



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

West Los Angeles Area Planning Commission

Date:	May 2, 2018 Continued from March 21, 2018	Case No.:	DIR-2016-2561-MEL-1A
Time:	After 4:30 p.m.*	Related Case:	ADM-2018-262-CATEX
Place:	Henry Medina West LA Parking Enforcement Facility 11214 W. Exposition Blvd., 2 nd Floor Los Angeles, CA 90064	CEQA No.:	N/A
		Council No.:	11 – Mike Bonin
		Plan Area:	Brentwood-Pacific Palisades
		Specific Plan:	None
		Certified NC:	None
Public Hearing:	N/A	Land Use:	Low Residential
Appeal Status:	Not further appealable	Zone:	R1-1
Expiration Date:	N/A	Appellant No. 1:	Lia Renee Memsic (A)
		Appellant No. 2:	Martin J. Murphy (B)
		Applicant:	Scott MacPherson
		Representative:	John J. Parker, Pacific Crest Consultants

PROJECT LOCATION: 283 N. Trino Way

PROPOSED PROJECT: The substantial demolition of an existing two-story single-family dwelling with an attached two-car garage and construction of additions to the remaining structure, resulting in a new 3,442 square-foot two-story single-family dwelling with a basement, covered patio, two attached two-car garages, and two new retaining walls.

REQUESTED ACTION: Appeal of the Director's Determination approving a Mello Act Compliance Review for the demolition of one Residential Unit and construction of one new Residential Unit in the Coastal Zone.

RECOMMENDED ACTIONS:

1. **Deny** the appeal;
2. **Sustain** the Determination of the Director of Planning in approving a Mello Act Compliance Review for the demolition of an existing Residential Unit and construction of one new Residential Unit.

VINCENT. P. BERTONI, AICP
Director of Planning

Approved by:

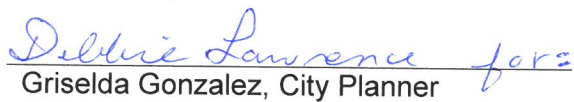
Reviewed by:


Faisal Roble, Principal Planner


Debbie Lawrence, AICP, Senior City Planner

Reviewed by:

Prepared by:


Griselda Gonzalez, City Planner


Kenton Trinh, City Planning Associate
Kenton.Trinh@lacity.org

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 532, 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.

TABLE OF CONTENTS

Project Analysis A-1

- Appellate Decision
- Mello Act Background
- Project Background
- Project Summary
- Appeal Points and Staff Responses
- Conclusion

Exhibits:

- Exhibit A: Appeal Application No. 1 of DIR-2016-2561-MEL
- Exhibit B: Appeal Application No. 2 of DIR-2016-2561-MEL
- Exhibit C: Director's Determination DIR-2016-2561-MEL
- Exhibit D: HCIDLA Mello Act Determination
- Exhibit E: Correspondence

PROJECT ANALYSIS

Appellate Decision

Pursuant to Section VI.H of the Settlement Agreement between the City of Los Angeles and the Venice Town Council, Inc., the Barton Hill Neighborhood Organization, and Carol Berman and Part 8.0 of the City of Los Angeles Interim Administrative Procedures for Complying with the Mello Act, appeals of the Mello Act Compliance Review 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.

Mello Act Background

The Mello Act is a statewide law (adopted in 1982) that seeks to preserve housing for persons and families with low or moderate incomes in California's Coastal Zone. The Mello Act also requires developers of New Housing Developments, if feasible, to provide affordable Residential Units to low or moderate income persons or families. The Mello Act sets forth requirements concerning the demolition, conversion, and construction of housing within the Coastal Zone; there are three basic rules:

Rule 1. Existing residential structures shall be maintained unless the local jurisdiction finds that the residential units are no longer feasible. A local jurisdiction may not approve the Demolition or Conversion of residential structures for purposes of non-Coastal-Dependent, non-residential use, unless it first finds that a residential use is no longer feasible at that location.

Rule 2. Converted or demolished Residential Units occupied by Very Low, Low, or Moderate Income persons or families shall be replaced. Converted or demolished Residential Units occupied by Very Low, Low or Moderate Income persons shall be replaced on a one-for-one basis.

Exception to General Rule: The above rule does not apply where the agency finds any of the following and does not find replacement housing is feasible:

- The demolition or conversion involves a residential structure with less than three dwelling units or if more than one structure, the conversion involves ten or fewer dwelling units.
- The conversion or demolition is to convert a residential use to a "coastal-dependent" or "coastal-related" use (such as, visitor-serving commercial or recreational uses facilities or boat facilities).
- The conversion or demolition is in a city that has an adopted in lieu fee program that provides replacement affordable housing units.

Rule 3. New Housing Developments shall provide Inclusionary Residential Units. If feasible, New Housing Developments shall provide Inclusionary Residential Units affordable to Very Low, Low or Moderate Income persons or families.

Project Background

The proposed project is located in the Coastal Zone as defined in California Public Resources Code, Division 20 (commencing with Section 30000) and as depicted on the City of Los Angeles Coastal Zone Maps. The subject property is 9,469 square-foot lot that was previously developed with a single-family dwelling. The proposed project is the substantial demolition of the single-family dwelling and construction of additions to the structure, resulting in a new single-family dwelling.

An application for a Coastal Development Permit and the Mello Act Compliance Review was filed on July 20, 2016 with the Department of City Planning for the proposed project. A public hearing was held by a Hearing Officer on August 7, 2017. However, the Department of City Planning has since enacted a new procedure related to coastal development in the Pacific Palisades based on Categorical Exclusion Order E-79-8, which was adopted by the Coastal Commission on October 16, 1979. Pursuant to Public Resources Code Sections 30610(e) and 30610.5(b), Exclusion Order E-79-8 excludes certain types of residential and commercial development in specific areas from the permit requirements of the California Coastal Act.

A determination has been made that the proposed project is located within an excluded area (geographic limits noted in E-79-8), and a Categorical Exclusion was issued under ADM-2018-262-CATEX, stating that the proposed project complies with the conditions outlined for each Category of Development and Geographic Area, and the limitations of Order E-79-8. As such, the proposed project does not require a Coastal Development Permit and Case No. DIR-2016-2561-CDP-MEL has been amended to DIR-2016-2561-MEL. Per the policy, the Categorical Exclusions are not appealable, but are subject to a 10-day review period by the California Coastal Commission.

Project Summary

The proposed project involves the demolition of an existing Residential Unit and construction of one new Residential Unit and is subject to the Mello Act as set forth in California Government Code Section 65590 and 65590.1. 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 on site and must be maintained and if the proposed project is subject to the Inclusionary Residential Units requirement.

The Los Angeles Housing and Community Investment Department (HCIDLA) issued a determination dated June 7, 2017 stating that no affordable units exist on the subject property. Therefore, no Affordable Existing Residential Units would be demolished. Part 2.4.2 of the Interim Administrative Procedures states that it is infeasible for small New Housing Developments, comprised of nine or fewer Residential Units, to provide Inclusionary Residential Units. Therefore, such New Housing Developments are Categorically Exempt from further Mello Act Compliance Review.

The Director of Planning's Mello Act Compliance Review found that no Affordable Existing Residential Units are proposed for demolition or conversion, the applicant is not required to provide any Affordable Replacement Units; and that the proposed project is exempt from Inclusionary Residential Units requirement and further Mello Act compliance review pursuant to Part 2.4.2 of the Interim Mello Act Administrative Procedures.

Appeal Points and Staff Responses

Two separate appeals (Exhibit A and B) were filed in a timely manner on January 29, 2018.

1. **Appeal No. 1:** The Appellant states that she objects to the approvals of DIR-2016-2561-MEL, DIR-2016-2561-CDP-MEL, and ADM-2018-262-CATEX.

Response: The proposed project consists of the substantial demolition of an existing single-family dwelling and construction of additions, resulting in a new single-family dwelling. On January 12, 2018, the Department of City Planning issued a letter approving a Mello Act Compliance Review under DIR-2016-2561-MEL (Exhibit C) for the demolition of an existing Residential Unit and construction of one new Residential Unit. The appellant asserts that she objects the approval of the Mello Act Compliance Review, but does not provide specific issues or reasons for the appeal and does not state how the Director of Planning erred or abused his discretion.

HCIDLA issued a letter dated June 7, 2017 (Exhibit D) stating that the existing structure was not an affordable unit based on long-term vacancy of the property by the owner. Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion and the applicant is not required to provide any Affordable Replacement Units.

Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments which consist of nine or fewer Residential Units are Small New Housing Developments and are Categorically Exempt from the Inclusionary Residential Unit requirement. The proposed construction of one new Residential Unit is found to be Categorically Exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

Staff therefore concludes that the Director of Planning did not err in approving the Mello Act Compliance Review.

2. **Appeal No. 2:** The Appellant states that the existing single-family dwelling was occupied by moderate income persons.

Response: The Appellant does not provide substantial evidence to support his claim that the Residential Unit was occupied by moderate income persons. As previously stated, HCIDLA issued a letter dated June 7, 2017 (Exhibit D) stating that the existing structure was not an affordable unit based on long-term vacancy of the property by the owner. Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion and the applicant is not required to provide any Affordable Replacement Units.

Conclusion

Staff recommends the West Los Angeles Area Planning Commission deny the appeal and sustain the Director's Determination DIR-2016-2561-MEL for the approval of a Mello Act Compliance Review. Pursuant to Part 8.0 of the Interim Mello Act Administrative Procedures, appellants have the burden of proof and shall present substantial evidence to support their appeal. The appellant did not provide any evidence to show that the Director of Planning or his/her designee erred in the Mello Act Compliance Review Determination. As discussed in this report, the proposed project is the demolition of an existing single-family dwelling and construction of one new single-family dwelling. No Affordable Existing Residential Units were found to exist on the property and the proposed project is Categorically Exempt from the Inclusionary Residential Units requirement pursuant to Part 2.4.2 of the Interim Administrative Procedures.

DIR-2016-2561-MEL-1A

EXHIBIT A

APPEAL NO. 1

DIR-2016-2561-MEL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☒ Area Planning Commission ☐ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: DIR-2016-2561-MEL, DIR-2016-2561-CDP-MEL, ADM-2018-262-CATEX See Attached

Project Address: 283 Trino Way, City of Los Angeles, California, 90272

Final Date to Appeal: January 29, 2018 (?)

Type of Appeal: ☐ Appeal by Applicant/Owner
 ☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 ☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION Complaining Person

Appellant's name (print): Lia Renee Memsic

Company: _____

Mailing Address: 334 Aderno Way

City: Los Angeles State: California Zip: 90272

Telephone: _____ E-mail: Lia@pilarus.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self ☐ Other: _____

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: *Lia Memaic*

Date: January 29, 2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Ivory Chambers</u>	Date: <u>1/29/18</u>
Receipt No: <u>0103843481</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

January 29, 2018

TO: West LA Area Planning Commission

Grievances

Case Nos: DIR-2016-2561-CDP-MEL
DIR-2016-2561-MEL
DIR-2016-2560-CE
ENV-2016-2560-EAF
ENV-2016-2560-CE
ADM-2018-262-CATEX
ZA-2010-478-AIC
ZA-2011-3266-AIC

FROM: Lia Renee Memsic
334 Aderno Way
Los Angeles, California
90272

Re: Coastal Development Project at 283 Trino Way, 90272, City of Los Angeles, California, CD11

1. I object to the attached planning approvals for DIR-2016-2561-MEL, DIR-2016-2561-CDP-MEL, and ADM-2018-262-CATEX.
2. I object to any and all Coastal Applications and their respective City approvals
3. I object to the layering of applications, omissions and inconsistent applications and records
4. I object to applications and records that confuse & obfuscate facts, records, applications and plans.
5. This letter dated January 29, 2018 serves as my appeal of the attached determination letters.
6. This letter dated January 29, 2018 serves as my complaint of wrongdoing regarding the attached determination letters.
7. This letter dated January 29, 2018 serves as a complaint regarding wrongdoing in project at 283 Trino and its proposed project development.
8. This letter dated January 29, 2018 serves as a complaint regarding application that is not true, not complete, and not accurate.
9. I reserve the right to supplement this appeal with additional grievances.
10. I reserve the right to supplement this complaint with additional grievances.

For the record:

11. I have been denied access to public records that are listed in the attached determination letters and will update this letter after I receive the records from City of Los Angeles.
12. I have been denied access to public records to support my grievances.
13. I am actively seeking public records to support my grievances.

Sincerely,


Lia Renee Memsic

DEPARTMENT OF
CITY PLANNING
CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT
RENEE DAKE WILSON
VICE PRESIDENT
CAROLINE CHOE
VAHID KHORSAND
JOHN W. MACK
SAMANTHA MILLMAN
MARC MITCHELL
VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

**DIRECTOR'S DETERMINATION
MELLO ACT COMPLIANCE REVIEW**

January 12, 2018

Applicant/Property Owner
Scott MacPherson
283 North Trino Way
Pacific Palisades, CA 90272

Representative
John J. Parker
Pacific Crest Consultants
2197 Stacy Lane
Camarillo, CA 93012

Case No: DIR-2016-2561-MEL

Location: 283 North Trino Way

Council District: 11 – Bonin

Neighborhood Council: None

Community Plan Area: Brentwood-Pacific Palisades

Specific Plan: None

Land Use Designation: Low Residential

Zone: R1-1

Legal Description: Arb 2, Lot FR 21, Tract TR 10179
and Arb 2, Lot 20, Tract TR 10179

Last Day to File an Appeal: January 29, 2018

Pursuant to California Government Code Sections 65590 and 65590.1 (commonly called the Mello Act) and the City of Los Angeles Interim Administrative Procedures for complying with the Mello Act, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby find that:

1. No Affordable Existing Residential Units were found to exist at 283 North Trino Way and;
2. The proposed project will develop one (1) new Residential Unit (single-family dwelling), defined as a Small New Housing Development and therefore exempt from the Inclusionary Residential Unit requirement.

MELLO ACT COMPLIANCE FINDINGS

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), and as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project involves the conversion, demolition, or development of one or more residential units. Therefore, the proposed project is subject to the Mello Act, as set forth in California Government Code Section 65590 and 65590.1.

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 following findings are provided:

1. Demolitions and Conversions (Part 4.0).

The subject property was developed with a single-family dwelling. The initial scope of work consisted of the major remodel and addition to the existing single-family dwelling. However, during the course of construction, most of the exterior walls were removed, resulting in the substantial demolition of the existing structure.

The Los Angeles Housing and Community Investment Department issued a determination dated June 7, 2017 stating that no affordable units exist at 283 North Trino Way. HCIDLA collected data from May 2016 through May 2017.

