one protected tree the Project would not affect.

The bald, evidence-free statement in the findings regarding the evidentiary value of the biological resources analysis is contradicted by the record. Irrespective of any claimed designation of the Property or its surroundings, the analysis specifically evaluated the presence of sensitive species, as well as the habitat value of the Properties and the abutting canyon, and the effects of development. The conditions that exist on or adjacent to the Properties are what they are, and necessarily comprise the baseline conditions against which the effects of the Project are measured.

Further, as demonstrated by Exhibit B to this letter, and contrary to the findings, the Properties are not designated as open space or as biological resources. Also contrary to the findings, the Framework Element of the General Plan does not designate the Properties as a biological resources. In fact, the maps to which the Framework Element discussion refers (including BR-1D, Exhibit C to this letter) do not provide sufficient detail to determine the resource designation of any particular parcel, though the diagrams suggest such designations follow the canyon interiors. To the extent the designations of properties as “desirable open space” reflect determinations of biological value, the Properties are not so designated. Moreover, as the Properties are entirely developed with residential and accessory uses, and have been subject to extensive modification even within the last two decades, any claim of value as a biological resource fails as a practical matter. This is detailed in the biological resources analysis in the MND. The findings fail to provide any

⁹ Pub. Res. Code §21080(e)(2); CEQA Guidelines Section 15384; *see also, Newberry Springs Water Assn. v. County of San Bernardino*, 150 Cal. App. 3d 740 (1984).

¹⁰ *Cathay Mortuary, Inc. v. San Francisco Planning Comm'n*, 207 Cal. App. 3d 275 (1989).

¹¹ *See, e.g., Apt. Assn. of Greater Los Angeles v. City of Los Angeles*, 90 Cal. App. 4th 1162, 1175-76 (2001).

evidentiary basis for dismissal of that analysis, or for the claims within the findings themselves.

2. No Unusual Circumstances Characterize the Properties, and All Factors Cited in the Findings are Common or Misleadingly Characterized.

The findings attempt to establish the existence of unusual circumstances by citing a range of factors not only common throughout the City, but common even in the immediate vicinity of the Project. As a factual matter, nothing about the factors is unusual: the findings themselves admit—as they must—the commonality of the factors the findings attempt to use, but urge the combination is unusual. This is false: contrary to the findings, not all of the factors cited even apply to the Properties, and even assuming they did, the Properties would remain typical. But even assuming unusual circumstances existed, the findings provide no evidence to support a fair argument that a significant impact would occur. This particularly true because, as described in testimony before PLUM, the majority of the claimed unusual circumstances concern the effects of the environment on the Project, not of the Project on the environment. As Courts have consistently determined, such effects are not within the purview of CEQA.¹² Even to the extent such designations could represent conditions within which significant impacts would occur, the technical analysis completed for the Project indicated that the conditions implied by the designations do not necessarily exist.

The findings also contradict themselves on this point and concede that regulatory compliance measures would address the factors the findings cite. The findings admit that “a project presumably would pose a less-than-significant impact if standard regulations are applied to the project.” Thus, the combination of factors is necessarily irrelevant, because regulatory compliance measures are sufficient to address all of them. The findings provide no basis to conclude the totality of the circumstances would result in any one impact.

Of the factors listed, some combination of the majority apply to any property in the vicinity. Specifically, the purported location within the Las Pulgas Canyon Habitat Block, very high fire hazard severity zone, Santa Monica Fault Zone, special grading area, and landslide hazard area each applies to many properties in the vicinity, and large portions if not the entire Pacific Palisades area. Thus, contrary to the findings, even the combination of factors provided remains common.

(a) The Habitat Block is Inapplicable to the Project, is Common in the Vicinity, and Overlaps with Other Factors Claimed by the Findings.

Regarding the Las Pulgas Canyon Habitat Block, neither the findings nor the Santa Monica Mountains Conservancy letter provide any evidence of this. To the extent the block encompasses the canyon and adjacent areas, this necessarily applies to a large land area, within which the rest of the factors cited also apply. Even a cursory glance at aerial

¹² See, e.g., *California Bldg. Indust. Assn. v. Bay Area Air Quality Mgmt. Dist.*, 62 Cal.4th 369 (2015).

photographs of the area demonstrate the majority of the canyon rim is developed, which in turn demonstrates the commonality of this location.

But the mere presence of the Properties within the habitat block (assuming, *arguendo*, the truth of the claim), does not necessarily indicate with any specificity the conditions on the Properties. As described above and extensively evaluated in the MND, all of the evidence in the record concerning biological resources on the Properties indicates the Properties are fully developed with urban uses, do not contain habitat value for any special-status species, and are separated from any habitat area in the adjacent canyon by steep slopes. Thus, a broad, block-based designation does not characterize the conditions that exist on the Property, and therefore cannot constitute an unusual circumstance with respect to the Property.

Further, even assuming the designation constituted an unusual circumstance, the findings provide no evidence that a significant impact would occur as a result. The findings merely state that the combination of designations (irrespective of applicability or relevance) “raises a reasonable possibility of a significant impact.” But CEQA requires more. Here, the findings provide no substantial evidence to support a fair argument of a significant impact—they provide only speculation, and counter-factual speculation at that. But as described above, speculation and narrative do not constitute substantial evidence. This is particularly true in the face of specific studies conducted on and around the Properties, which studies constitute the only substantial evidence in the record of the conditions on the Properties and the likely effects.

(b) The Fire Hazard Severity is Common and Broadly Overlaps with the Other Factors Claimed in the Findings.

The very high fire hazard severity zone is similarly broad and overlapping. As shown in the diagram attached as Exhibit D, taken from the ARCGIS Forestwatch mapping application,¹³ the designation covers an area that extends well beyond Pacific Palisades and substantially overlaps with the other designations claimed by the findings. Further, as with the other factors, the findings provide no evidentiary basis to conclude a significant impact would result from the Project. Rather, the effects of fire risk on the Project constitute an effect of the Project on the environment. Nevertheless, in contrast to the evidence-free speculation of the findings, the hazards and hazardous materials analysis of the MND specifically identified the Property within this zone and evaluated the potential for impacts regarding wildland fires. As the findings concede, the MND concluded that implementation of regulatory compliance measures would ensure that no significant impact would occur.

