

**DEPARTMENT OF
CITY PLANNING**

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(213) 978-1300

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LISA M. WEBBER, AICP
DEPUTY DIRECTOR

February 6, 2020

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

CEQA APPEAL CASE NO. ENV-2017-1259-CE-2A; CF 20-0027

The West Los Angeles Area Planning Commission (WLAAPC) considered an appeal of eight Coastal Development Permits (CDP), Mello Act Compliance Review (MEL) under case nos.: DIR-2017-264-CDP-MEL-1A, DIR-2017-268-CDP-MEL-1A, DIR-2017-334-CDP-MEL-1A, DIR-2017-336-CDP-MEL-1A, DIR-2017-361-CDP-MEL-1A, DIR-2017-366-CDP-MEL-1A, DIR-2017-445-CDP-MEL-1A, and DIR-2017-449-CDP-MEL-1A; with concurrent Parcel Map Exemption actions for Lot Line Adjustments under case nos.: AA-2016-4700-PMEX-1A and AA-2016-4696-PMEX-1A. The WLAAPC denied the appeals in part, approved a modified project, modified conditions and findings, and determined, based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301 (Class 1) and Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

On December 24, 2019, one CEQA appeal was filed for case no. ENV-2017-1259-CE, the environmental review for case numbers referenced above. Below is a summary of the appeal points with a staff response to each point.

Appeal Point No. 1: A Class 32 Categorical Exemption (CE) is not applicable to the proposed project.

Staff Response: The Appellant states that a Class 32 CE does not apply to the proposed project because the subject property is not "substantially surrounded by urban uses" as required under CEQA Guidelines Section 15332 (b). (Please see the Justification for Project Exemption (Case No. ENV-2017-1259-CE) and the modified findings of the West Los Angeles Area Planning Commission's Letter of Determination dated December 12, 2019, which set forth the proposed project's eligibility for a Class 32 CE.) (Attachment 1)

The subject property is zoned R1-1 and designated for Low Residential uses in the Brentwood-Pacific Palisades Community Plan Area, within the boundaries of the City of Los Angeles. The subject property is located in an urbanized area and is currently developed with

two single-family dwellings and accessory structures. The subject property is surrounded by single-family dwellings to the north, south, east, and west.

The Appellant also erroneously cites to inapplicable sections of the CEQA Guidelines to interpret what is an infill development that satisfies the criteria for a Class 32 CE. For example, the Appellant cites to Public Resources Code (PRC) Sections 21159.24, 21061.3(a)(1), 21059.25(a)(2) [sic], 21159.21(h), and 21059.25 [sic]. These aforementioned sections of the Public Resources Code do not apply and do not govern the interpretation of CEQA Guidelines Section 15332.

Appeal Point No. 2: Appellant argues the “unusual circumstances exception” applies.

Staff Response: The Appellant argues that a Class 32 CE does not apply to the proposed project because there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances (See CEQA Guidelines Section 15300.2 (c)). The Appellant argues the subject property’s location in a historic landslide area, risk of slope failure and erosion due to excessive groundwater seepage/discharge from septic tanks uphill, and because the subject property is on a steep, undeveloped canyon along a substandard dead-end street all constitute unusual circumstances. The Appellant also submitted a 20-year old staff report to establish that the Coastal Commission at that time determined the subject property subject to hazards from landslide activity and the risk of slope failure and erosion. However, even that report determined that the retaining walls at issue then, as conditioned, was consistent with the requirements of the Coastal Act and CEQA.

In this matter, City staff has determined based on substantial evidence that no unusual circumstances exist. According to the Department of City Planning Hillside Area Map, the majority of the Brentwood-Pacific Palisades Community Plan Area is located in a Hillside Area. It is not uncommon for these areas to have the potential for slope failure and erosion. However, specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles regulate development in hillside locations. These RCMs include requirements to conform to the California Building Code seismic standards as approved by the Department of Building and Safety (LADBS) and pursuant to LAMC Section 91.7013 and 91.7016.4 the submittal of a geotechnical report to LADBS for review and approval, which was completed as detailed below.

The City has determined that this proposed project is not unusual. The project proposes to construct eight single-family dwellings in an area zoned and designated for such development. All adjacent lots are developed with single-family dwellings. The proposed lots will be of a similar size and slope as nearby properties. The proposed project will produce single-family dwellings that will range in size from 5,503 to 8,365 square feet and up to 33 feet in height. The size of the proposed project will not exceed the maximum Residential Floor Area allowed and the height of the proposed project will not exceed the maximum height allowed. This type of project is not unusual for this neighborhood and is similar in scope to other residential uses in the area.

As discussed in the staff report, the proposed project is required to comply with all applicable RCMs. As a result, there is no reasonable possibility of a significant impact related to slope stability. For all the reasons stated above, there are no unusual circumstances that would result in a significant effect on the environment and, thus, this exception to the categorical exemption does not apply.

Appeal Point No. 3: Proposed Sewer System Extension Does Not Meet CEQA Standards.

Staff Response: The Appellant claims that no direct geotechnical exploration has been conducted where the sewer system extension is proposed, that the applicant's geologist relied on existing geotechnical reports only for properties across and down the street, and that the reports do not address the geotechnical issues involved in constructing the sewer extension in a portion of the street next to the canyon that has experienced slope failure.

The Grading Division of LADBS is responsible for reviewing grading and construction work for projects on private property and the Geotechnical Engineering Division of the Bureau of Engineering (BOE) is responsible for reviewing grading and construction work for projects in the public right-of-way. LADBS reviewed the geotechnical reports for the proposed construction of the eight new single-family dwellings and issued a Geology and Soils Approval Letter, Log No. 92636-01, dated March 20, 2017 (Attachment 2). The letter approved the referenced reports, stating that "the above reports include an acceptable seismic slope stability analysis and the requirements of the 2017 City of Los Angeles Building Code have been satisfied." BOE reviewed the geotechnical reports for the proposed construction of the sewer extension and issued an Inter-departmental Correspondence, dated April 26, 2019, approving the referenced reports (Attachment 3).

The Appellants' representative, Thomas M. Donovan, submitted letters dated May 28, 2019 and June 3, 2019 and the Appellants' geologist, E.D. Michael, submitted a letter dated May 30, 2019 further asserting that the applicant's geotechnical reports failed to adequately evaluate the groundwater condition and shear strength of the subject property. E.D. Michael asserted that there is a lack of knowledge concerning the local groundwater regime and that the procedure used to determine the shear strength is highly erroneous. In response to those letters, the applicant's geologist, Byer Geotechnical, Inc., submitted a letter dated May 30, 2019 (Attachment 4) to address those claims. Byer Geotechnical, Inc. responded that the proposed sewer system will reduce the amount of water entering the subsurface, that the groundwater conditions have been explored with several deep boring pits, and that the shear strength has been properly evaluated in the previous geotechnical reports.

BOE reviewed the correspondence submitted by the Appellants' representative and geologist and issued the attached Inter-Departmental Correspondence dated July 8, 2019 to address the assertions made by the Appellants (Attachment 6). BOE stated that they are supportive of the proposed sewer system extension as it will reduce or eliminate a potential source of groundwater, which can decrease the stability of the slopes and stated that its previous approval letter dated April 26, 2019 and its conditions of approval remain applicable and no revisions are necessary.

LADBS submitted the attached follow-up Inter-Departmental Correspondence dated June 26, 2019 which reviewed the geological/geotechnical comments made by the Appellants' representatives of Thomas M. Donovan and Eugene D. Michael, which appeared to focus on the groundwater conditions of the locality and the stability of the slopes across the subject lots (Attachment 5). LADBS confirmed that the applicant's geologist adequately explored the groundwater conditions and stability of the slopes on the subject property and agreed that the proposed project will reduce the amount of water introduced into the ground and increase the stability of the slopes. Specifically, the applicant's geologist performed direct shear testing "on the earth material under saturated conditions in accordance with Department requirements." As a result, the slope stability analysis "yielded factors-of-safety in excess of the minimum building code requirements." The letter further stated that "the removal of a portion [of] the fill materials will reduce the driving force on the slope and will also result in a

more stable slope condition. New retaining walls are also proposed on the northern portion of the development to mitigate steep slope conditions.” Based on its review of the technical information Byer Geotechnical, Inc., LADBS concluded that the “proposed residential development will reduce the amount of water introduced into the ground and will increase the stability of the descending slope.” Therefore, LADBS found its previous approval letter dated March 20, 2017 (Log No. 96236-01) and its conditions of approval remain applicable and no revisions are necessary. As such, the geotechnical reports as prepared are appropriate for the proposed project.

Appeal Point No. 4: Coastal Development Permit Findings are not adequate.

Staff Response: The Appellant argues the required findings to approve a CDP cannot be made. The WLAAPC denied the appeals of the CDP on November 6, 2019 and issued a Determination Letter on December 12, 2019. The WLAAPC’s action on the CDP is not further appealable to City Council.

Appeal Point No. 5: Assumption of Risk deed restrictions must be included in all deed records.

Staff Response: To the extent, the Appellant appears to argue that an Assumption of Risk deed is evidence of an unusual circumstances, this is incorrect for the following reasons state below. The Appellant references a condition of approval related to a retaining wall previously approved under Coastal Commission Application No. 5-00-361. This is a standard condition that appears in Coastal Commission approvals for properties located in areas subject to natural hazards. Again, this is not uncommon or unusual. The condition states that the property owner shall assume all risks, waive liability, and indemnify the Coastal Commission from future claims and damages. The Coastal Commission report states, “In case an unexpected event occurs on the subject property, the Commission attaches Special Condition #1 which requires recordation of a deed restriction whereby the land owner assumes the risk of extraordinary erosion and/or geologic hazards of the property...” The project proposes the redevelopment of the subject property and is subject to the conditions of approval adopted for the above referenced discretionary actions. As previously discussed, the proposed project is located on a property that is surrounded by Hillside Areas and where the potential of slope failure is not uncommon. As discussed in the WLAAPC Determination Letter and Notice of Exemption, the proposed development is subject to additional geotechnical and soils review and must be constructed compliance with the requirements of LADBS and BOE that address development in hillside and/or potential landslide areas. The proposed project must comply with all applicable regulations for development in hillside and landslide areas.

Therefore, Planning Staff recommends the PLUM Committee deny the appeal and determine, based on the whole of the administrative record, that the proposed project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301 (Class 1) and Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in black ink, appearing to read "Faisal Roble for". The signature is written in a cursive, flowing style.

Faisal Roble
Principal City Planner

VPB:FR:JO:SR:KT

Enclosures

- Attachment 1: Notice of Exemption, ENV-2017-1259-CE; WLAAPC Staff Recommendation Report dated November 6, 2019
- Attachment 2: Geology and Soils Approval Letter from LADBS dated March 20, 2017
- Attachment 3: Revised Inter-Departmental Correspondence from BOE dated April 26, 2019
- Attachment 4: Response Letter from Byer Geotechnical, Inc. dated May 30, 2019
- Attachment 5: Response Letter from LADBS dated June 26, 2019
- Attachment 6: Response Letter from BOE dated July 7, 2019

ATTACHMENT 1

CATEGORICAL EXEMPTION,
ENV-2017-1259-CE;
WLAAPC STAFF RECOMMENDATION
REPORT DATED NOVEMBER 6, 2019

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION

(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS
DIR-2017-[264, 268, 334, 336, 361, 366, 445, 449]-CDP-MEL (Coastal Development Permits and Mello Act Compliance Reviews) / AA-2016-[4696, 4700]-PMEX (Lot Line Adjustments)

LEAD CITY AGENCY
City of Los Angeles (Department of City Planning)

CASE NUMBER
ENV-2017-1259-CE

PROJECT TITLE
Marquette Street Project

COUNCIL DISTRICT
11 – Bonin

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)
560, 566, 572, 578, 600, 608, 614, and 620 North Marquette Street

Map attached.

PROJECT DESCRIPTION:
Two lot line adjustments to reconfigure six of eight existing lots; the demolition of two (2) existing one-story single-family dwellings and an existing one-story accessory structure; the construction of eight (8) new two-story single-family dwellings with attached garages, basements, and swimming pools and/or spas, one on each of the eight lots, ranging from approximately 5,503 to 8,365 square feet in floor area and up to 33 feet in height; the construction of an extension of the existing sewer system to serve all eight residences; the construction of a new retaining wall; and approximately 6,250 cubic yards of combined grading and the export of approximately 475 cubic yards of earth.

Additional page(s) attached.

NAME OF APPLICANT / OWNER:
Cosimo Pizzulli, Pizzulli Associates, Inc.

CONTACT PERSON (If different from Applicant/Owner above) | (AREA CODE) TELEPHONE NUMBER | EXT.
(310) 393-9572

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)
STATE CEQA STATUTE & GUIDELINES

STATUTORY EXEMPTION(S)
Public Resources Code Section(s) _____

CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)
CEQA Guideline Section(s) / Class(es) **Section 15301 (Class 1) and Section 15332 (Class 32)**

OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION: Additional page(s) attached

None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.
 The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.
If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE | STAFF TITLE
City Planning Associate

ENTITLEMENTS APPROVED
Coastal Development Permits, Mello Act Compliance Reviews, and Lot Line Adjustments

FEE: | RECEIPT NO. | REC'D. BY (DCP DSC STAFF NAME)

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**JUSTIFICATION FOR PROJECT EXEMPTION
CASE NO. ENV-2017-1259-CE**

Project Description

The proposed project is for two line adjustments between six of eight existing lots; the demolition of two (2) existing one-story single-family dwellings and an existing one-story accessory structure; the construction of eight (8) new two-story single-family dwellings with attached garages, basements, and swimming pools and/or spas, one on each of the eight lots, ranging from approximately 5,503 to 8,365 square feet in floor area and up to 33 feet in height; the construction of an extension of the existing sewer system to serve all eight residences; the construction a new retaining wall; and approximately 6,250 cubic yards of combined grading and the export of approximately 475 cubic yards of earth. As single-family homes developed on an infill site, the proposed project qualifies for the Class 1 and Class 32 Categorical Exemptions.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions.

The City has considered whether the proposed project is subject to any of the five (5) exceptions that would prohibit the use of a categorical exemption as set forth in State CEQA Guidelines Section 15300.2. The five (5) exceptions to this Exemption are: (a) Cumulative Impacts; (b) Significant Effect; (c) Scenic Highways; (d) Hazardous Waste Sites; and (e) Historical Resources.

Cumulative Impacts. *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The proposed project is consistent with the type of development permitted for the area, which is zoned R1-1 and designated for Low Residential land uses. The subject property is located in a Hillside Area, a Very High Fire Hazard Severity Zone, a Special Grading Area, a Landslide Area, and the Santa Monica Fault and is subject to specific Regulatory Compliance Measures (RCMs) in the City of Los Angeles that regulate the grading and construction of projects in these particular types of "sensitive" locations. The RCMs will reduce any potential impacts to less than significant. Specifically the following RCMs would apply:

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-GEO-2 (Hillside Grading Area):** The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- **Regulatory Compliance Measure RC-GEO-3 (Landslide Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer

or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any landslide and soil displacement, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to:

- ground stabilization
- selection of appropriate foundation type and depths
- selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures

The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

- **Regulatory Compliance Measure RC-GEO-5 (Subsidence Area):** Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The geotechnical report shall assess potential consequences of any subsidence and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

The proposed project will not exceed thresholds identified for impacts to the area (i.e., traffic, noise, etc.) and the RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts. As such, the proposed project will not result in a significant cumulative impact.

Significant Effect. *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The project proposes to construct eight single-family dwellings in an area zoned and designated for such development. All adjacent lots are developed with single-family dwellings. The proposed lots will be of a similar size and slope to the nearby properties. The project proposes single-family dwellings that will range in size from 5,503 to 8,365 square feet and up to 33 feet in height. The size of the proposed project will not exceed the maximum Residential Floor Area (RFA) allowed and the height of the proposed project will not exceed the maximum height allowed. This type of project is not unusual for the vicinity of the subject property and is similar in scope to other residential uses in the area. Thus, there are no unusual circumstances that may lead to a significant effect on the environment and this exception does not apply.

Scenic Highways. *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The subject property is located approximately two miles east of State Route 27. Therefore, the proposed project will not result in damage to any scenic resources, including, but not limited to, trees, historic building, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

Hazardous Waste. *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

According to EnviroStor, the State of California's database of Hazardous Waste Sites, neither the subject property nor any property in the vicinity is identified as a hazardous waste site. Furthermore, the building permit history for the subject property does not indicate that it may be hazardous or otherwise contaminated, and this exception does not apply.

Historic Resources. *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The subject property has not been identified as a historic resource by local or state agencies and has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles.*

The subject property has not been identified as a historic resource by local or state agencies and has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the Site as a historic resource.

CEQA Determination – Class 1 Categorical Exemption Applies

A project qualifies for a Class 1 Categorical Exemption if it involves the demolition of up to three single-family residences in an urbanized area.

The proposed project qualifies for the Class 1 Categorical Exemption because it involves the demolition of two single-family dwellings and an accessory structure in an urbanized area. The proposed project will not exceed the maximum number of dwelling units allowed for demolition.

CEQA Determination – Class 32 Categorical Exemption Applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the conditions as follows: (a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as the applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a property of no more than five acres substantially surrounded by urban uses; (c) The proposed project has no value as a habitat for endangered, rare, or threatened species; (d) Approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.

(a) The project is consistent with applicable general plan designation, applicable policies, and applicable zoning designations.