HCIDLA mailed a certified letter to the subject property, but was returned with a status of "Undeliverable as Addressed." The applicant submitted Department of Water and Power bills that show no electricity usage and minimal water usage. Google Images show that the existing single-family dwelling has been mostly demolished since at least May 2016. HCIDLA concluded that the property owner has proven long-term vacancy of the subject property. Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion and the applicant is not required to provide any Affordable Replacement Units.

2. Categorical Exemptions (Part 2.4) Small New Housing Developments.

The proposed project involves the substantial demolition of an existing single-family dwelling and construction of additions to the remaining structure, resulting in a new single-family dwelling. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments that 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 one new Residential Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final ten (10) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

Figueroa Plaza
201 North Figueroa Street, 4th
Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando Valley
Constituent Service Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2912

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077 or (818) 374-5050 or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:


Reviewed by:



Faisal Roble, Principal City Planner


Debbie Lawrence, AICP, Senior City Planner

Reviewed by:

Prepared by:


Griselda Gonzalez, City Planner


Kenton Trinh, City Planning Associate
kenton.trinh@lacity.org

DEPARTMENT OF
CITY PLANNING
CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT
RENEE DAKE WILSON
VICE-PRESIDENT
CAROLINE CHOE
VAHID KHORSAND
JOHN W. MACK
SAMANTHA MILLMAN
MARC MITCHELL
VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

January 23, 2018

Applicant/Property Owner
Scott MacPherson
283 North Trino Way
Pacific Palisades, CA 90272

Representative
John J. Parker
Pacific Crest Consultants
2197 Stacy Lane
Camarillo, CA 93012

Case No: DIR-2016-2561-MEL
Previous Case No: DIR-2016-2561-CDP-MEL
Related Case: ADM-2018-262-CATEX
Location: 283 North Trino Way
Council District: 11 – Bonin
Neighborhood Council: None
Community Plan Area: Brentwood-Pacific Palisades
Specific Plan: None
Land Use Designation: Low Residential
Zone: R1-1
Legal Description: Arb 2, Lot FR 21, Tract TR 10179
and Arb 2, Lot 20, Tract TR 10179

CATEGORICAL EXCLUSION ORDER (E-79-8)

An application for a Coastal Development Permit and Mello Act Compliance Review was filed on July 20, 2016 with the Department of City Planning for a project consisting of the substantial demolition and major renovation of a single-family dwelling, located at 283 North Trino Way. A public hearing was held by a Hearing Officer on August 7, 2017.

The project is located within a designated area of the Pacific Palisades where the Coastal Commission has adopted an Exclusion Order (E-79-8), excluding certain types of residential and commercial development from the permit requirements of the California Coastal Act. Categorical Exclusion Order E-79-8 was adopted by the California Coastal Commission on October 16, 1979, pursuant to Public Resources Code Sections 30610(e) and 30610.5(b). A determination has been made, Case No. ADM-2018-262-CATEX, that the project is located within the excluded area (geographic limits noted in E-79-8, as amended), complies with the conditions outlined for each Category of Development and Geographic Area, and the limitations of Order E-79-8, as amended.

As such, the project does not require a Coastal Development Permit and Case No. DIR-2016-2561-CDP-MEL has been amended to DIR-2016-2561-MEL. All interested parties, those requesting notification of the Coastal Development Permit action, will receive a copy of this notice as well as the Mello Act Compliance Review Determination.

Inquiries regarding this matter shall be directed to Kenton Trinh at (213) 978-1290.

DIR-2016-2561-MEL-1A

EXHIBIT B

APPEAL NO. 2

DIR-2016-2561-MEL

ORIGINAL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☒ Area Planning Commission ☒ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: DIR-2016-2561-MEL

Project Address: 283 North Tuna Way, Pacific Palisades CA 90272

Final Date to Appeal: January 29, 2018

Type of Appeal:

- ☐ Appeal by Applicant/Owner
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): MARLEN J. MURPHY

Company: _____

Mailing Address: 338 Adorno Ave

City: Pacific Palisades

State: CA

Zip: 90272-3344

Telephone: (310) 922 3769

E-mail: MARLEN.M@ROADRUNNER.COM

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self

☐ Other: _____

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Telephone: _____

E-mail: _____

ORIGINAL

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☒ Entire

☐ Part

Are specific conditions of approval being appealed?

☐ Yes

☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Marta J. Murphy

Date: January 29, 2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>F. ELUA</u>	Date: <u>1/29/2018</u>
Receipt No: <u>6101843323</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

283 Town Way was last occupied
by moderate income Residents

Low rise & Net Others, located.

The house is on a landscaped

the wooded zone in an

Area occupied by other moderate

income housing. Proposed

Replacement is luxury (> \$4,000 ft²) housing

in a hazardous geological area

not exempt in the

Coastal Act

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT

RENEE DAKE WILSON
VICE-PRESIDENT

CAROLINE CHOE
VAHID KHORSAND
JOHN W. MACK
SAMANTHA MILLMAN
MARC MITCHELL
VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
(213) 978-1300

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

**DIRECTOR'S DETERMINATION
MELLO ACT COMPLIANCE REVIEW**

January 12, 2018

Applicant/Property Owner

Scott MacPherson
283 North Trino Way
Pacific Palisades, CA 90272

Representative

John J. Parker
Pacific Crest Consultants
2197 Stacy Lane
Camarillo, CA 93012

Case No: DIR-2016-2561-MEL

Location: 283 North Trino Way

Council District: 11 – Bonin

Neighborhood Council: None

Community Plan Area: Brentwood-Pacific Palisades

Specific Plan: None

Land Use Designation: Low Residential

Zone: R1-1

Legal Description: Arb 2, Lot FR 21, Tract TR 10179
and Arb 2, Lot 20, Tract TR 10179

Last Day to File an Appeal: January 29, 2018

Pursuant to California Government Code Sections 65590 and 65590.1 (commonly called the Mello Act) and the City of Los Angeles Interim Administrative Procedures for complying with the Mello Act, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby find that:

1. No Affordable Existing Residential Units were found to exist at 283 North Trino Way and;
2. The proposed project will develop one (1) new Residential Unit (single-family dwelling), defined as a Small New Housing Development and therefore exempt from the Inclusionary Residential Unit requirement.

MELLO ACT COMPLIANCE FINDINGS

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), and as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project involves the conversion, demolition, or development of one or more residential units. Therefore, the proposed project is subject to the Mello Act, as set forth in California Government Code Section 65590 and 65590.1.

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 following findings are provided:

1. Demolitions and Conversions (Part 4.0).

The subject property was developed with a single-family dwelling. The initial scope of work consisted of the major remodel and addition to the existing single-family dwelling. However, during the course of construction, most of the exterior walls were removed, resulting in the substantial demolition of the existing structure.

The Los Angeles Housing and Community Investment Department issued a determination dated June 7, 2017 stating that no affordable units exist at 283 North Trino Way. HCIDLA collected data from May 2016 through May 2017.

HCIDLA mailed a certified letter to the subject property, but was returned with a status of "Undeliverable as Addressed." The applicant submitted Department of Water and Power bills that show no electricity usage and minimal water usage. Google Images show that the existing single-family dwelling has been mostly demolished since at least May 2016. HCIDLA concluded that the property owner has proven long-term vacancy of the subject property. Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion and the applicant is not required to provide any Affordable Replacement Units.

2. Categorical Exemptions (Part 2.4) Small New Housing Developments.

The proposed project involves the substantial demolition of an existing single-family dwelling and construction of additions to the remaining structure, resulting in a new single-family dwelling. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments that 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 one new Residential Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final ten (10) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

Figueroa Plaza
201 North Figueroa Street, 4th
Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando Valley
Constituent Service Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2912

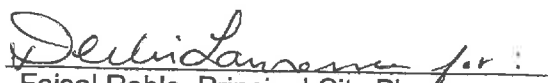
Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077 or (818) 374-5050 or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

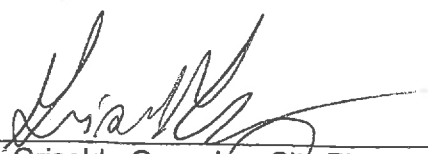
Reviewed by:


Faisal Roble, Principal City Planner


Debbie Lawrence, AICP, Senior City Planner

Reviewed by:

Prepared by:


Griselda Gonzalez, City Planner


Kenton Trinh, City Planning Associate
kenton.trinh@lacity.org

DIR-2016-2561-MEL-1A

EXHIBIT C

DIRECTOR'S DETERMINATION

DIR-2016-2561-MEL

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ
PRESIDENT

RENEE DAKE WILSON
VICE-PRESIDENT

CAROLINE CHOE
VAHID KHORSAND
JOHN W. MACK
SAMANTHA MILLMAN
MARC MITCHELL
VERONICA PADILLA-CAMPOS
DANA M. PERLMAN

ROCKY WILES
COMMISSION OFFICE MANAGER
(213) 978-1300

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP
DIRECTOR
(213) 978-1271

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER
(213) 978-1272

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

<http://planning.lacity.org>

**DIRECTOR'S DETERMINATION
MELLO ACT COMPLIANCE REVIEW**

January 12, 2018

Applicant/Property Owner

Scott MacPherson
283 North Trino Way
Pacific Palisades, CA 90272

Representative

John J. Parker
Pacific Crest Consultants
2197 Stacy Lane
Camarillo, CA 93012

Case No: DIR-2016-2561-MEL

Location: 283 North Trino Way

Council District: 11 – Bonin

Neighborhood Council: None

Community Plan Area: Brentwood-Pacific Palisades

Specific Plan: None

Land Use Designation: Low Residential

Zone: R1-1

Legal Description: Arb 2, Lot FR 21, Tract TR 10179
and Arb 2, Lot 20, Tract TR 10179

Last Day to File an Appeal: January 29, 2018

Pursuant to California Government Code Sections 65590 and 65590.1 (commonly called the Mello Act) and the City of Los Angeles Interim Administrative Procedures for complying with the Mello Act, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby find that:

1. No Affordable Existing Residential Units were found to exist at 283 North Trino Way and;
2. The proposed project will develop one (1) new Residential Unit (single-family dwelling), defined as a Small New Housing Development and therefore exempt from the Inclusionary Residential Unit requirement.

MELLO ACT COMPLIANCE FINDINGS

The proposed project is located in the Coastal Zone, as defined in California Public Resources Code, Division 20 (commencing with Section 30000), and as depicted on the City of Los Angeles Coastal Zone Maps. The proposed project involves the conversion, demolition, or development of one or more residential units. Therefore, the proposed project is subject to the Mello Act, as set forth in California Government Code Section 65590 and 65590.1.

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 following findings are provided:

1. Demolitions and Conversions (Part 4.0).

The subject property was developed with a single-family dwelling. The initial scope of work consisted of the major remodel and addition to the existing single-family dwelling. However, during the course of construction, most of the exterior walls were removed, resulting in the substantial demolition of the existing structure.

The Los Angeles Housing and Community Investment Department issued a determination dated June 7, 2017 stating that no affordable units exist at 283 North Trino Way. HCIDLA collected data from May 2016 through May 2017.

HCIDLA mailed a certified letter to the subject property, but was returned with a status of "Undeliverable as Addressed." The applicant submitted Department of Water and Power bills that show no electricity usage and minimal water usage. Google Images show that the existing single-family dwelling has been mostly demolished since at least May 2016. HCIDLA concluded that the property owner has proven long-term vacancy of the subject property. Therefore, no Affordable Existing Residential Units are proposed for demolition or conversion and the applicant is not required to provide any Affordable Replacement Units.

2. Categorical Exemptions (Part 2.4) Small New Housing Developments.

The proposed project involves the substantial demolition of an existing single-family dwelling and construction of additions to the remaining structure, resulting in a new single-family dwelling. Pursuant to Part 2.4.2 of the Interim Administrative Procedures, developments that 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 one new Residential Unit is found to be categorically exempt from the Inclusionary Residential Unit requirement for New Housing Developments.

APPEAL PERIOD - EFFECTIVE DATE

The Determination in this matter will become effective and final ten (10) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at www.cityplanning.lacity.org.

Planning Department public offices are located at:

Figueroa Plaza
201 North Figueroa Street, 4th
Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando Valley
Constituent Service Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles Development
Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2912

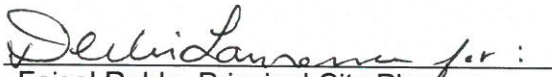
Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077 or (818) 374-5050 or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP
Director of Planning

Approved by:

Reviewed by:

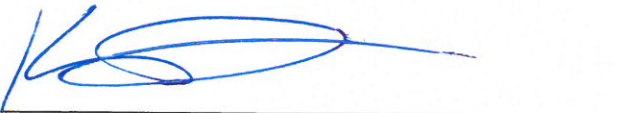

Faisal Roble, Principal City Planner


Debbie Lawrence, AICP, Senior City Planner

Reviewed by:

Prepared by:


Griselda Gonzalez, City Planner


Kenton Trinh, City Planning Associate
kenton.trinh@lacity.org

DIR-2016-2561-MEL-1A

EXHIBIT D

HCIDLA MELLO ACT
DETERMINATION


DIR-2016-2561-MEL



Eric Garcetti, Mayor
Rushmore D. Cervantes, General Manager

DATE: June 7, 2017

TO: Debbie Lawrence, Senior City Planner
City Planning Department

FROM: Robert Manford, Environmental Affairs Officer
Los Angeles Housing and Community Investment Department 

SUBJECT: **Mello Act Determination for 283 North Trino Way, Pacific Palisades, CA 90272**

Planning Case #: DIR-2016-2561-CDP-MEL

Based on information provided by the owner, Scott B. Macpherson, trustee of The SBM Revocable Trust dated July 13, 2010, the Los Angeles Housing + Community Investment Department (HCIDLA) has determined that no affordable units exist at 283 North Trino Way, Pacific Palisades, CA 90272.

The property currently consists of a mostly demolished single family dwelling in the process of a "major remodel." The garage is the only remaining portion of the mostly demolished single family dwelling. The owner intends to construct a new single family dwelling. On July 27, 2010, The SBM Revocable Trust dated July 13, 2010, received the property through transfer from Scott Macpherson. Owner has applied for a Building Permit (#16014-20000-06129) with the Los Angeles Department of Building and Safety.

Section 4.4.2 of the Interim Administrative Procedures for Complying with the Mello Act requires that HCIDLA collect monthly housing cost data for at least the previous 365 consecutive days. The owner's Mello application statement was received by HCIDLA on May 4, 2017. HCIDLA must collect data from: May 2016 through May 2017.

On June 1, 2017, HCIDLA mailed a certified letter to the property. According to the United States Postal Service website (www.usps.com), the status of the letter was "Undeliverable as Addressed," as of June 7, 2017.

