

SANTA MONICA MOUNTAINS CONSERVANCY

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March 3, 2020

Hon. Marqueece Harris-Dawson, Chair
Planning and Land Use Committee
Los Angeles City Council
200 N. Spring Street, Room 340
Los Angeles, California 90012

3/3/20
PLUM
Council File No 20-0027
9
Comm. from the public

**Council File 20-0027
Las Pulgas Canyon**

Hon. Chair Harris-Dawson and Members of the PLUM Committee:

The Santa Monica Mountains Conservancy supports granting of the appeal for Council File 20-0027. The Conservancy is the principal State planning agency for the subject area.

The subject project site includes “desirable open space” according to the Brentwood-Pacific Palisades Community Plan that should be preserved and maintained as a public, natural open space because of its rarity and its recreational and educational value. The proposed project does not make an incremental contribution to protecting any of this open space. The environmental documentation to date fails to address the site’s spatial and resource contribution to either the Las Pulgas Canyon habitat block or connected habitat blocks to the east. The impacts of the proposed development cannot be analyzed or mitigated within the parameters of a Categorical Exemption.

Las Pulgas Canyon is a significant sized habitat block that is well connected to the habitat block on the west side of Temescal Canyon Road. That collective habitat block – via an at-grade, early morning wildlife crossing of the road -- connects to another significant sized habitat block on the east side of Temescal Canyon Road. That habitat block is well connected to Potrero Canyon open space. Thus the proposed project site currently contributes to, and benefits from, a larger habitat block located less than half a mile from the southern Terminus of Temescal Canyon Creek which is part of the great Topanga State Park ecosystem. Permanent direct and indirect impacts of the proposed project would extend beyond the footprints of the proposed houses with pools, decks and lighting that abut the habitat. Light spill, fire department mandated brush clearance, and domestic cat predation would extend beyond the proposed project legal

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Page 2

boundaries. Zero habitat resources would remain on the proposed development site. The Conservancy urges support of the appeal so that additional environmental analysis can occur to protect the public trust resource of the Las Pulgas Canyon habitat block.

I can be reached at edelman@smmc.ca.gov for any questions or communications.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Edelman", written in a cursive style.

PAUL EDELMAN
Deputy Director
Natural Resources and Planning

My name is Steve Hasenberg. Since I cannot be at the February 25th hearing, I am submitting this statement and have asked someone to read it for me.

My wife and I rented the property at 620 Marquette for 25 years, beginning in 1988.

In 1994, our landlord, Ty Sisson, gave me an offer to buy the property. During the assessment process, the inspector determined that the water table was just 8 feet below the foundation and recommended that I shouldn't purchase the property. He said that the high water table would become an issue if someone wanted to build a second story. Mr. Sisson subsequently sold the property to Cosimo Pizzulli in 2006, who then became our landlord.

Every year during the winter rains, until we moved out in 2013, we witnessed more and more of our back yard eroding into the canyon.

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PPRA

Pacific Palisades Residents Association

March 2, 2020

Planning and Land Use Management Committee
200 N Spring Street, Room 340
Los Angeles, CA 90012

RE: Save Las Pulgas Canyon / N Marquette Street Housing Development

Please note that the Pacific Palisades Residents Association supports Save Las Pulgas Canyon, Inc. in its efforts to urge the City of Los Angeles to fully investigate the risks and dangers of the proposed large scale housing development on the fragile coastal rim of Las Pulgas Canyon.

The project, as it stands, is not in alignment with the interpretive guidelines set forth by the California Coastal Commission. We are concerned about the lack of geological investigation that such an extensive project should require.

N Marquette is a substandard, dead end street that runs along the rim of a landslide-prone coastal bluff. We were told that the street would be widened to the City's standard 28 feet by the developer, yet there is no evidence that this part of the applicant's proposal. We were also told that all Marquette Street residents currently on septic would have access to the proposed sewer extension, yet we see that this is also no longer part of the proposal. Street excavation for the sewer extension unfairly puts all Marquette Street residents at risk, only to benefit the developer. Lastly, N Marquette needs a dedicated 3-point turnaround at the dead end for large trucks. The land for the turnaround should be deeded to the City of Los Angeles to insure 24-hour access in case of fire or other emergencies.

Without further investigations, we feel that approval of this housing development puts the residents of N Marquette and our community in danger.

Sincerely,
Sarah Conner
President

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PLUM
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Pacific Palisades Residents Association is exempt from Federal Income tax under Section 501(c)(3) of the Internal Revenue Code and contributions are tax-deductible to the extent allowed by law. The tax identification number for PPRA is 95-6190193.