The subject property is currently developed with an two single-family dwellings and an accessory structure. The subject property is zoned R1-1 and has a General Plan land use designation of Low Residential. Low Residential land uses have the corresponding zones of RE9, RS, R1, RU, RD6, and RD5. The use and density of the proposed project is allowed on the subject property. Therefore, the proposed project is consistent with the applicable general plan designation, applicable policies, and zoning designations. The proposed project is subject to the Zoning Information (ZI) file attached to the

subject property. As new single-family dwellings, the proposed project is in conformance with the applicable Brentwood-Pacific Palisades Community Plan designation and policies and all applicable zoning designations and regulations.

- (b) *The proposed development occurs within city limits on a project site no more than five acres substantially surrounded by urban uses.*

The subject property is wholly within the City of Los Angeles in an urbanized area, on lots that total approximately 1.48 acres. Lots adjacent to the subject property are also developed with single-family dwellings.

- (c) *The project has no value as habitat for endangered species, rare, or threatened species.*

The subject property is not a wildland area and is not a habitat for endangered, rare, or threatened species. There are two protected trees on the subject property. They are coast live oak trees, one with a 30" diameter at breast height (DBH) and height and spread of 50' by 40' and one with a 24" DBH and a height and spread of 35' by 30' at 572 North Marquette Street (Lot 6) as identified in the Tree Report prepared by The Tree Resource on April 4, 2017. The protected trees are outside of the construction areas. They will be retained and will not be impacted by the proposed project.

- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

The proposed project will be subject to Regulatory Compliance Measures (RCMs) that require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations, and Best Management Practices for stormwater runoff. These RCMs will ensure that the proposed project will not have significant impacts on noise and water. Furthermore, the proposed project does not exceed the threshold criteria established by the Department of Transportation for preparing a Transportation Study Assessment. Interim thresholds were developed by Department of City Planning Staff based on CalEEMod model runs relying on reasonable assumptions, consultations with Air Quality Management District Staff, and surveys of published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.

- (e) *The proposed project has been reviewed by City staff, and can be adequately served by all required utilities and public services.*

The proposed project will be adequately served by all public utilities and services given that the construction of eight new single-family dwellings will be on a property that has been previously developed with two single-family dwellings, therefore resulting in no significant increase in population. Therefore, it can be found that the proposed project meets the qualifications of the Class 32 Exemption.



DEPARTMENT OF CITY PLANNING

APPEAL RECOMMENDATION REPORT

West Los Angeles Area Planning Commission

Date: November 6, 2019
Time: After 4:30 p.m.*
Place: Henry Medina West LA Parking Enforcement Facility
11214 West Exposition Boulevard, 2nd Floor
Los Angeles, CA 90064

Public Hearing: October 1, 2018
Appeal Status: Not further appealable per Los Angeles Municipal Code (LAMC)
Expiration Date: November 13, 2019

Case No.: DIR-2017-264-CDP-MEL-1A
DIR-2017-268-CDP-MEL-1A
DIR-2017-334-CDP-MEL-1A
DIR-2017-336-CDP-MEL-1A
DIR-2017-361-CDP-MEL-1A
DIR-2017-366-CDP-MEL-1A
DIR-2017-445-CDP-MEL-1A
DIR-2017-449-CDP-MEL-1A

CEQA No.: ENV-2017-1259-MND
ENV-2017-1259-CE

Related Cases: AA-2016-4696-PMEX-1A
AA-2016-4700-PMEX-1A

Council No.: 11 – Bonin
Plan Area: Brentwood-Pacific Palisades
Specific Plan: None
Certified NC: None

GPLU: Low Residential
Zone: R1-1

Applicant: Cosimo Pizzulli,
Pizzulli Associates, Inc.
Representative: Neill E. Brower, Jeffer
Mangels Butler & Mitchell
LLP

Appellant 1: Gene Rink, Gregory Morse,
Lisa Locker, and Linda
Deacon,
Save Las Pulgas Canyon
Inc.

Appellant 2: Kenneth J. Scherr,
Save Los Pulgas Canyon

PROJECT LOCATION: 560, 566, 572, 578, 600, 608, 614, and 620 North Marquette Street

PROPOSED PROJECT: Lot line adjustments to reconfigure the size and shape of the eight existing lots; the demolition of an existing 1,871 square-foot one-story single-family dwelling with an attached two-car garage, existing 2,100 square-foot one-story single-family dwelling with a 400 square-foot detached two-car garage and swimming pool, and existing 425 square-foot one-story accessory structure; the construction of eight new two-story single-family dwellings with attached garages, basements, swimming pools and/or spas, one on each lot, ranging from 5,449 to 8,174 square feet in floor area and up to 33 feet in height; the construction of a new 12-foot tall retaining wall extension; the construction of a new sewer system extension; and approximately 6,250 cubic yards of combined grading and the export of approximately 475 cubic yards of earth, all on a property consisting of eight existing lot.

REQUESTED ACTION: Appeal of the Determination by the Director of Planning to conditionally approve the above-referenced (eight) Coastal Development Permits pursuant to Section 12.20.2 of the LAMC, Mello Act Compliance Reviews pursuant to Government Code Sections 65590 and 65590.1, and Mitigated Negative Declaration ENV-2017-1259-MND.

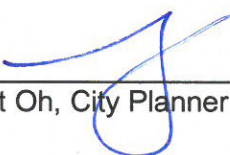
RECOMMENDED ACTIONS:

1. **Determine** that, based on the whole of the administrative record, the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Sections 15301 (Class 1) and 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a Categorical Exemption pursuant to CEQA Guidelines, Section 153002 applies.
2. **Deny in part** the appeals; and
3. **Sustain** the Director's Determination to conditionally approve eight Coastal Development Permits and Mello Act Compliance Reviews for the proposed project in a Single Permit Jurisdiction Area of the California Coastal Zone and **grant in part** the appeals to approve the proposed modifications to the proposed project;
4. **Adopt** the revised Findings and Conditions.

VINCENT P. BERTONI, AICP
Director of Planning


Faisal Roble, Principal Planner


Debbie Lawrence, AICP, Senior City Planner


Juliet Oh, City Planner


Kenton Trinh, City Planning Associate
Telephone: (213) 978-1290

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300)*. While all written communications are given to the Commission for consideration, the initial packets are sent to the Commission's Office a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to the agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate. The meeting facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request at least seven (7) days prior to the meeting by calling the City Planning Commission Office at (213) 978-1300.

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PROJECT ANALYSIS

Appellate Decision

Pursuant to Section 12.20.2 of the LAMC, appeals of Coastal Development Permit cases are made to the Area Planning Commission. The appellate decision of the Area Planning Commission is final and effective as provided in Charter Section 245. However, the City's final action on the Coastal Development Permits are further appealable to the California Coastal Commission. Appeals of the CEQA determination are made to the City Council.

Background

The subject property is comprised of eight irregular-shaped interior lots (Lots 1 through 8) with a total area of 64,483 square feet. The subject property is zoned R1-1 and designated for Low Residential land uses in the Brentwood-Pacific Palisades Community Plan Area. The subject property is located in a Single Permit Jurisdiction Area of the Coastal Zone, a Hillside Area, a Very High Fire Hazard Severity Zone, a Special Grading Area, a Landslide Area, and the Santa Monica Fault. The subject property is characterized by varying topography. The majority of the site is slightly sloping while the portion along the easterly rear property line descends steeply toward Las Pulgas Canyon. Currently, the subject property is developed with an existing 1,871 square-foot one-story single-family dwelling with an attached two-car garage across Lots 1 and 2; existing 2,100 square-foot one-story single-family dwelling with a 400 square-foot detached two-car garage and swimming pool across Lots 3, 4, 5, 6, and 7; and existing 400 square-foot one-story accessory structure on Lot 8. There is also an existing retaining wall varying from 6 to 12 feet in height developed along the rear property lines of Lots 3 through 8.

The subject property is located in a developed residential neighborhood and maintains a frontage on Marquette Street. The properties west of Marquette Street and proximate to the project site are comprised of residential lots that are similar in size and developed with single-family dwellings ranging from one to three stories in height.

Project Summary

On March 1, 2019, the City issued a Director's Determination (Exhibit B) approving eight Coastal Development Permits and Mello Act Compliance Reviews for the demolition of two single-family dwellings and an accessory structure and new development as follows:

AA-2016-4696-PMEX				
<i>DIR Case No.</i>	<i>Lot No.</i>	<i>Address</i>	<i>Lot Area</i>	<i>Project Description</i>
DIR-2017-264-CDP-MEL	1	620 N. Marquette St.	6,076 SF	5,449 SF two-story SFD
DIR-2017-268-CDP-MEL	2	614 N. Marquette St.	6,580 SF	6,024 SF two-story SFD
DIR-2017-334-CDP-MEL	3	608 N. Marquette St.	8,098 SF	7,862 SF two-story SFD
AA-2016-4698-PMEX				
<i>DIR Case No.</i>	<i>Lot No.</i>	<i>Address</i>	<i>Lot Area</i>	<i>Project Description</i>
DIR-2017-336-CDP-MEL	4	600 N. Marquette St.	8,699 SF	7,809 SF two-story SFD
DIR-2017-366-CDP-MEL	5	578 N. Marquette St.	9,183 SF	7,935 SF two-story SFD
DIR-2017-361-CDP-MEL	6	572 N. Marquette St.	8,732 SF	8,174 SF two-story SFD
AA-2016-4700-PMEX				
<i>DIR Case No.</i>	<i>Lot No.</i>	<i>Address</i>	<i>Lot Area</i>	<i>Project Description</i>
DIR-2017-445-CDP-MEL	7	566 N. Marquette St.	8,467 SF	7,888 SF two-story SFD
DIR-2017-449-CDP-MEL	8	560 N. Marquette St.	8,648 SF	7,809 SF two-story SFD

- Three lot line adjustments to reconfigure the size and shape of the existing lots, resulting in the following lot areas:
 - Case No. AA-2016-4696-PMEX

- Lot 1 – 6,076 square feet and 66 feet in lot width
- Lot 2 – 6,580 square feet and 50 feet in lot width
- Lot 3 – 8,098 square feet and 50 feet 4 inches in lot width
- Case No. AA-2016-4700-PMEX
 - Lot 4 – 8,699 square feet and 50 feet in lot width
 - Lot 5 – 9,183 square feet and 50 feet in lot width
 - Lot 6 – 8,732 square feet and 50 feet in lot width
- Case No. AA-2016-4698-PMEX
 - Lot 7 – 8,467 square feet and 52 feet in lot width
 - Lot 8 – 8,648 square feet and 60 feet 6 inches in lot width
- The construction of eight new two-story single-family dwellings with attached garages, basements, in-ground swimming pools and/or spas, one on each lot, ranging from 5,449 to 8,174 square feet in floor area and up to 33 feet in height; two covered parking spaces will be provided on site for each new dwelling.
- The construction of a 12-foot tall extension of the existing retaining wall along the rear property lines of Lots 1, 2, and 3.
- The construction of an extension of the existing sewer system in the public right-of-way from corner of Lot 8 to the intersection of Marquette Street and Grenola Street to serve the proposed homes.
- Approximately 6,250 cubic yards of combined grading and the export of approximately 475 cubic yards of earth.

Modified Project

On March 15, 2019, two appeals of the Director’s Determination (Exhibit A) were filed. An appeal hearing was scheduled for the June 5, 2019 meeting of the West Los Angeles Area Planning Commission. The appeal hearing, however, was continued to a later date as agreed upon by the applicant and appellants to allow sufficient time for the Deputy Advisory Agency to issue decisions on the concurrent Parcel Map Exemption cases.

Subsequent to the initial appeal hearing, the applicant modified the proposed project to change the number of lot lines moved (lot line adjustment) and size of the new single-family dwellings. No changes are proposed to the total number of existing lots or single-family dwellings approved by the Director of Planning.

The modifications would result in new development, as follows:

AA-2016-4696-PMEX				
<i>DIR Case No.</i>	<i>Lot No.</i>	<i>Address</i>	<i>Lot Area</i>	<i>Project Description</i>
DIR-2017-264-CDP-MEL	1	620 N. Marquette St.	5,464 SF	5,503 SF two-story SFD
DIR-2017-268-CDP-MEL	2	614 N. Marquette St.	6,291 SF	5,849 SF two-story SFD
DIR-2017-334-CDP-MEL	3	608 N. Marquette St.	7,945 SF	7,804 SF two-story SFD
AA-2016-4700-PMEX				
<i>DIR Case No.</i>	<i>Lot No.</i>	<i>Address</i>	<i>Lot Area</i>	<i>Project Description</i>
DIR-2017-336-CDP-MEL	4	600 N. Marquette St.	8,756 SF	7,810 SF two-story SFD
DIR-2017-366-CDP-MEL	5	578 N. Marquette St.	9,083 SF	7,837 SF two-story SFD
DIR-2017-361-CDP-MEL	6	572 N. Marquette St.	8,926 SF	8,306 SF two-story SFD
Lots to Remain				
<i>DIR Case No.</i>	<i>Lot No.</i>	<i>Address</i>	<i>Lot Area</i>	<i>Project Description</i>
DIR-2017-445-CDP-MEL	7	566 N. Marquette St.	8,557 SF	7,965 SF two-story SFD
DIR-2017-449-CDP-MEL	8	560 N. Marquette St.	9,461 SF	8,365 SF two-story SFD

- Two lot line adjustments to reconfigure the size and shape of Lots 1 through 6, resulting in the following lot areas:
 - Case No. AA-2016-4696-PMEX

- Lot 1 – 5,464 square feet
 - Lot 2 – 6,291 square feet
 - Lot 3 – 7,945 square feet
- Case No. AA-2016-4700-PMEX
 - Lot 4 – 8,756 square feet
 - Lot 5 – 9,083 square feet
 - Lot 6 – 8,926 square feet
- The remaining lot line adjustment (Case No. AA-2016-4698-PMEX) was terminated.
 - The lot lines of Lots 7 and 8 will not be adjusted.
- The construction of eight new two-story single-family dwellings with attached garages, basements, in-ground swimming pools and/or spas, one on each lot, ranging from 5,503 to 8,365 square feet in floor area and up to 33 feet in height; two covered parking spaces will be provided on site for each new dwelling.
- The construction of a 12-foot tall extension of the existing retaining wall along the rear property lines of Lots 1, 2, and 3.
- The construction of an extension of the existing sewer system in the public right-of-way from corner of Lot 8 to the intersection of Marquette Street and Grenola Street to serve the proposed homes.
- Approximately 6,250 cubic yards of combined grading and the export of approximately 475 cubic yards of earth.

The proposed modifications do not substantially change the scope of the proposed project and are not expected to result in any significant impacts.

Environmental Review

A Mitigated Negative Declaration (MND) was initially prepared for the proposed project and circulated on July 26, 2018 in compliance with CEQA. Upon further analysis, City Staff determined that the mitigation measures previously identified for the proposed project are duplicative of existing Regulatory Compliance Measures (RCMs), which are universally applied to all projects within the City. Compliance with the RCMs reduces any previously-identified potential significant impacts to a less-than-significant level. Therefore, the imposition of mitigation measures is unnecessary and the proposed project qualifies for Class 1 and Class 32 Categorical Exemptions. The following table provides further rationale for removing the previously-identified mitigation measures:

Mitigation Measure (MM)	Regulatory Compliance Measure (RCM)	Rationale For Removal of MM
AIR QUALITY		
MM-AQ-1 (Condition No. 20)	N/A	<i>The potentially significant odor impact is no longer present because the wastewater pumping station option evaluated in the Initial Study (IS)/MND is not part of the project approved by the Director's Determination. No mitigation is required.</i>
BIOLOGICAL RESOURCES		
MM-BIO-1,3 (Condition No. 21,23)	City of Los Angeles Protected Tree Ordinance (177,404). Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R Section	<i>The removal of the California Black Walnut Tree and the onsite preservation of the two Coast Live Oak Trees are already subject to the requirements outlined in the Ordinance 177,404.</i>

MM-BIO-2 (Condition No. 22)	10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code.	<i>In addition, the provisions of the Federal MBTA outline protections for nesting birds. No mitigation is required.</i>
CULTURAL RESOURCES		
MM-PAL-1,2,3,4 (Condition No. 24)	Public Resources Code Section 5097.5 See related inadvertent discovery conditions of approval	<i>Under its land use authority, the City already requires compliance with its universally applied condition of approval for inadvertent discoveries of paleontological resources. This condition requires the following:</i> <i>In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.</i>
NOISE		
MM-NOI-1,2,3,4,5 (Condition No. 25)	City of Los Angeles Noise Ordinance (144,331), LAMC Sections 41.40 and 112.05.	<i>The City already requires compliance with the City of Los Angeles Noise Ordinance and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.</i>

The Categorical Exemption, ENV-2017-1259-CE, prepared for the proposed project is appropriate pursuant to CEQA Guidelines Section 15301 (Class 1) and 15332 (Class 32) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. A full discussion of the categorical exemptions and exceptions is provided in Exhibit D-1.

Appeal Points and Staff Responses

The City issued a Director's Determination approving the Coastal Development Permits and Mello Act Compliance Reviews for the proposed project on March 1, 2019. Two appeals were filed in a timely manner. Appellant No. 1 (Exhibit A-1) of the Coastal Development Permit cases submitted appeals of all eight applications, Case Nos. DIR-2017-[264, 268, 334, 336, 361, 366, 445, 449]-CDP-MEL on March 14, 2019. Appellant No. 2 (Exhibit A-2) of the Coastal Development Permit cases submitted an appeal of Case No. DIR-2017-449-CDP-MEL on March 15, 2019. Below is a summary of the appeal points with a staff response to each point.

APPELLANT 1: Gene Rink, Gregory Morse, Lisa Locker, and Linda Deacon, Save Las Pulgas Canyon Inc.