Owner provided Department of Water and Power bills that show no electricity usage, but some water usage during May 2016 through May 2017. Per Google images, the single family dwelling has been mostly demolished since at least May 2016. Based on the documents provided, the owner has proven long-term vacancy of the property, and therefore shall not be classified as an affordable unit.

cc: Los Angeles Housing and Community Investment Department File
Scott B. Macpherson, Trustee of The SBM Revocable Trust dated July 13, 2010
Richard A. Rothschild, Western Center on Law and Poverty, Inc.
Susanne Browne, Legal Aid Foundation of L.A.
Juliet Oh, City Planning Department

RM:MAC:nk

DIR-2016-2561-MEL-1A

EXHIBIT E

CORRESPONDENCE

DIR-2016-2561-MEL

Martin J. Murphy

338 Aderno Way
Pacific Palisades, CA 90272-3344
Telephone: (310) 922-3709 (cell)
Facsimile: (310) 454-8919
Email: martin.m@roadrunner.com

March 2, 2018

HERB J. WESSON
NURY MARTINEZ
PAUL KREKORIAN
DAVID E. RYU
MONICA RODRIGUEZ
CURREN D. PRICE, JR
MITCH O'FARRELL
JOE BUSCAINO
Los Angeles City Council

MITCHELL ENGLANDER
GILBERT A. CEDILLO
BOB BLUMENFIELD
PAUL KORETZ
MARQUEECE HARRIS-DAWSON
MIKE BONIN
JOSE HUIZAR

Vince Bertoni, Director of Planning, Vince.Bertoni@lacity.org (to Address in letter)
Lisa Webber, Deputy Director of Planning, Lisa.Webber@lacity.org
Faisal Roble, Senior City Planner, Faisal.Roble@lacity.org
Kenton Trinh, City Planning Associate, Kenton.trinh@lacity.org
Department of City Planning

Frank M. Bush - General Manager, Superintendent of Building

City of Los Angeles
200 North Spring Street, Room 720
Los Angeles, CA 90012

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179, and
City Planning Case Numbers: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL;
DIR-2016-2561-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and
Building & Safety Building Grading Permit application: B18WL00987; and

Adjoining grading, excavation subdivisions, and building projects in the area from the
Bel Air Bay Tract 10179 and the Bernheimer Gardens to the two Bel Air Bay
landslides obstructing Pacific Coast Highway, Excavating 58,000 cubic yards, DIR
2017-3895-CDP-MEL, DIR 2017-3897-CDP-MEL, DIR 2017-3898-CDP-MEL,
CEQA-ENV-2017-3896-CE, and AA-2017-3894-PMEX.

1. 283 Trino Way is in the Dual Permit Area of the California Coastal Zone and Must but Failed to Obtain California Coastal Development Permits for Demolition, Grading, Retaining Walls, and New Residential Construction;
2. 283 Trino Way is on a Coastal Bluff within the Dual Permit Jurisdiction of the Coastal Zone;
3. The California Coastal Act Requires Coastal Development Permits to modify a recorded Subdivision Tract Map by Lot Split; Adjust a Lot Line; Grade a Coastal

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

- Bluff; Erect Retaining Walls; Demolish a Residence; Construct a Structure, and Widen a Coastal Zone Street;
4. October 23, 2012 Order to Comply, 283 Trino Way & Scott MacPherson Trust;
 5. The California Environmental Quality Act requires an Environmental Impact Report for the Proposed Excavation, Grading, Retaining Walls and Subdivision Map Act Changes at 283 Trino Way, Bernheimer Gardens, and other Developments in Bel Air Bay Tract 10179 and Adjacent Projects on the Coastal Bluff
 6. 283 Trino Way is on an Active Landslide in a Seismic Hazard Zone and Special Grading Hillside Area
 7. Federal, State, and Local Governments Maps Show 283 Trino Way is on a Landslide
 8. Applicants Propose to Cut the Toe and Removing Slide Talus at 283 Trino Way and the Bernheimer Gardens, Acts Documented in the *Final Report, Pacific Palisades Landslide Study* to Cause Landslides;
 9. The Proposed Height of 283 Trino Way Exceeds All Neighboring Homes;
 10. The Lot Splits of Lots 20 and 21 at 283 Trino Way and the Bernheimer Garden Must Comply with the Subdivision Map Act.

Dear President and Member of the City Council, Mr. Bertoni, and Mr. Bush:

Please require the Departments of City Planning and Building and Safety to comply with the California Coastal Act and California Environmental Quality Act. The Department of City Planning on January 19, 2018, unlawfully granted a categorical exclusion from the California Coastal Act to a proposed development at 283 Trino Way, located in the Dual Permit Area of the California Coastal Zone within fifty feet of the Coastal Bluff. Mr. Scott MacPherson and others seek to excavate, construct retaining walls and build on a moving landslide at 283 Trino Way on the Pacific Palisades Coastal Bluff in the Dual Jurisdiction Coastal Zone without obtaining required Coastal Development Permits.

Others propose unlawful grading and excavation in the Bel Air Bay Tract 10179 and Bernheimer Gardens, where two Bel Air Bay landslides continue to obstruct Pacific Coast Highway. Excavation and grading this moving landslide is likely to cause more landslides, damage adjacent properties and further obstruct Pacific Coast Highway. Please require the Departments of City Planning and Building and Safety to comply with the California Coastal Act and California Environmental Quality Act to prevent further landslides and obstruction of Pacific Coast Highway.

The City Should Issue an Interim Control Order Under California Government Code Section 65858. The City should place a moratorium on grading, retaining walls, excavations and enlargements until an Environmental Impact Report determines the location of the fault

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

and identifies how to reduce further movement of the landslides in the Bel Air Bay Tract 10179. The pre-1928 City storm drains and sewers should be immediately replaced to prevent triggering further landslides.

Development in the Dual Permit Area of the California Coastal Zone requires permits from both the City and the California Coastal Commission. Categorical Exclusion Case No. ADM-2018-262-CATEX states that 283 Trino Way is “located in a Dual Permit Jurisdiction of the California Coastal Zone.” The City of Los Angeles does not have legal authority to exempt development in the Dual Permit Jurisdiction from the requirements of California law. The California Coastal Act requires California Coastal Development Permits from the California Coastal Commission before any development.¹ Development within fifty feet of the Coastal Bluff

1. 283 Trino Way is in the Dual Permit Area of the California Coastal Zone and Must but Failed to Obtain California Coastal Development Permits for Demolition, Grading, Retaining Walls, and New Residential Construction

On December 8, 2017, Mr. John Parker, Pacific Crest Consultants, applied for a Categorical Exclusion from the Coastal Act to demolish 1,657 square feet two-story single-family dwelling and attached 430 square feet garage and construct in unidentified project. Mr. Parker did not identify any related plan check numbers.² But the City found that the Mr. MacPherson and others already demolished the 1,657 square feet dwelling formerly located at 283 Trino Way. A separate request seeks approval by the Department of Building and Safety to excavate more than 1,000 cubic yards from 283 Trino Way.

On January 19, 2018, City Planning Associate Kenton Trinh approved the request to exclude unidentified development at 283 Trino Way from California law that requires development in the Dual Permit Jurisdiction Area of the California Coastal Zone to Coastal Development Permits from both the City of Los Angeles and the California Coastal Commission before any development. The City Planning Associate based Categorical Exclusion Order E-79-8 (Case No. ADM-2018-262-CATEX) on California Public Resources Code Sections 30610(e) and 30610.5(b), which do not exempt development such as 283 Trino Way, which is on the Coastal Bluff in the Dual Permit Jurisdiction of the California Coastal

¹ Categorical Exclusion Case No. ADM-2018-262-CATEX, 8 pages, second page of three-page Justification for Categorical Exemption.

² Categorical Exclusion Case No. ADM-2018-262-CATEX, page 1 of 5, dated December 8, 2017, signed January 19, 2018, on page 5, by Kenton Trinh, City Planning Associate, with attached three-page Justification for Categorical Exemption, total of 8 pages.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

Zone.³ Mr. Trinh admits in the Categorical Exclusion Order that 283 Trino Way is “located in a Dual Permit Jurisdiction of the California Coastal Zone.”⁴

Attached to this letter is a copy of City of Los Angeles Map M-848, May 1977, revised February 1980, which shows the boundary line of the Coastal Zone Act of 1977. Map M-848, Sheet 7 of 8 sheets, shows that 283 Trino Way is both on the Coastal Bluff and in the Dual Jurisdiction Area. California law requires California Coastal Development permits be obtained before any development in this area. The City of Los Angeles has no legal authority to exempt 283 Trino Way from the obligation to obtain California Coastal Development Permits. It is not in a geographic area excluded from the Coastal Development Permit requirements by California Public Resources Code Sections 30610(e) and 30610.5(b).

In Categorical Exclusion Order E-79-8 (Case No. ADM-2018-262-CATEX) City Planning Associate Mr. Trinh refers to inapplicable sections of the California Environmental Quality Act.⁵ But Mr. Trinh admits that 283 Trino Way is in a “Hillside Area, a Very High Fire Hazard Severity Zone, a Special Grading Area, a Landslide Area, and the Santa Monica Fault.”

Moreover, the Categorical Exclusion Order ADM-2018-262-CATEX, signed on page one by Mr. Parker and on page five by Mr. Trinh, states on page 4: the exclusion shall not include development that includes street widening. But Mr. MacPherson proposes to widen Trino Way by dedicating five feet of 283 Trino Way. The signed Categorical Exclusion Order states in Part II Limitations, development that includes street widening does not qualify for the categorical exclusion. For this reason, also, 283 Trino Way does not qualify for a categorical exclusion.

The 283 Trino Way applicant proposes to widen Trino Way by dedicating five feet.⁶ But the applicant has already unlawfully dedicated 5 feet to the City for the street widening, with no Public Hearing, California Environmental Quality Act review, Coastal Development Permit, geotechnical engineering plan for the street Trino Way. Applicant submitted no

³ Section 30601(2) of the California Coastal Act requires that a coastal development permit shall be obtained from the commission, in addition and second to the City, for developments within 300 feet of the top of the seaward face of any coastal bluff.

⁴ Categorical Exclusion Case No. ADM-2018-262-CATEX, 8 pages, second page of three-page Justification for Categorical Exemption.

⁵ Title 14, California Code of Regulations, Ch. 3, Guidelines for Implementation of the California Environmental Quality Act, Article 19, Categorical Exemptions: Section 15303, New Construction or Conversion of Small Structures, which are not located in environmentally sensitive areas; and Section 15332, In-Fill Development Projects, which must comply with all applicable zoning designation and regulations.

⁶ *Request & Findings for: Coastal Development Permit (LAMC Sec. 12.20.2-G,1), 283 Trino Way, Updated 6/20/2017*, 2, Received by City of Los Angeles, City Planning, June 20, 2017.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

geology and soils report for the proposed street widening and failed to address whether it is safe and legal.

The Categorical Exclusion Order form signed by Mr. Parker and Mr. Trinh, states on page 2 that it only applies to specific geographic areas excluded by California Public Resources Code Sections 30610(e) and 30610.5(b) from the Dual Permit Jurisdiction of the California Coastal Zone.

California Public Resources Code Section 30610(e).

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.

(Section 30610 Amended by Stats. 2004, Ch. 697, Sec. 18. Effective January 1, 2005.)

California Public Resources Code Section 30610.5(b)

(b) Every exclusion granted under subdivision (a) of this section and subdivision (e) of Section 30610 shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur without further proceedings under this division, and an order granting an exclusion under subdivision (e) of Section 30610, but not under subdivision (a) of this section may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded under either subdivision (a) of this section or subdivision (e) of Section 30610.

(Amended by Stats. 1980, Ch. 1087, Sec. 8. Effective September 26, 1980.)

From at least 2012 to 2017, Mr. Scott MacPherson has unsuccessfully applied to the California Coastal Commission for Coastal Development Permits for 283 Trino Way. On October 23, 2012, the City of Los Angeles Department of Building and Safety issued to Scott MacPherson B/BSM Trust an Order to Comply for violations at 283 Trino Way. The single-

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

family dwelling at 283 Trino Way was demolished without required clearances by the California Coastal Commission, and Macpherson was ordered to obtain all required clearances and approvals from City Planning and Coastal Commission.⁷

2. 283 Trino Way is on a Coastal Bluff within the Dual Permit Jurisdiction Coastal Zone

The California Coastal Act defines the Coastal Zone as land “extending inland generally 1,000 yards from the mean high tide line of the sea.”⁸ Section 30103(b) of the Coastal Act required the California Coastal Commission to prepare and adopt a “detailed map on a scale of one-inch equals 24,000 inches for the coastal zone and shall file a copy of such map with the county clerk of each coastal county.”⁹

Los Angeles Municipal Code Ordinance No. 151,603 establishes procedures for approval or denial of Coastal Development Permits in accordance with Section 30600(b) of the California Public Resources Code. The Municipal Code similarly defines the Coastal Zone as land specified on maps prepared by the California Coastal Commission. The Coastal Zone “generally extends inland 1000 yards from the mean high tide line of the sea.”

In dual permit jurisdictions, such as Trino Way, an applicant must obtain a permit from the local entity and after obtaining the local permit, a second permit from the commission. (Public Resources Code, Sections 30600, 30601; California Code of Regulations, title 14, Section 13301, subdivision (a). *Pacific Palisades Bowl Mobile Estates, LLC, v. City of Los Angeles*, 55 Cal. 4th 783 (2012)

a. Coastal Zone Map M-848 Shows 283 Trino on the Coastal Bluff

City of Los Angeles Boundary Line of the Coastal Zone Act of 1977 Map M-848 shows that 283 Trino Way is on the face of the Coastal Bluff. City of Los Angeles Map M-848, May 1977, revised February 1980, “reflects the City’s interpretation of the State Coastal Zone boundary line as reflected on the State’s 1: 24,000 scale official map.” The State Coastal Commission also uses map M-848 as the boundaries follows the State map, but the City map has the added feature of showing tract parcels.

The Pacific Palisades boundary line of the Coastal Zone Act of 1977 is shown on Map M-848, Sheet 7 of 8 sheets, February 1980. Map M-848 also depicts the area 50’ inland of the Coastal Bluff and the limit of construction. Map M-848 shows that the Dual Jurisdiction Area extends beyond Aderno Way, and Sunset Boulevard. The Coastal Bluff includes most of

⁷ *Order to Comply, Department of Building and Safety, Scott MacPherson B/BSM Trust, 283 Trino Way*, October 23, 2012, 3 pages.

⁸ *California Coastal Act, Public Resources Code, Division 20, Section 30103(a).*

⁹ *California Coastal Act, Section 30103(b).*

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

Aderno Way, all Trino Way. The proposed development of 283 Trino Way is downslope on the ocean side of Aderno Way, and well within the face of the Coastal Bluff.