Good afternoon. Paul Cardenas, 615 Bienvenida Ave. My property backs up to Las Pulgas Canyon across from the proposed development. Thank you for the opportunity to speak on my behalf. My message is simple. The canyon walls are not stable, something I know from personal experience. Periodically, our area experiences heavy rain, which if sustained for over 20 or 30 minutes floods my street and Las Lomas, the street above us which drains onto my street. The result is a torrent of water cascading over the curb and sidewalk, down both sides of my house and into the canyon. Several years ago, this phenomenon was powerful enough to break a retaining wall at the rear of my property, causing a slide below it and uprooting a large mature tree. I have pictures with me, documenting these results. It is my hope that this committee will prevent development in the canyon that will inevitably result in hardship and loss to buyers who cannot know the full extent of the risks associated with these properties.



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Submitted to PUM Comm
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Hi, Charlie Baker, resident of Bienvenida, across the canyon from the proposed development.

In a 2/11/20 letter, LADBS Grading Division Chief upholds approval of the ~~proposed sewer extension~~ ^{Proposed Project on Langville}. Clearly, Mr. Acosta overlooked the fact that Byer Geotechnical, Inc. did NO direct exploration in the roadway, basing their conclusions on a boring done in the driveway at 560, where groundwater was encountered at a depth of 43 feet. (BG 9/17/18 report.) Quoting that report, "Groundwater can saturate earth materials causing subsistence or instability of slopes." Later, the report states, "THE EXPLORATION WAS PERFORMED ONLY ON PORTIONS OF THE SITE, AND CANNOT BE CONSIDERED AS INDICATIVE OF THE PORTIONS OF THE SITE NOT EXPLORED." Mr. Acosta states in his letter that "the Grading Division of the City's Department of Building and Safety takes potential geologic instability quite seriously". Therefore, we trust that the City will ~~be open to~~ requiring that direct exploration of the roadway be completed before final approval of a sewer extension is granted.

3/3/20

PLUM

File No 20-0027

Item No 9

Copy: Comm. from the Public

February 24, 2020

We have lived on Marquette Street since 1965 (55 years). We also own the house next door to us at 551 Marquette Street. We live at 555.

We are quite shocked at the prospect of eight large houses, with swimming pools and individual pumps to pump the sewage from each house up the downward slope of Marquette Street to the sewer line on Las Casas.

What is shocking about it is that Marquette Street is on the edge of a canyon. There have been several slides, with one of the homes at the end of the street disappearing into the bottom of the canyon. Another home slid into the canyon on the western edge of our canyon. The macadam on the canyon side of the street shows crazed crack lines, evidencing the stress of that side of the cliff on that side of the street from the pull of the cliff's natural tendency to collapse into the canyon.

Building eight houses on the canyon side of the street can only exacerbate the tendency of the street to collapse into the canyon, taking any houses built there with them. Even the stress of trucks and building equipment rumbling down the street to build eight houses increases the risk of a slide. If a slide happens the numerous houses on Marquette Street would become inaccessible.

This is not just a case of some NIMBYs protesting the development in their space. It is a warning to the city authorities of what can happen if this overly ambitious development is allowed to occur

Marvin & Kathy Zuckereman

3/3/20
PUCM
20-0027
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Comm. from the Public

Subject: Proposed development of 8 lots at 560, 566, 572, 578, 600, 608, 614, and 620 Marquette Street, Pacific Palisades.

I don't want Las Pulgas Canyon to turn into another Potrero Canyon. Please don't let this happen to this wonderful canyon. The City of Los Angeles has spent almost 30 years and approximately \$100 million to settle lawsuits and provide remedies for Potrero canyon since the 1960s. Las Pulgas Canyon is very similar geologically (if not identical to) Potrero Canyon. <http://www.palisadesnews.com/index.php/2016/08/20/potrero-park-time-to-fire-the-city/>.

The following **deficiencies** in the planning process that I think LA Department of City Planning should want to address are as follows:

1. Mr. Pizzulli submitted to the Coastal Commission (application #5-00-361) "...to protect an eroding canyon below an existing single-family home." Mr. Pizzulli failed to comply with special condition #4 and the drainage plan that the Coastal Commission required Mr. Pizzulli to follow when they approved his retaining wall (application #5-00-361). "Condition #4 requires the applicant to incorporate predominately native, fire resistant, and drought tolerant vegetation..." It also specifies, "...no invasive, non-indigenous plant species and no permanent irrigation systems."

"The applicant has also verbally stated and demonstrated on the landscaping plan that no permanent, in ground irrigation devices are planned for the proposed landscaping."

Mr. Pizzulli has planted a vineyard and there is water seeping under his retaining wall so much so that reeds and grasses are growing thickly all along the base of his wall and into Las Pulgas Canyon. I believe that he plans to continue given that he bottles his own wine and that he gave an interview to the local newspaper stating that he has a vineyard on his properties.