Appeal Point 1-1: *The street needs to be widened and stabilized and improved with a hammerhead turnaround to accommodate the substantial increase in traffic resulting from the proposed project.*

Staff Response: The appellants contend that the proposed project would result in a substantial increase in traffic and result in impacts to the neighborhood, including the stability of the street, and they believe the street needs to be widened, stabilized, and improved with a hammerhead turnaround. The Los Angeles Department of Transportation (LADOT) is responsible for analyzing and evaluating project-specific transportation impacts. A Transportation Study Assessment is required to be submitted to LADOT for review if the threshold listed on LADOT's Transportation Study Assessment Referral Form is exceeded. The threshold listed is the generation of 250 or more daily vehicle trips. The proposed project will demolish two existing single-family dwellings and construct eight new single-family dwellings, a net increase of six new single-family dwellings. According to the analysis and results of Vehicle Miles Traveled (VMT) Calculator (Exhibit D-3), the proposed project will result in approximately 67 new daily vehicle trips. The proposed project does not meet or exceed the threshold for a Transportation Study Assessment. As such, the proposed project does not require a Transportation Study Assessment and is not expected to result in any significant impacts to traffic.

The Grading Division of the Department of Building and Safety (LADBS) is responsible for reviewing grading and construction work for projects on private property and the Geotechnical Engineering Division of the Bureau of Engineering (BOE) is responsible for reviewing grading and construction work for projects in the public right-of-way. LADBS reviewed the geotechnical reports for the proposed construction of the eight new single-family dwellings and issued a Geology and Soils Approval Letter, Log No. 92636-01, dated March 20, 2017 (Exhibit E-1). The letter approved the referenced reports, stating that "the above reports include an acceptable seismic slope stability analysis and the requirements of the 2017 City of Los Angeles Building Code have been satisfied." BOE reviewed the geotechnical reports for the proposed construction of the sewer extension and issued an Inter-departmental Correspondence, dated April 26, 2019, approving the referenced reports (Exhibit E-2). The appropriate agencies reviewed and approved the geotechnical reports, provided their conditions of approval are complied with. Review and approval by LADBS and BOE are required under Conditions No. 6 and 7 of the Director's Determination. Thus, the proposed project is not expected to result in any significant impacts to geology and soils.

BOE is also responsible for determining the amount of street dedication and improvement required for a project, if any. BOE issued Preliminary Referral Forms (Exhibit F) for the proposed project indicating that all eight lots maintain frontage on a street (Marquette Street) that is at least 20 feet wide and has a continuous paved roadway at least 20 feet wide from the driveway apron of each lot to the boundary of the Hillside Area. The Preliminary Referral Forms also indicate that no street dedication or improvement is required on Marquette Street. With regards to the

hammerhead turnaround, there is no requirement for the applicant to provide a hammerhead turnaround. However, the applicant proposed a hammerhead turnaround on Lot 1 (620 North Marquette Street). This is reflected in the approved plans (Exhibit C). Condition No. 1 of the Director's Determination requires that the proposed project be in substantial conformance with the approved plans. Furthermore, all vehicular access and driveways are subject to review and final approval by LADOT.

Appeal Point 1-2: *The proposed project illegally uses sequential lot line adjustments.*

Staff Response: The appellants assert that the filing and approval of the three lot line adjustments is inconsistent with Section 66412(d) of the Subdivision Map Act and therefore illegal. Section 66412(d) of the Subdivision Map Act does not specify the timing in which lot line adjustment applications need to be filed. Rather, it states that lot line adjustments meeting the following criteria are excluded from the Map Act: (1) the lot line adjustments are between four or fewer parcels, (2) the parcels are adjoining, (3) the lot line adjustments do not create any new parcels, and (4) the lot line adjustments are approved by the local agency. The proposed lot line adjustments meet the aforementioned criteria. It is standard procedure for the Department of City Planning to accept and review lot line adjustments that are filed sequentially. Sequential lot line adjustments that are approved are subject to a condition of approval that requires one lot line adjustment to be recorded prior to another being recorded.

Appeal Point 1-3: *The proposed sewer extension was approved based on misinformation.*

Staff Response: The appellants assert that Marquette Street is a private street and that BOE does not have the authority to review and approve the proposed sewer extension. In support of their assertion that Marquette Street is a private street, the appellants provided a letter issued by BOE dated September 27, 2018. In the letter, BOE recommended that City Council request the City Attorney draft an ordinance to repeal previous City Council actions that removed Marquette Street and a number of other streets from public use. To that point, Marquette Street was indeed withdrawn from public use previously pursuant to Ordinance No. 77,302. However, Ordinance No. 77,302 has since been repealed pursuant to Ordinance No. 186,020 (Exhibit G), which became effective on March 16, 2019. As such, Marquette Street has been reinstated for public use and is not a private street. Furthermore, according to NavigateLA, a web-based mapping application that delivers maps and reports based on data supplied by various City departments, Los Angeles County, and Thomas Bros. Maps, Marquette Street is a Local Standard Street, which is a designation of a public street according to the Mobility Plan.

The appellants note that the addresses (551-627 Marquette Street) on the Inter-Departmental Correspondence issued by BOE are incorrectly listed. BOE confirmed that the mistake is a result of a clerical error and submitted a revised Inter-Department Correspondence (Exhibit E-2), noting a revision date of April 26, 2019, referencing the appropriate addresses as 507-551 Marquette Street. The addresses reflect the adjacent properties along which the sewer extension is proposed, from Lot 8 of the subject property to the intersection of Marquette Street, Grenola Street, and Las Casas Avenue.

The appellants contend that the geotechnical studies do not contain details on the design, operation, construction, and maintenance of the proposed sewer extension. However, the appellants misunderstand the purpose of the geotechnical studies. The purpose of the geotechnical studies is to provide information on the *geology and soil conditions* of the subject property and recommendations for the construction of the proposed project. The design, construction, operation, and maintenance of the proposed sewer extension are subject to plan check and inspection through the "B" Permit process of BOE to ensure that it meets the standards of the Code and is adequate and safe. As previously mentioned, BOE has reviewed and approved the geotechnical studies provided for the proposed sewer extension.

The appellants' representative, Thomas M. Donovan, submitted letters dated May 28, 2019 and June 3, 2019 and the appellants' geologist, E.D. Michael, submitted a letter dated May 30, 2019 (Exhibit J) further asserting that the applicant's geotechnical reports failed to adequately evaluate the groundwater condition and shear strength of the project site. E.D. Michael asserts that there is a lack of knowledge concerning the local groundwater regime and that the procedure used to determine the shear strength is highly erroneous. In response to those letters, the applicant's geologist, Byer Geotechnical, Inc., submitted a letter dated May 30, 2019 (Exhibit E-3) to address those claims. Byer Geotechnical, Inc. responded that the proposed sewer system will reduce the amount of water entering the subsurface, that the groundwater conditions have been explored with several deep boring pits, and that the shear strength has been properly evaluated in the previous geotechnical reports.

Subsequently, BOE reviewed the analysis prepared by Thomas M. Donovan and E.D. Michael, as well as the analysis prepared by Byer Geotechnical, Inc., and issued an Inter-Departmental Correspondence dated July 8, 2019 (Exhibit E-5) to address the assertions made by the appellants. BOE stated that they are supportive of the proposed sewer system extension as it will reduce or eliminate a potential source of groundwater, which can decrease the stability of the slopes. BOE agreed with the information provided in Byer Geotechnical, Inc.'s response and stated that BOE's previous approval letter dated January 28, 2019 (as revised on April 26, 2019) and its conditions of approval remain applicable and no revisions are necessary. As such, the proposed sewer system extension was not approved based on misinformation.

Appeal Point 1-4: *The geotechnical studies provided for the proposed single-family dwellings are outdated and inadequate.*

Staff Response: Projects located in Hillside Areas are required to submit geotechnical studies to the Grading Division of LADBS for review and approval. In accordance with this requirement, the applicant submitted geotechnical studies to LADBS. As discussed in Appeal Point 1-1, LADBS issued a Geology and Soils Report Approval Letter, Log No. 96236-01, dated March 20, 2017, for the construction of the proposed single-family dwellings and accessory structures. The approval letter states that "the requirements of the 2017 City of Los Angeles Building Code have been satisfied." The 2017 Building Code is the current version of the document. Therefore, the Geology and Soils Report Approval Letter represents the proposed project's compliance with the latest applicable regulations. The appellants also assert that the geotechnical studies are inadequate and need to be based on "current direct on-site studies of all eight lots." However, after review of the geotechnical studies, LADBS expressed no concerns with the methodology used in the geotechnical reports.

As mentioned in Appeal Point 1-3, letters were submitted by the applicant's geologist, appellants' representative, and appellants' geologist regarding the geotechnical reports for the proposed project. The three letters were also forwarded to LADBS for review. In response to those letters, LADBS submitted a follow-up Inter-Departmental Correspondence dated June 26, 2019 (Exhibit E-4) to address the assertions made. LADBS confirmed that the applicant's geologist adequately explored the groundwater conditions and stability of the slopes on the project site and agreed that the proposed project will reduce the amount of water introduced into the ground and increase the stability of the slopes. LADBS stated that their previous approval letter dated March 20, 2017 and its conditions of approval remain applicable and no revisions are necessary. As such, the geotechnical studies are appropriate for the proposed project.

Appeal Point 1-5: *The conditions of approval needed to be modified.*

Staff Response: The appellant states that Condition No. 8 of the Director's Determination needs to be modified to require the applicant provide a 24-hour "hotline" phone number for the receipt of construction-related complaints to residents beyond the immediate adjacency of the proposed

project. Condition No. 8 is a standard condition that the Department of City Planning includes in its determinations to ensure that the residents most affected by a particular project (i.e., those living in properties located across the street) have access to direct communication with the construction supervisor. Other conditions were included to address potential traffic and noise impacts to the general area and residents located further from the subject property. Specifically, Conditions No. 9 through 12 require construction vehicles, materials, and trash to be kept off of the street and on the subject property and that there is coordination of the circulation of construction vehicles to and from the subject property. Condition No. 25(a) requires notification of construction activity to residents within 500 feet of the subject property. Conditions No. 25(b) through (e) require practices and equipment that reduce noise. Condition No. 8 does not need to be modified.

The appellant states that Condition No. 25 of the Director's Determination should be modified to specifically limit the time and days of construction. The project is subject to the City of Los Angeles Noise Ordinance as a Regulatory Compliance Measure. The City of Los Angeles Noise Ordinance limits construction and demolition hours to 7:00 a.m. to 9:00 p.m. from Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday and National Holidays. No construction or demolition is allowed on Sunday. Condition No. 25 does not need to be modified.

The appellant states that Condition No. 25-c should be modified to require that all equipment be located on the subject property and not on Marquette Street. Condition No. 12 requires all material related to the proposed project to be stored on the subject property. Condition No. 25-c does not need to be modified.

The appellant states that Conditions No. 25-d and 25-e should be modified to eliminate the phrases "as feasible" and "where feasible" to ensure that the temporary sound barriers and portable noise sheds are put in place regardless of the circumstances. The proposed project would be located on an active construction site and subject to many limitations. The sound attenuation devices would be placed as and where feasible as long as it reduces the noise level to Code standards. Conditions Nos. 25-d and 25-e do not need to be modified.

The appellant states that Condition No. 26 should be modified to add that, prior to the issuance of any building permits, the applicant shall submit all final construction plans for final review and approval to the Department of Public Works and Los Angeles Fire Department. Condition No. 6 subjects the proposed project to review and approval by the Department of Public Works and Condition No. 17 subjects to the proposed project to review and approval by the Fire Department. Condition No. 26 does not need to be modified.

Appeal Point 1-6: *The letters/emails of support referenced in the Director's Determination are inaccurate, misleading, and expired.*

Staff Response: The appellant asserts that the letters of support referenced in the Director's Determination are inaccurate, misleading, and expired since they were based on a promise from the applicant that he would be providing the neighbors with free lateral lines to the proposed sewer extension and because they were submitted by real estate developers and other business associates who do not live close to the subject property. All letters and comments submitted are accepted, reviewed, considered with discretion, and included in the Director's Determination as part of the public record. The Director's Determination includes a description of the project area, a summary of the public hearing, and a summary of the correspondence received for the proposed project. However, the Director's approval of the requested actions is based on the required Findings under LAMC Section 12.20.2 and Interim Administrative Procedures for Complying with the Mello Act.

Appeal Point 1-7: *The proposed project does not comply with Chapter 3 of the California Coastal Act.*

Staff Response: The appellant asserts that the proposed project violates the provisions of Chapter 3 of the California Coastal Act due to its location (Section 30250) and incompatibility with the neighborhood (Section 30251). The appellant contends that the proposed project would be located in an area unable to accommodate it due to a “strained and aging” sewer system and stability of the slope. The proposed project involves construction of eight single-family dwellings and an extension of the sewer system in a residential neighborhood zoned for such development. The proposed project would be served by existing fire and police stations, schools, parks, and other governmental facilities. The proposed project is required to apply for a building permit with LADBS for the proposed demolition, construction, and grading and “B” permit process with BOE for the proposed sewer extension to ensure that it complies with all City standards. The geotechnical reports prepared for the proposed project, including the single-family dwellings and sewer extension, were reviewed by LADBS and BOE and determined to be feasible, provided they comply with specific conditions of approval. Therefore, the proposed project is located in an area that is able to accommodate and has adequate public services and where development will not have a significant impact on coastal resources.

The appellant also contends that the proposed project is not consistent with the neighborhood in terms of its mass, scale, and character. The appellant argues that the proposed single-family dwellings would be “more than double the square footage of all 24 houses” on Marquette Street. However, a majority of the homes on the block were built in the 1940s, 1950s, and 1960s. By today’s standards, the homes built decades ago are generally smaller than the homes built today. For example, the home at 581 North Marquette Street was built in 2000 and, at 4,077 square feet in size, is the largest on the block. In determining whether a project is compatible with the character of any given neighborhood, the City is guided by the City’s Zoning Code and Coastal Commission’s past actions. With regard to the Zoning Code, the proposed project meets every applicable development standard for a property located in the R1 Zone. The height, setbacks, and parking proposed for the project are consistent with the Zoning Code.

The two most recent local actions for properties within 500 feet of the subject property were approvals of Coastal Development Permits for a 5,308 square-foot two-story single-family and 5,716 square-foot two-story single-family dwelling. Both projects were located in a Single Permit Jurisdiction Area of the Coastal Zone and their approvals were open to appeal by the Coastal Commission. However, neither project was appealed to the Coastal Commission. Using previous actions as a guide to defining compatibility, Staff finds that the proposed project’s height and setbacks are consistent with the surrounding development. Furthermore, the neighborhood block is developed with 23 single-family dwellings of which 11 are one story and 12 are two stories (Exhibit H). As discussed in Finding No. 1 of the Director’s Determination, the proposed project consists of eight new two-story single-family dwellings that provide articulated facades, step-backs at the second level, and varied/pitched rooflines, similar to the other two-story homes identified. As such, the proposed project is visually compatible with the character of the area.

Appeal Point 1-8: *The proposed project does not comply with the Regional Interpretive Guidelines.*

Staff Response: The appellant asserts that the proposed project violates the Regional Interpretive Guidelines since the proposed structures are not set back at least 10 feet from the bluff-top edge. The Regional Interpretive Guidelines are “designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied in the coastal zone prior to certification of local coastal programs.” The Brentwood-Pacific Palisades Community does not have a certified Local Coastal Program at this time, so projects in the area rely on the Regional

Interpretive Guidelines for guidance. The Regional Interpretive Guidelines state, “Proposed development upon a canyon bluff top should be set back at least ten feet from the bluff-top edge...(30251, 30253).” However, the Regional Interpretive Guidelines are meant to be “used in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints and individual and cumulative impacts on coastal resources.”

In this case, the proposed project would be constructed on a property that has already been developed. The proposed single-family dwellings would be supported by conventional foundations and the new swimming pools would be installed in-ground. While the proposed retaining wall extension would require the installation of piles for support, the slope along Las Pulgas Canyon is extensively landscaped with mature trees and shrubs and the single-family dwelling at the bottom of Las Pulgas Canyon is located at a significantly lower elevation. There would be no visual impact and the alteration of natural landform would be minimal. The proposed project is in compliance with Finding No. 3 of the LAMC 12.20.2 regarding Coastal Development Permits because the Regional Interpretive Guidelines were reviewed, analyzed, and considered in light of the individual project in making the determination.

Appeal Point 1-9: *The Director’s Determination cannot use the listed Coastal Commission decisions as precedent since they are irrelevant to the proposed project.*

Staff Response: The appellant states that the prior decisions of the Coastal Commission listed in Finding No. 4 of the Director’s Determination are irrelevant to the proposed project. The proposed project is located in a Single Permit Jurisdiction Area of the Coastal Zone, where the City of Los Angeles is the primary agency to issue Coastal Development Permits and Coastal Commission hears appeals of the local Coastal Development Permits. As such, the majority of the recent actions of the Coastal Commission are on projects located in a Dual Permit Jurisdiction Area or local Coastal Development Permits on appeal.

The appellant asserts that “only the projects on Corona del Mar involve residential construction on a coastal canyon bluff that has experienced recent slope failures.” The majority of the actions listed in Finding No. 4 are located on a bluff top or bluff face, including those on Corona del Mar, Posetano Road, Tramonto Drive, Castellammare Drive, Grenola Street, and Muskingum Avenue. The Director’s Determination provides a list of recent actions by the Coastal Commission to give examples of residential projects (single-family dwellings) in developed residentially-zoned neighborhoods in the Pacific Palisades. Therefore, the listed Coastal Commission decisions are relevant to the proposed project.