- b. The 1989 *Geologic Maps of Pacific Palisades Area*, Map 1828-1 and Map 1828 (Sheet 2 of 2) also Show 283 Trino is on the Coastal Bluff

The *Geologic Maps of Pacific Palisades Area, Los Angeles, California*, John T. McGill, United States Geologic Survey Map 1828-1 and Map 1-1828 (Sheet 2 of 2), 1989, show 283 Trino Way on the Coastal Bluff. Particularly Map 1828 (Sheet 2 of 2) depicts various structure contours, including 215 feet and 220 feet above sea level as part of one bluff from sea level.¹⁰

- c. Aerial Photographs Show 283 Trino is on the Coastal Bluff

In 1927, Alphonzo Bell purchased thirty-one acres stretching from the Pacific Ocean to Sunset Boulevard. The thirty-one acres included nine-hundred feet of shoreline, the Coastal Bluff from the shoreline to Aderno Way, and the land from Aderno Way Sunset (then Beverly) Boulevard. This became the Bel Air Bay Club, surrounded by a residential area of sixty-seven homes, Tract 10179.¹¹

A 1928 Fairchild Aerial photograph shows the road cuts for Arno, Trino and Aderno Way. The 1928 Fairchild Aerial photograph also depicts the rise of the Coastal Bluff from the shoreline through the Aderno Way circle.¹²

An aerial photograph taken on January 3, 1931, reproduced in *The Bel-Air Bay Club, A Country Place by the Sea*, shows the road cut for Trino Way. The photograph also depicts the coastal bluff rising from the Pacific Ocean through Aderno Way.¹³

An April 27, 1938 Fairchild Aerial Photography Collection photograph captured the landslides along the Coastal Bluff above Trino Way. The 1938 photograph records the landslide debris covering Trino Way.¹⁴

A March 5, 1940 Fairchild Aerial Photography Collection shows the landslides along Trino Way after the landslide debris was removed from the street. The 1940 photograph

¹⁰ *Geologic Maps of Pacific Palisades Area, Los Angeles, California*, John T. McGill, United States Geologic Survey Map 1828-1 and Map 1-1828 (Sheet 2 of 2), 1989.

¹¹ *The Bel-Air Bay Club, A Country Place by the Sea, 1927-1997*, ed. Russell Gates, Jr., 45, 50, Pacific Palisades, CA: Post Printing, 1997.

¹² Fairchild Aerial Photography Collection, Flight C-300, Frame J:214, 1928.

¹³ *The Bel-Air Bay Club, A Country Place by the Sea, 1927-1997*, ed. Russell Gates, Jr., 56-57, Pacific Palisades, CA: Post Printing, 1997.

¹⁴ Fairchild Aerial Photography Collection, Flight C-5139, Frame 22, April 13, 1938.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

shows the Coastal Bluff rising from the Pacific Ocean through the home sites in the circle of Aderno Way.¹⁵

An October 1962 Fairchild Aerial Photography Collection photograph shows the Coastal Bluff rising from the Pacific Ocean through the Aderno Way circle. The October 1962 aerial photograph shows the house on Pintesca on the face of the Coastal Bluff Pacific Coast Highway. That house has since collapsed when the landslide enlarged. The October 1962 aerial photograph also depicts Arno Way above the Bel Air Bay Club before the landslide between Arno Way and the upper Bel Air Bay club. About the mid-1990's, the City of Los Angeles buttressed Arno Way with soldier piles to prevent another collapse.

d. Blufftop Development Should be Set Back 25 feet from the Bluffs

The proposed construction at 283 Trino Way is on the face of the Coastal Bluff within the Dual Jurisdiction Area (California Public Resources Section 30601) of the California Coastal Act. As noted above, applicant must obtain a permit from the local entity and after obtaining the local permit, a second permit from the commission. (Public Resources Code, Sections 30600, 30601; California Code of Regulations, title 14, Section 13301, subdivision (a). *Palisades Bowl Mobile Estates, LLC, v. City of Los Angeles*, 55 Cal. 4th 783 (2012).

As applicant stated in the 283 Trino Way *Request & Findings*, proposed development should be set back at least 25 feet from the edge of any coastal bluff.¹⁶ Consequently, 283 Trino does not have the right to enlarge what was previously at 283 Trino Way.

3. The California Coastal Act Requires Coastal Development Permits to modify a recorded Subdivision Tract Map by Lot Split; Adjust a Lot Line; Grade a Coastal Bluff; Erect Retaining Walls; Demolish a Residence; Construct a Structure and Widen a Coastal Zone Street.

California Coastal Act, Public Resources Code Section defines Development:

"Development" means, on land, ... the placement or erection of any solid material or structure;; grading, removing, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits....; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal

¹⁵ Fairchild Aerial Photography Collection, Flight C-2440, Frame 27:73, October 1962.

¹⁶ *Request & Findings for: Coastal Development Permit (LAMC Sec. 12.20.2-G,1), 283 Trino Way, Updated 6/20/2017*, 11, Received by City of Los Angeles, City Planning, June 20, 2017.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

utility; ... As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, ...

The 283 Trino Way applicant submitted an incomplete application to construct a major remodel but failed to apply for required Coastal Development Permits for new construction, grading, retaining walls, demolition, lot split, lot line adjustment, and with the City the street widening and public sanitary sewer in the westerly easement. The owner/applicant proposes to alter the Tract 10179 Subdivision Tract Map to record a lot split, grade a Coastal Bluff by removing more than 1,000 cubic yards from a landslide on a steep Coastal Bluff, erect retaining walls, request after-the-fact permission to demolish a residence, excavate a coastal bluff, export coastal bluff earth, install caissons, and widen a Coastal Zone Street without required public hearing in front of the City Planning Commission and without Coastal permits.

On June 9, 2015, Mr. Scott B. MacPherson withdrew from the California Coastal Commission his application (5-14-1559) for a Coastal Development Permit. Previously, on May 24, 2014, Gary Morris, CEO, Pacific Crest Consultants, on behalf of Scott MacPherson, withdrew California Coastal Development Permit Application No. 5-13-0412, and on June 18, 2013, withdrew California Coastal Development Permit Application 5-12-301.¹⁷ California Coastal Development Permit Applications are required for Subdivision Map Act changes, grading, retaining walls, excavation, new construction, and demolition at 283 Trino Way.

The Subdivision Map Act provides as a matter of law that subdivisions and other division of land constitute a change in the intensity and density of use of land and qualify as development. The Coastal Act defines development as erection of any solid structure, grading, removing, change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act. (Public Resources Code, Section 31106). Courts confirmed the division includes lot line adjustments. *Landgate v. California Coastal Commission*, 17 Cal. 4th 1006, 1024-1025 (1998); *La Fe, Inc. v. County of Los Angeles*, 73 Ca. App. 4th 231, 242 (1999). The California Supreme Court rejected claims that Subdivision Map Act changes are exempt from the requirements of the California Coastal Act of 1976 (Public Resources Code Section 30000 *et seq.*). *Pacific Palisades Bowl Mobile Estates, LLC, v. City of Los Angeles*, 55 Cal. 4th 783 (2012).

a. 283 Trino Way is on a Steeply-Sloped Coastal Bluff

The slope the Coastal Bluff on the west of 283 Trino Way is more than 50%. The Elevation of 283 Trino increases by 46 feet, from 186 feet in the southwest corner to 232 feet

¹⁷ California Coastal Commission, *Withdrawal of Applications for Coastal Development Permits*, June 9, 2015, May 24, 2014, and June 18, 2013.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

above sea level in the northwest corner.¹⁸ The Subdivision Map of Tract No. 10179 shows the distance from the southwest to the northwest corner of Lot 21 is 78.2 feet.¹⁹ Thus the slope rises by 46 feet over a distance of 78.2 feet (59%).

The City Sewer Map shows the sewer manhole on Trino Way has an elevation of 187.8 and the surface of the five-foot sewer easement on the northwest corner of Lot 21 of 283 Trino Way has an elevation of 227.4 feet above sea level.²⁰

No grading certificate was issued for 283 Trino Way. Unapproved excavation and grading provides no rights. The slope analysis must be based on the condition of the hill absent unapproved grading.

Los Angeles Municipal Code Section 91.3307.3.2 requires protection for properties upslope of excavation and grading such as on 283 Trino Way. The grading and excavation that occurred and is proposed requires protection for the upslope properties at 324 and 334 Aderno Way, for the westerly property 273 Trino, and further protection for 338 Aderno Way.

The 283 Trino Way applicant proposes to grade and excavate more than 1,000 cubic yards of earth from a landslide on the Coastal Bluff in from the lateral support for 4 upslope adjoining properties. The *283 Trino Way Plot Plan, A-01 CDP* claims, without any supporting data, that applicant proposes to cut 1,363 cubic yards of earth.²¹ The shoring, cut, excavation, and fill plan does not exist at City planning, and LADBS refused to provide a copy for the City planning record. The applicant should address the unpermitted grading in 1953 and October 2012. A Haul Route Permit and California Environmental Quality Act review are required for removal of more than 1,000 cubic yards. At all times, the applicant failed to apply for a Coastal Development permit for the grading of the Coastal Bluff. The California Environmental Quality Act prohibits piecemealing.

The 283 Trino Way applicant proposes to erect two retaining walls, 208 feet long, one ten feet high and the other six feet high. The applicant fails to address the proposed basement walls and the excavation for the proposed basement, the impact to the upslope properties, and the owner's duty to the upslope properties. Again, the applicant provides no details of the proposed retaining and basement walls and failed to apply for a Coastal Development permit to construct 208 feet long retaining walls, one ten feet high and the other six feet high, excavate a basement, excavate into the lateral support of 4 upslope properties, and build retaining walls.

¹⁸ *Slope Band Analysis Plan Prepared for 283 Trino Way*, North Lake Land Surveying, Inc., Reviewed, Los Angeles Department of City Planning, December 20, 2016.

¹⁹ *Tract No. 10179 in the City of Los Angeles*, Map Book 63, 33-38, June 24, 1929.

²⁰ Los Angeles City Sewer Map.

²¹ *283 Trino Way Plot Plan, A-01 CDP*, VEA Architects, Revised 7/21/2017, Submitted to Los Angeles City Department of City Planning, July 24, 2017.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

The 283 Trino Way owner/applicant proposes to change the subdivision map for Tract 10179. On August 31, 2012, the Los Angeles County Recorder's Office recorded a *Covenant and Agreement to hold as One Parcel, portions of Lots 21 and 20*, approved by Los Angeles City Department of Building and Safety, and signed by Scott MacPherson.²² But no public hearing was held by the City of Los Angeles. Consequently, there could be no second public hearing scheduled by the California Coastal Commission for the impacted adjoining property owners.

Section 30601(2) of the California Coastal Act requires that a coastal development permit shall be obtained from the commission, in addition and second to the City, for developments within 300 feet of the top of the seaward face of any coastal bluff.

"Coastal development permit" means a permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section 30600 of the California Coastal Act.

California Public Resource Code Section 30106 of the California Coastal Act defines "Development" as the "placement or erection of any solid material or structure." Development also means "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits;" and "construction, reconstruction, demolition, or alteration of the size of any structure."

California Public Resource Code Section 30253 of the Coastal Act states, in part that New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along coastal bluffs.

4. October 23, 2012 Order to Comply, 283 Trino Way & Scott MacPherson Trust

The complete demolition of the house single family dwelling residence previously located on 283 Trino Way resulted in a vacant lot. There is no structure left to remodel or to add to or to reside in. The remaining 1953 garage, portion of wall with 18" foundation is not legally habitable and does not meet today's codes. New construction permits are required to build on 283 Trino Way, see also violation letter from the California Coastal Commission V-5-12-039.

²² *Covenant and Agreement to hold as One Parcel, portions of Lots 21 and 20*, approved by Los Angeles City Department of Building and Safety, and signed by Scott MacPherson, recorded by Los Angeles County Recorder's Office, August 31, 2012.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone
March 2, 2018

On October 23, 2012, the City of Los Angeles Department of Building and Safety issued to Scott MacPherson B/BSM Trust an Order to Comply for violations at 283 Trino Way. The single-family dwelling at 283 Trino Way was demolished without required clearances by the California Coastal Commission, and Macpherson was ordered to obtain all required clearances and approvals from City Planning and Coastal Commission.²³ Macpherson has never received required Coastal Development Permits from City Planning or the California Coastal Commission for any Coastal development at 283 Trino Way. This Order to Comply remains open and in effect.

Despite the open Order to Comply from the City of Los Angeles, Macpherson's agent Penny Flinn submitted to both City Planning and LADBS public offices false and misleading statements on and attached to forms titled "Request for Modification of Building Ordinances" that were dated 9-22-15, 4-22-2016, 10-2016. On October 23, 2012, Macpherson was stopped by the City of Los Angeles for violations of the Los Angeles Municipal Code. The form falsely claims that the job was stopped for other reasons other than the highly dangerous and unpermitted excavation of a Coastal Bluff without a California Coastal and other permit. LADBS found serious violations and issued the Order to Comply to prevent a possible catastrophic slope failure.

5. The California Environmental Quality Act requires an Environmental Impact Report for the Proposed Excavation, Grading, Retaining Walls and Subdivision Map Act Changes at 283 Trino Way, Bernheimer Gardens, and other Developments in Bel Air Bay Tract 10179 and Adjacent Projects on the Coastal Bluff

The City is subdividing the single Bernheimer Garden, 283 Trino Way and other projects into smaller individual subprojects to avoid the responsibility of considering the environmental impact of the whole project. The City subdivided the 283 Trino Way demolition, excavation, retaining walls, street widening, subdivision map act revision, and new construction into smaller individual projects to avoid the responsibility of considering the environmental impact of the whole project. California Environmental law provides that "Projects may not be divided into smaller projects to qualify for one or more exemptions pursuant to this article" (California Public Resources Code Section 21159.27).

A public agency is not permitted to subdivide a single project into smaller individual subprojects to avoid the responsibility of considering the environmental impact of the whole project. "The requirements of CEQA, 'cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant

²³ *Order to Comply, Department of Building and Safety, Scott MacPherson B/BSM Trust, 283 Trino Way, October 23, 2012, 3 pages.*

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

effect on the environment or to be only ministerial.' *Orinda Association v. Board of Supervisors of Contra Costa County, et al.*, 182 Cal. App.3d 1145 (1986), citing *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188, 195-196 [129 Cal. Rptr. 739].) "[The] term 'project,' . . . means the whole of an action which has a potential for physical impact on the environment, and . . . '[the] term "project" refers to the underlying activity and not the governmental approval process.'" *Natural Resources Defense Council, Inc. v. Arcata Nat. Corp.* (1976) 59 Cal.App.3d 959, 969 [131 Cal. Rptr. 172].