In this application, The Coastal Commission also required Mr. Pizzulli to "...direct water away from the sloped portion of the lot and to the street." He has failed to comply with this. There is no drain going to Marquette or to the sewer at the end of Marquette. In addition, you can see the water draining under the wall and into the canyon.

Given his record, how can we trust him not to do the same on the new development?

2. The Geological report should include core samples taken from each of the eight lots, not just one lot as it currently shows. It should also include the Geology and Soils aspect of the sewer extension. This issue is especially important given that the area was designated a landslide hazard zone as shown on the Seismic Hazard Zones map issued by the State of California. Additionally, the USGS and the Army Corps of Engineers issued a Report On Landslide Study Pacific Palisades Area, September 1976, The report stated that the properties are located on a previous landslide. It also stated that the slide was discovered in 1947 and later in 1957. Movement was reported in 1960-1961, enlargement occurred in 1962-1963. By 1966 movement averaged 1.3 inches/year. By 1966, approximately 30,000 cubic feet were involved, in 1969, the head of the slide dropped. In addition, The Geologic Outfit estimated the thickness of the landslide to be approximately 50 feet. It would be dangerous to build 8 houses and would be even more perilous to excavate soil for a new sewer on this existing landslide as it would be digging down into this landslide and excavation would most likely go down to the bottom of the canyon as Mr. Pizzulli had to do to build his retaining wall. I think that these proposed developments would be dangerous because of the potential impacts that the construction of the projects may have on the geologic stability of Las Pulgas Canyon, the risk to life and property in an area of high geologic hazard. I ask that you take these risks seriously and ~~reconsider the approval of the project.~~

Sincerely,

Beth Schlaff

PUPM
20-0027
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Deputy Comm. from the Public

SANTA MONICA MOUNTAINS CONSERVANCY

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March 3, 2020

Hon. Marqueece Harris-Dawson, Chair
Planning and Land Use Committee
Los Angeles City Council
200 N. Spring Street, Room 340
Los Angeles, California 90012

3/3/20
Filed in PLUM Comm
Council File No: 20-0027
Item No: 9
Deputy: Comm from the Public

Council File 20-0027
Las Pulgas Canyon

Hon. Chair Harris-Dawson and Members of the PLUM Committee:

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The subject project site includes “desirable open space” according to the Brentwood-Pacific Palisades Community Plan that should be preserved and maintained as a public, natural open space because of its rarity and its recreational and educational value. The proposed project does not make an incremental contribution to protecting any of this open space. The environmental documentation to date fails to address the site’s spatial and resource contribution to either the Las Pulgas Canyon habitat block or connected habitat blocks to the east. The impacts of the proposed development cannot be analyzed or mitigated within the parameters of a Categorical Exemption.

Las Pulgas Canyon is a significant sized habitat block that is well connected to the habitat block on the west side of Temescal Canyon Road. That collective habitat block – via an at-grade, early morning wildlife crossing of the road -- connects to another significant sized habitat block on the east side of Temescal Canyon Road. That habitat block is well connected to Potrero Canyon open space. Thus the proposed project site currently contributes to, and benefits from, a larger habitat block located less than half a mile from the southern Terminus of Temescal Canyon Creek which is part of the great Topanga State Park ecosystem. Permanent direct and indirect impacts of the proposed project would extend beyond the footprints of the proposed houses with pools, decks and lighting that abut the habitat. Light spill, fire department mandated brush clearance, and domestic cat predation would extend beyond the proposed project legal

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I can be reached at edelman@smmc.ca.gov for any questions or communications.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Edelman", written in a cursive style.

PAUL EDELMAN
Deputy Director
Natural Resources and Planning

Lisa Locker
565 N Marquette St
Pacific Palisades, CA 90272

I know how busy city employees are but I have to believe that if you understood the geology of Las Pulgas canyon you would grant ~~with~~ the appeal and request further investigation. ^{INCLUDING AN EIR:} Perhaps I can remind you of Potrero Canyon. The City of Los Angeles has spent almost 30 years and nearly \$100 Million dollars to settle lawsuits and provide remedies for Portrero Canyon since the 1960's. Las Pulgas Canyon has very similar geology to Potrero Canyon. Please address our neighborhood concerns and don't put us at risk of becoming just another multi-million dollar lawsuit against the City of Los Angeles.

Thank you.

3/3/20
Submitted by PLWM Committee
Council File # 20-0027
Item # 9
By Comm from the Public

My name is Brenda Theveny. I live adjacent to the project site on Grenola Street and was one of the original board members of Save Las Pulgas Canyon, Inc., which was formed in the late 1980's.