¹³ Available at:
<https://forestwatch.maps.arcgis.com/apps/Styler/index.html?appid=5e96315793d445419b6c96f89ce5d1>

(c) The Fault Zone is Extensive, Subject to Specific Regulations, and Broadly Overlaps with the Other Factors Claimed by the Findings.

Regarding the Santa Monica Fault Zone, the findings appear to suggest that the placement within the zone necessarily means the Properties are adjacent to an earthquake fault or otherwise located within an Alquist-Priolo Special Studies Zone. But as shown in the City's own parcel database (ZIMAS; a portion of the report is attached as Exhibit E to this letter), and provided in the MND, the Property is within the broader fault zone, but not within an Alquist-Priolo zone subject to surface rupture. As shown in Exhibit F¹⁴, the fault zone is broad, cutting a swath across the Project vicinity and the entire City. Moreover, the effects of seismicity on the Project are an effect of the environment and constitute an engineering issue, and the finding fail to establish otherwise.

As described in the MND and throughout the administrative process, an extensive network of regulatory compliance measures exist specifically to address seismic hazards, which are common throughout the City and extensively overlap the other conditions listed in the findings. In compliance with these measures, extensive geological testing occurred on the Properties, and specific recommendations were developed for incorporation into the Project design. As stated in our prior correspondence, the Project must incorporate these recommendations. Further, a final geology and soils report is required as part of final engineering and plan check, to respond to greater specificity and refinement in the Project design. Against this substantial evidence, the findings provide nothing to suggest an impact would occur, and in fact concede the opposite.

(d) The Findings Fail to Articulate the Significance of Special Grading Areas, Which Substantially Overlap with the Other Factors Claimed by the Findings.

As provided in Department of Building and Safety ("DBS") publication P/BC 2020-134 (attached as Exhibit G), "special grading areas" refer to areas that require review of haul routes. They are not Special Hazard Areas, and do not imply specific environmental conditions, nor do the findings provide any basis for determining an environmental effect could occur as a result. Even to the extent effects could potentially occur, the publication referenced above is part of a dedicated regulatory framework for the review of grading hauling within these areas.

Further, as described in the publication referenced above, substantial overlap exists among hillside areas, which cover a substantial portion of the City, including the area surrounding the Properties, and special grading areas. In turn, and as shown by the exhibits above, both areas overlap significantly with high fire hazard severity areas. Thus, the combination of

¹⁴ California Geologic Survey, 2017, as reported in the Los Angeles Times. Available at: <https://www.latimes.com/local/california/la-me-ln-santa-monica-earthquake-fault-map-20170713-htmstory.html>.

factors is neither unique or indicative of any specific environmental effect, despite the findings' speculation.

(e) The Landslide Hazard Area, Though Demonstrated Inapplicable to the Properties, is Extensive, Subject to Specific Regulations, and Broadly Overlaps with the Other Factors Claimed by the Findings.

The findings continue the appeal's unsupported assertion that the Properties and adjacent areas are located on an historic landslide, with recent landslide events, despite the results of all direct physical testing demonstrating otherwise. The only support for which is an outdated aerial photography survey that did not include physical testing of the Properties or any claimed landslide area. Fundamentally, the mapped hazard area does not necessarily indicate a landslide is present: it merely indicates investigation is warranted, and that investigation occurred on and in the vicinity of the Properties. Moreover, the potential presence of a landslide is an effect of the environment on the Project, not an effect of the Project itself. As with the other conditions claimed by the findings, landslide areas are widespread (see Exhibit H to this letter), and substantially overlap areas containing the other claimed conditions.

Consistent with the extensive regulatory framework governing investigations in landslide hazard areas, soils and geotechnical reports were prepared for the Project and included in the MND. John Byer, who is intimately familiar with the area and its geology, prepared the reports. Based on physical testing and review of prior reports on the Properties and in the vicinity, the report concluded an ancient landslide was not present beneath the Properties, and that the Project would improve geologic stability, consistent with prior stabilization work on the Properties. The DBS Grading Division and the Bureau of Engineering ("BOE") Geotechnical Engineering Group extensively reviewed the reports, which were further updated in response to the appeals to the APC. Further, the results of the Byer investigation regarding the absence of landslide debris are corroborated by the soils reports conducted by other geologists on neighboring properties, including the properties of opponents, as well as another recent third-party review. That is, even though the Project is located in a mapped hazard area, site-specific testing demonstrates the lack of a landslide here, and that testing was ***consistent with four other independent sources***.

The findings provide no evidence to demonstrate the testing is incomplete or inaccurate. Even if the findings relied in part on the letters provided by E.D. Michael, those letters merely speculated that the use of a particular equation not approved by DBS or BOE might yield a different calculated result, included an admission that their author had not actually inspected any of the testing completed by Byer, asserted that Byer's study omitted an analysis that the study actually included, and included irrelevant personal attacks on Byer and others. This is exactly the kind of speculation and argument that Courts have dismissed as not constituting substantial evidence within the meaning of CEQA. But even if true, this speculation does not demonstrate a significant impact would occur as a result of the Project. It could only demonstrate an effect of the environment on the Project.

(f) The Findings Erroneously State the Properties are Located in a 100-year Floodplain.

Contrary to the findings, the Properties are not located in a 100-year floodplain. As shown on the map generated by the Federal Emergency Management Agency (“FEMA”) and attached to this letter as Exhibit I, the Properties are located outside the mapped 100-year floodplain. The City’s parcel database system reflects that designation.

(g) The Findings Erroneously State the Properties are an Environmentally Sensitive Area.

As discussed above, the map the findings rely upon for this claim is general, and does not provide enough specificity to determine a designation for the Properties. It is not even clear the map indicates the Properties themselves are biologically significant, nor is the basis for such a determination. In any event, as with the landslide hazard area, site-specific biological surveys in the record demonstrate the lack of habitat value of the Property itself, and the lack of a significant effect on adjacent biological resources. These studies were consistent with the very policy the findings site, even though the policy is not mandatory. The findings simply ignore this record evidence, as well as the significant modifications to the Properties and adjacent area, and provide no evidence of their own. Consequently, the claim in the findings regarding a significant effect on biological resources—whether on the Properties or in Las Pulgas Canyon—is unsupported and unsupportable on this record.