A major purpose of an Environmental Impact Review is to inform other government agencies, and the public generally, of the environmental impact of a proposed project, and to demonstrate that the agency has in fact analyzed and considered the ecological implications of its action. A simple resolution or Negative Declaration, stating that the project will have no significant environmental effect, cannot serve this function. *No Oil Inc. v. City of Los Angeles*, 13 Cal.3d 68 (1974).

a. The City Storm Drains in Bel Air Bay Tract 10179 Disintegrated and Leak and the City Sewers are Leaking into the Landslide

An Environmental Impact Review should address the impact of the disintegrated and leaking pre-1928 City storm drains and City sewers in the Bel Air Bay Tract 10179 on the water table and landslide. The corrugated-metal storm drains are more than ninety-years old and have disintegrated. The City sewer on 283 Trino Way broke and leaked. The storm drains service not only Bel Air Bay Tract 10179 but the upslope development of Pacific Palisades that occurred since 1928. As The 1959 *Final Report, Pacific Palisades Landslide Study* noted, the most frequently factors causing landslides include leaking sewer, continuous perched water, slipping along faults, street and highway cuts, and removal of slide talus.²⁴ As these factors are present, it is necessary to address the water table.

The proposed development at 283 Trino must comply with the Coastal Act, the California Environmental Quality Act, and Los Angeles City Municipal Codes Sections 12.20.2.D.1 and 12.20.2. G.1. (f). Los Angeles Municipal Code Section 12.20.2 requires compliance with CEQA. It is not lawful for the reasons detailed above for the City to issue a categorical exemption from the California Environmental Quality Act for this proposed development in a landslide area in the Dual Permit Area of the California Coastal Bluff.

²⁴ *Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers*, 30, Department of Public Works, State of California, in conjunction with the City of Los Angeles, City of Santa Monica, County of Los Angeles, December 21, 1959.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

The proposed development at 283 Trino Way is mapped in an Official Seismic Hazard Zone, California Coastal Zone subject to CA PRC 30601, in a Coastal Bluff Hillside Area, a Very High Fire Hazard Severity zone, a Special Grading Area, a Landslide Area, near within Fault Zone, nearest Santa Monica Fault. The numerous landslides in this Coastal Zone near Pulga Canyon and parkland provide a habitat for thousands of hummingbirds, wild parrots, wildlife, including deer and mountain lions. The proposed project will degrade the space available for wildlife and the spirit and intent of the Coastal Act

Grading and excavating the active and historic landslide at 283 Trino Way may cause additional earth movement. A landslide on 283 Trino Way may damage adjacent properties and public infrastructure on Aderno and Trino Way and potentially block access to other homes on Trino Way.

The California Environmental Quality Act Notice of Exemption, filed by Chris Parker, June 15, 2017, admits that 283 Trino Way is in a Special Grading Hillside Area in a Landslide Area,²⁵ but he omitted that property is mapped by the State Geologist within an official seismic hazard zone. LAMC 91.3307.3.2 requires the owner /applicant to underpin adjacent structures and underpin adjoining properties or record an affidavit for the protection of the lateral support of the adjoining properties. This still has not been done and must be done for the work that has already occurred at 283 Trino Way. The slope at 283 Trino Way must be restored.

- b. The City Should Issue an Interim Control Order Under California Government Code Section 65858 and Place a Moratorium on Grading, Retaining Walls, Excavation, Enlargements until an Environmental Impact Report Determines the Location of the Fault and Identifies How to Reduce Further Movement of the Landslides in the Bel Air Bay Tract 10179

California Government Code Section 65858

(a) Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the

²⁵ California Environmental Quality Act, Notice of Exemption, filed by Christ Parker, June 15, 2017.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone
March 2, 2018

legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

(b) Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65090 and public hearing, in which case it shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may by a four-fifths vote extend the interim ordinance for 22 months and 15 days.

(c) The legislative body shall not adopt or extend any interim ordinance pursuant to this section unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare. In addition, any interim ordinance adopted pursuant to this section that has the effect of denying approvals needed for the development of projects with a significant component of multifamily housing may not be extended except upon written findings adopted by the legislative body, supported by substantial evidence on the record, that all of the following conditions exist:

(1) The continued approval of the development of multifamily housing projects would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the ordinance is adopted by the legislative body.

(2) The interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1).

(3) There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

(d) Ten days prior to the expiration of that interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

(e) When an interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

property, shall automatically terminate and be of no further force or effect upon the termination of the first interim ordinance or any extension of the ordinance as provided in this section.

(f) Notwithstanding subdivision (e), upon termination of a prior interim ordinance, the legislative body may adopt another interim ordinance pursuant to this section provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance.

(g) For purposes of this section, “development of multifamily housing projects” does not include the demolition, conversion, redevelopment, or rehabilitation of multifamily housing that is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or that will result in an increase in the price or reduction of the number of affordable units in a multifamily housing project.

(h) For purposes of this section, “projects with a significant component of multifamily housing” means projects in which multifamily housing consists of at least one-third of the total square footage of the project.

(Amended by Stats. 2001, Ch. 939, Sec. 1. Effective January 1, 2002.)

6. 283 Trino Way is on an Active Landslide in a Seismic Hazard Zone and Special Grading Hillside Area

Building on top of an active landslide may result in another slope failure and damage neighboring homes, utilities, sewers, and streets. Compliance with the California Coastal Act, California Environmental Quality Act, and other law is particularly important because building on a landslide recorded as geologically unstable may not be legal, may not be safe, and may not be possible (LAMC 91.7016). Slope excavation in Tract 10179 and the entire Bel Air Bay area has frequently caused landslides.

The owner / applicant should attest to the truth, completeness, and accuracy of the application. However, many of the Coastal Development application’s answers were omitted, were inaccurate, or untrue. For example, the ‘Department of City Planning Application’ of which only 7 of 8 pages were received) no. DIR-2016-2561-CDP-MEL / ENV-2016-2560-CE, which was signed under penalty of perjury on July 5, 2016, was subsequently altered after July 5, 2016, and then received by City Planning on June 20, 2017 states

on page 1 of 8, no. 2. Project Description, Proposed Use: ‘existing single-family dwelling’, but no legal dwelling exists at 283 Trino Way, it was unlawfully demolished in September 2012;

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

on page 1 of 8, no. 2 Project Description RFA per BHO will be approximately 4,067 SF, but this is not a BHO application, it is a Coastal Development Permit application per the Coastal Act CA PRC 30000 et seq., applicant/owner must describe the existing total square footage, and the proposed total square footage prior to any legal public hearing and decision;

on page 3 of 8, no. 4 Related Department of City Planning Cases: Owner/Applicant omitted the previous cases AIC-2010-478 and AIC-2011-3266. The CA PRC 21159.27 prohibits piecemealing. The 2016 application is the third and largest part of the three piecemeal submittals to City Planning, which information was omitted on page 3 of 8, no. 4;

on page 3 of 8, no. 5. Are there any outstanding Order to Comply/Citations at this property? Owner/Applicant knows that Scott Macpherson, trustee has the outstanding Order to Comply/citations KN 102312935, but Macpherson omitted the yes answer, and refused to provide copy.

On the Environmental Assessment Form, the owner/applicant omitted on page 2 of 5 the existing square footage, and the proposed bulk square footage as required by the Coastal Act; omitted the cut and grading that already occurred, omitted the removal of the previously existing dwelling; omitted the total number of square feet of floor area; omitted the 2013 finding of hydrogen sulfide gas at the boring hole at the adjoining property line; omitted site is a known geologic hazard above Pacific Coast Highway; and omitted mitigating features

The CEQA Notice of Exemption CA PRC section 15062 is false or fraudulent as the Los Angeles Municipal Code 12.20.2. D and 12.20.2.G require compliance with the California Environmental Quality Act. California Code of Regulations section 15304 (a) states “grading shall not be exempt in ... officially mapped areas of severe geologic hazard such as ... an official Seismic Hazard Zone, as delineated by the State Geologist. 283 Trino Way is mapped in the State Seismic Hazard zone and in the federally mapped Pacific Palisades Landslide study and therefore grading at 283 Trino is not exempt from CEQA and the City is not exempt from preparing an environmental impact report.

City Ordinance 151,603 requires the signer of a Coastal Development Permit application who is not the applicant to evidence the power to bind the applicant. Owner/applicant did not provide evidence binding Chris Parker to sign the CEQA Notice of Exemption.

Public records depict 283 Trino Way on an active landslide. Landslides occurred in 1962 and 1978 at 283 Trino Way. The Los Angeles City public sanitary sewer runs through an easement on the westerly five feet of Lot 21 of 283 Trino Way. In 2016, it was discovered that the City sewer was broken and leaking in more than 9 places. What caused the sewer to

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

break? Did the 2012 excavation and construction cause the breaks? Did the 1953 excavation and construction break the sewer? Did landslide movement break the sewer? It is important to determine the cause of the severely broken and offset sewer so that the problem can be fixed or mitigated. Adjacent properties must be protected, and the slope repaired to limit damage by the leaking public sanitary sewer.

The Los Angeles Municipal Code, Section 91.3307 and state law CA CIV 832 require each upslope adjoining property to be protected due to the excavation at 283 Trino Way. The slope must be restored and repaired to limit damage caused by the leaking public sanitary sewer.

a. The 1962 Landslide Runs Across 283 Trino Way in the East-West Direction

The 1962 landslide and 1962-1963 slope repair at 283 Trino Way evidence the hazard of excavating and building on the Coastal Bluff at 283 Trino Way.²⁶ The 1962 landslide occurred above and below the landslide mapped by the United States Geological Survey. The owner/applicant misleadingly listed the 1962 landslide at 283 Trino Way under the heading “338 Aderno Way, Lots or Portions of Lots 20 and 21, Tract 10179.” Earth Systems on behalf of the applicant falsely described the landslide at 283 Trino Way as “City of Los Angeles, *Final Approval*, Lot 20, Tract 10179, 334 Aderno Way Pacific Palisades, California, March 8, 1963.”²⁷ The 1962 landslide was not on 334 Aderno Way. The truth is that the 1962 landslide and slope repair occurred on 283 Trino Way (Portions of Lot 21 and Lot 20).

Earth Systems on behalf of the owner/applicant claims no slide plane is present on 283 Trino Way. According to Earth Systems, “A repaired landslide is no longer a landslide.”²⁸ As discussed below, both the 1962 and 1978 landslides on Trino Way were remediated, not repaired, and remain landslides. Owner/applicant’s geologist for many of his applications, Roland Acuna of Strata-Tech, stated that a fault ran through 283 Trino Way, and diagrammed the fault on 283 Trino.

The 1962 landslide at 283 Trino Way is in an area mapped as landslide by John T. McGill, United States Geologic Survey.²⁹ On January 10, 1963, Pacific Soils Engineering filed slope-failure-report, Work Order 4083, with the Department of Building and Safety on

²⁶ *Addendum No. 1, Geotechnical Engineering Report, Response to City Review, Proposed Residential Additions and 318 Retaining Walls, Lot 21, Tract 10179, 283 Trino Way, Pacific Palisades, California, LA-01384-01*, Prepared for Mr. Scott MacPherson, March 22, 2012, Earth Systems Southern California, Site History, page 2 of March 22 letter, 3.

²⁷ *Addendum No. 1, Geotechnical Engineering Report, Site Specific References*, page 16, 38 Aderno Way, 17.

²⁸ *Response to Third-Party Geology and Geotechnical Comments, Residential Remodel Retaining Walls, Lot 21, Tract 10179, 283 Trino Way*, Earth Systems Southern California, 8, 10, April 19, 2013, revised May 29, 2013.

²⁹ *Geologic Maps of Pacific Palisades Area, Los Angeles, California*, John T. McGill, United States Geologic Survey Map 1-1828-1, 1989.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

behalf of Aris Anagnos and his former spouse, Lorraine Oshins (now deceased), who then co-owned 283 Trino Way. All the work was performed at 283 Trino Way but, for unknown reasons, the job address listed on the permit was 338 Aderno Way, Lot 20 and portions of Lot 21. The parcel map had not been adjusted to reflect the 1953 split of Lots 20 and 21. The slope-repair applicant was the then owner of 283 Trino Way, Mr. Aris Anagnos, and the work was at 283 Trino Way (Lot 21 and portions of Lot 20).

Sixty-five years ago, on March 8, 1963, the Los Angeles City Department of Building and Safety approved slope repair with compacted fill at 283 Trino Way. The Department of Building and Safety approved the slope repair limited exclusively to the slide area shown on the report subject to conditions. The Department of Building and Safety approved the compacted fill only as a non-structural fill. The Department of Building and Safety requires that the fill not be used to support structural footings at 283 Trino Way.³⁰ Instead of addressing the 1962 slide and conditions imposed by the Department of Building and Safety, the applicant falsely represented that the 1962 landslide occurred on properties other than 283 Trino Way.

After the 1962 slope failure, on November 21, 1962, the Department of Building and Safety issued a permit for construction of an 80-foot long, 5-foot high retaining wall at 283 Trino Way. Aris Anagnos, the then co-owner with Lorraine Oshins of 283 Trino Way, applied for the permit for the wall at 283 Trino Way, Lot 21 and portions of Lot 20 of Tract 10179.³¹ The sketch attached to the permit application showed the north of Lot 21 as 100 feet. In fact, the northerly portion of Lot 21 nearest Aderno Way is only 64 feet, as stated by owner/applicant in 2012. As previously noted, in 1953, Lloyd Jones diagonally split off 36 feet from the north of Lot 21, reducing its length from 100 to 64 feet, and added southerly portions of Lot 20 to Lot 21.

The 1962 landslide, compact fill, and retaining wall were on 283 Trino Way. The applicant misleadingly listed the landslide on 283 Trino Way under the heading, 338 Aderno Way, as a March 8, 1963 Final Approval for Lot 20, Tract 10179, 334 Aderno Way. In fact, the 1962 landslide was on 283 Trino Way, as shown on the attached records. The present owner/applicant failed to apply for a required Coastal Development permit to excavate into an active landslide to create a pad and a basement for a new development.

³⁰ March 8, 1963 City of Los Angeles Department of Building & Safety approval of Pacific Soils Engineering January 10, 1963 Work Order 4083 for Slope Repair at 283 Trino Way, and Pacific Soils Engineering Work Order 4083, January 10, 1963, report, 11 pages.