APPELLANT 2: Kenneth J. Scherr, Save Los Pulgas Canyon

Appeal Point 2-1: *The proposed project will increase traffic on the street and create public safety hazards.*

Staff Response: The appellant asserts that the proposed project will increase the amount of traffic on Marquette Street and adversely impact public safety. The applicant contends that the narrowness of the street, the lack of street lights, and increased parking will endanger the area. As discussed in the response to Appeal Point 1-1, the threshold for a Transportation Study Assessment is the generation of 250 or more daily vehicle trips. The proposed project will not exceed the threshold, therefore, a Transportation Study Assessment is not required and no significant traffic impact is expected to occur. Furthermore, the proposed project is required to comply with the provisions of the Zoning and Building Codes that regulate driveway width, required back-up space, and vehicular turning radii. Approval of the final plans is subject to review by the Fire Department, LADOT, and LADBS.

As also discussed in the response to Appeal Point 1-1, the Bureau of Engineering issued Preliminary Referral Forms for the project indicating that Marquette Street is at least 20 feet wide and has a 20-foot wide continuous paved roadway from the driveway apron of each lot to the boundary of the Hillside area and that no street dedications or improvements are required. This establishes that vehicular access to and from the proposed project along Marquette is adequate.

In addition, the proposed project is consistent with the Low Residential land use designation of the Brentwood-Pacific Palisades Community Plan and complies with the density and parking requirements of the LAMC. The Low Residential land use designation corresponds to the R1 Zone, where single-family dwellings are allowed. Each of the eight new single-family dwellings will be developed on a lot at least 5,000 square feet in area as required by Section 12.08.4 of the LAMC and provide two covered parking spaces as required by Section 12.21-C, 10(g). The subject property is located in a developed residential neighborhood less than a mile south of Sunset Boulevard, a major thoroughfare in the City. As such, the appropriate infrastructure exists to support access to the project site.

Conclusion

Staff recommends the West Los Angeles Area Planning Commission deny in part and grant in part the appeals and sustain the Director of Planning's Determination for the approval of the Coastal Development Permits and Mello Act Compliance Reviews authorizing two lot line adjustments; the demolition of an two single-family dwellings and an accessory structure; the construction of eight new two-story single-family dwellings with attached garages, basements, swimming pools and/or spas, one on each lot; the construction of a new retaining wall extension; the construction of a new sewer system extension; and grading and export of earth. Staff also recommends that the Commission determine that the proposed project is categorically exempt pursuant to CEQA.

REVISED CONDITIONS

1. Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the LAMC or the project conditions.
2. All other use, height and area regulations of the LAMC and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
3. **Demolition.** The demolition of an existing 1,871 square-foot one-story single-family dwelling with an attached two-car garage (620 and 614 North Marquette Street) and existing 2,100 square-foot one-story single-family dwelling with a 400 square-foot detached two-car garage and existing 425 square-foot one-story accessory structure (608, 600, 578, 572, 566, and 560 North Marquette Street).
4. **Lot Line Adjustment.** The proposed lot line adjustments are subject to review and approval under Case Nos. AA-2016-4696-PMEX, ~~AA-2016-4698-PMEX~~, and AA-2016-4700-PMEX. The project shall comply with the requirements outlined in the approval letter to complete the lot line adjustments.
5. **New Development.**
 - a. **Case No. DIR-2017-264-CDP-MEL – 620 North Marquette Street (Lot 1)**. A lot line adjustment under Case No. AA-2016-4696-PMEX to reconfigure the size and shape of the lot; the construction of a new ~~5,449~~ **5,503** square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and spa; the construction of a 12-foot tall retaining wall extension; and approximately 1,120 cubic yards of grading, 340 cubic yards of which is non-exempt grading per the Baseline Hillside Ordinance ("BHO").
 - i. The development shall be limited to the maximum Residential Floor Area ("RFA") as shown on the Slope Analysis Map and Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total ~~3,044~~ **2,702** square feet, for utilization of the Front Facade Stepback Option pursuant to LAMC Section 12.21-C, 10(b)(3)(iii) and as determined by the Department of Building and Safety. The development shall have a RFA of ~~2,923~~ **2,700** square feet, as shown in "Exhibit A."
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in "Exhibit A".
 - b. **Case No. DIR-2017-268-CDP-MEL – 614 North Marquette Street (Lot 2)**. A lot line adjustment under Case No. AA-2016-4696-PMEX to reconfigure the size and shape of the lot; the construction of a new ~~6,024~~ **5,849** square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool; the construction of a 12-foot tall retaining wall

extension; and approximately 1,465 cubic yards of grading, 585 cubic yards of which is non-exempt grading per the BHO.

- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total ~~3,467~~ **3,292** square feet, for utilization of the Front Facade Stepback Option pursuant to LAMC Section 12.21-C,10(b)(3)(ii) and as determined by the Department of Building and Safety. The development shall have a RFA of ~~3,467~~ **3,292** square feet, as shown in "Exhibit A."
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in "Exhibit A."
- c. **Case No. DIR-2017-334-CDP-MEL – 608 North Marquette Street (Lot 3)**. A lot line adjustment under Case No. AA-2016-4696-PMEX to reconfigure the size and shape of the lot; the construction of a new ~~7,862~~ **7,804** square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool; the construction of a 12-foot tall retaining wall extension; and approximately 650 cubic yards of grading, 330 cubic yards of which is non-exempt grading per the BHO.
- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of ~~4,560~~ **4,502** square feet, for utilization of the Proportional Stories Option pursuant to LAMC Section 12.21-C,10(b)(3)(i) and as determined by the Department of Building and Safety. The development shall have a RFA of ~~4,560~~ **4,502** square feet, as shown in "Exhibit A."
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in "Exhibit A."
- d. **Case No. DIR-2017-336-CDP-MEL – 600 North Marquette Street (Lot 4)**. A lot line adjustment under Case No. AA-2016-4700-PMEX to reconfigure the size and shape of the lot; the construction of a new ~~7,809~~ **7,810** square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool and approximately 545 cubic yards of grading, 120 cubic yards of which is non-exempt grading per the BHO.
- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of ~~4,997~~ **4,998** square feet, for utilization of the Proportional Stories Option pursuant to LAMC Section 12.21-C,10(b)(3)(i) and as determined by the Department of Building and Safety. The development shall have a RFA of ~~4,997~~ **4,998** square feet, as shown in "Exhibit A."
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in "Exhibit A."

- e. **Case No. DIR-2017-361-CDP-MEL – 572 North Marquette Street (Lot 6)**. A lot line adjustment under Case No. AA-2016-4700-PMEX to reconfigure the size and shape of the lot; the construction of a new ~~8,174~~ **8,306** square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool and approximately 445 cubic yards of grading, 70 cubic yards of which is non-exempt grading per the BHO.
- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of ~~5,068~~ **5,222** square feet, for utilization of the Proportional Stories Option pursuant to LAMC Section 12.21-C,10(b)(3)(i) and as determined by the Department of Building and Safety. The development shall have a RFA of ~~5,068~~ **5,200** square feet, as shown in “Exhibit A.”
- ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in “Exhibit A.”
- f. **Case No. DIR-2017-366-CDP-MEL – 578 North Marquette Street (Lot 5)**. A lot line adjustment under Case No. AA-2016-4700-PMEX to reconfigure the size and shape of the lot; the construction of a new ~~7,935~~ **7,837** square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool and approximately 470 cubic yards of grading, 75 cubic yards of which is non-exempt grading per the BHO.
- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of ~~5,330~~ **5,232** square feet, for utilization of the Proportional Stories Option pursuant to LAMC Section 12.21-C,10(b)(3)(i) and as determined by the Department of Building and Safety. The development shall have a RFA of ~~5,330~~ **5,232** square feet, as shown in “Exhibit A.”
- ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in “Exhibit A.”
- g. **Case No. DIR-2017-445-CDP-MEL – 566 North Marquette Street (Lot 7)**. ~~A lot line adjustment under Case No. AA-2016-4698-PMEX to reconfigure the size and shape of the lot; the~~ **The** construction of a new ~~7,888~~ **7,965** square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and swimming pool and approximately 475 cubic yards of grading, 50 cubic yards of which is non-exempt grading per the BHO.
- i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of ~~4,848~~ **4,931** square feet, for utilization of the Proportional Stories Option pursuant to LAMC Section 12.21-C,10(b)(3)(i) and as determined by the Department of Building and Safety. The development shall have a RFA of ~~4,848~~ **4,925** square feet, as shown in “Exhibit A.”

- ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in "Exhibit A."
 - h. **Case No. DIR-2017-449-CDP-MEL – 560 North Marquette Street (Lot 8).** ~~A lot line adjustment under Case No. AA-2016-4698-PMEX to reconfigure the size and shape of the lot; the~~ **The** construction of a new 7,809 **8,365** square-foot two-story single-family dwelling with an attached two-car garage, basement, covered front porch, and spa and approximately 1,080 cubic yards of grading, 120 cubic yards of which is non-exempt grading per the BHO.
 - i. The development shall be limited to the maximum RFA as shown on the Slope Analysis Map and Maximum RFA Verification Form plus an additional 20% of the maximum RFA, for a total of 4,348 **4,786** square feet, for utilization of the Front Façade Stepback Option pursuant to LAMC Section 12.21-C,10(b)(3)(ii) and as determined by the Department of Building and Safety. The development shall have a RFA of 4,205 **4,761** square feet, as shown in "Exhibit A."
 - ii. The development shall be limited to a maximum height of 33 feet. The development shall have a height of 33 feet, as shown in "Exhibit A."
6. **Sewer System Extension.** The construction of an extension to an existing sewer system in the public right-of-way from the corner of Lot 8 to the intersection of Marquette Street and Grenola Street is subject to review and approval by the Department of Public Works Bureau of Engineering. The proposed sewer system extension shall comply with the Conditions of Approval required in the Interdepartmental Correspondence issued by the Bureau of Engineering, Geotechnical Engineering Division, dated January 28, 2019 (File No. 18-032, W.O. No. BR402851) and any subsequent amendment thereto. **The Sewer System Extension shall not include the construction of a wastewater pumping plant/station.** All Conditions of Approval shall be incorporated and printed on the plans submitted for plan check.
 7. The project shall comply with the Conditions of Approval required in the Geology and Soils Report Approval Letter issued by the Department of Building and Safety, Grading Division, dated March 20, 2017 (Log No. 96236-01) and any subsequent amendment thereto. All Conditions of Approval shall be incorporated and printed on the plans submitted for plan check.
 8. A 24-hour "hotline" phone number for the receipt of construction-related complaints from the community shall be provided to the immediate neighbors. The construction supervisor shall be required to respond within 24 hours of any complaint received on this hotline.
 9. All deliveries during construction shall be coordinated so that only one vendor delivery vehicle is at the subject property at one time and so that a construction supervisor is present at such time to prevent any potential traffic impacts. A flag person shall be provided to assist with the delivery of any construction materials to the subject property on trash pick-up days until the trash collection has been completed.
 10. All debris, trash, and waste generated by the construction, including, but not limited to building material remnants, removed weeds, dirt, food or drinks consumed by workers, etc., must be removed from the subject property or kept in a covered trash receptacle on

the subject property. Any trash stored on the subject property must be removed at least once per week or whenever the storage receptacle is full, which is sooner.

11. During all phases of construction, all construction vehicle parking and queuing related to the project shall be located on the subject property or adjacent lots belonging to the subject property.
12. During all phases of construction, all materials related to the project shall be stored on the subject property or adjacent lots belonging to the subject property. No materials shall be stored on Marquette Street.
13. Outdoor lighting shall be designed and installed with shielding so that light does not overflow into adjacent residential properties.
14. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
15. **Paleontological Resources Inadvertent Discovery. In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.**
16. **Tribal Cultural Resources**
 - a. Tribal Cultural Resource Inadvertent Discovery. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
 - i. Upon a discovery of a potential tribal cultural resource, the applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1290.
 - ii. If the City determines, pursuant to Public Resources Code Section 21074(a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not

less than 30 days, to conduct a site visit and make recommendations to the applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

- iii. The applicant shall implement the tribe's recommendation if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
 - iv. The applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
 - v. If the applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the applicant may request mediation by a mediator agreed to by the applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The applicant shall pay any costs associated with the mediation.
 - vi. The applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
 - vii. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at the California State University, Fullerton.
17. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
 18. Prior to the sign-off of plans by the Development Services Center, the applicant shall submit the plans for review and approval to the Fire Department. Said Department's approval shall be included in the plans submitted to the Development Services Center.
 19. Prior to the commencement of site excavation and construction activities, construction scheduled and contact information for any inquiries regarding construction activities shall be provided to residents and property owners within a 100-foot radius of the subject property. The contact information shall include a construction manager and a telephone number and shall be posted on the site in a manner that is readily visible to any interested party.

20. Prior to the issuance of any permits, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the Conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

Environmental Conditions

21. ~~**Air Quality – Odor Screening.** The ventilation pipe shall include vegetation (e.g., shrubs) screening that would filter any potential odor as a result of the pump station option or on-site wastewater option. The vegetation screening shall be of a height that screens sensitive receptors from the ventilation pipe exhaust. The vegetation screening shall be implemented in accordance with the City of Los Angeles Landscape Ordinance (Ordinance No. 170,978).~~
22. ~~**Walnut Tree Replacement.** Prior to issuance of a Certificate of Occupancy for the first residence, the applicant shall plant four one-gallon walnuts on the subject property outside the construction limits in accordance with Ordinance No. 177,404, Protected Trees. The new trees shall be caged for the first year to protect them from herbivores, and irrigated until established as evidenced by vigorous top growth in the spring.~~
23. ~~**Nesting Bird Protection.** Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) shall take place outside of the breeding bird season which generally runs from March 1 – August 31 (as early as February for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code Section 86).~~

If project activities cannot feasibly avoid the bird breeding season, beginning 30 days prior to the disturbance of suitable nesting habitat, the applicant shall:

- a. ~~Arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the subject property, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work.~~
- b. ~~If active bird nests are found within or adjacent to the construction zone, such nests shall be delineated with a physical buffer, such as highly visible construction fencing or other exclusionary material that would inhibit access within the buffer zone (a 300-foot buffer for passerine services and a 500-foot buffer for raptor species). The buffer zone may be adjusted downward based on the advice of a qualified biologist. Buffer areas shall be delineated prior to the initiation of construction activities. The buffer zone shall remain intact and maintained while the nest is active (i.e., occupied or being constructed by at least one adult bird). Clearing and construction shall be postponed until young birds have fledged and~~

~~no continued use of the nest is observed, as determined by a qualified biologist. Construction personnel shall be instructed on the sensitivity of the area.~~

- ~~c. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable state and federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.~~

~~24. **Tree Protection Plan.** The proposed project shall comply with the recommendations contained in the tree protection plan that apply to the two protected coast live oak trees to be retained on the subject property.~~

General Requirements

- ~~a. Contractor shall review the Tree Preservation Plan to determine which trees are to be protected.~~
- ~~b. Equipment shall not be operated or parked under a tree, nor any material stored within the dripline of a tree or leaned against a tree trunk. Soil shall not be piled or compacted within a dripline.~~
- ~~c. In areas of construction, the soil surface shall be protected from traffic compaction with 3 inches of mulch or overlapping 3/4 inch plywood sheets. Mulch shall be applied 6 inches away from tree trunks to help prevent diseases from flourishing. Weeds shall be removed before spreading mulch.~~
- ~~d. No surface irrigation shall be installed within the dripline of a tree.~~
- ~~e. No chemical herbicides shall be used within 100 feet of a tree's dripline.~~
- ~~f. Grade stakes or anything else shall not be nailed to trees.~~
- ~~g. Encroachment from paving or structures within a dripline of a tree shall be permitted only with written authorization from the Owner's Agency Arborist. No encroachment within 10 feet of a tree trunk shall be permitted under any circumstances.~~
- ~~h. Topsoil around trees shall not be stripped. Any vegetation to be removed shall be removed by cutting at ground level rather than being pulled out by equipment.~~
- ~~i. A pneumatic drill shall be used to excavation under woody roots larger than 2 inches in diameter. No root larger than 2 inches diameter shall be cut. If roots must be severed, cuts shall be made by an arborist and soil backfilled immediately.~~

Typical Work Procedures

~~All work around any existing oak trees and all trees designated to remain and to be protected shall follow this work procedures program. This program has been developed to minimize the impacts to each tree and protect them from unscheduled damage.~~

- a. ~~All work within a tree's root zone shall follow the Los Angeles City DRP Tree Care Manual.~~
- b. ~~The extent of all work affect any protected tree shall be staked by field survey and reviewed with the Owner's Agent Arborist prior to construction.~~
- c. ~~Owner's Agent Arborist shall approve any pruning of protected trees prior to the start of construction. Any recommended pruning shall be done by a licensed arborist only, not by construction or maintenance personnel.~~
- d. ~~The vertical trench shall be hand dug at the final cut line and to the final grade; cleanly cut roots behind torn ends. There is no need to apply any kind of pruning seal, since roots will form their own internal barriers to decay.~~
- e. ~~Tree protection fencing shall be constructed at the limit of approved work to protect the trees from unauthorized damage prior to the beginning of construction. It shall remain in place until landscape work commences.~~
- f. ~~No further work within the root zone shall be done beyond that which was approved within obtaining written approval from the Owner's Agent Arborist, prior to proceeding.~~
- g. ~~The area within the chain link fence shall not be used for material or equipment storage, nor for parking during construction.~~
- h. ~~During construction, the impacted trees shall be monitored for symptoms of shock. The contractor shall provide temporary water to irrigate them and, if needed, wash dust from foliage. Irrigation shall wet the top 2 to 3 feet of soil to replicate similar volumes and normal season distribution and trees typical irrigation pattern. The Owner's Agent Arborist shall be contacted if a decline in tree condition is noted.~~
- i. ~~Watering of trees shall be done around and beyond the dripline, not near the trunk. Water shall be applied infrequently and deep to encourage a deep root system. Trees shall be examined regularly for symptoms of water stress. For young trees and matures trees showing drought stress, a basin shall be formed by creating a berm of soil several inches high that encompasses the dripline of the tree, and the basin shall be filled with water. The soil shall be probed to a depth of 3 feet to monitor soil moisture within dripline; this shall occur daily and weekly for younger trees and monthly to bimonthly for the mature trees. Trees shall be irrigated in the early morning or just before dawn. Sprinklers shall be installed outside the dripline and directed away from trunks and canopy. Sprinklers shall not be installed within the dripline. Sprinklers shall be directed to avoid wetting tree trunks and canopies, especially trees susceptible to fungal disease.~~