3. The City Council Should Deny the Appeal and Sustain the Determinations of the Director and the APC.

For all of the reasons described above, the Project is consistent with applicable and objective General Plan and Community Plan policies. Because the findings rely on policies that are not objective or mandatory, or that simply do not apply to the Project, the findings fail to provide substantial evidence of real inconsistency with the General Plan or Community Plan. Even to the extent a claim of inconsistency could exist, the City failed to timely inform the Pizzullis of these potential conflicts. Consequently, the Project is deemed consistent with the General Plan and Community Plan as a matter of law.

The findings also apply an erroneous standard to the determination of whether the Project qualifies for a categorical exemption. The findings fail to establish the existence of unusual circumstances, and instead cite a range of conditions that are common throughout the vicinity and the City. To the extent the findings urge the combination of factors is itself unusual, the findings admit that regulatory compliance measures would address each of the factors individually. Moreover, and fatally, the findings fail to provide substantial evidence of a fair argument that a significant impact would occur as to any of those conditions. Rather, the findings rely on speculation that the claimed combination of conditions “raise[] a reasonable possibility” the Project would have a significant effect. The law—CEQA and the HAA—both require more.

Not only have the findings failed to provide substantial evidence to support the assertions therein, they have failed to establish that the preponderance of the evidence in the record demonstrates a specific adverse impact on public health or safety that cannot be feasibly mitigated in any way other than rejecting the project or reducing its size.¹⁵ Nor could the findings satisfy this requirement, as all site-specific studies of the Properties demonstrate the opposite of the claims in the findings.

Simply put, the appeals and the findings based on those appeals have failed to meet their burden, and the record for the proposed Project cannot support a rejection on the grounds the findings assert. The Council should reject the unfounded claims of the appeal, deny the appeal, and sustain the Director's and APC's determinations for the Project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neill E. Brower", with a long horizontal flourish extending to the right.

NEILL E. BROWER of
Jeffer Mangels Butler & Mitchell LLP

NEB:neb
Exhibits

¹⁵ § 65589.5(k).