³¹ November 21, 1962 Department of Building and Safety approval of Application to construct an 80' long by 5' high retaining wall at 283 Trino Way, Lot 21, Tract 10179, 2 pages with attached diagram.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

b. Another Landslide Occurred in 1978 at 283 Trino Way

In the 1978 landslide, the land slide from the fault in the southeast area of 283 Trino Way onto the street.³² The then owners of 283 Trino Way made remedial repairs to the landslide, not in full conformance with the Grading Ordinance. There remains a partially remediated landslide from the fault in the southeast area of 283 Trino Way to the lot-line at the street. On October 30, 1978, John O. Robb, Chief of Grading Division, City of Los Angeles, notified Lorraine Oshins and Aris Anagnos that the Department considered the grading remedial and the repair not in full conformance with the Grading Ordinance.³³

c. A Caisson Hole Collapsed on October 4, 2012 at the same 1978 Landslide Area

October 4, 2012, one of applicant's drill holes collapsed around the 1978 landslide at 283 Trino Way. The surface soil was dry, but the deep subsurface soil was wet. Nonetheless, applicant failed to conduct subsurface exploration to determine the location of groundwater and location of earlier slides. Instead of conducting further study of the location, applicant filled the hole and claimed the collapse as due to sprinkler runoff from the adjacent property. The collapse of the drill hole further evidences the need for applicant to provide subsurface exploration and mitigation measures. The collapse of the caisson in October 2012 further evidences the location the need for clarity on the Subdivision Map for Tract 10179.

d. Broken Main Line City Sewer Found at Landslide in 283 Trino Way in 2016

In 2016, the City of Los Angeles main line sanitary sewer in the 283 Trino Way sewer easement, was discovered to be broken, cracked, offset, and leaking. A large break occurred around the 1962 landslide geologic contact fault line mapped on the City of Los Angeles map that runs east - west through 283 Trino Way, parallel to the street. On the westerly side of Lot 21, the City of Los Angeles main line sanitary sewer line runs north-south through the 5' wide sanitary sewer easement on the westerly side of 283 Trino Way. Macpherson did not perform an updated geology and soils report with the August - October 2016 discovery of the adverse geologic feature.

The City of Los Angeles five-foot-wide sanitary sewer easement on 283 Trino Way in recorded in the Tract 10179 Subdivision Map of Lot 21.³⁴ The largest break in the City sewer line is in the geologic contact fault line mapped by McGill and the U.S. Geologic Survey on the west side of 283 Trino Way, and in the area of the 1962 landslide on 283 Trino Way

³² Photograph of portions of 1978 landslide at 283 Trino Way, 1978.

³³ John O. Robb, Chief of Grading Division, City of Los Angeles, letter to Lorraine Oshins and Aris Anagnos, October 30, 1978.

³⁴ *Tract No. 10179 in the City of Los Angeles*, 2, June 24, 1929.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

(opposite side of the 1962 landslide on 283 Trino Way), evidence that the fault continues to be an active hazard across 283 Trino Way on east side and on west side.

Geological exploration in September 2013 located the slide fault line on 338 Aderno Way (portions of Lots 20 & 21) close to where Strata-Tech, Inc., Geoconsultants, found the fault and ancient landslide debris beneath 283 Trino Way in Test Pit 3 (the easterly portion of the proposed new construction at 283 Trino Way, Lots 21 and 20).³⁵ Exploration on the westerly portion of 338 Aderno Way, Test Pit 3 on the easterly portion of 283 Trino Way, and the sewer break at the fault line in the easement on the westerly five-foot easement of 283 Trino Way, indicate that the fault line runs parallel with Trino Way from east to west. of 283 Trino Way at the level of the broken sewer line. This is consistent with the line mapped in 1989 and 1973 by the U.S. Geological Survey and John T. McGill.³⁶

Mrs. Oshins, while she lived at 283 Trino Way, told me that she periodically had to have the doors of her home shaved so that the doors could be closed. Despite the 1962-1962 slope repair and retaining wall, evidence indicates that the landslide at 283 Trino Way remains active. The 2016 City sanitary sewer repair at the landslide location in the easement on 283 Trino Way further evidences the continued landslide activity.

On March 16, 2010, Strata-Tech, Inc., Geoconsultants, reported on the geology of 283 Trino Way. Strata-Tech found ancient landslide debris beneath 283 Trino Way in Boring 1 (the driveway), at 12-feet, and in Test Pit 3 (the easterly portion of the proposed new construction at 283 Trino Way).³⁷

7. Federal, State, and Local Governments Maps Show 283 Trino Way is on a Landslide

Federal, State, and Local Governments maps show a landslide or fault runs from east to west through the center of 283 Trino Way. At a minimum, Landslides occurred on 283 Trino Way in 1962 and 1978 (aerial photos reveal in 1938 as well). The applicant filed with the City documents that falsely represented the 1962 landslide on properties other than 283 Trino Way. Applicant's previous geologist, on March 16, 2010, admitted evidence of the ancient landslide in Boring 1 (the driveway), at depth of 12-feet, and Test Pit 3 (the easterly portion of the proposed new construction at 283 Trino Way). Misrepresentations by owner/applicant

³⁵ *City of Los Angeles Department of Building & Safety Geology and Soils Correction Letter, May 5, 2010, March 22, 2009, with attached Strata-Tech, Inc. Preliminary Engineer Geology & Geotechnical Investigation of Proposed House Remodel at 283 Trino Way, March 22, 2009 (Revised March 16, 2010).*

³⁶ *Geologic Maps of Pacific Palisades Area, Los Angeles, California, John T. McGill, United States Geologic Survey Map 1-1828-1, 1989; and Map Showing Landslides in the Pacific Palisades Area, City of Los Angeles, California, John T. McGill, U.S. Geological Survey, Miscellaneous Field Studies Map MF-471, 1973.*

³⁷ *City of Los Angeles Department of Building & Safety Geology and Soils Correction Letter, May 5, 2010, March 22, 2009, with attached Strata-Tech, Inc. Preliminary Engineer Geology & Geotechnical Investigation of Proposed House Remodel at 283 Trino Way, March 22, 2009 (Revised March 16, 2010).*

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

undercut later attempts to explain away the 1962 landslide. Moreover, misstatements in an application are ground for revocation under Los Angeles Municipal Code Section 22.06.³⁸

a. 1989 U.S. Geological Survey *Geologic Maps of Pacific Palisades Area* Show Landslide Deposits through the Center of 283 Trino Way

The 1989 *Geologic Maps of Pacific Palisades Area* show older landslide deposits through the center of 283 Trino Way. In 1989, the U.S. Geological Survey updated its maps of the geology of the Pacific Palisades area of the City of Los Angeles. *Geologic Maps of Pacific Palisades Area, Los Angeles, California*, John T. McGill, United States Geologic Survey Map 1-1828-1, 1989, presents basic data on the numerous landslides and complements the 1976 *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study, Appendix* prepared by the U.S. Army Engineer Corps of Engineers, in cooperation with the U.S. Department of the Interior Geological Survey.³⁹ The “technical appendix to that report was prepared by the U.S. Geological Survey; it consists of a map showing landslides of the Pacific Palisades area (McGill, 1971) and a table giving summary data on each of the 130 landslide areas delineated on the map.

b. The 1992 *Geologic Map of the Topanga and Canoga Park (South ½) Quadrangles* Concur with the 1989 U.S. Geological Survey *Geologic Maps of Pacific Palisades Area* that Show Landslide Debris at 283 Trino Way

The 1992 *Geologic Map* sponsored by the City Planning Department concurs with the 1989 U.S. Geological Survey *Geologic Maps of Pacific Palisades Area*. The 1992 *Geologic Map of the Topanga and Canoga Park (South ½) Quadrangles, Los Angeles County, California* by Thomas W. Dibblee, Jr., edited by Helmut E. Ehrenspeck, is sponsored by the City of Los Angeles Planning Department and prepared in cooperation with the California Department of Conservation, Division of Mines and Geology; and the U.S. Geological Survey.⁴⁰ The scale of the 1992 *Geologic Map* is 1: 24,000.

³⁸ Los Angeles Municipal Code Section 22.06 provides: No person shall make any false, misleading or fraudulent statement or misrepresent any fact in any application for a permit or in any notice or record required to be filed with any Board, Commission or other authorized person of this City. In addition to any other penalties provided in this Code, such conduct shall be grounds for suspending or revoking any permit issued to such person.

³⁹ *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study, Appendix I*, prepared by the U.S. Army Engineer Corps of Engineers, Los Angeles, California, in cooperation with the U.S. Department of the Interior Geological Survey, Denver, Colorado, September 1976.

⁴⁰ *Geologic Map of the Topanga and Canoga Park (South ½) Quadrangles, Los Angeles County, California*, by Thomas W. Dibblee, Jr., 1992, ed. Helmut E. Ehrenspeck, sponsored by the City of Los Angeles Planning Department and prepared in cooperation with the California Department of Conservation, Division of Mines and Geology; and the U.S. Geological Survey, Map DF-35, Santa Barbara, CA: Dibblee Geologic Foundation, January 2000.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

The 1992 *Geologic Map* shows the same landslide in the area detailed in the 1:4,800 scale 1989 *Geologic Maps of Pacific Palisades Area*. The 1992 *Geologic Map* sponsored by the City Planning Department concurs with the 1989 *Geologic Maps of Pacific Palisades Area* that show older landslide deposits through the center of 283 Trino Way.

- c. 1982 U.S. Geological Survey *Open File Report 82-194, and Preliminary Geologic Map of Pacific Palisades Area, City of Los Angeles 82-194, Show Landslide Deposits through the Center of 283 Trino Way*

In 1982, John T. McGill, in *Open File Report 82-194, Preliminary Geologic Map of Pacific Palisades Area, City of Los Angeles*, detailed some of the supporting data used by the U.S. Geological Survey. “Field geologic mapping was done mainly on a scale of 1 in. equals 100 ft. (1:1,200) on topographic maps compiled in 1958 for the California Department of Public Works.”

John McGill and the U.S. Geological Survey used subsurface reports by Moran and others (1959), boring logs and report in government files, excavations and openings for other purposes, old and recent aerial photographs, and topographic maps. Several consulting engineering geologists provided information on local investigations by their firms. The California Division of Highways made available historical photographs, landslide data, and construction reports on Pacific Coast Highway. The City of Los Angeles contributed to the study through discussions, suggestions and “by providing access to maps and reports.”⁴¹

The U.S. Geological Survey maps by John T. McGill and others are based on detailed mapping on a scale of 1 in. equals 100 feet (1:1,200) based on California Department of Public Works topographic maps. The U.S. Geological Survey maps used unbiased information provided by federal, state, and local governments, local investigations by engineering geologists, aerial photographs, field work and other data. The U.S. Geological Survey maps are reliable and based on facts.

- d. 1982 U.S. Geological Survey *Map Showing the Relationship of Historic to Prehistoric Landslides, Pacific Palisades Area, City of Los Angeles Shows 283 Trino Way as a Landslide*

In 1982, the U.S. Geological Survey published a *Map Showing the Relationship of Historic to Prehistoric Landslides, Pacific Palisades Area, City of Los Angeles, Miscellaneous Field Studies Map MF-1455, by John T. McGill*.⁴² The purpose of Map MF-1455 is to show the relationship of historic landslides to prehistoric landslides. The map also updated the 1973

⁴¹ John T. McGill, *Open File Report 82-194, Preliminary Geologic Map of Pacific Palisades Area, City of Los Angeles*, 1-2, U.S. Department of the Interior Geological Survey, 1982.

⁴² *Map Showing the Relationship of Historic to Prehistoric Landslides, Pacific Palisades Area, City of Los Angeles, Miscellaneous Field Studies Map MF-1455, by John T. McGill*, U.S. Geological Survey, 1982.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

map for landslides that occurred from June 30, 1969, the cutoff date of the 1973 map, to September 30, 1978. The 1982 U.S. Geological Survey *Map Showing the Relationship of Historic to Prehistoric Landslides, Pacific Palisades Area, City of Los Angeles* maps 283 Trino Way as a Landslide.

John T. McGill and the U.S. Geological Survey report in Table 1 of Map MF-1455, that 69% of the historic landslides occurred in areas of prehistoric landslides. Moreover, 98% of the historic landslides occurred within 1,000 feet of areas of prehistoric landslides. Many of the landslides resulted from grading prehistoric landslide deposits.

e. 1976 *Pacific Palisades Area California, Report on Landslide Study* Reports
Landslides on Trino Way in 1938 after the Slope was Cut

In 1976, the U.S. Army Engineer Corps of Engineers, and U.S. Department of the Interior Geological Survey published the *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study. Appendix I* summarizes 130 landslide areas delineated on the 1973 Map Showing Landslides in the Pacific Palisades Area by John T. McGill, U.S. Geological Survey. Landslide area 79 summarizes information about the landslide that includes 283 Trino Way.⁴³

f. *City of Los Angeles Preliminary Geologic Maps 299 and 305* Depict Contact
between Different Lithography runs east to west through 283 Trino Way

The City of Los Angeles Geology and Soils Engineering Section completed geological mapping of Pacific Palisades by 1979. *City of Los Angeles Preliminary Geologic Maps 299 and 305* show gradational contacts between different lithography running from east to west through 283 Trino Way about the line of the landslide mapped by the U.S. Geological Survey and others. *Preliminary Geologic Maps 299 and 305* North of the geologic contact line show Terrace Deposits (Qt) to the north and Modelo (Mml) south of the contact between the different lithography. These maps were provided by District Engineer Joseph M. Russell, Bureau of Engineering, Department of Public Works, on August 31, 1979.⁴⁴

8. Applicants Propose to Cut the Toe and Removing Slide Talus at 283 Trino Way and the Bernheimer Gardens, Acts Documented in the *Final Report, Pacific Palisades Landslide Study* to Cause Landslides

Applicant proposes to cut the toe and remove the slide talus from the landslides at 283 Trino Way. The *Final Report, Pacific Palisades Landslide Study, Moran, Proctor, Mueser &*

⁴³ *Map Showing Landslides in the Pacific Palisades Area, City of Los Angeles, California*, John T. McGill, U.S. Geological Survey, Miscellaneous Field Studies Map MF-471, 1973.

⁴⁴ *City of Los Angeles Preliminary Geologic Maps 299 and 305: Lithographic and Formation Symbols; & Geologic & Structural Symbols*, Geology and Soils Engineering Section, Street Opening and Widening Division, Bureau of Engineering, Department of Public Works, about 1979.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

Rutledge Consulting Engineers, lists cuts to the toe of a landslide and removal of slide talus as factors contributing to the landslides.

The 1989 U.S. Geological Survey *Geologic Maps of Pacific Palisades Area*, Map 1-1828-1, note the continuing relevance of the comprehensive study for the California Department of Public Works conducted by the consulting engineering firm, Moran, Proctor, Mueser & Rutledge. The 1959 *Final Report, Pacific Palisades Landslide Study, Moran, Proctor, Mueser & Rutledge Consulting Engineers*, summarizes the history of construction and landslides, and findings on causes of the landslides in Pacific Palisades.