Schedule of Meetings

- a. ~~The Construction Manager shall meet with the Owner's Agent Arborist prior to construction to review requirements for tree protection on site. The Construction Manager shall review the location of trees in light of construction and to inform the Owner's Agent Arborist of any potential hazards to protected trees posed by construction equipment or construction practices. Required digging and trenching~~

~~around trees shall be planned ahead to minimize the root loss. When roots must be severed, clean cuts shall be made and sealed by an arborist. The soil shall then be backfilled immediately to minimize drying of the roots.~~

- ~~b. The Construction Manager shall be available to meet with the Owner's Agent Arborist once a month during construction to review the health of trees and the construction practices.~~
- ~~c. The Construction Manager shall inform the Owner's Agent Arborist of any breach or potential breach to a tree protection zone or to the above requirements or work procedures, and shall be available to meet with the Owner's Agent Arborist to review plan for mitigation.~~

~~25. Cultural Resources~~

- ~~a. A qualified paleontologist meeting the standards of the Society of Vertebrate Paleontology (Qualified Paleontologist) shall be retained prior to the approval of demolition or grading permits. The Qualified Paleontologist shall develop a Paleontological Resources Monitoring and Mitigation Plan (PRMMP) consistent with the Society's guidance document, "Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources," (2010) for all ground-disturbing activities, shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the project kick-off meeting and project progress meetings on a regular basis, and shall report to the site in the event potential paleontological resources are encountered.~~
- ~~b. The Qualified Paleontologist shall conduct a Worker Environmental Awareness Program (WEAP) for all construction workers prior to the start of ground-disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the subject property and the procedures to be followed if they are found. Documentation shall be retained demonstrating that all construction personnel attended the training.~~
- ~~c. Full-time paleontological resources monitoring shall be conducted for all ground-disturbing activities occurring in previously undisturbed sediments. Excavations into artificial fill or areas that have been previously disturbed do not need to be monitored (less than two feet below ground surface). Paleontological resources monitoring shall be performed by a qualified paleontological monitor who meets the standards of the Society of Vertebrate Paleontology under the direction of the Qualified Paleontologist. Full-time monitoring can be reduced part-time inspection or cease entirely if the Qualified Paleontologist determines subsurface conditions are of lower paleontological sensitivity than anticipated. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens. Any significant fossils collected during project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage, such as the Natural History Museum of Los Angeles County. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The Qualified~~

~~Paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effect.~~

- ~~d. If construction or other project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the Qualified Paleontologist has assessed the discovery and made recommendations as to the appropriate treatment. If the find is deemed significant, it shall be salvaged following the standards of the Society of Vertebrate Paleontology and curated with a certified repository.~~

26. Noise (Demolition, Grading, and Construction Activities)

- ~~a. Two weeks prior to commencement of construction, notification shall be provided to the off-site residential and school uses within 500 feet of the subject property that discloses the construction schedule, including the types of activities and equipment that would be used throughout the duration of the construction period.~~
- ~~b. All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices capable of achieving a sound attenuation of at least 3 dBA at 50 feet of distance.~~
- ~~c. All construction areas for staging and warming-up equipment shall be located as far as possible from adjacent residences.~~
- ~~d. As necessary, temporary sound barriers, capable of achieving a sound attenuation of at least 10 dBA (e.g., construction sound wall with sound blankets) at 50 feet of distance, and capable of blocking the line of sight to the adjacent residences shall be installed as feasible.~~
- ~~e. Portable noise sheds for smaller, noisy equipment, such as air compressors, dewatering pumps, and generators, shall be provided where feasible.~~

Administrative Conditions

27. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
28. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
29. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the

subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.

30. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
31. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
32. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
33. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
 - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to, in whole or in part, or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to, in whole or in part, or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

REVISED FINDINGS

In order for a Coastal Development Permit to be granted, all of the requisite findings maintained in Section 12.20.2 of the LAMC must be made in the affirmative. Following is a delineation of the findings and the application of the facts of this case to same.

1. **The development is in conformity with Chapter 3 of the California Coastal Act of 1976.**

The subject property consists of eight irregular-shaped interior lots (Lots 1 through 8) totaling 64,483 square feet. The subject property is zoned R1-1 and designated for Low Residential land uses in the Brentwood-Pacific Palisades Community Plan Area. The subject property is located in a Single Permit Jurisdiction Area of the Coastal Zone, a Hillside Area, a Very High Fire Hazard Severity Zone, a Special Grading Area, a Landslide Area, and the Santa Monica Fault. The subject property is characterized by varying topography with the majority of the site sloping slightly and rear portion of the site along the entire easterly rear property line sloping steeply down toward Las Pulgas Canyon. Currently, the subject property is developed with an existing 1,871 square-foot one-story single-family dwelling with an attached two-car garage across Lots 1 and 2; existing 2,100 square-foot one-story single-family dwelling with a 400 square-foot detached two-car garage and swimming pool across Lots 3, 4, 5, 6, and 7; and existing 400 square-foot one-story accessory structure on Lot 8. There is also an existing retaining wall varying from 6 to 12 feet in height developed along the rear property lines of Lots 3 through 8.

The project involves eight separate Coastal Development Permits to allow lot line adjustments to reconfigure the size and shape of each lot **Lots 1 through 6**; the demolition of the existing structures; the construction of eight new two-story single-family dwellings with attached garages, basements, covered front porches, and swimming pools and/or spas, one on each lot, ranging from ~~5,449 to 8,174~~ **5,503 to 8,365** square feet in floor area and up to 33 feet in height; the construction of a new 12-foot tall retaining wall extension along the rear property lines of Lots 1, 2, and 3; the construction of a new sewer system extension in the public right-of-way from the corner of Lot 8 to the intersection of Marquette Street and Grenola Street; and approximately 6,250 cubic yards of combined grading and the export of approximately 475 cubic yards of earth.

The lot line adjustments will result in the following lot areas:

- Lot 1 – ~~6,076~~ **5,464** square feet and lot width of ~~66 feet~~ **59 feet 3 inches**
- Lot 2 – ~~6,580~~ **6,291** square feet and lot width of ~~50 feet~~ **50 feet 5 inches**
- Lot 3 – ~~8,098~~ **7,945** square feet and lot width ~~50 feet 4 inches~~ **50 feet 6 inches**
- Lot 4 – ~~8,699~~ **8,756** square feet and lot width of ~~50 feet~~ **50 feet 3 inches**
- Lot 5 – ~~9,183~~ **9,083** square feet and lot width of 50 feet
- Lot 6 – ~~8,732~~ **8,926** square feet and lot width of 50 feet
- Lot 7 – ~~8,467~~ **8,557** square feet and lot width of ~~52 feet~~ **50 feet 9 inches**
- Lot 8 – ~~8,648~~ **9,461** square feet and lot width of ~~60 feet 6 inches~~ **55 feet 9 inches**

Chapter 3 of the California Coastal Act includes provisions that address the impact of new coastal development on public access, recreation, marine environment, land resources, and existing development. The applicable provisions are as follows:

Section 30244 requires reasonable mitigation measures to reduce potential impacts on archaeological or paleontological resources. The subject property is not located in an area with known archeological resources. If such resources are discovered during grading, the project would need to comply with existing Federal, State, and Local regulations already in place. The subject property has been identified as being located in an area of high paleontological sensitivity. In addition to the Regulatory Compliance Measures, the project is subject to ~~environmental conditions that require monitoring (by a Qualified Paleontologist) during ground-disturbing activities and adhere to standard procedures if any such resources are encountered.~~ The project is also subject to a Condition of Approval^s addressing paleontological and tribal cultural resources in the event that objects or artifacts that may be paleontological or tribal cultural resources are encountered during the course of ground-disturbing activities.

Section 30250 states that new development shall be located in areas able to accommodate it, areas with adequate public services, and in areas where such development will not have significant impact on coastal resources. The project involves the demolition of an existing one-story single-family dwelling with an attached two-car garage, existing one-story single-family dwelling with a detached two-car garage and swimming pool, and existing one-story accessory structure; the construction of eight new two-story single-family dwellings, one on each lot; the construction of a retaining wall extension; the construction of a sewer system extension along the public right-of-way; and the associated grading. The net increase of six new dwelling units in a residential neighborhood is not considered to be significant and is consistent with the density permitted on the eight existing lots. The properties across Marquette Street and those across Las Pulgas Canyon along Bienvenida Avenue are comprised of residential lots similar in size and developed with single-family dwellings ranging from one to three stories in height. The project will be served by existing fire and police stations, schools, parks, and other governmental facilities in the area. The project will be connected to the existing sewer system. In terms of emergency vehicle access, the project will provide a turnaround on Lot 1 that is designed to the satisfaction of the Los Angeles Fire Department. With regards to parking requirements, the project will provide two covered parking spaces in the attached garage of each proposed single-family dwelling. The project will result in multiple curb cuts for the driveways and turnaround; however, parking is currently prohibited on the easterly side of the street where the curb cuts are proposed. This means that no on-street parking spaces will be lost as a result of the project. Furthermore, the subject property is located at a sufficient distance from the coast and coastal recreation areas in an area of varying topography where it can be reasonably foreseen that visitors will not park at or near the subject property and walk to the beach. Thus, the project will not impact public access to the coast. Vehicular access to the project will continue to be provided via Marquette Street and the project will be served by adequate public services. As such, the project will be located in an area able to accommodate and service it and where it will not have a significant impact on coastal resources due to its location.

Section 30251 states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and the scenic areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. The subject property is mostly slightly sloping with a steep easterly-facing slope along the rear down toward Las Pulgas Canyon. The subject property is located approximately 0.5 miles north of the coast and separated from it by residential and

commercial development and several streets, including Pacific Coast Highway. The project site is comprised of eight residential lots and lot cuts. The project includes ~~three~~ **two** lot line adjustments to reconfigure the size and shape of ~~the eight existing lots~~ **Lots 1 through 6**, allowing each lot to maintain frontage on Marquette Street. The lot line adjustments will not alter the existing development pattern or permitted density on the subject property. The project also includes the demolition of an existing one-story single-family dwelling with an attached two-car garage, existing one-story single-family dwelling with a detached two-car garage and swimming pool, and existing one-story accessory structure; the construction of eight new two-story single-family dwellings with attached two-car garages, basements, swimming pools and/or spas, one on each lot, ranging from ~~5,449 to 8,174~~ **5,503 to 8,365** square feet in floor area and up to 33 feet in height; the construction of a retaining wall extension; the construction of a sewer system extension; and the associated grading. The proposed single-family dwellings will have Residential Floor Area (RFA) ranging from ~~3,044 to 5,330~~ **2,700 to 5,232** square feet. The RFA of each proposed single-family dwelling will not exceed the maximum RFA allowed on its respective lot. The proposed single-family dwellings will be two stories tall over a basement. The maximum envelope height allowed in the R1 Zone and Height District No. 1 of a Hillside Area for a structure with a roof with more than 25% slope is 33 feet, which the proposed single-family dwellings will not exceed. The westerly side of Marquette opposite of the subject property is completely built out with similar single-family dwellings. The adjacent structures range in size from 1,025 to 4,077 square feet and are one to three stories tall. The height of the proposed single-family dwellings as viewed from street level along Marquette Street will range from 20 to 27 feet 3 inches. Architecturally, the proposed single-family dwellings will feature covered front porches and second-story balconies, similar to the adjacent structures. The design will feature step backs along the front façades and/or reduced second floors. Although the proposed single-family dwellings are larger in square footage than the adjacent structures, the height and massing is well-proportioned and façades are varied. As such, the mass, scale, and character of the proposed single-family dwellings will be consistent with the neighborhood and will not generate any significant visual impacts.

As previously mentioned, the subject property has an easterly-facing slope along its rear. The proposed single-family dwellings will be supported by conventional foundations, but the proposed retaining wall extension will require the installation of piles for support. The swimming pools are proposed to be installed in ground and will not be exposed. While there is potential for the piles to become exposed over time, the area along the slope is extensively landscaped with mature trees and shrubs. Furthermore, the slope descends toward Las Pulgas Canyon, a privately-owned property with no public access. Las Pulgas Canyon is located at significantly lower elevation and developed only with a single-family dwelling. The visual impacts of the project from Las Pulgas Canyon will be minimal. Given that the piles will only be needed for the proposed retaining wall, the alteration of natural land forms will be insignificant. As such, in conjunction with compliance with all other applicable regulations of the LAMC and the conditions imposed herein, the project will be visually compatible with the character of the surrounding area and have no impact on views to and along the ocean and scenic coastal areas.

Section 30252 states that new development should maintain and enhance public access to the coast. The subject property is located approximately 0.5 miles inland and separated from the coast to the south by residential and commercial development and several streets, including a major thoroughfare in Pacific Coast Highway. The use of subject property will remain that of single-family dwellings, the required number of parking spaces

will be provided in the attached garages, and no permanent structures will be placed in the public right-of-way. The project will require multiple curb cuts for the driveways and turnaround along the easterly side of Marquette Street. However, no on-street parking spaces will be lost due to the curb cuts as parking is prohibited on that side of the street. As such, the project will not conflict with any public access policies of the Coastal Act.

Section 30253 requires new development to minimize risks to life and property in areas of high geologic, flood, and fire hazard; minimize impacts along bluffs and cliffs; and protect special communities and neighborhoods that are popular visitor destination points for recreational uses. The subject property is located in a Single Permit Jurisdiction Area of the Coastal Zone, a Hillside Area, a Very High Fire Hazard Severity Zone, a Special Grading Area, a Landslide Area, and the Santa Monica Fault. The project is required to comply with LADBS and Fire Department standards as it relates to development in seismic and fire hazard areas and other environmentally sensitive areas. The applicant submitted a Geology and Soils Report for the proposed single-family dwellings dated December 19, 2016 and Addendum Report dated March 20, 2017, prepared by Byer Geotechnical, Inc., for the project for review and approval by LADBS. The Geology and Soils Approval Letter (Log No. 96236-01) issued by LADBS dated March 20, 2017 stated that the geotechnical reports are acceptable provided the Conditions of Approval are complied with.

The applicant submitted plans for the proposed sewer system extension and the related geotechnical reports to the Bureau of Engineering, Geotechnical Engineering Division (GED), for review. The proposed sewer system extension, which the project will connect to, was reviewed by GED. An Interdepartmental Correspondence was issued by GED dated January 28, 2019 stating that the proposed sewer system extension is acceptable from a geotechnical standpoint provided the Conditions of Approval are complied with. The proposed sewer system extension is still subject to review and approval by the Bureau of Engineering through the "B" Permit process. The geotechnical reports for the project and proposed sewer system extension found that both the existing and proposed slopes are grossly stable with a factor of safety in excess of 1.5 under static conditions and in excess of 1.0 under pseudo-static (seismic) conditions. Compliance with the requirements of the various City departments will minimize risks to life and property in areas of high geologic, flood, and hazard. It will ensure stability and structural integrity and that the project will not create or contribute significantly to erosion, geological instability, or destruction of the subject property or surrounding area. The subject property is not a popular visitor destination point for recreational use.

The project will not produce any adverse impacts as it relates to public access, recreation, marine environment, land resources, or existing development. The subject property is located approximately 0.5 miles north of the coast. The project will neither interfere nor reduce access to the shoreline or along the coast. The project will not adversely impact any recreational uses and activities, the marine environment and other environmentally sensitive habitat areas. The subject property is not located in an area with known archaeological resources and will be required to comply with existing regulations, if discovered. The subject property has been identified to be located in an area of high paleontological sensitivity and will be required to comply with not only the existing regulations, but with the Mitigation Measures that have been made enforceable Conditions of Approval as part of the subject grant. The project will not involve the diking, filling, or dredging of the open coastal waters. The project will be served by existing public facilities and will not degrade the scenic and visual qualities of nor interfere with public access to

the coastal area. As conditioned, the project will be in conformity with Chapter 3 of the Coastal Act.

2. **The 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.**

Currently, the City does not have an approved Local Coastal Program (LCP) for the Brentwood-Pacific Palisades area. In the interim, the Brentwood-Pacific Palisades Community Plan, a portion of the Land Use Element of the City's General Plan, serves as the functional equivalent. The Brentwood-Pacific Palisades Community Plan designates the subject property for Low Residential land uses with the corresponding zone of R1 in Height District No. 1. The use of the subject property for single-family residential purposes will be consistent with the Community Plan land use designation and zoning. The project will meet the Community Plan's objective of developing new housing to meet the needs of the existing residents and projected population of the area. Furthermore, the project is designed to be in conformance with all applicable provisions of LAMC, including, but not limited to, those regulating height, setbacks, density, and parking. As conditioned, the project will not prejudice the ability of the City to prepare a LCP that is in conformity with Chapter 3 of the Coastal Act.