Exhibit A



560
MARQUETTE

566

572

MARQUETTE

578

600

608

STREET

614

LOT 7

LOT 6

LOT 5

LOT 4

LOT 3

LOT 2

LOT 1

LOT 8

620

Exhibit B

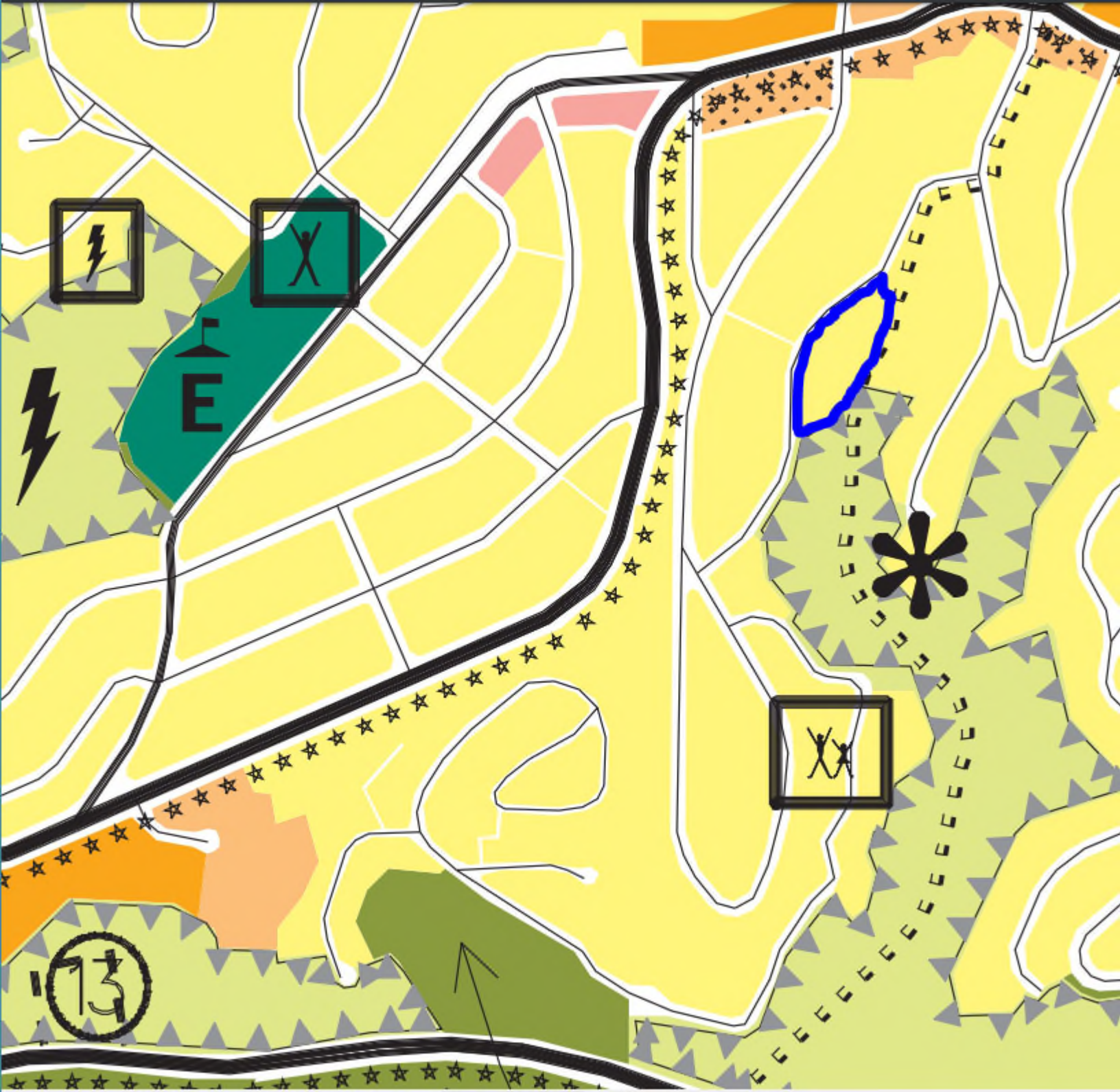


Exhibit C

Figure BR-1D

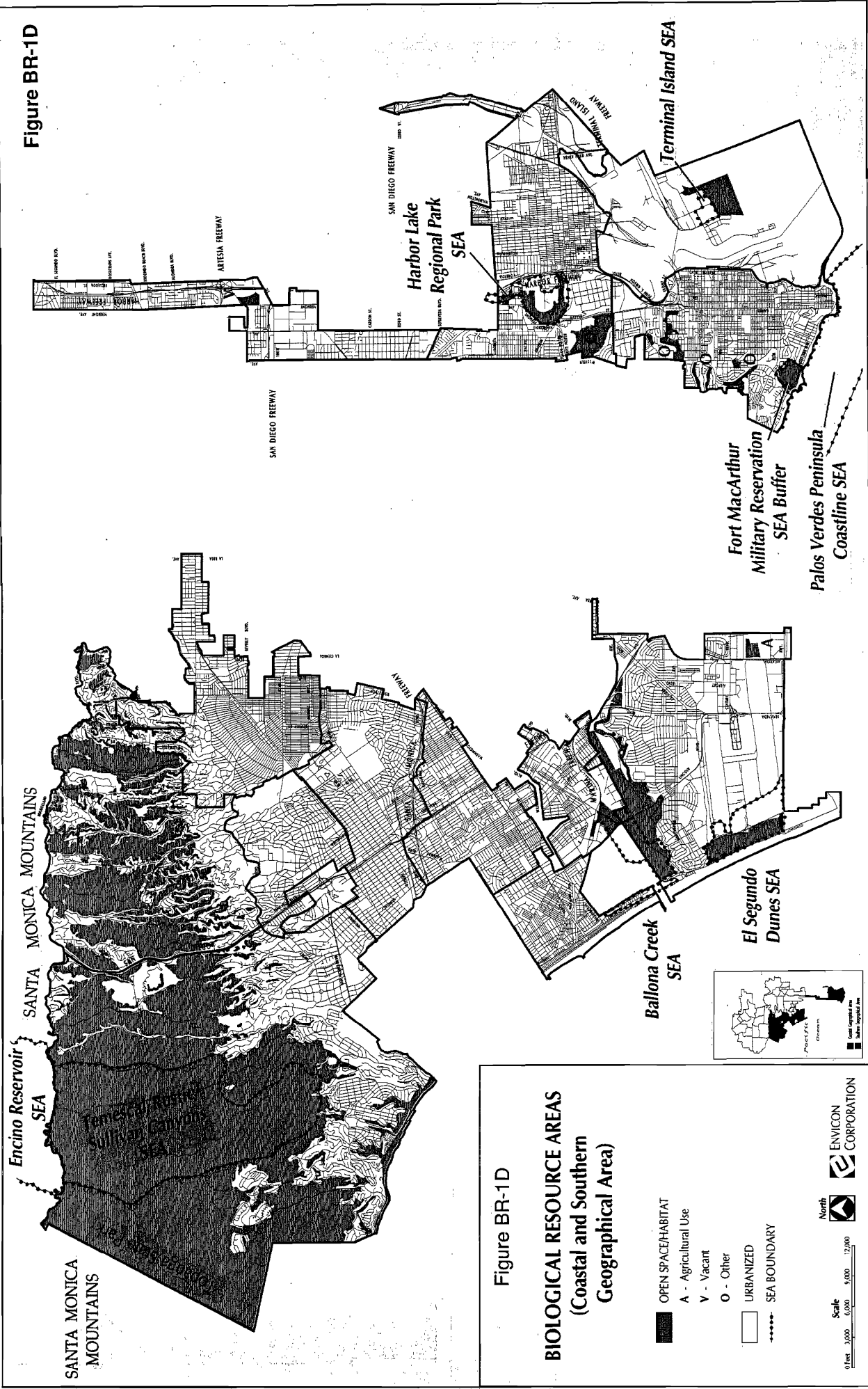


Figure BR-1D

**BIOLOGICAL RESOURCE AREAS
(Coastal and Southern
Geographical Area)**

- OPEN SPACE/HABITAT
- A - Agricultural Use
- V - Vacant
- O - Other
- URBANIZED
- - - - - SEA BOUNDARY