The 1959 *Final Report, Pacific Palisades Landslide Study* lists factors contributing to the landslides. The most frequently factors causing landslides are: water (groundwater, runoff, rain, leaking sewer, continuous perched water); slipping along faults; bedding attitude; earthquakes; street and highway cuts; and removal of slide talus.⁴⁵

The City has extensive documentation of the Pacific Palisades landslides. The *Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers*, was available in the late 1970's in the City of Los Angeles Municipal Reference Library, City Hall, Public Library Reference R551.3, C15.

Moran, Proctor, Mueser & Rutledge in their July 1959 *Final Report: Pacific Palisades Landslide Study, Volume I – Text, 130-133*, summarized the history of construction and landslides in West Pacific Palisades. This includes the Bel Air Bay area, Tract 10179, and 283 Trino Way. The 1959 *Final Report* by Moran, Proctor, Mueser & Rutledge demonstrates the damage caused in the landslide areas of Pacific Palisades, even by sophisticated contractors such as the California State Highway Division, when acting without full knowledge and study of the unique geology of the Bel Air Bay area.

⁴⁵ *Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers*, 30, Department of Public Works, State of California, in conjunction with the City of Los Angeles, City of Santa Monica, County of Los Angeles, December 21, 1959.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

a. April 1933 Landslide

In April 1933, there was a slide of 50,000 cubic yards at location 3 (between Arno Way Lot 14 and Pacific Coast Highway).⁴⁶

b. 1938 Landslides from Bernheimer Gardens to Pacific Coast Highway, and Landslides on Trino Way

In 1976, the U.S. Army Engineer Corps of Engineers, and U.S. Department of the Interior Geological Survey, reported that landslides occurred during grading for realignment and improvement of the Pacific Coast Highway in 1938. On the Coastal Bluff on which 283 Trino Way is located, about 50,000 cubic yards slid from the area between Arno Way and Pintoresca Way and Pacific Coast Highway (area Y1 on Map MF-471).⁴⁷

The July 1959 *Final Report* of Moran, Proctor, Mueser & Rutledge Consulting Engineers, describes the long history of landslides in West Pacific Palisades, including the Bel Air Bay.⁴⁸ In 1938, 50,000 cubic yards slid from beneath Arno Way and Pintoresca Way to Pacific Coast Highway (Location 3 in Drawings L-8 and L-9).⁴⁹

Geological Section 24 depicts the failure from Pacific Coast highway to Arno Way. Geological Section 24 also depicts that the 1924 surface of the Coastal Bluff continues beyond 220 feet above sea level.⁵⁰ Movements in the area from Arno Way and Pintoresca Way to Pacific Coast Highway (Location 3 in Drawings L-8 and L-9), appear to have resulted from cutting the toe of the slide for realignment of Pacific Coast Highway in 1933 and continued intermittently through 1938.⁵¹

Landslide movement beneath the Bernheimer Gardens, area 80 on Map MF-471, on December 11, 1938, temporarily closed Pacific Coast Highway.⁵² The State of California

⁴⁶ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume I – Text*, 130-133, July 1959.

⁴⁷ *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study, Appendix I*, U.S. Army Engineer Corps of Engineers, in cooperation with the U.S. Department of the Interior Geological Survey, Denver, Colorado, 47, September 1976; and *Map Showing Landslides in the Pacific Palisades Area, City of Los Angeles, California*, John T. McGill, U.S. Geological Survey, Miscellaneous Field Studies Map MF-471, 1973.

⁴⁸ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume I – Text*, 130-133, July 1959.

⁴⁹ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume II – Drawings*, L-8 & L-9, July 1959.

⁵⁰ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume II – Drawings*, No. GS-15, Geological Section 24 (Slide Location 3, West Pacific Palisades), July 1959.

⁵¹ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume I – Text*, 135, July 1959.

⁵² *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study, Appendix I*, U.S. Army Engineer Corps of Engineers, in cooperation with the U.S. Department of the Interior Geological Survey, Denver,

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

acknowledged that work on Pacific Coast Highway caused slippage of the Bernheimer Gardens on the Coastal Bluff. The State agreed to pay damages for restoration, but Adolph Bernheimer died within weeks of that decision.⁵³

The *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study: Appendix I* reports that in late 1927-early 1928, a roadcut was made for Trino Way through the historic landslide. In 1938, landslides blocked Trino Way during the heavy rains of late February to early March. The landslide debris was removed from Trino Way before March 5, 1940.⁵⁴

c. 20' Deep Landslide Covered 80' of Pacific Coast Highway on April 10, 1958

On "April 10, 1958 there was a slide near the Bel Air Bay Club on the Pacific Coast Highway involving approximately 17,500 cubic yards of material covering the highway for approximately 80 feet to a depth of 20 feet over the highway."⁵⁵ The 1959 *Report on Investigation and Study for Control and Correction of Palisades Landslides* recommended realignment of Pacific Coast Highway.⁵⁶

The University of Southern California Digital Library has slides of the 1952 slide of Bernheimer Gardens which blocked Pacific Coast Highway. Below is link to those images:

<http://digitallibrary.usc.edu/cdm/ref/collection/p15799coll44/id/38183>

Previously, in 1999, the California Coastal Commission denied the of Palisades Bay Club application to develop a ten-lot subdivision for nine family homes on the Bernheimer Gardens. Below is a link to the 1999 California Coastal Commission documenting the denial. The report documents the history of the area, geology reports, maps, and settlement of litigation.

<https://documents.coastal.ca.gov/reports/2001/4/T12a-4-2001.pdf>

Colorado, 48, 50-51, September 1976; and *Map Showing Landslides in the Pacific Palisades Area, City of Los Angeles, California*, John T. McGill, U.S. Geological Survey, Miscellaneous Field Studies Map MF-471, 1973.

⁵³ Cecilia Rasmussen, *A Tourist Mecca That Geology Helped Obliterate, LA. Then and Now*, Los Angeles Times, Metro, B3, Sunday, October 23, 2000.

⁵⁴ *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study, Appendix I*, prepared by the U.S. Army Engineer Corps of Engineers, Los Angeles, California, in cooperation with the U.S. Department of the Interior Geological Survey, Denver, Colorado, 46-48, September 1976.

⁵⁵ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Report on Phase 1 of Landslide Investigation Pacific Palisades, California, State of California, Department of Public Works*, 5, May 1958.

⁵⁶ *Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers*, 57-59, Department of Public Works, State of California, in conjunction with the City of Los Angeles, City of Santa Monica, County of Los Angeles, December 21, 1959.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

- d. On March 31, 1983, a Landslide beneath Arno Way and Pintesca Way Covered Pacific Coast Highway between Pulga Canyon and Bel Air Bay Drive on April 10, 1958

About March 31, 1983, a massive landslide just west of Pulga Canyon, beneath Arno Way and Pintesca Way, covered Pacific Coast Highway between Pulga Canyon and Bel Air Bay Drive.⁵⁷ The 1983 landslide still covers portions of Pacific Coast Highway.

9. The Proposed Height of 283 Trino Way Exceeds All Neighboring Homes

The proposed new construction at 283 Trino Way appears to have a rooftop elevation 236.5 (256.5?) feet above sea level (plus solar panels?), on Exterior Elevation A-03 CDP?⁵⁸ The Trino Way sewer manhole is 184.5 above sea level.⁵⁹ Thus the proposed construction would tower 52 or more feet above Trino way. The proposed roof elevation, if 236.5 and not 256.5 feet, would be 44.5 feet above the lowest grade within five feet of the building perimeter, elevation 192 feet above sea level.⁶⁰ The applicant proposes to excavate 1,363 cubic yards of hillside bluff to create a three-level (or a 5 five-floor level structure in the letters submitted about August 4, 2017) structure.⁶¹ The height of the proposed building at 283 Trino Way exceeds Brentwood-Pacific Palisades Community Plan, the Hillside Area and California Coastal Zone height limits.

The height of the proposed structure will block views from surrounding taxpaying properties. The height will exceed the height of other homes in Tract 10179 and change the character of the community in violation of Brentwood-Pacific Palisades Community Plan, the LAMC, and the Coastal Act.

About 1927, architects Elmer Grey and Mark Daniels, designed the Bel Air Bay Tract 10179 so that each site was staggered above the other with careful regard to views and required setbacks.⁶² The proposed new development at 283 Trino Way seeks to violate the height and setback design of the community for Tract 10179.⁶³

⁵⁷ *Photograph*, Palisadian-Post, 5, March 31, 1983.

⁵⁸ *283 Trino Way Exterior Elevations, A-03 CDP*, VEA Architects, Revised 7/21/2017, Submitted to Los Angeles City Department of City Planning, July 24, 2017.

⁵⁹ *Slope Band Analysis Plan Prepared for 283 Trino Way*, North Lake Land Surveying, Inc., Reviewed, Los Angeles Department of City Planning, December 20, 2016.

⁶⁰ *283 Trino Way Exterior Elevations, A-03 CDP*.

⁶¹ *283 Trino Way Plot Plan A-01 CDP; Floor Plans A-02 CDP*.

⁶²

⁶³ *Tract No. 10179 in the City of Los Angeles*, June 24, 1929.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone
March 2, 2018

- a. Open Space in Tract 10179 leaves room for wildlife and views and protects the protected landforms and California Coastal Bluff

The architects designed Tract 10179 so that each house is set back and staggered above the other. As a result, Tract 10179 contains large amounts of open space for coastal wildlife. Tract 10179 is situated between the open space of Pulga Canyon and the Bernheimer Gardens, undeveloped land that has slid onto Pacific Coast Highway. The active landslides limited development and this coastal zone teems with birds, wildlife, deer, coyotes, racoons, opossum, bobcats, and many other animals. Street signs on Arno Way warn to watch for deer. Deer move along the bluff of Trino Way and Aderno Way.

At present, all properties on page 35, of book 163, Tract 10179 have views to the water and were designed and protected so that each would keep their views. But, the proposed development at 283 Trino Way will cause prejudice to existing taxpaying neighboring properties and cause harm to their longstanding views and respective property values and obliterate the open space. The proposed development at 283 Trino seeks to block the views of at least 6 other properties. It would set a new precedent forever changing the natural beauty of the Coastal Bluff and cause injury to existing property owners and violate the California Coastal Act. Running through the Bel-Air Bay Coastal bluff and Trino Way is a sanitary sewer and storm drain that serves almost the entire hillside north of the small tract.

The proposed development at 283 Trino Way will not only block views from neighboring properties but also obliterate the open space. It will block the movement of wildlife along the bluff. About September 16, 2015, neighbors observed a bobcat in front of 283 Trino Way. The California Coastal Act protects wildlife in the Coastal Zone. The proposed excavation, huge retaining walls, new construction occupying most of the open space, will eradicate existing wildlife movement across 283 Trino Way.

It is noteworthy that applicant failed to apply for required California Coastal Act and other permits for the most hazardous part of the proposed project. Excavating and grading a recently active and historic landslide risks triggering more landslides and damage. Why is it not part of this application?

10. The Lot Splits of Lots 20 and 21 at 283 Trino Way and the Bernheimer Garden Must Comply with the Subdivision Map Act

On April 29, 1953, J. E. Lloyd-Jones applied to the City of Los Angeles Department of Building and Safety for a permit to Erect a New Building at 283 Trino Way. In this Application, J. E. Lloyd-Jones diagrammed a diagonal lot split in which 36 feet were split off

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

from Lot 21, reducing the north property line of Lot 21 to 64 feet, and adding portions of Lot 20 the south, adjacent to Trino Way.⁶⁴

The same builder, J. E. Lloyd-Jones, graded and built two homes on Lots 20 and 21, 283 Trino Way, and 338 Aderno Way. The homes were terraced, 338 Aderno Way above 283 Trino Way. The builder subdivided Lots 20 and 21 without complying with the City Ordinances and Grading Codes in force at the time for 283 Trino Way. (At present, 283 Trino still has no grading certificate, and it's grading permit is questionable as there should not have been two different properties on the 338 Aderno grading permit). One area surface water drainage system collected water from 338 Aderno and at the top of the hill at the northerly portion of Lot 21 and discharged through a drain across the northern area of Lot 21 and then down an area in and near the five-foot City of Los Angeles sewer easement on Lot 21 at 283 Trino Way. Another drain ran from Lot 20 to the driveway wall of Lot 21, 283 Trino Way. Both drains systems were unlawfully demolished in the demolition of the 283 Trino Way along with the dwelling, yard, and earth that resulted in the City of Los Angeles issuing an Order to Comply on October 23, 2012.⁶⁵

In August 2012, Mr. MacPherson recorded the diagonal lot split of 283 Trino Way and 338 Aderno Way made by J. E. Lloyd- Jones in 1953 but did not notify me, the owner of 338 Aderno Way.⁶⁶ Modifications of recorded parcel maps require public notice and a hearing and the approval and signatures of both impacted properties.⁶⁷ The Subdivision Map

⁶⁴ April 29, 1953 Application to Erect a New Building, Tract 10179, Lot 21, 283 Trino Way, with attached diagram, 2 pages.

⁶⁵ *Order to Comply, Department of Building and Safety, Scott MacPherson B/BSM Trust, 283 Trino Way*, October 23, 2012, 3 pages.

⁶⁶ *Covenant and Agreement to hold as One Parcel, portions of Lots 21 and 20*, approved by Los Angeles City Department of Building and Safety, and signed by Scott MacPherson, recorded by Los Angeles County Recorder's Office, August 31, 2012.

⁶⁷ SEC. 17.59. MODIFICATION OF RECORDED PARCEL MAPS. (Added by Ord. No. 157,533, Eff. 5/12/83.)

A. In addition to amendments to parcel maps authorized by Government Code Section 66469, after a parcel map is filed with the Office of the County Recorder, such recorded map, including the conditions of approval thereof, may be modified pursuant to the provisions of this section. The provisions of this section are not applicable to certificates of correction or amending maps filed pursuant to Government Code Section 66469.

B. (Amended by Ord. No. 176,321, Eff. 1/15/05.) Applications for certificates of correction or amending maps filed pursuant to this section may be filed with the Advisory Agency. The submittal of an application and processing of such applications shall conform to the provisions of Section 17.53 H. of this Code relating to the filing and processing of modifications of preliminary parcel maps.

The public notice and hearing shall conform to the provisions of Section 17.06 A.1. The decision of the Advisory Agency may be appealed in accordance with the applicable provisions of Section 17.54 of this Code relating to the appeal of preliminary parcel maps.