A developer purchased 26 acres of Las Pulgas Canyon in 1987. Our non-profit received a grant in 1989 from the Santa Monica Mountains Conservancy to fund a feasibility study for the canyon. The land use firm we hired concluded that the canyon was not safe for large-scale development, and would be best used as nature-oriented public open space. Upon their recommendations, the Conservancy seriously considered purchasing the canyon, but eventually declined after determining that the liability was too great, due to the high risk of landslides, especially in the area of the canyon where this development is proposed.

Date: 3/3/20
Submitted in PLUM Committee
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Item No. #9
Deputy: Comm from the Public

Hi, my name is Kenny Scherr. I live directly across the canyon on Bienvenida. I just want to state that all the speakers you will hear today opposing this project are close neighbors. On the other hand, we want you to know that in all likelihood, there will only be one speaker supporting the project who is an adjacent neighbor, and that is the party who owns Las Pulgas Canyon. If the applicant follows precedent, the majority of other speakers in support of the project will be real estate agents, developers, and general contractors who are not adjacent neighbors, and who could stand to benefit from the project.

3/3/20
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20-0027
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Comm from the Public

MARCH 3, 2021

Gene Rink, Marquette Street resident and retired LA County fireman

I want to point out two critical areas of misinformation in a letter dated 2/7/20 to the PLUM committee by Neill E Brower, representing Applicant in response to our appeal.

First area of misinformation: Fire Department Approval

On p 9, the letter states Applicant has approval from LAFD regarding a Fire Hammerhead Turnaround.

Exhibit A shows documentation signed by an LAFD inspector. In fact, I met with Inspector Conneally, who signed this document. He advised me that this document does NOT constitute an approval from LAFD. He explained that the approval process involves a site visit, an extensive bureau of engineering plan, and an official seal as shown in Exhibit B.

Second area of misinformation: Vehicle Access

On p. 8, the Brower letter states, "The project would improve vehicle access on Marquette Street".

At present, the 20' road width cannot accommodate larger emergency vehicles. The letter makes the claim that a sidewalk addition would improve vehicle access, but fails to mention that the sidewalks would take up the City's 10' easement. This would prevent the City from improving vehicle access, which could be accomplished by rededicating the 10' easement to widen the street to 28'.

3/3/20
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File No: 20-0027
#9 ENGINEER, LA Co FD, Retired
Comm from the Public