Scale
0 Feet 3,000 6,000 9,000 12,000

North

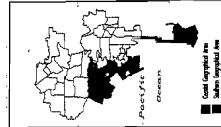
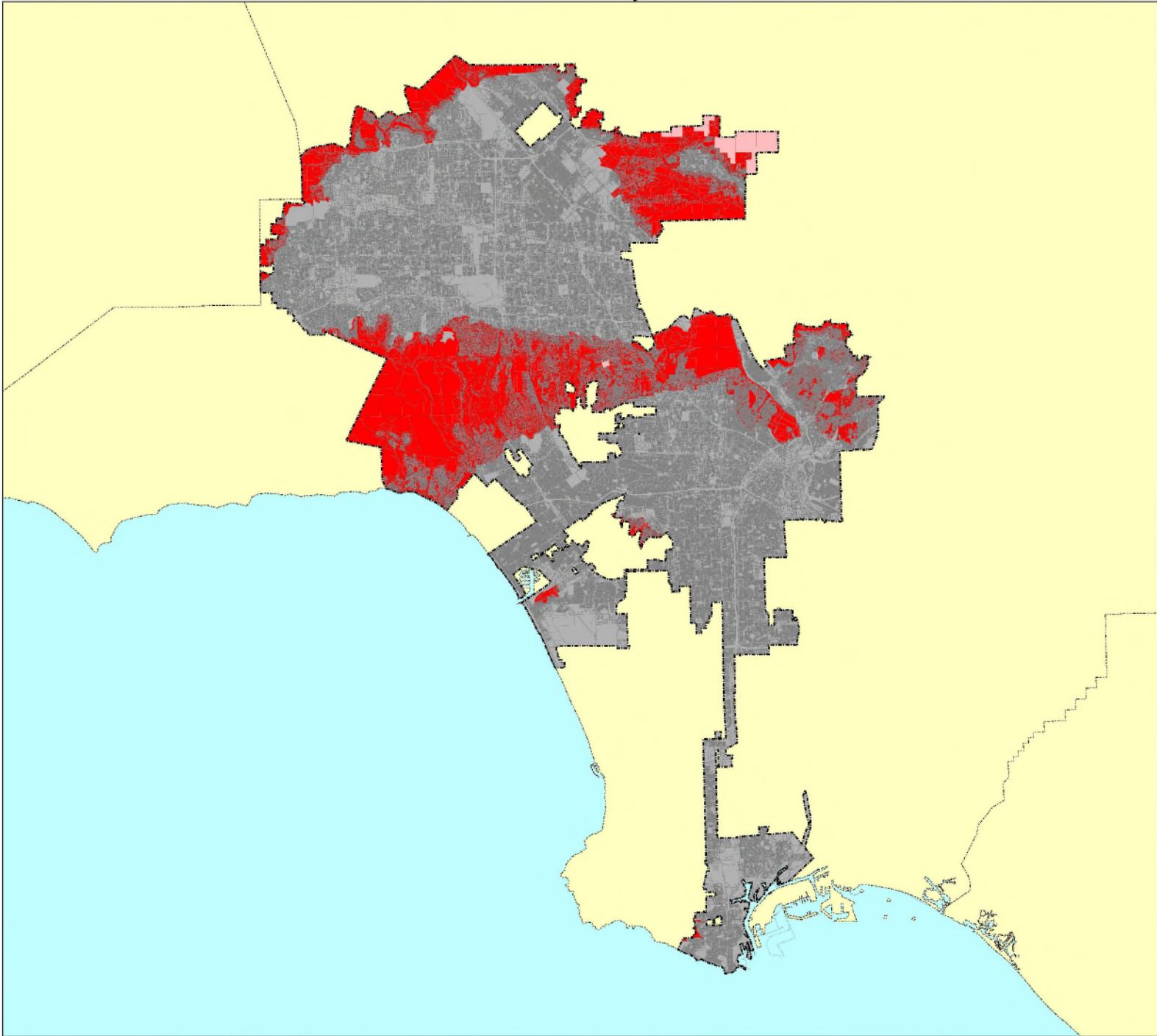


Exhibit D

Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE



Fire Hazard Severity Zones

Color Legend: ■ VHFHZ ■ NHFHZ

City Boundary: City Boundary
 Parcel
 County Boundary

Copyright 2011 California Department of Forestry and Fire Protection (CAL FIRE). All rights reserved. This map is a product of CAL FIRE's Fire Hazard Severity Zoning Program. It is intended for informational purposes only. CAL FIRE does not warrant the accuracy or completeness of the information contained herein. CAL FIRE is not responsible for any errors or omissions in this map. CAL FIRE is not liable for any damages, including consequential damages, arising from the use of this map. CAL FIRE is not responsible for any actions taken based on the information contained herein. CAL FIRE is not responsible for any actions taken based on the information contained herein. CAL FIRE is not responsible for any actions taken based on the information contained herein.

This map was developed using data products such as parcel and city boundaries provided by local government agencies. In certain cases, this includes copyrighted geographic information. The maps are for display purposes only - questions and requests related to parcel or city boundary data should be directed to the appropriate local government entity.

California Tolle Anders, NAD 1983
 Scale 1:100,000
 at 36" x 42"
 September 2011

The State of California and the Department of Forestry and Fire Protection make no representations or warranties regarding the accuracy of data or maps. Neither the State nor the Department shall be liable under any circumstances for any direct, special, incidental, or consequential damages with respect to any claim by any user or third party on account of, or arising from, the use of data or maps.

Obtain FRAP maps, data, metadata and publications on the Internet at <http://frap.cdf.ca.gov>
 For more information, contact CAL FIRE-FRAP, PO Box 944246, Sacramento, CA 94244-2460, (916) 327-3999.

Jerry Brown, Governor,
 State of California
 John Laird, Secretary for Resources,
 The Natural Resources Agency
 Ken Pimotti, Director,
 Department of Forestry and Fire Protection

Map ID: Los_Angelos

DATA SOURCES
 CAL FIRE Fire Hazard Severity Zones (FHSZLOS_1)
 CAL FIRE Very High Fire Hazard Severity Zones in LRA - Los Angeles (c:\shad00_5)

Exhibit E



City of Los Angeles Department of City Planning

3/5/2020 PARCEL PROFILE REPORT

PROPERTY ADDRESSES

560 N MARQUETTE ST

ZIP CODES

90272

RECENT ACTIVITY

None

CASE NUMBERS

CPC-2019-7393-CA

CPC-2005-8252-CA

CPC-2000-4046-CA

ORD-129279

DIR-2017-449-CDP-MEL

ZAI-1945-879

AA-2016-4698-PMEX

ENV-2019-7394-EAF

ENV-2017-450-CE

ENV-2005-8253-ND

ENV-2001-846-ND

Address/Legal Information

PIN Number	126B121 52
Lot/Parcel Area (Calculated)	8,857.4 (sq ft)
Thomas Brothers Grid	PAGE 630 - GRID H5
Assessor Parcel No. (APN)	4414019003
Tract	TR 9300
Map Reference	M B 125-55/78
Block	137
Lot	8
Arb (Lot Cut Reference)	2
Map Sheet	126B121

Jurisdictional Information

Community Plan Area	Brentwood - Pacific Palisades
Area Planning Commission	West Los Angeles
Neighborhood Council	None
Council District	CD 11 - Mike Bonin
Census Tract #	2627.04
LADBS District Office	West Los Angeles

Planning and Zoning Information

Special Notes	None
Zoning	R1-1
Zoning Information (ZI)	ZI-2462 Modifications to SF Zones and SF Zone Hillside Area Regulations
General Plan Land Use	Low Residential
General Plan Note(s)	Yes
Hillside Area (Zoning Code)	Yes
Specific Plan Area	None
Subarea	None
Special Land Use / Zoning	None
Design Review Board	No
Historic Preservation Review	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	None
Subarea	None
CUGU: Clean Up-Green Up	None
HCR: Hillside Construction Regulation	No
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None
RFA: Residential Floor Area District	None
RIO: River Implementation Overlay	No
SN: Sign District	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Affordable Housing Linkage Fee	