3. **The Interpretive 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 light of the individual project in making this determination.**

The Los Angeles County Interpretive Guidelines were adopted by the California Coastal Commission (October 14, 1980) to supplement Statewide Guidelines. Both regional and statewide guidelines, pursuant to Section 30620(b) of the Coastal Act, are designed to assist local governments, the regional commissions, the commission, and persons subject to the provisions of this chapter in determining how the policies of this division shall be applied to the Coastal Zone prior to the certification of a LCP. As stated in the Regional Interpretive Guidelines, the guidelines are intended to be used "in a flexible manner with consideration for local and regional conditions, individual project parameters and constraints, and individual and cumulative impacts on coastal resources." The Regional Interpretive Guidelines address residential development in the Pacific Palisades as it relates to use, parking, density, and public access. They also include special provisions for development on bluffs and hillside areas. The applicable provisions of the Regional Interpretive Guidelines have been reviewed, analyzed, and considered in preparation of these findings. The project involves the demolition of two existing single-family dwellings and an existing accessory structure; the construction of eight new single-family dwellings with attached garages, basements, covered front porches, and swimming pools and/or spas; the construction of a retaining wall extension; the construction of a sewer system extension; and the associated grading. The use of the subject property will remain for residential purposes and the density of the subject property will remain that of one single-family dwelling on each of the eight existing lots, which will range from ~~6,076 to 9,183~~ **5,464 to 9,461** square feet. The required number of parking spaces will be provided in the attached garages. The subject property is located on a canyon bluff, characterized by an easterly-facing slope at its rear that descends toward Las Pulgas Canyon. The slope along Las Pulgas Canyon is extensively landscaped with mature trees and shrubs. The single-family dwelling at the bottom of Las Pulgas Canyon is located at a significantly lower

elevation; therefore, the visual impact of the project from there is minimal. The alteration of natural landforms will be insignificant and grading will be subject to the Conditions of Approval set forth by the Department of Building and Safety and Bureau of Engineering. As such, the project will be in substantial conformance with the applicable provisions of the Regional Interpretive Guidelines.

4. 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, which provides that prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act of 1976.

The project will not conflict with the prior decisions of the Coastal Commission. The Coastal Commission recently approved the following projects in the Pacific Palisades:

- In November 2018, the Coastal Commission approved a Coastal Development Permit to allow the construction of a 7,115 square-foot two-story single-family dwelling with a 4,826 square-foot basement with an 722 square-foot attached four-car garage, swimming pool, and pool pavilion, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 14944 and 14948 West Corona Del Mar and 14937 West Pacific Coast Highway (Application No. 5-18-0255).
- In October 2018, the Coastal Commission approved a Coastal Development Permit to allow the demolition of a 1,963 square-foot single-family dwelling and construction of a 2,812 square-foot one-story single-family dwelling with a 579 square-foot attached two-car garage and swimming pool, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 430 North Puerto Del Mar (Application No. 5-18-0445).
- In October 2018, the Coastal Commission approved a Coastal Development Permit to allow the demolition of a 1,800 square-foot one-story single-family dwelling and construction of a 2,922 square-foot four-story single-family dwelling with 666 square feet of covered parking, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 201 North Entrada Drive (Application No. 5-18-0253).
- In July 2018, the Coastal Commission approved a Coastal Development Permit for the major remodel of and additions to an existing 2,393 square-foot three-story single-family dwelling, resulting in a 2,885 square-foot, 21.8-tall, three-story single-family dwelling with two lower levels, swimming pool, deck, and retaining walls, on two lots located in a Dual Permit Jurisdiction Area of the Coastal Zone at 17616 and 17622 West Posetano Road (Application No. 5-18-0162).
- In July 2018, the Coastal Commission approved a Coastal Development Permit for additions totaling 1,699 square feet to an existing 2,800 square-foot one-story single-family dwelling with a basement, resulting in a 4,500 square-foot, 29.3-foot tall, single-family dwelling with a deck, and a retaining wall, on three lots located in a Dual Permit Jurisdiction Area of the Coastal Zone at 17700, 17708, and 17714 West Tramonto Drive (Application No. 5-18-0177).
- In May 2018, the Coastal Commission approved a Coastal Development Permit

for the construction of a new 9,310 square-foot, 36-foot tall, one-story single-family dwelling with a two-level basement, attached three-car garage, and retaining walls, on two lots located in a Dual Permit Jurisdiction Area of the Coastal Zone at 14901 and 14904 West Corona del Mar (Application No. 5-17-0234).

- In May 2018, the Coastal Commission approved a Coastal Development Permit for the demolition of an existing 920 square-foot single-family dwelling and construction of a new 4,320 square-foot, 28-foot tall, two-story single-family dwelling with an attached 475 square-foot attached two-car garage, swimming pool, and rooftop deck, on two lots located in a Dual Permit Jurisdiction Area of the Coastal Zone at 17878 and 17884 West Castellammare Drive (Application No. 5-17-0666).
- In March 2018, the Coastal Commission approved a Coastal Development Permit for the demolition an existing one-story single-family dwelling and construction of a new 1,438 square-foot, 32.5-foot tall, three-story single-family dwelling with roof deck, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 211 North Entrada Drive (Application No. 5-17-0830).
- In February 2018, the Coastal Commission approved a Coastal Development Permit for the demolition of an existing one-story single-family dwelling and construction of a new 6,236 square-foot two-story, 24-foot tall, single-family dwelling with an attached two-car garage, basement, and swimming pool/spa, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 15425 West Via De Las Olas (Application No. 5-16-1095).
- In December 2017, the Coastal Commission approved a Coastal Development Permit for the demolition of an existing two-story single-family dwelling and construction of a new 6,816 square-foot, 30-foot tall, three-story single-family dwelling with a 652 square-foot attached three-car garage, 3,589 square-foot basement, and swimming pool, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 14901 West Corona Del Mar (Application No. 5-17-0772).
- In November 2017, the Coastal Commission approved a Coastal Development Permit for the demolition of a shed and swimming pool and the construction of a new 3,325 square-foot, 28-foot tall, two-story single-family dwelling with a 370 square-foot attached two-car garage, covered patios totaling 100 square feet, a 674 square-foot deck, retaining wall, and a swimming pool, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 204 North Coperto Drive (Application No. 5-17-0401).
- In October 2017, the Coastal Commission approved a Coastal Development Permit for the demolition of an existing one-story single-family dwelling and swimming pool and construction of a new 8,884 square-foot, 32-foot tall, two-story single-family dwelling with 3,100 square-foot basement, a 2,070 square-foot subterranean four-car garage, and swimming pool, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 14914 West Corona Del Mar (Application No. 5-17-0541).
- In October 2017, the Coastal Commission approved a Coastal Development Permit for the construction of a new 13,194 square-foot, 30-foot tall, two-story

single-family dwelling with a 3,159 square-foot basement, 2,038 square-foot subterranean four-car garage, and swimming pool, on a lot located in a Dual Permit Jurisdiction Area of the Coastal Zone at 14930 West Corona Del Mar (Application No. 5-17-0542).

- In March 2011, the Coastal Commission approved a Coastal Development Permit for the demolition of a 3,420 square-foot single-family dwelling and garage and construction of a 6,554 square-foot single-family dwelling with basement and 700 square-foot detached garage, on a lot located in a Single Permit Jurisdiction Area of the Coastal Zone at 356 North Grenola Street (Application No. 5-11-001).
- In July 2007, the Coastal Commission approved a Coastal Development Permit for the construction of a retaining wall and two rows of soldier piles for slope protection for a hillside single-family dwelling and construction of a 624 square-foot deck extended above the wall and lower row of piles, supported by columns, on a lot located in a Single Permit Jurisdiction Area of the Coastal Zone at 515 North Muskingum Avenue (Application No. 5-06-488).
- In January 2004, the Coastal Commission approved a Coastal Development Permit for the replacement of a 40 to 50 year old deteriorating sewer line with a new 2,750 feet of gravity fed sewer line ranging in diameter from 8 to 16 inches at a depth of between 5 and 50 feet in a Dual Permit Jurisdiction Area of the Coastal Zone at Las Pulgas Canyon (Application No. A-5-PPL-01-446/5-01-423).
- In January 2001, the Coastal Commission approved a Coastal Development Permit for the construction of a two six-foot to twelve-foot high retaining walls, each approximately 110 linear feet long, with 990 cubic yards of fill, to protect an eroding canyon below an existing single family home, on a lot located in a Single Permit Jurisdiction Area of the Coastal Zone at 560 North Marquette Street (Application No. 5-00-361).

As such, this decision of the permit-granting authority has been guided by the applicable decisions of the Coastal Commission pursuant to Section 30625(c) of the Public Resources Code, which states that the prior decisions of the Coastal Commission, where applicable, shall guide local governments in their actions in carrying out their responsibility and authority under the Coastal Act.

5. **The development is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, and the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.**

Section 30210 of the Coastal Act states the following in regards to public access:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, right of private property owners, and natural resources from overuse.

Section 30211 of the Coastal Act states the following in regards to public recreation policies:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The subject property is located approximately 0.5 miles inland in a residential neighborhood developed with similar single-family dwellings. The subject property is not directly connected to any of the major thoroughfares that provide main access to the coast and any visitor and recreational facilities. The required number of parking spaces will be provided in the attached garages, which can be accessed via Marquette Street. The project will result in multiple curb cuts along the easterly side of Marquette Street for the driveways and emergency access turnaround. However, parking is currently prohibited on the easterly side of Marquette Street; as a result, no on-street parking spaces will be lost. No permanent structures will be placed within the public right-of-way. The subject property is not located between the nearest public road and sea or shoreline of any body of water. As such, the project will not conflict with any public access or public recreation policies of Chapter 3 of the Coastal Act.

6. An appropriate environmental clearance under the California Environmental Quality Act has been granted.

~~A Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (Case No. ENV 2017 1259 MND) was prepared for project in compliance with CEQA. As previously mentioned, the project involves lot line adjustments to reconfigure each lot; the demolition of two existing one-story single-family dwellings and an existing one-story accessory structure; the construction of eight new two-story single-family dwelling with attached garages, basements, swimming pools and/or spas, one on each lot; the construction of a retaining wall extension; the construction of a sewer system extension in the public right-of-way to serve the eight homes; and approximately 6,250 cubic yards of combined grading and the export of approximately 475 cubic yards of earth.~~

~~The project was found to have potential impacts that could be mitigated to a less-than-significant level in the following categories: air quality, biological resources, cultural resources, and noise. Comments were submitted by the public during the publication period of the MND, prior to the public hearing (held October 1, 2018), and up to November 11, 2018 that addressed the following: air quality, aesthetics, biological resources, geology and soils, hydrology and water quality, noise, transportation and traffic, tribal cultural resources, and utilities and service systems.~~

~~A complete Response to Comments and the supporting documentation, including all the technical studies (appendices), were included as part of Case No. ENV 2017 1259 MND. The issues identified and comments provided have been sufficiently addressed by the MND, Response to Comments, and supporting documentation. The project is subject to the standards, requirements, and mitigation measures outlined in each category of the MND as well as the applicable Regulatory Compliance Measures. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND (and incorporated into the Conditions of Approval herein), there is no substantial evidence that the project will have a significant effect on the environment. The attached MND reflects~~

~~the lead agency's independent judgment and analysis. Therefore, an appropriate environmental clearance under CEQA has been granted.~~

A Categorical Exemption, ENV-2017-1259-CE, has been prepared for the proposed project consistent with the provisions of the CEQA Guidelines. The project proposes two lot line adjustments to reconfigure the size and shape of Lots 1 through 6; the demolition of an existing 1,871 square-foot one-story single-family dwelling with an attached two-car garage, existing 2,100 square-foot one-story single-family dwelling with a 400 square-foot detached two-car garage and swimming pool, and existing 425 square-foot one-story accessory structure; the construction of eight new two-story single-family dwellings with attached garages, basements, swimming pools and/or spas, one on each lot, ranging from 5,503 to 8,365 square feet in floor area and up to 33 feet in height; the construction of a new 12-foot tall retaining wall extension; and approximately 6,250 cubic yards of combined grading and the export of approximately 475 cubic yards of earth, all on a property, consisting of eight lots. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines Sections 15301 (Class 1) and 15332 (Class 32).

The Class 1 Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Class 1 Categorical Exemption includes demolition and removal of individual small structures: (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption; (2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished; (3) A store, motel, office, restaurant, or similar small commercial structure if designated for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use; (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. The project includes the demolition of two single-family dwellings and two accessory structures.

The Class 32 Categorical Exemption allows for projects characterized as in-fill development meeting the following criteria:

- (a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. The subject property is zoned R1-1 and has a General Plan land use designation of Low Residential. The proposed uses of the subject property as single-family dwellings are consistent with the zone and land use designation. The proposed construction of the single-family dwellings meets the objective of the Brentwood-Pacific Palisades Community Plan through "the development of new housing to meet the diverse economic and physical needs of the existing residents and project population of the Plan area..." (Goal 1, Objective 1-1). The proposed project complies with the regulations of the zoning code, including those related to setbacks, density, floor area, height, etc. As shown in the case file, the proposed project is consistent with all the applicable Brentwood-Pacific**

Palisades Community Plan designation and policies and all applicable zoning designations and regulations.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The subject property is approximately 1.48 acres and located wholly in the City of Los Angeles. Lots surrounding the subject property are developed with similar single-family dwellings.
- (c) The project site has no value as habitat for endangered, rare or threatened species. The subject property has been previously disturbed and is surrounded by development and, therefore, is not, and has no value as, a habitat for endangered, rare, or threatened species. There are two protected trees on the subject property. They are coast live oak trees, one with a 30" diameter at breast height (DBH) and height and spread of 50' by 40' and one with a 24" DBH and a height and spread of 35' by 30' at 572 North Marquette Street (Lot 6) as identified in the Tree Report prepared by The Tree Resource on April 4, 2017. The protected trees are outside of the construction areas. They will be retained and will not be impacted by the proposed project. A Biological Assessment was prepared by SWCA Environmental Consultants (January 2018) for the project site. The report determined the property is not located in a wildlife corridor and did not identify any endangered, rare, or threatened species. Furthermore, the project is subject to local and federal requirements (RCMs) that regulate the removal of protected trees and the protection of nesting birds.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed project will be subject to RCMs that require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, stormwater mitigations, and Best Management Practices for stormwater runoff. These RCMs will ensure that the proposed project will not have significant impacts on noise and water. Furthermore, the proposed project does not exceed the threshold criteria established by the Department of Transportation for preparing a traffic study. Interim thresholds were developed by Department of City Planning Staff based on CalEEMod model runs relying on reasonable assumptions, consultants with Air Quality Management District Staff, and surveys of published air quality studies for which criteria air pollutants did not exceed the established SCAQMD construction and operational thresholds.
- (e) The site can be adequately served by all required utilities and public services. The subject property will be adequately served by all public services given that proposed single-family dwellings will be on a site that has been previously developed and with a density permitted by the R1-1 zone and Low Residential land use designation. The proposed project will be connected to the existing sewer system.

Therefore, the proposed project meets the criteria for the Class 32 Categorical Exemption.

Furthermore, the exceptions outlined in CEQA Guidelines Section 15300.2 do not apply to the proposed project.

- (a) **Location. This exception only applies to Classes 3, 4, 5, 6, and 11.**
- (b) **Cumulative Impact. The proposed project is consistent with the type of development permitted for the area, which is zoned R1-1 and designated for Low Residential land uses. The proposed project will not exceed thresholds identified for impacts to the area (i.e., traffic, noise, etc.) and will not result in a significant cumulative impact.**
- (c) **Significant Effect. A Categorical Exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed project consists of work typical to a residential neighborhood. Thus, there are no unusual circumstances that may lead to a significant effect on the environment.**
- (d) **Scenic Highways. The only State Scenic Highway in the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The subject property is located two miles east of State Route 27. Therefore, the proposed project will not create any impacts to scenic resources in a State Scenic Highway.**
- (e) **Hazardous Waste Sites. According to EnviroStor, the State of California's database of Hazardous Waste Sites, neither the subject property nor any property in the area is identified as a hazardous waste site.**
- (f) **Historical Resources. The structures on the subject property have not been identified as historic resources by local or state agencies; have not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and were not found to be potential historic resources based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the structures on the subject property as historic resources.**

Therefore, the proposed project is determined to be categorically exempt and does not require mitigation or monitoring measures. No alternatives of the proposed project were evaluated. The appropriate environmental clearance has been granted.

Mello Act Compliance Review

Pursuant to the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, all Conversions, Demolitions, and New Housing Developments must be identified in order to determine if any Affordable Residential Units are onsite and must be maintained, and if the project is subject to the Inclusionary Residential Units requirement. Accordingly, pursuant to the settlement agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman concerning implementation of the

Mello Act in the Coastal Zone portions of the City of Los Angeles, the Findings are as follows:

7. Demolitions and Conversions (Part 4.0)

The project involves the demolition of two existing single-family dwelling, one at 620 and 614 North Marquette Street and another at 608, 600, 578, 572, and 566 North Marquette Street. A Mello Act Determination issued by the Los Angeles Community Investment Department (HCIDLA) dated July 12, 2017 states that no affordable units exist on 620 and 614 North Marquette Street. HCIDLA collected data from March 2014 through March 2017. The existing single-family dwelling was occupied by tenants from February 2016 through November 2016 for an average rent of \$3,903, which is greater than the amount identified in the 2016 Income and Rent Limits – Mello Schedule II Maximum Allowable Rent Level for a Moderate Level Household. The existing single-family dwelling was vacated in December 2016. Based on Department of Water and Power bills from December 2016 through March 2017, HCIDLA established that there was minimal water and electrical usage. HCIDLA concluded that no affordable units exists at 620 and 614 North Marquette Street based on this information.