Exhibit A

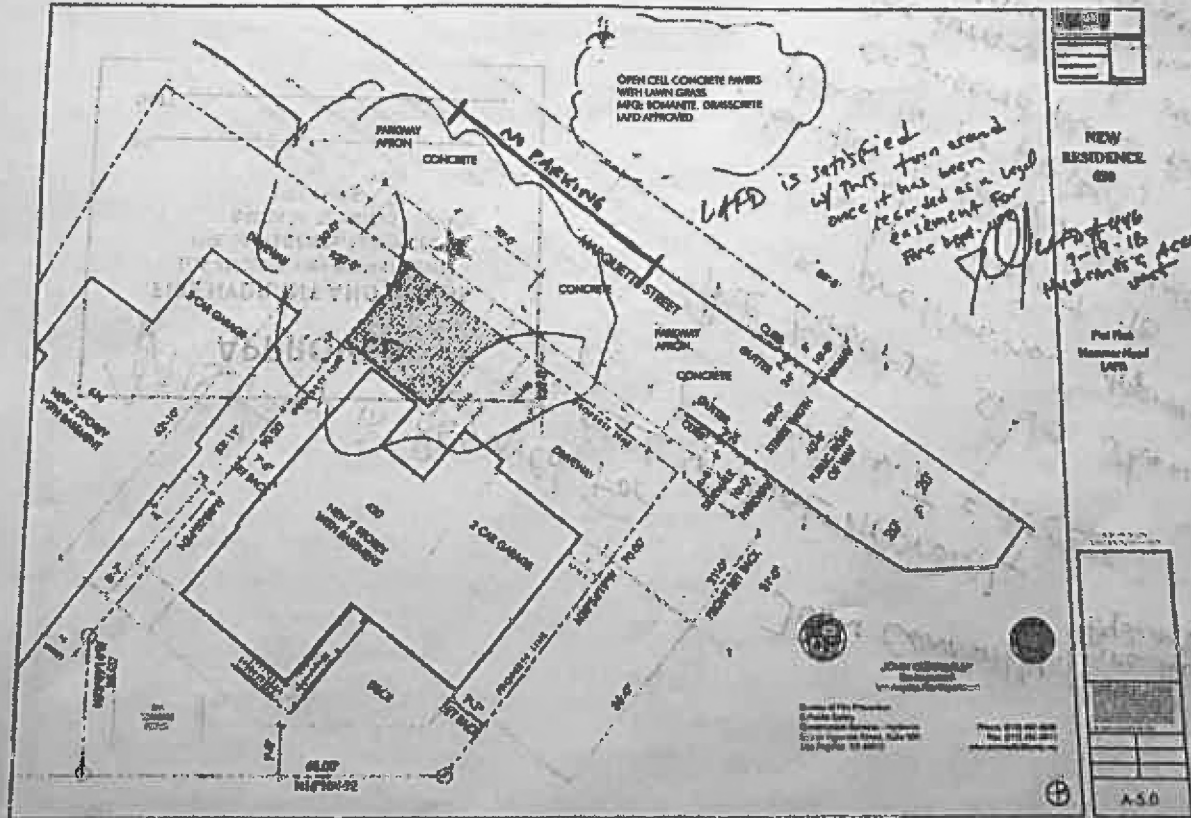


Exhibit B

APPROVED
FIRE HYDRANT AND ACCESS
LOS ANGELES FIRE DEPARTMENT
FIRE DEVELOPMENT SERVICES
RALPH M. TERRAZAS
FIRE CHIEF

BY _____
DATE _____

Misstamp is Required For Any Actual Approval For Hydrants & Access

John Connolly, LAFD Fire Inspector II Hydrants & Access Unit

The Reverse side shows a preliminary approval only, subject to submittal of formal architectural plans for the project, engineered plans for the turn-around stamped by a licensed structural civil engineer.

[Signature]
9-27-20

**PLUM Committee Hearing
March 3, 2020**

To Whom It May Concern,

I am the owner of 605 N Marquette St., Pacific Palisades, CA 90272. I am gravely concerned about the integrity of Marquette St. if the construction of 8 homes along the rim of the canyon were to go through as currently planned. Marquette St. is a narrow, two lane dead end road with no sidewalks. Much of our short street is on the canyon rim.

There have been incidents of erosion ^{over} the years. I have witnessed several episodes, especially after heavy rains, in the 17 years I have lived there. Since Marquette is a dead end street, if the road were to be compromised many of us would be stranded with no way out other than a narrow walkway. Additionally, emergency vehicles could not get through if the road were compromised.

Based on the plans that were given to us by Mr. Pizzuli in 2017, I calculated the amount of dirt and concrete that would be needed to build the 8 homes, pools and spas. Since Mr. Pizzuli at the time filed separately for each of the 8 houses, the total hauls did not reach the 1,000 cubic yard threshold to file a Haul Route form. As you can see from the attached calculations, there would be a minimum of 386 dump truck trips that would haul a minimum of 5,797 TONS of dirt and concrete. And that does not include all the other building supplies that would be necessary to build and landscape the 8 homes.

Over the course of the last 2+ years the plans may have changed, but the magnitude of the issue of the structural integrity of Marquette St and the safety of its residents remains a critical issue that must be considered by this committee and the other authorities.

Thank you for your consideration of this issue.

Sincerely,



Ellen Sloan
605 N Marquette St.
Pacific Palisades, CA 90272

Date: 3/3/20
Submitted in: PLUM Committee
Council File No: 20-0027
Item No. 9
Deputy: Comm from the Public

Address	Max Floor (sq ft)	New Construct (sq ft)	Lot size (sq ft)	Dirt Excavation* (cu yds)	Dump Truck** Trips out	Concrete*** for Pool**** (cu yds)	Dump Truck** Trips In	Pool &/or Spa	Min Loaded Dump Truck Trips	Min Total tons on our roads	Notes
560	?	7,600	8,648	683	59	48	6.4	Pool	66	984	b
566	?	7,677	8,467	297	26	48	6.4	Pool ^c	32	482	b
572	?	8,053	8,732	578	50	48	6.4	Pool	56	847	b
578	?	7,791	9,183	221 ^d	19	48	6.4	Pool	26	383	a,b
600	?	7,181	8,699	366	32	48	6.4	Pool	38	572	b
608	3014	7,758	8,098	606	53	48	6.4	Pool	59	884	
614	2889	5,776	6,580	682	59	48	6.4	Pool	66	983	
620	2512	5,408	6,076	509	44	?		Spa	44	662	
Totals	8,415	57,244	64,483	3721	342	336	45		386	5,797	

tons _____
 * 1 cubic yard of dirt = 2600 lbs = 1.3 tons
 ** class 7 dump truck max wgt = 15 tons, incl wgt of truck 15
 *** cubic yard of concrete = 4000 lbs = 2 tons 2
 ***** assume pool = 12' x 24' (on small side)