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(*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Residential Market Area	High
Non-Residential Market Area	High
Transit Oriented Communities (TOC)	Not Eligible
RPA: Redevelopment Project Area	None
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No

Assessor Information

Assessor Parcel No. (APN)	4414019003
APN Area (Co. Public Works)*	0.964 (ac)
Use Code	0201 - Residential - Double, Duplex, or Two Units - 4 Stories or Less - Pool
Assessed Land Val.	\$716,736
Assessed Improvement Val.	\$360,423
Last Owner Change	08/29/2018
Last Sale Amount	\$9
Tax Rate Area	67
Deed Ref No. (City Clerk)	980976
	7-840
	388912
	3485
	0873261
Building 1	
Year Built	1946
Building Class	D45A
Number of Units	1
Number of Bedrooms	1
Number of Bathrooms	1
Building Square Footage	430.0 (sq ft)
Building 2	
Year Built	1950
Building Class	D7D
Number of Units	1
Number of Bedrooms	2
Number of Bathrooms	2
Building Square Footage	2,071.0 (sq ft)
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
Rent Stabilization Ordinance (RSO)	No [APN: 4414019003]

Additional Information

Airport Hazard	None
Coastal Zone	Coastal Zone Commission Authority
Farmland	Area Not Mapped
Urban Agriculture Incentive Zone	YES
Very High Fire Hazard Severity Zone	Yes
Fire District No. 1	No
Flood Zone	Outside Flood Zone
Watercourse	Yes
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	None
High Wind Velocity Areas	No

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Special Grading Area (BOE Basic Grid Map A-13372) Yes

Wells None

Seismic Hazards

Active Fault Near-Source Zone

Nearest Fault (Distance in km)	Within Fault Zone
Nearest Fault (Name)	Santa Monica Fault
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	1.00000000
Slip Geometry	Left Lateral - Reverse - Oblique
Slip Type	Moderately / Poorly Constrained
Down Dip Width (km)	13.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	-75.00000000
Maximum Magnitude	6.60000000
Alquist-Priolo Fault Zone	No
Landslide	Yes
Liquefaction	No
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No

Economic Development Areas

Business Improvement District	None
Hubzone	Not Qualified
Opportunity Zone	No
Promise Zone	None
State Enterprise Zone	None

Housing

Direct all Inquiries to	Housing+Community Investment Department
Telephone	(866) 557-7368
Website	http://hcidla.lacity.org
Rent Stabilization Ordinance (RSO)	No [APN: 4414019003]
Ellis Act Property	No

Public Safety

Police Information


Bureau	West
Division / Station	West Los Angeles
Reporting District	822

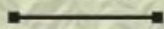
Fire Information

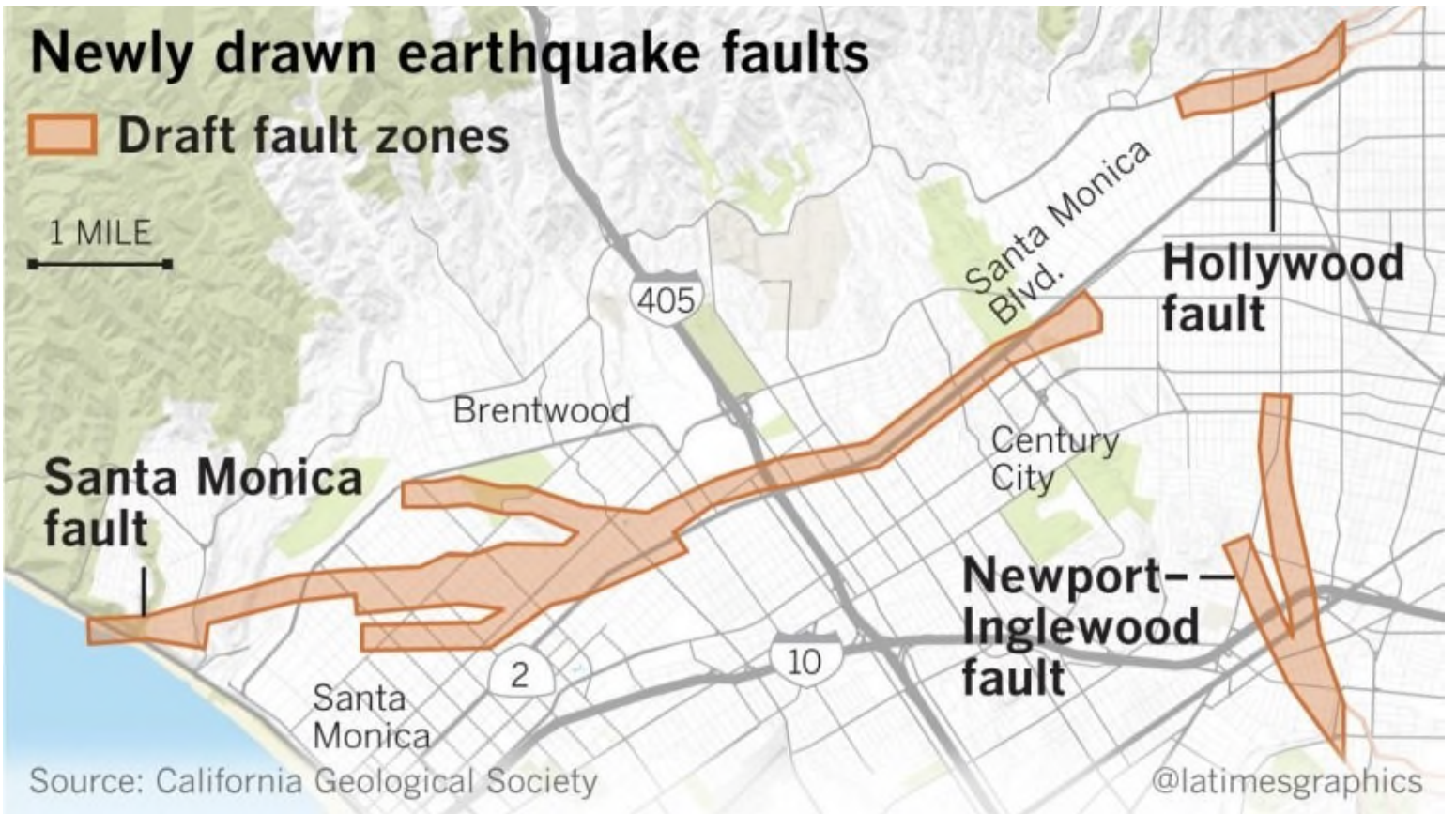
Bureau	West
Batallion	9
District / Fire Station	69
Red Flag Restricted Parking	No