A Mello Act Determination issued by HICLDA dated March 28, 2017 states that no affordable units at 608, 600, 578, 572, and 566 North Marquette Street. HCIDLA collected data from February 2014 through February 2017. Based on the determination issued by the Rent Stabilization Ordinance (RSO) Unit at HCIDLA dated March 23, 2017 stating that the existing single-family dwelling is not subject to the City's RSO and Property Tax Statements from 2014 through 2016 submitted by the applicant, HCIDLA concluded that no affordable units exists at 608, 600, 578, 572, and 566 North Marquette Street due to owner-occupancy of the existing single-family dwelling. Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion and the applicant is not required to provide any Affordable Replacement Units.

8. Small New Housing Developments (Part 2.4)

The project proposes the development of eight new Residential Units. Pursuant to 2.4.2 of the Interim Administrative Procedures, however, developments which consist of nine or fewer Residential Units are Small New Housing Developments and are categorically exempt from the Inclusionary Residential Unit requirement. Therefore, the proposed development of eight Residential Units is found to be categorically exempt.

ADDITIONAL MANDATORY FINDING

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone D, areas of undetermined, but possible, flood hazards. The eastern edge of Lots 1, 2, and 3 are located in Zone A, areas of 100-year flood. The project is subject to the standards and requires outlined in the Flood Hazard Management Specific Plan.

ATTACHMENT 2

GEOLOGY AND SOILS APPROVAL LETTER
FROM LADBS DATED MARCH 20, 2017

CITY OF LOS ANGELES

CALIFORNIA



BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
PRESIDENT

E. FELICIA BRANNON
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
JAVIER NUNEZ

ERIC GARCETTI
MAYOR

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

FRANK M. BUSH
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

OSAMA YOUNAN, P.E.
EXECUTIVE OFFICER

GEOLOGY AND SOILS REPORT APPROVAL LETTER

March 20, 2017

LOG # 96236-01
SOILS/GEOLOGY FILE - 2
LAN

Pizzulli Associates, Inc.
223 South Beverly Drive
Beverly Hills, CA 90212

TRACT: 9300
BLOCK: 137
LOT(S): 1 (Arbs. 1 & 2), 3 (Arbs. 1 & 2) - 8 (Arbs. 1 & 2), & 2 (Arbs. 1 - 3)
LOCATION: 560 - 620 N. Marquette Street

<u>CURRENT REFERENCE REPORT/LETTER(S)</u>	<u>REPORT No.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Addendum Report	BG22452	03/02/2017	Byer Geotechnical, Inc.
Oversized Doc(s).	``	``	``

<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT No.</u>	<u>DATE(S) OF DOCUMENT</u>	<u>PREPARED BY</u>
Dept. Correction Letter	96236	01/23/2017	LADBS
Geology/Soils Report	BG22452	12/19/2016	Byer Geotechnical, Inc.

The Grading Division of the Department of Building and Safety has reviewed the referenced reports that provide recommendations for the proposed eight three-story residences. The subject property consists of eight consecutive lots with a common slope descending to the east. The lots are developed with two residences and associated retaining walls. The existing structures will be demolished for the new development. The slope descends about 60 feet in height from the rear of the building pad to an existing drainage channel at gradients of about 1½:1 to 2:1 (H:V). Subsurface exploration performed by the consultant consisted of two test pits, four hollow-stem auger borings, and three bucket-auger borings to a maximum depth of 60 feet. The earth materials at the subsurface exploration locations consist of up to 7 feet of uncertified fill underlain by older alluvium, marine terrace deposits and sandstone/siltstone bedrock. Geologic structure observed by the consultant consisted of steep southeasterly dips between 50 and 70 degrees. The consultants recommend to support the proposed structures on conventional foundations bearing on native older alluvium or properly placed fill a minimum 3 feet thick below the bottom of the footings and/or drilled-pile foundations bearing in competent bedrock.

The site is located in a designated seismically induced landslide hazard zone as shown on the Seismic Hazard Zones map issued by the State of California. The above reports include an acceptable seismic slope stability analysis and the requirements of the 2017 City of Los Angeles Building Code have been satisfied.

The referenced reports are acceptable, provided the following conditions are complied with during site development:

(Note: Numbers in parenthesis () refer to applicable sections of the 2017 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

1. Prior to the issuance of any permit, secure approval from the Division of Land Unit of the Department of City Planning for the proposed lot line adjustments and residential development. The Division of Land Unit of the Planning Department is located in City Hall, 200 N. Spring Street, Room # 750 - Phone (213) 978-1362.
2. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Development Services and Permits Program for the proposed removal of support and/or retaining of slopes adjoining to public way. (3307.3.2)

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3. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans that clearly indicates the geologist and soils engineer have reviewed the plans prepared by the design engineer and that the plans include the recommendations contained in their reports. (7006.1)
4. All recommendations of the reports that are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
5. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans. Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit. (7006.1)
6. A grading permit shall be obtained for all structural fill and retaining wall backfill. (106.1.2)
7. All graded, brushed or bare slopes shall be planted with low-water consumption, native-type plant varieties to protect slopes against erosion. (7012)
8. All new graded slopes shall be no steeper than 2H:1V (7010.2 & 7011.2).
9. Existing nonconforming slopes shall be regraded to a gradient no steeper than 2:1 (H:V), as recommended.
10. Prior to the issuance of any permit, an accurate volume determination shall be made and included in the final plans, with regard to the amount of earth material to be exported from the site. For grading involving import or export of more than 1000 cubic yards of earth materials within the grading hillside area, approval is required by the Board of Building and Safety. Application for approval of the haul route must be filed with the Board of Building and Safety Commission Office. Processing time for application is approximately 8 weeks to hearing plus 10-day appeal period.
11. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density (D1556). Placement of gravel in lieu of compacted fill is allowed only if complying with Section 91.7011.3 of the Code. (7011.3)
12. If import soils are used, no footings shall be poured until the soils engineer has submitted a compaction report containing in-place shear test data and settlement data to the Grading Division of the Department, and obtained approval. (7008.2)

13. Compacted fill shall extend beyond the footings a minimum distance equal to the depth of the fill below the bottom of footings or a minimum of three feet whichever is greater. (7011.3)
14. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill. (1809.2, 7011.3)
15. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction. (7013.12)
16. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cu yd. (7007.1)

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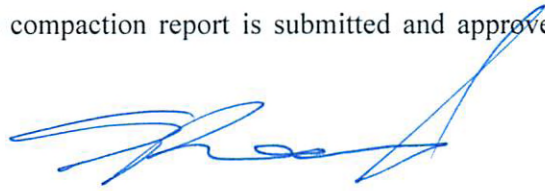
17. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the State Construction Safety Orders enforced by the State Division of Industrial Safety. (3301.1)
18. Temporary excavations that remove lateral support to the public way, adjacent property, or adjacent structures shall be supported by shoring. Note: Lateral support shall be considered to be removed when the excavation extends below a plane projected downward at an angle of 45 degrees from the bottom of a footing of an existing structure, from the edge of the public way or an adjacent property. (3307.3.1)
19. Where any excavation, not addressed in the approved reports, would remove lateral support (as defined in 3307.3.1) from a public way, adjacent property or structures, a supplemental report shall be submitted to the Grading Division of the Department containing recommendations for shoring, underpinning, and sequence of construction. Report shall include a plot plan and cross-section(s) showing the construction type, number of stories, and location of adjacent structures, and analysis incorporating all surcharge loads that demonstrate an acceptable factor of safety against failure. (7006.2 & 3307.3.2)
20. Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation. (3307.1)
21. The soils engineer shall review and approve the shoring plans prior to issuance of the permit. (3307.3.2)
22. Prior to the issuance of the permits, the soils engineer and/or the structural designer shall evaluate the surcharge loads used in the report calculations for the design of the retaining walls and shoring. If the surcharge loads used in the calculations do not conform to the actual surcharge loads, the soil engineer shall submit a supplementary report with revised recommendations to the Department for approval.
23. Unsurcharged temporary excavation may be cut vertical up to 5 feet. For excavations over 5 feet, the lower 5 feet may be cut vertically and the portion of the excavation above 5 feet shall be trimmed back at a gradient not exceeding 1:1 (horizontal to vertical), as recommended.

24. Shoring shall be designed for a minimum EFP of 30 PCF; all surcharge loads shall be included into the design, as recommended. Total lateral load on shoring piles shall be determined by multiplying the recommended EFP by the pile spacing.
25. Shoring shall be designed for a maximum lateral deflection of ½ inch where a structure is within a 1:1 plane projected up from the base of the excavation, as recommended, and for a maximum lateral deflection of 1 inch provided there are no structures within a 1:1 plane projected up from the base of the excavation.
26. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.
27. All foundations shall derive entire support from native undisturbed alluvium, properly placed fill, or competent bedrock, as recommended and approved by the geologist and soils engineer by inspection.
28. Foundations adjacent to a descending slope steeper than 3:1 (H:V) in gradient shall be a minimum distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the footing bottom to the face of the slope (1808.7.2).
29. Buildings adjacent to ascending slopes steeper than 3:1 (H:V) in gradient shall be set back from the toe of the slope a level distance equal to one-half the vertical height of the slope, but need not exceed 15 feet (1808.7.1).
30. Footings supported on approved compacted fill or expansive soil shall be reinforced with a minimum of four (4) ½-inch diameter (#4) deformed reinforcing bars. Two (2) bars shall be placed near the bottom and two (2) bars placed near the top.
31. Pile caisson and/or isolated foundation ties are required by Code Sections 1809.13 and/or 1810.3.13. Exceptions and modification to this requirement are provided in Information Bulletin P/BC 2014-030.
32. Pile and/or caisson shafts shall be designed for a lateral load of 1000 pounds per linear foot of shaft exposed to fill, soil and weathered bedrock. (P/BC 2017-050)
33. The design passive pressure shall be neglected for a portion of the pile with a setback distance (horizontal set back) less than five feet from fill, soil or weathered bedrock contact plane with bedrock.
34. When water over 3 inches in depth is present in drilled pile holes, a concrete mix with a strength of 1000 p.s.i. over the design p.s.i. shall be tremied from the bottom up; an admixture that reduces the problem of segregation of paste/aggregates and dilution of paste shall be included. (1808.8.3)
35. Existing uncertified fill shall not be used for lateral support of deep foundation. (1810.2.1)
36. Slabs placed on approved compacted fill shall be at least 3½ inches thick and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced maximum of 16 inches on center each way.
37. The seismic design shall be based on a Site Class D as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.
38. Retaining walls shall be designed for the lateral earth pressures specified in the section titled "Retaining Walls" starting on page 17 of the 12/19/2016 report. All surcharge loads shall be included into the design.

39. Basement walls and other walls in which horizontal movement is restricted at the top shall be designed for at-rest pressure as specified on page 17 of the 12/19/2016 report (1610.1). All surcharge loads shall be included into the design.
40. Retaining walls at the base of ascending slopes shall be provided with a minimum freeboard of 12 inches, as recommended.
41. The recommended equivalent fluid pressure (EFP) for the proposed retaining wall shall apply from the top of the freeboard to the bottom of the wall footing.
42. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted to the street in an acceptable manner and in a non-erosive device. (7013.11)
43. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soil report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record. (1805.4)
44. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector. (108.9)
45. Basement walls and floors shall be waterproofed/damp-proofed with an L.A. City approved "Below-grade" waterproofing/damp-proofing material with a research report number. (104.2.6)
46. Prefabricated drainage composites (Miradrain, Geotextiles) may be only used in addition to traditionally accepted methods of draining retained earth.
47. The structure shall be connected to the public sewer system. (P/BC 2014-027)
48. The existing onsite wastewater treatment systems shall be properly abandoned and backfilled in accordance with P/BC 2014-027.
49. All roof and pad drainage shall be conducted to the street in an acceptable manner; water shall not be dispersed on to descending slopes without specific approval from the Grading Division and the consulting geologist and soils engineer. (7013.10)
50. An on-site storm water infiltration system at the subject site shall not be implemented, as recommended.
51. Sprinkler plans for irrigation shall be submitted and approved by the Mechanical Plan Check Section (7012.3.1).
52. Any recommendations prepared by the geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Grading Division of the Department for approval prior to utilization in the field. (7008.2, 7008.3)
53. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading. (7008 & 1705.6)
54. All friction pile or caisson drilling and installation shall be performed under the inspection and approval of the geologist and soils engineer. The geologist shall indicate the distance that friction piles or caissons penetrate into competent bedrock in a written field memorandum. (1803.5.5, 1704.9)

55. Prior to the pouring of concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. He/She shall post a notice on the job site for the LADBS Building Inspector and the Contractor stating that the work so inspected meets the conditions of the report, but that no concrete shall be poured until the City Building Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Grading Division of the Department upon completion of the work. (108.9 & 7008.2)
56. Prior to excavation, an initial inspection shall be called with LADBS Inspector at which time sequence of construction, shoring, pile installation, protection fences and dust and traffic control will be scheduled. (108.9.1)
57. Installation of shoring, underpinning, slot cutting excavations and/or pile installation shall be performed under the inspection and approval of the soils engineer and deputy grading inspector. (1705.6)
58. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations. He/She shall post a notice on the job site for the City Grading Inspector and the Contractor stating that the soil inspected meets the conditions of the report, but that no fill shall be placed until the LADBS Grading Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be included in the final compaction report filed with the Grading Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Division of the Department upon completion of the compaction. In addition, an Engineer's Certificate of Compliance with the legal description as indicated in the grading permit and the permit number shall be included. (7011.3)
59. No footing/slab shall be poured until the compaction report is submitted and approved by the Grading Division of the Department.


EDMOND LEE
Engineering Geologist Associate II


GLEN RAAD
Geotechnical Engineer I

Log No. 96236-01
213-482-0480

cc: Byer Geotechnical, Inc., Project Consultant
WL District Office

ATTACHMENT 3

REVISED INTER-DEPARTMENTAL
CORRESPONDENCE FROM BOE DATED
APRIL 26, 2019

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: January 28, 2019
(Revised 4-26-19 to correct project addresses as requested by the West LA District Office)

To: Michael Patonai, Division Engineer
West Los Angeles District Office, Bureau of Engineering

Attention: Mahelet Gebeyhu

From: Patrick Schmidt, Division Manager
Geotechnical Engineering Division (GED)



Subject: **507-551 MARQUETTE STREET - PROPOSED SEWER EXTENSION
GEOTECHNICAL REVIEW**

FILE NO.: 18-032

W.O. NO.: BR402851

In response to an initial request for a geotechnical review received on February 20, 2018, and a subsequent request for additional review dated November 7, 2018, both from the West Los Angeles District Office, the Geotechnical Engineering Division (GED) has reviewed the following reports and plans:

- A three-sheet plan for Marquette Street Sewer Extension, BR402851. The plan is dated, January 25, 2019, and is prepared by M&G Civil Engineering & Land Surveying.
- A three-sheet plan for Marquette Street Sewer Extension, BR402851. The plan is dated, January 18, 2019, and is prepared by M&G Civil Engineering & Land Surveying.
- Geotechnical Memorandum, Proposed Sewer Line, Arbs. 2, Lots 8, Block 137, Tract 9300, 560 North Marquette Street, Pacific Palisades, California, dated January 8, 2019 and is prepared by Byer Geotechnical, Inc.
- Geologic and Geotechnical Engineering Exploration Update, Proposed Sewer Line, Arbs. 2, Lots 8, Block 137, Tract 9300, 560 North Marquette Street, Pacific Palisades, California, dated September 17, 2018 and is prepared by Byer Geotechnical, Inc.
- A six-sheet plan for Marquette Street Sewer Extension, BR402851. The plan is dated, January 15, 2018, and is prepared by EPD Consultants.
- Geologic and Geotechnical Engineering Exploration, for Proposed Eight Single Family Residences, Arbs. 1, 2, and 3, Lots 1-8, Block 137, Tract 9300, 560-620 North Marquette Street, Pacific Palisades, California, dated December 19, 2016 and is prepared by Byer Geotechnical, Inc.
- Geology and Soils Report Review Letter, 365 Las Casa Avenue, Log #88320, dated May 20, 2015, and prepared by the Los Angeles Department of Building and Safety Grading Division (LADBS)
- Preliminary Geotechnical Engineering Exploration, Proposed Single Family Residence, Tract: 9300, Lot: 37, Block: 140, Pacific Palisades, California, dated March 30, 2015 and is prepared by GeoConcepts, Inc.

Our review is limited to portions of the project adjacent to or within the public right-of-way within the City of Los Angeles.

The provided plans propose the construction of a sewer extension in the right of way of Las Casas Avenue and Marquette Street.

The proposed construction is on a street that is directly adjacent to Pulgas Canyon in an area that has been subject to slope instability in the past with an existing slope that is steeper than 2:1 (horizontal:vertical) only 20 feet away from the roadway. For these reasons, GED is requiring due diligence with respect to potential slope instability to limit/mitigate as much as practical potential adverse impacts from the proposed construction. To this end, the applicant has agreed to install flexible joints on the sewer line in the area of the over-steepened slope to accommodate potential future slope movement and to install a closed impermeable liner system in the sewer trench in this area to limit/prevent potential infiltration in the case of a sewer leak.

The soil recommendations, as presented in the above referenced reports and plans, are hereby **approved** for the project area from a geotechnical standpoint.