- > 1000 cubic yards dirt excavated requires Haul Route form!
- (Since he filed separately for each house, does not reach 1000 cubic yard)
- ^a excavation for 578 Marquette seems off given he is bldg pool and 7791. In new construction. May be an error!
- ^b Missing Jt Referral Form, no info on Max floor footage
- ^c Pool may be existing pool
- Note :** excavation stats do not include demolition of existing structures, which must be transported out through Marquette Street as well, nor the amount of concrete and rebar that must be transported in to build the retaining wall along the back of all 8 lots

Statement – Rosemary Sellers – 348 Grenola Street

We purchased our home located at 348 Grenola in 1994, forewarned by a geological report that it was situated on the site of an ancient landslide. In 1997-1998 the El Nino weather conditions resulted in a landslide across three properties: 348, 352 and 356 Grenola Street. Within weeks all three properties were red-tagged and we were required to hire a geologist to provide the City of Los Angeles Department of Building and Safety with recommendations and a geotechnical report. Subsequently, over the next decade, the homeowners hired Sassan Sahlepour, with Sassan Geosciences, a geotechnician who developed a plan for caissons/soldier piles that went across three properties, were connected to support each other and before final approval required constant input, scrutiny approvals and inspections by various building and safety planning officials. To say that it was a rigorous and expensive undertaking would be an understatement. All told, it cost close to \$1.5 million dollars to secure all three properties in order for the city to remove the red tag. That was over fifteen years ago.

There is no question in my mind that the amount of engineering required to build eight homes in Las Pulgas Canyon on Marquette Street (my husband lived on Marquette, I am quite familiar with the neighborhood) would impact the stability of the entire environment. It is our family's hope that officials with the City of Los Angeles Department of Building and Safety and the California Coastal Commission exercise the same amount of scrutiny and rigor for this project as they did with ours. There was absolutely no stone left unturned in pushing us to restore the safety of the lots as they impacted neighboring properties. 3/3/20

Submitted to: PLUM Committee
Council File: 20-0027
Re: 9
By: Comm from the Public

560-620
Marquette

Google

Home

348 North Grenola Street
3 min walk · home

Bel-Air Bay Club

Bel-Air Bay Club
Parking Lot

Coast Hwy

Pacific Coast Hwy

Bel-Air Bay Club
Lanes Club

Google

Marquette Dr

Marquette Dr

February 23, 2020

Robert Moradi
623 N Marquette St
Pacific Palisades, CA 90272

My name is Salm Robert Moradi. My wife Gail Devlin Moradi and I have lived on N. Marquette Street since July 1981. The first two years, we rented the house at 620 N Marquette, which is the last property included in the applicant's proposed development. During the heavy rains in those two years, a significant portion of the yard fell into the canyon behind the house.

We subsequently bought our current house across the street at 623 N. Marquette in 1983 where we witnessed many times the difficulty that ambulances had getting to the home of our elderly next door neighbors, both deceased now.

The garbage trucks struggle every Tuesday morning trying to back down this narrow, dead end street. Their difficulty is a weekly reminder that a fire engine or ambulance driven by a driver who is not familiar with the terrain could fail to protect us and our neighbors.

I urge the City Council to support public safety by recommending that approval of this dangerous project be denied.

Sincerely,
S. Robert Moradi, M.D.

Date: 3/3/20
Submitted in PLUM Committee
Council File No: 20-0027
Item No. 9
Deputy: Comm from the Public

I am Linda Deacon, speaking for Appellants.

We have raised significant questions about the safety of the proposed development and the existing sewer system to which Applicant wishes to connect. Rather than conducting its own investigations, the City has relied solely on Applicant's paid consultants. Therefore, we will consider the City liable should the project's approval, in dereliction of the City's responsibilities, result in damages. Further, while we've provided pictures and documents, we strongly suggest a site visit before you make any decisions. In this regard, we thank Jason Douglas for his site visit on February 18th.

There are three critical issues.

1. The property is located on an ancient landslide area, on a narrow dead-end street, previously withdrawn from public use, that has experienced repeated slope failures and erosion.

Applicant ignores evidence from the Coastal Commission (Attachment 1), the Army Corps of Engineers (Attachment 2), a licensed hydrogeologist (Attachment 3), testimony from witnesses (Attachments 4,5, 5a), as well as a 1999 soils report prepared for Applicant when he filed for a permit to build retaining walls after a slope failure on his property (Attachment 6). Given this and the fact that the water table is very high, with ALL properties directly across and uphill on septic systems (Attachment 7, annotated photo, p 3), the City **must** conduct an independent investigation of slope stability and ground water, not just rely on test results for limited road-adjacent parts of the property.