Exhibit F

Newly drawn earthquake faults

 Draft fault zones

1 MILE




Source: California Geological Society

@latimesgraphics

Exhibit G

GUIDELINES FOR SUBMITTING HAUL ROUTE APPLICATIONS WITH IMPORT OR EXPORT AMOUNTS GREATER THAN 1,000 CUBIC YARDS

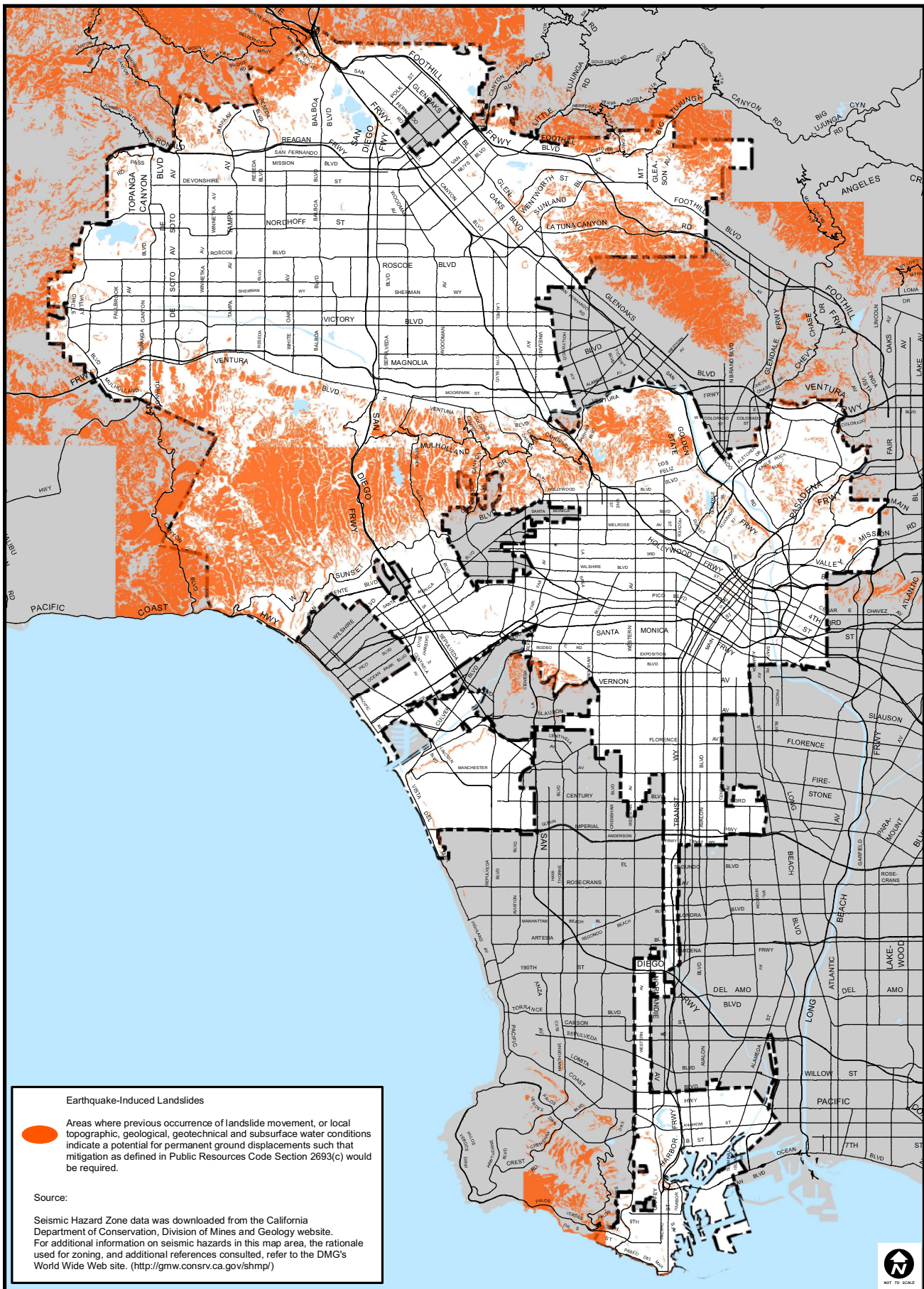
The purpose of this bulletin is to establish guidelines for the minimum information required for a haul route application. A haul route hearing before the Board of Building and Safety Commissioners (“BBSC”) is required for all applications for import or export of more than 1,000 cubic yards of soil in the “hillside” area, as designated by the current Bureau of Engineering Basic Grid Map No. A-13372, and as referenced in ZIMAS, as a “Special Grading Area.”

The following shall be submitted by the applicant to the Board of Building and Safety Commission Office located at 201 N. Figueroa St, Room 1030, Los Angeles, CA 90012:


1. A completed “Application for Review of Technical Reports and Import-Export Routes” (attached) form with a filing fee of \$529.00 for the first 1,000 cubic yards and \$100.00 additional for each 1,000 cubic yard or portion of 1,000 cubic yards, plus surcharges (22%+\$10.00).
2. A completed **Haul Route Questionnaire**. The questionnaire (attached) shall include the location of borrow and/or dispersal sites, all streets included in the route, the proposed truck staging areas, and the maximum gross weight of the trucks when loaded.
3. A completed **Environmental Review Questionnaire**. A copy of the signed applicable environmental document (i.e. Categorical Exemption (CE), Mitigated Negative Declaration (MND), Negative Declaration (ND), or Environmental Impact Report (EIR)), must be submitted with the haul route application or the package will not be accepted.
4. An **8-1/2" x 11" haul route map** showing the project site, all involved streets along the hauling route, and the direction of travel to and from the end of the route.
5. A copy of the **grading plan** (maximum 11" x 17" size sheets), showing the location and amounts of cut and/or fill, and export/import amounts.
6. A copy of the **Department letter approving soils/engineering/geology reports**, when such reports are required pursuant to L.A.M.C. Section 91.7006.2.
7. One copy of a **300-foot vicinity map** (attached) identifying all lots within a 300 foot radius of the exterior boundaries of the project site. The map shall show public facilities such as schools, hospitals, libraries, and city parks within the vicinity of the project site.
8. A complete **list of property owners and three sets of self-adhesive labels** for all parcels shown on the 300-foot radius vicinity map. The listed owners shall be cross-referenced with the lots identified on the vicinity map.
9. A completed **information accuracy certificate**.