The following additional conditions apply:

1. In any area with a slope adjacent to the road that is steeper than 2:1, flexible jointing shall be installed within the limits of that span.
2. In any area with a slope adjacent to the road that is steeper than 2:1, the sewer trench shall have an impermeable liner to prevent infiltration. This liner shall be a closed system intended to capture any potential sewer leak and shall outlet into the nearest maintenance hole.
3. Care must be taken in the installation of laterals connecting to the sewer main to preserve/restore the integrity of the closed impermeable trench liner system.
4. GED shall be provided the contact information for the Contract Administration Inspector assigned to this project prior to construction.
5. GED shall be notified of the ahead of the construction and be provided at least 48 hours' notice of the preconstruction meeting so that GED can attend and provide any clarification as needed.
6. The geotechnical engineer and geologist of record shall review and approve the project plans prior to construction.
7. A representative of the geotechnical engineer and/or geologist shall observe and approve all foundation excavations in the right of way prior to the placement of reinforcing steel and concrete. The geotechnical engineer and/or geologist shall prepare a certification report indicating that the excavations were observed and approved for the placement of reinforcing steel and concrete. Copies of the report shall be forwarded to GED.
8. The geotechnical consultant shall observe earthwork and test fill placement adjacent/within the City Right-of-Way.
9. All recommendations specific to the subject project presented in the above referenced reports prepared by Geotechnical Engineer and Geologist and on the most current set of plans (dated January 25, 2019) shall be incorporated into the design and construction of the project.

If you have any questions, please call Fred Burnett at (213) 847-0523, or Eric Noreen (213)847-0407.

ATTACHMENT 4

RESPONSE LETTER FROM BYER
GEOTECHNICAL, INC. DATED MAY 30,
2019



BYER GEOTECHNICAL, INC.

May 30, 2019
BG 22452

Mr. Cosimo Pizzulli
Pizzulli Associates, Inc.
223 South Beverly Drive
Beverly Hills, California 90212

Subject

Appeal Letter of Thomas M. Donovan, on Bahalf of Save Las Pulgas Canyon
to the Commissioners of the West Los Angeles Area Planning Commission,
dated May 28, 2019
Proposed Eight Single Family Residences
Arb. 2, Lot 8, Block 137, Tract 9300
560 North Marquette Street
Pacific Palisades, California

References: Reports by Byer Geotechnical, Inc.:

Geologic and Geotechnical Engineering Exploration, Proposed Eight Single-Family Residences, Arbs. 1, 2, and 3, Lots 1 - 8, Block 137, Tract 9300, 560 - 620 North Marquette Street, Pacific Palisades, California, dated December 19, 2016;

Addendum Geologic and Geotechnical Engineering Exploration, Response to City of Los Angeles Correction Letter, Proposed Eight Single-Family Residences, Arbs. 1, 2, and 3, Lots 1 - 8, Block 137, Tract 9300, 560 - 620 North Marquette Street, Pacific Palisades, California, dated March 2, 2017;

Response to Geotechnical Group Review Comments, Proposed Sewer Line, Arb. 2, Lot 8, Block 137, Tract 9300, 560 North Marquette Street, Pacific Palisades, California, dated December 10, 2018; and

Geotechnical Memorandum, Proposed Sewer Line, Arb. 2, Lot 8, Block 137, Tract 9300, 560 North Marquette Street, Pacific Palisades, California, dated January 8, 2019.

Response by the City of Los Angeles, Department of Building and Safety (LADBS):

Geology and Soils Report Approval Log #96236-01, dated March 20, 2017.

Dear Mr. Pizzulli:

At your request, and in accordance with your authorization, Byer Geotechnical, is offering the following comments with respect to the Thomas M. Donovan, appeal letter of May 28, 2019.

The proposed project is not located on a steep coastal bluff. The project is located on the rim of Pulga Canyon. The geologic and geotechnical history of the descending slope, is discussed on our December 9, 2016, report.

The proposed retaining wall is to support and mitigate the non-conforming portion of the descending slope below Lots 1 and 2. The proposed sewer system extension is voluntary and intended to eliminate the use private sewage disposal systems typically consisting of a septic tank and seepage pit(s). The new sewer system avoid allowing water from these seepage pits to enter the subsurface.

Pg. 2, Item 1: The exploration and testing presented on our December 19, 2016, was found to be acceptable by the city of Los Angeles Department of Building and Safety, Grading Division, geotechnical engineers and engineering geologist.

Item 3: The previous reports by Byer Geotechnical demonstrate that there is no high geologic hazard area below the site.

Item 4: There is no high geologic hazard underlying the site.

Item 5: The sewer connection has been approved by the city of Los Angeles Bureau of Engineering and the City of Los Angeles Department of Public Works.

Response to comments by consulting Geologist E.D. Michael: The groundwater conditions at the site have been adequately explored by Byer Geotechnical including several deep borings. Shear test values are shown in the December 19, 2016, under the section titled "Laboratory Testing". The shear strength values reported are determined under saturated conditions, per the LADBS Guidelines.

- Pg. 3, Paragraph 1: No landslide debris is present under the project site and there is no bedding plane failure.
- Paragraph 2: Mr. Michael cannot report findings, as he has not done any subsurface exploration and testing.
- Paragraph 3: There is no debris mass.
- Paragraph 4: Triaxial testing is not required.

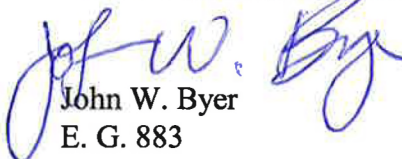
Bottom of Page 3: There is no creditable evidence of a potential for slope instability at the site. The proposed sewer line is evaluated in the December 10, 2018, report, and modified in the geotechnical memorandum of January 8, 2019.

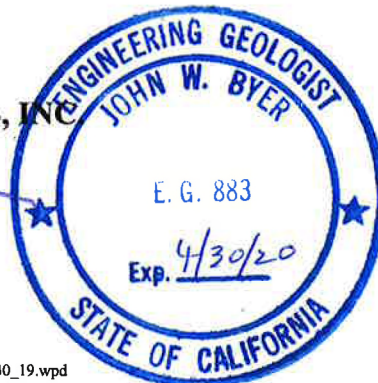
Page 4. There is no substantial evidence to support the findings of Mr. Michael. The conditions of North Marquette Street are left to comments by the project civil engineer. Plans for the private sewer system will be completed once the project has been accepted. The lot line adjustments and zoning regulations are deferred to the project civil engineer.

It is the opinion of Byer Geotechnical, that this memorandum adequately responds to the referenced letter from Thomas M. Donovan.

Should you have any questions or need additional information, please call on us.

Very truly yours,
BYER GEOTECHNICAL, INC


John W. Byer
E. G. 883



JWB:mh

S:\FINAL\BG\22452_Pizzulli\22452_Pizzulli_Letter_5_30_19.wpd

xc: Addressee (Email)

BYER GEOTECHNICAL, INC.

1461 East Chevy Chase Drive, Suite 200 • Glendale, California 91206 • tel 818.549.9959 • fax 818.543.3747 • www.byergeo.com

ATTACHMENT 5

RESPONSE LETTER FROM LADBS DATED
JUNE 26, 2019

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DIR-2017-264-CDP-MEL-1A, et al.

June 26, 2019

Log #108965
SOILS/GEOLOGY FILE – 2
LAN

To: Vincent P. Bertoni, AICP, Deputy Advisory Agency
Department of City Planning
200 N. Spring Street, 7th Floor, Room 750

From: Jesus Adolfo Acosta, Grading Division Chief
Department of Building and Safety

TRACT: 9300
BLOCK: 137
LOT(S): 1 (Arbs. 1 & 2), 3 (Arbs. 1 & 2) - 8 (Arbs. 1 & 2), & 2 (Arbs. 1 - 3)
LOCATION: 560 - 620 N. Marquette Street

<u>CURRENT REFERENCE</u> <u>REPORT/LETTER(S)</u>	<u>REPORT</u> <u>No.</u>	<u>DATE(S) OF</u> <u>DOCUMENT</u>	<u>PREPARED BY</u>
Appeal Response	BG22452	05/30/2019	Byer Geotechnical, Inc.

<u>PREVIOUS REFERENCE</u> <u>REPORT/LETTER(S)</u>	<u>REPORT</u> <u>No.</u>	<u>DATE(S) OF</u> <u>DOCUMENT</u>	<u>PREPARED BY</u>
Dept. Approval Letter	96236-01	03/20/2017	LADBS
Addendum Report	BG22452	03/02/2017	Byer Geotechnical, Inc.
Dept. Correction Letter	96236	01/23/2017	LADBS
Geology/Soils Report	BG22452	12/19/2016	Byer Geotechnical, Inc.
Dept. Approval Letter	34184	07/20/2001	LADBS
Addendum Report	8LEE132	07/10/2001	MEC
Dept. Approval Letter	29982-01	05/05/2000	LADBS
Addendum Report	8LEE132	05/04/2000	MEC
Addendum Report	8LEE132	03/21/2000	MEC
Dept. Correction Letter	29982	03/03/2000	LADBS
Geology Report	1944	01/12/2000	Ray A. Eastman
Soils Report	8LEE132	11/23/1999	MEC

The Grading Division of the Department of Building and Safety has reviewed the above referenced letter by Byer Geotechnical, Inc. (BG) in response to comments made by Thomas M. Donovan and Eugene D. Michael (EDM) regarding the proposed eight-lot residential development. The geological/geotechnical comments made by the appellants' representatives appear to focus on the groundwater conditions of the locality and the stability of the slopes across the subject lots.

EDM had commented that the local groundwater regime had not been determined by BG. In response, BG stated that the groundwater conditions were adequately explored through subsurface exploration that included 7 deep borings. Exploration logs presented within the referenced BG reports showed that the borings extended to a maximum depth of about 60 feet below the existing

ground surface. Typically, surface water will infiltrate into the ground through the alluvial layers and collect within the sandy marine terrace deposits above the bedrock, which generally impede the flow of groundwater in the local area. As noted in the MEC reports, a series of hydro-augers had been installed during the construction of the retaining wall and grading of the slope to intercept and remove any perched groundwater. It is also noted that the proposed residential development will be serviced by a new sewer line. The new sewer line will eliminate the need for seepage pits which will further reduce the amount of water introduced into the ground.

EDM had also commented that the stability of the slope/site had not been adequately determined by BG and had further commented on the presence of a landslide underlying the locality. BG stated that no landslide debris and no bedding plane failure were present underlying the site. The subsurface borings by BG were logged by a licensed geologist and no landslide debris was encountered within the borings. Direct shear testing had been performed on the earth materials under saturated conditions in accordance with Department requirements. The slope stability analyses conducted by BG using the shear test results yielded factors-of-safety in excess of the minimum building code requirements. The new residential development will also include trimming of the existing fill slope from a 1½:1 (H:V) gradient ($\approx 33^\circ$) to a 2:1 (H:V) gradient ($\approx 27^\circ$). The removal of a portion the fill materials will reduce the driving force on the slope and will also result in a more stable slope condition. New retaining walls are also proposed on the northern portion of the development to mitigate steep slope conditions.

In conclusion, based on the information presented by Byer Geotechnical, Inc., the proposed residential development will reduce the amount of water introduced into the ground and will increase the stability of the descending slope. The Department approval letter dated 03/20/2017, Log #96236-01 remains applicable and no revisions to the Department approval are necessary at this time.



EL:el

Log No. 108965
213-482-0480

cc (by email): Cosimo Pizulli, Property Owner
Byer Geotechnical, Inc., Project Consultant
Kenton Trinh, Department of City Planning
Juliet Oh, Department of City Planning
Shannon Ryan, Department of City Planning
Fred Burnett, Department of Public Works, Geotechnical Engineering Division
Eric Noreen, Department of Public Works, Geotechnical Engineering Division
Parish Knox, Office of the City Attorney
Oscar Medellin, Office of the City Attorney
Amy Brothers, Office of the City Attorney

ATTACHMENT 6

RESPONSE LETTER FROM BOE DATED
JULY 8, 2019

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: July 8, 2019

To: Michael Patonai, Division Engineer
West Los Angeles District Office, Bureau of Engineering

Attention: Mahelet Gebeyhu

From: Patrick Schmidt, Division Manager
Geotechnical Engineering Division (GED)

*Fred Burt
for*

Subject: **507-551 MARQUETTE STREET - PROPOSED SEWER EXTENSION
GEOTECHNICAL REVIEW
FILE NO.: 18-032**

W.O. NO.: BR402851

In a response to a request from the Department of City Planning, received by email on June 6, 2019, the Geotechnical Engineering Division (GED) has reviewed the following reports:

- Geology and Soils Report Review Letter, 560-620 N. Marquette Street, Log #108965, dated June 26, 2019, and prepared by the Los Angeles Department of Building and Safety Grading Division (LADBS)
- Geotechnical Response Letter, Appeal Letter of Thomas M. Donovan, on Bahalf (*sic*) of Save Las Pulgas Canyon to the Commissioners of the West Los Angeles Area Planning Commission, dated May 28, 2019, Proposed Eight Single Family Residences, Arb. 2, Lot 8, Block 137, Tract 9300, 560 North Marquette Street, Pacific Palisades, California, dated May 30, 2019 and is prepared by Byer Geotechnical, Inc.
- Letter to the West Los Angeles Area Planning Commission, Re: DIR-2017-264-CDP-MEL-1A, et al. // CEQA No. ENV-2017-1259-MND, dated June 3, 2019 and is prepared by the Law offices of Thomas M. Donovan, Inc.
- Preliminary Review, Proposed 560 Marquette Street Redevelopment, City of Los Angeles Planning Department Case Nos. DIR-2017-268 through 449-CDP-MEL-1A, CEQA No. ENV-2017-1259--MND, dated May 30, 2019 and is prepared by E.D. Michael, Consulting Geologist

In response to an initial request for a geotechnical review received on February 20, 2018, and a subsequent request for additional review dated November 7, 2018, both from the West Los Angeles District Office, the Geotechnical Engineering Division (GED) has reviewed the following reports and plans:

- A three-sheet plan for Marquette Street Sewer Extension, BR402851. The plan is dated, January 25, 2019, and is prepared by M&G Civil Engineering & Land Surveying.
- A three-sheet plan for Marquette Street Sewer Extension, BR402851. The plan is dated, January 18, 2019, and is prepared by M&G Civil Engineering & Land Surveying.
- Geotechnical Memorandum, Proposed Sewer Line, Arbs. 2, Lots 8, Block 137, Tract 9300, 560 North Marquette Street, Pacific Palisades, California, dated January 8, 2019 and is prepared by Byer Geotechnical, Inc.
- Geologic and Geotechnical Engineering Exploration Update, Proposed Sewer Line, Arbs. 2, Lots 8, Block 137, Tract 9300, 560 North Marquette Street, Pacific Palisades, California, dated September 17, 2018 and is prepared by Byer Geotechnical, Inc.
- A six-sheet plan for Marquette Street Sewer Extension, BR402851. The plan is dated, January 15, 2018, and is prepared by EPD Consultants.
- Geologic and Geotechnical Engineering Exploration, for Proposed Eight Single Family

Residences, Arbs. 1, 2, and 3, Lots 1-8, Block 137, Tract 9300, 560-620 North Marquette Street, Pacific Palisades, California, dated December 19, 2016 and is prepared by Byer Geotechnical, Inc.

- Geology and Soils Report Review Letter, 365 Las Casa Avenue, Log #88320, dated May 20, 2015, and prepared by the Los Angeles Department of Building and Safety Grading Division (LADBS)
- Preliminary Geotechnical Engineering Exploration, Proposed Single Family Residence, Tract: 9300, Lot: 37, Block: 140, Pacific Palisades, California, dated March 30, 2015 and is prepared by GeoConcepts, Inc.

Our review is limited to portions of the project adjacent to or within the public right-of-way within the City of Los Angeles. The provided plans propose the construction of a sewer extension in the right of way of Las Casas Avenue and Marquette Street.

As stated in GED's review approval letter dated January 28, 2019 (revised on 4-26-2019 to correct the project addresses as requested by the West LA District Office), the proposed construction is on a street that is directly adjacent to Pulgas Canyon in an area that has been subject to slope instability in the past with an existing slope that is steeper than 2:1 (horizontal:vertical) only 20 feet away from the roadway. For these reasons, GED required due diligence with respect to potential slope instability to limit/mitigate as much as practical potential adverse impacts from the proposed construction. To this end, the applicant has agreed to install flexible joints on the sewer line in the area of the over-steepened slope to accommodate potential future slope movement and to install a closed impermeable liner system in the sewer trench in this area to limit/prevent potential infiltration in the case of a sewer leak.

GED reviewed the recently submitted documents including Byer Geotechnical's response to comments made by Thomas M. Donovan and E.D. Michael regarding the proposed residential development that includes the extension of the sewer in Marquette Street, as well as the specified comment documents and LADBS's review letter.

GED agrees with the determination as stated by E.D. Michael that groundwater recharge from septic systems, "is especially of concern because locally, the rate of recharge is much greater than that that due to other conditions." GED is supportive of the installation of and the connection to City sewer service as an alternative to septic systems in hillside areas as a means of reducing or eliminating a potential source of groundwater that has the potential to decrease the stability of slopes. As such, the proposed development, which includes the extension of the sewer on Marquette Street and GED's recommended mitigations, should locally reduce the amount of groundwater and increase the stability of the adjacent slopes when existing septic systems are moved onto City sewer service.

Based on the information provided by Byer's response, GED's recommended approval and the stated approval conditions detailed in GED's review approval letter dated January 28, 2019 (revised on 4-26-2019 to correct the project addresses as requested by the West LA District Office) remain applicable and no revisions to GED's conditional approval are necessary.