The BOE's approval of the proposed sewer incorrectly assumes that ALL Marquette properties can hook up to the extension. Since an impermeable liner for the proposed sewer extension WON'T reduce ground water if ALL properties across from the project remain on septic, the City must require the Bureau to conduct independent investigations of the proposed extension AND the project site, and revise its recommendations (Attachment 8).

The City needs to record the Assumption of Risk Deed Restriction that the Coastal Commission required of Applicant when it granted the CDP to build retaining walls after his slope failure (Attachment 1, p 11). Since Applicant is requesting sequential lot line adjustments requiring new recordations, the Deed Restriction must run with the land to notify and bind successors. It needs to be in all new deeds. Furthermore, the City's recent requirement that Applicant indemnify the City CANNOT absolve the City of responsibility for damages to Appellants or others who may be negatively impacted by Applicant's project. We will look to the City to be made whole for potential damages from the project if approved. The unexpected issues and costs the City has dealt with on the Potrero Canyon project demands caution before approval of another canyon-rim project of the scope contemplated here.

2. The City has ignored evidence that the proposed sewer extension will tap into an overtaxed and aging sewer line.

Information from Paul Nagle (Attachment 9) regarding a catastrophic sewage spill from the City line into his home has been ignored. His family's suit against the City resulted in legal costs and settlements of over one million dollars after a jury verdict in their favor. The jury and judge assigned

liability for the incident solely to the City. Reports of line failures from other neighbors, as well as recent City repairs to the same sewer line were also not reviewed.

Given this, the City needs to conduct an independent investigation as to the current condition of the sewer line and its actual capacity. Before approving Applicant's extension, the City must determine the effect of a sewage spill downhill past the extension onto the property itself. To date, there is NO evidence that this has been considered.

If the sewer extension is still approved notwithstanding these concerns, it should be mandated that property owners on septic systems be allowed to connect to the sewer, consistent with Applicant's original promise, to reduce ground water.

3. Applicant continues to refer to the support he has received for the proposed development from numerous adjacent neighbors. This is false.

The letters of support on which Applicant relies were primarily signed when Applicant promised he would pay for a sewer extension which all Marquette homes could use. Applicant never informed neighbors that his promise was rescinded. Further, the majority of support letters and statements are from "members of the community" are real estate professionals or others who live nowhere near the site. Letters of support from residents who have moved away, a former property owner, a neighbor who died, and the neighbor who wrote the City to withdraw her support should be removed. The Planning Department has received over 140 letters objecting to the project scope from the majority of adjacent neighbors, as well as from those on neighboring streets and across the canyon.

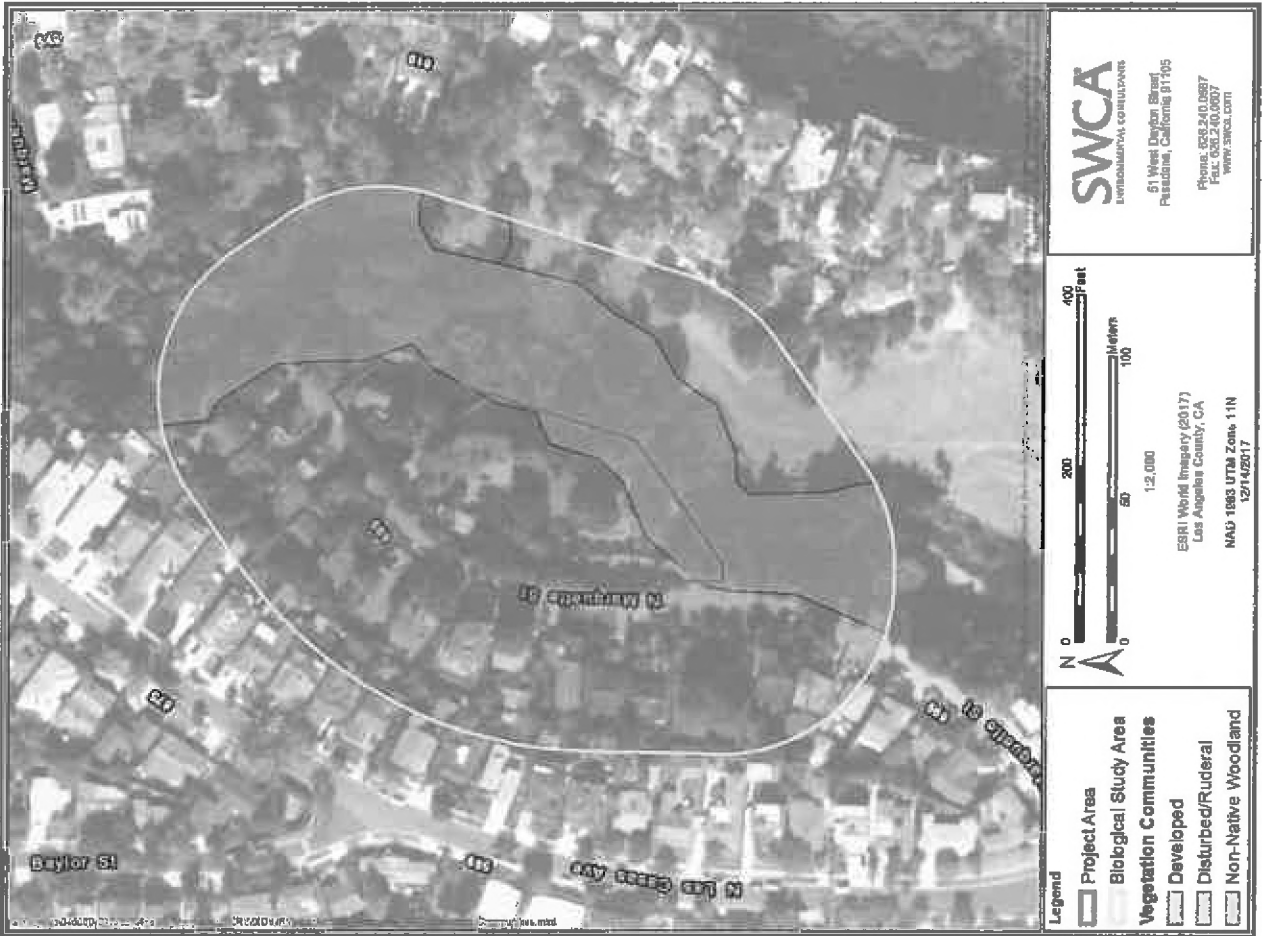
Letters of support making reference to Applicant's sewer helping those on septic should be invalidated, since they were signed in reliance on a rescinded promise. Those from geographically irrelevant stakeholders and real estate professionals with a potential bias should also be discounted, if not thrown out.