If you have any questions regarding the status of your haul route application, you may contact the Commission Office at (213) 482-0466 or review the status online at, [http://www.ladbs.org/docs/default-source/publications/misc-publications/importexport-route-\(haul-route\)-requests-status-table.pdf](http://www.ladbs.org/docs/default-source/publications/misc-publications/importexport-route-(haul-route)-requests-status-table.pdf).

Exhibit H



Earthquake-Induced Landslides

 Areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Source:
 Seismic Hazard Zone data was downloaded from the California Department of Conservation, Division of Mines and Geology website. For additional information on seismic hazards in this map area, the rationale used for zoning, and additional references consulted, refer to the DMG's World Wide Web site. (<http://gmv.consrv.ca.gov/shmp/>)



EARTHQUAKE-INDUCED LANDSLIDE ZONES

CITY OF LOS ANGELES



Eric Garcetti
Mayor

Prepared by
 GIS Mapping Division
 Bureau of Engineering
 Department of Public Works
 City of Los Angeles



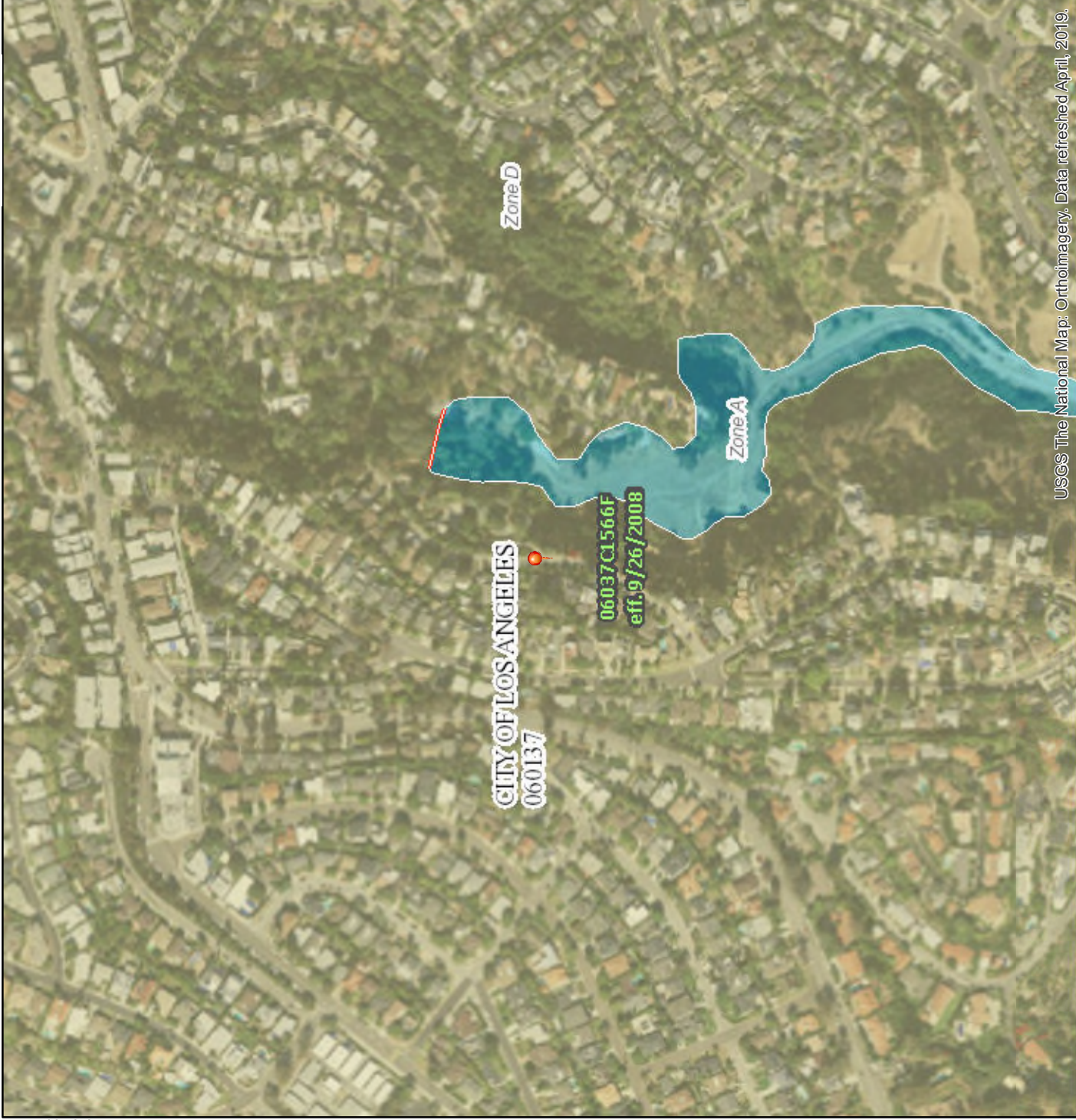
Gary Lee Moore, P.E.
City Engineer

Exhibit I

National Flood Hazard Layer FIRMette



34°257.17"N



USGS The National Map: Orthoimagery. Data refreshed April, 2019.

Feet 1:6,000

2,000

1,500

1,000

500

0

118°32'13.32"W

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth *Zone AE, AO, AH, AV, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **3/5/2020 at 11:15:45 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.