It is inarguable that during the review process for this project, the Planning Commission and other City agencies have relied on Applicant's assertions and submissions, rather than diligently conducting their own independent and objectively more reliable investigations.

On the three critical issues raised – namely, geologic instability, sewage system failures and over-capacity, and the absurd and discredited assertion of broad neighborhood support for the project – Applicant has consistently presented the same misleading, if not outright fraudulent - submissions.

What is now pending before you is both scientifically insufficient and demonstrates a callous disregard for the historical record. We can only conclude that should the City approve the project, it will be doing so with the full understanding that it is explicitly assuming responsibility for all consequences. Appellants WILL hold the City liable for them.

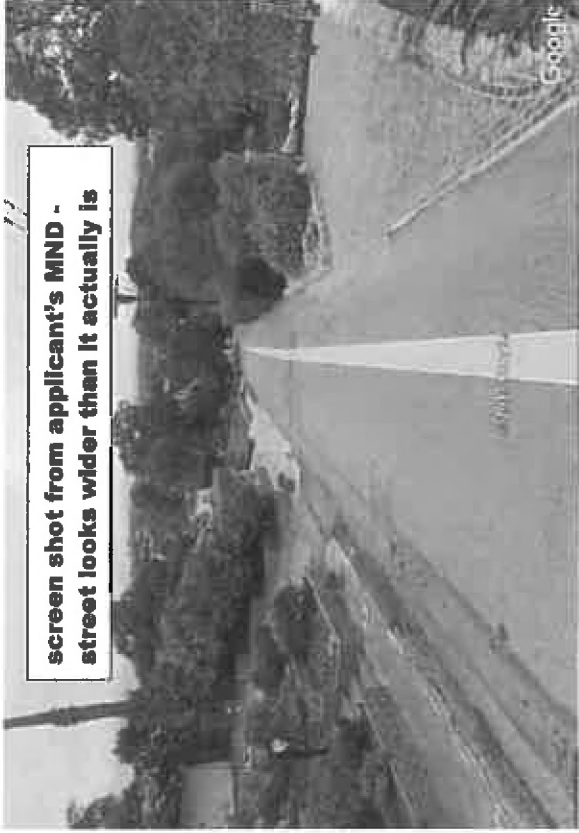
Non-native woodland surrounding the project site on 3 sides disqualifies it from a Class 32 CEQA Exemption



Date 3/3/20
 Submitted in PLUM Committee
 Council File No: 20-0027
 Item No 9
 Priority Comm from the Public



screen shot from Google maps taken within the past month



screen shot from applicant's MND - street looks wider than it actually is

Excessive Groundwater Causes Erosion