C. Consideration of and action on such applications shall be limited to the proposed modifications.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone
March 2, 2018

Act requires notice and a public hearing to prevent unilateral action that may damage other parties. Notice and a hearing would ensure that the 1962 landslide is properly recorded on 283 Trino Way, and ensure the drainage, power, telephone and sewer lines on Lot 20 that service 338 Ademo Way are recorded in the Subdivision Tract Map for the portion of Lot 20 and 21

D. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) No such modification or amending map may be approved unless the Advisory Agency, or the Appeal Board or City Council on appeal, finds each of the following:

1. That there are changes in circumstances which make any or all the conditions of such map no longer appropriate or necessary;
2. That the modifications do not impose any additional burden on the present fee owner of the property;
3. That the modifications do not alter any right, title or interest in the real property reflected on the recorded map;
4. That the map and conditions as modified conform to the provisions of Government Code Section 66474 and of this Code;
5. That the decision-maker has given consideration, among other factors, to the effects of the modifications on surrounding properties.

E. (Added by Ord. No. 163,641, Eff. 7/1/88.) Modifications and amending maps shall be governed by the following limitations:

1. No modifications involving increases in density shall be allowed which would change the density of a parcel map as approved on appeal by the Appeal Board or the City Council, where such density was the subject of the appeal to the Appeal Board or the City Council.
2. No condition may be modified if it was imposed as a mitigating measure identified in a mitigated or conditional negative declaration or in an Environmental Impact Report.
3. Modifications involving increases in density shall not exceed an increase of one lot or dwelling unit.
 - (a) For subdivision of fewer than 10 lots or dwelling units, any density increase shall be limited to one lot or dwelling unit; and
 - (b) For subdivisions containing 10 or more lots or dwelling units, any increase shall be limited to not more than 10 percent of that originally approved.
4. Modifications involving either increase in the height of structures, or in the elevation of building pads where the elevation of such pads has been specified by the Advisory Agency, shall be limited as follows:
 - (a) an increase in the height of structures of not more than 10 percent above the approved height of such structures; or
 - (b) an increase in the elevation of building pads of not more than 5 feet above the approved elevation of such pads.

Any such increase in height or elevation shall not obstruct the view from surrounding properties. A greater increase in the elevation of building pads may be approved if such increase has been determined to be necessary for health and safety reasons by the Department of Building and Safety.

5. No modifications shall be permitted which violate the intent of any of the original conditions of the parcel map approval as that intent is expressed in the findings or otherwise by the decision maker.

F. An amending map or certificate of correction shall be recorded with the Office of the County Recorder in the manner specified in Government Code Section 66472. If the modification of one or more conditions does not require an amending map or certificate of correction, the approval of the modification shall be evidenced in a letter mailed to the subdivider and made a part of the subject parcel map file. (Former Subsec. E Redesignated F by Ord. No. 163,641, Eff. 7/1/88.)

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

that are subject of the Lot split. Failure to comply with the notice and hearing required by the Subdivision Map Act injures me, and surrounding property owners.

Mr. Scott MacPherson recorded a Covenant and Agreement to Hold as One Parcel portions of lots 20 and 21. The property at 283 Trino Way (Lots 20 & 21), abuts Lots 19, 22, 40, 41, and 338 Aderno Way (Lots 20 & 21), of Tract 10179. The City of Los Angeles Storm Drain and Sanitary Sewer runs from Las Casas to Trino Way through a ten-foot easement in the southerly portion of Lot 20 and northerly portion of Lot 19, that require clarification on the Tract 10179 Subdivision Map. All these adjacent parties are entitled to notice an opportunity to be heard before modification of the Subdivision Map of Tract No. 10179.⁶⁸ Other modifications to the Subdivision Map for Tract 10179 should similarly be addressed as required by the Subdivision Map Act.

Documents in the City Planning file use different legal descriptions on different documents in referring to 283 Trino Way. Some documents refer to Lot 21, others to Lots 20 and 21, and the application fails to address the conditions on the entirety of 283 Trino Way. Some documents such as the May 20, 2011 “Affidavit Regarding Erecting and Maintenance of Building in an Area Subject to Landsliding and Unstable Soils” are signed by Scott MacPherson, *omits trustee of the SBM revocable trust*. A June 6, 2012 Affidavit is signed by Scott MacPherson, Trustee, The SBM Revocable Trust, but refers to Lot 21 (Arb 2) of Tract 10179 but *omits Lot 20 (arb 2)*. The March 22, 2012 Addendum No. 1, Geotechnical Report Response to City Review refers to Lot 21, Tract 10179, 283 Trino Way, but *omits portions of Lot 21 and 22*. Yet another document, an August 28, 2012 “Covenant and Agreement to Hold Property as One Parcel” describes 283 Trino Way as portions of Lot 21, Arb 2, and portions of Lot 20, Arb. 2, Tract 10179, signed by Macpherson *but omitted the SBM trust and trustee*.

The application fails to clearly and consistently identify the applicant, the property, the authority of those making representations on behalf of the applicant, and who will be responsible for hazardous excavation and construction on the active landslide at 283 Trino Way. Multiple documents in the City Planning file appear to be signed without legal binding authority from the owner / applicant by his agents and differ from the application that appears to be signed and legally authorized by the owner / applicant. Plans are inconsistent and disinform

The California Health and Safety Code, Housing, requires every local building permit applicant by an Owner-Builder to present evidence to identify the applicant and verify the signature of the property owner. (Article 19825, Health and Safety Code, Division 13, Part 3, Chapter 9, Housing, Article 1). California Health and Safety Code Section 19825, and Los Angeles Municipal Code Section 12.20.2.D.3 require declarations that attest to the truth, completeness, and accuracy.

⁶⁸ *Tract No. 10179 in the City of Los Angeles*, Map Book 63, 33-38, June 24, 1929.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

Sincerely,

Martin J. Murphy

Martin J. Murphy

References

City of Los Angeles Map M-848, May 1977, revised February 1980, shows the boundary line of the Coastal Zone Act of 1977. This “map reflects the City’s interpretation of the State Coastal Zone boundary line as reflected on the State’s 1:24,000 scale official map.” The Pacific Palisades boundary line of the Coastal Zone Act of 1977 is shown on Map M-848, Sheet 7 of 8 of Sheet 7 of 8 sheets, February 1980.

Geologic Maps of Pacific Palisades Area, Los Angeles, California, John T. McGill, United States Geologic Survey Map 1-1828-1, 1989.

Geologic Maps of Pacific Palisades Area, Los Angeles, California, John T. McGill, United States Geologic Survey Map 1828-1 and Map 1-1828 (Sheet 2 of 2), 1989.

Geologic Map of the Topanga and Canoga Park (South ½) Quadrangles, Los Angeles County, California, by Thomas W. Dibblee, Jr., 1992, ed. Helmut E. Ehrenspeck, sponsored by the City of Los Angeles Planning Department and prepared in cooperation with the California Department of Conservation, Division of Mines and Geology; and the U.S. Geological Survey, Map DF-35, Santa Barbara, CA: Dibblee Geologic Foundation, January 2000.

John T. McGill, *Open File Report 82-194, & Preliminary Geologic Map of Pacific Palisades Area, City of Los Angeles*, 1-2, U.S. Department of the Interior Geological Survey, 1982.

Map Showing the Relationship of Historic to Prehistoric Landslides, Pacific Palisades Area, City of Los Angeles, Miscellaneous Field Studies Map MF-1455, by John T. McGill, U.S. Geological Survey, 1982.

Map Showing Landslides in the Pacific Palisades Area, City of Los Angeles, California, John T. McGill, U.S. Geological Survey, Miscellaneous Field Studies Map MF-471, 1973.

City of Los Angeles Preliminary Geologic Maps 299 and 305: Lithographic and Formation Symbols; & Geologic & Structural Symbols, Geology and Soils Engineering Section, Street

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

Opening and Widening Division, Bureau of Engineering, Department of Public Works, about 1979.

Los Angeles City Sewer Map, Trino Way.

Photograph of portions of 1978 landslide at 283 Trino Way, 1978.

Fairchild Aerial Photography Collection, Flight C-300, Frame J:214, 1928.

Fairchild Aerial Photography Collection, Flight C-5139, Frame 22, April 13, 1938.

Fairchild Aerial Photography Collection, Flight C-6330, Frame 63, March 5, 1940.

Fairchild Aerial Photography Collection, Flight C-2440, Frame 27:73, October 1962

California Coastal Commission, *Withdrawal of Applications for Coastal Development Permits*, June 9, 2015, May 24, 2014, and June 18, 2013.

Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers, 30, Department of Public Works, State of California, in conjunction with the City of Los Angeles, City of Santa Monica, County of Los Angeles, December 21, 1959.

Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume I – Text, 130-135*, July 1959.0

Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume II – Drawings, L-8 & L-9*, No. GS-15, Geological Section 24 (Slide Location 3, West Pacific Palisades), July 1959.

April 29, 1953 Application to Erect a New Building, Tract 10179, Lot 21, 283 Trino Way, with attached diagram, 2 pages.

Tract No. 10179 in the City of Los Angeles, Map Book 63, 33-38, June 24, 1929.

The Bel-Air Bay Club, A Country Place by the Sea, 1927-1997, ed. Russell Gates, Jr., 45, 44-50, 56-57, Pacific Palisades, CA: Post Printing, 1997.

Tract No. 10179 in the City of Los Angeles, Map Book 63, 33-38, June 24, 1929.

Los Angeles City Council, Gilbert A. Cedillo, President
Vince Bertoni, Director of City Planning, Vince.Bertoni@lacity.org
Frank M. Bush - General Manager, Superintendent of Building, City of Los Angeles

Case No.: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; ENV-2016-2560-CE; Building & Safety Building Grading Permit application: B18WL00987; Bernheimer Gardens and related developments in Bel Air Bay Tract 10179 in the Dual Permit Jurisdiction of the Coastal Zone March 2, 2018

Addendum No. 1, Geotechnical Engineering Report, Response to City Review, Proposed Residential Additions and 318 Retaining Walls, Lot 21, Tract 10179, 283 Trino Way, Pacific Palisades, California, LA-01384-01, Prepared for Mr. Scott MacPherson, March 22, 2012, Earth Systems Southern California, Site History, page 2 of March 22 letter, 3.

Addendum No. 1, Geotechnical Engineering Report, Site Specific References, page 16, 38 Aderno Way, 17.

March 8, 1963 City of Los Angeles Department of Building & Safety approval of Pacific Soils Engineering January 10, 1963 Work Order 4083 for Slope Repair at 283 Trino Way, and Pacific Soils Engineering Work Order 4083, January 10, 1963, report, 11 pages.
November 21, 1962 Department of Building and Safety approval of Application to construct an 80' long by 5' high retaining wall at 283 Trino Way, Lot 21, Tract 10179, 2 pages with attached diagram.

John O. Robb, Chief of Grading Division, City of Los Angeles, letter to Lorraine Oshins and Aris Anagnos, October 30, 1978.

March 8, 1963 City of Los Angeles Department of Building & Safety approval of Pacific Soils Engineering January 10, 1963 Work Order 4083 for Slope Repair at 283 Trino Way, and Pacific Soils Engineering Work Order 4083 January 10, 1963 report; 11 pages.

November 21, 1962 Department of Building and Safety approval of Application to construct an 80' long by 5' high retaining wall at 283 Trino Way, Lot 21, Tract 10179, 2 pages with attached diagram.

April 29, 1953 Application to Erect a New Building, Tract 10179, Lot 21, 283 Trino Way, with attached diagram, 2 pages.

Order to Comply, Department of Building and Safety, Scott MacPherson B/BSM Trust, 283 Trino Way, October 23, 2012, 3 pages.

Covenant and Agreement to hold as One Parcel, portions of Lots 21 and 20, approved by Los Angeles City Department of Building and Safety, and signed by Scott MacPherson, recorded by Los Angeles County Recorder's Office, August 31, 2012.

Slope Band Analysis Plan Prepared for 283 Trino Way, North Lake Land Surveying, Inc., Reviewed, Los Angeles Department of City Planning, December 20, 2016.

Martin J. Murphy

338 Aderno Way
Pacific Palisades, CA 90272-3344
Telephone: (310) 922-3709 (cell)
Facsimile: (310) 454-8919
Email: martin.m@roadrunner.com

March 12, 2018

Esther Margulies, President
Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner
Heather E. Rozman, Commissioner

Vincent P. Bertoni, AICP, Director
Kevin J. Keller, AICP, Executive Officer
Lisa M. Webber, AICP, Deputy Director
Cecilia Lamas, Commission Executive Assistant
apcwestla@lacity.org (213) 978-1299

Attention: Commission Secretariat
West Los Angeles Area Planning Commission
City of Los Angeles
200 North Spring Street, Room 532
Los Angeles, CA 90012

Via email:

Frank M. Bush - General Manager, Superintendent of Building
Department of Building and Safety, frank.bush@lacity.org

Vince Bertoni, Director of Planning, Vince.Bertoni@lacity.org
Lisa Webber, Deputy Director of Planning, Lisa.Webber@lacity.org
Faisal Roble, Senior City Planner, Faisal.Roble@lacity.org
Kenton Trinh, City Planning Associate, Kenton.trinh@lacity.org
Department of City Planning

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179, and
Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987; Hearing on March 21, 2018.

1. 283 Trino Way is in the Dual Permit Area of the California Coastal Zone and Must but Failed to Obtain California Coastal Development Permits for Demolition, Grading, Retaining Walls, and New Residential Construction;
2. 283 Trino Way is on a Coastal Bluff within the Dual Permit Jurisdiction of the Coastal Zone where any significant alteration requires a Coastal Development Permit;

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

3. The California Coastal Act Requires Coastal Development Permits to modify a recorded Subdivision Tract Map by Lot Split; Adjust a Lot Line; Grade a Coastal Bluff; Erect Retaining Walls; Demolish a Residence; Construct a Structure, and Widen a Coastal Zone Street;
4. October 23, 2012 Order to Comply, 283 Trino Way & Scott MacPherson Trust;
5. The California Environmental Quality Act requires an Environmental Impact Report for the Proposed Excavation, Grading, Retaining Walls and Subdivision Map Act Changes at 283 Trino Way, Bernheimer Gardens, and other Developments in Bel Air Bay Tract 10179 and Adjacent Projects on the Coastal Bluff
6. 283 Trino Way is on an Active Landslide in a Seismic Hazard Zone and Special Grading Hillside Area
7. Federal, State, and Local Governments Maps Show 283 Trino Way is on a Landslide
8. Applicants Propose to Cut the Toe and Removing Slide Talus at 283 Trino Way and the Bernheimer Gardens, Acts Documented in the *Final Report, Pacific Palisades Landslide Study* to Cause Landslides;
9. The Proposed Height of 283 Trino Way Exceeds All Neighboring Homes;
10. The Lot Splits of Lots 20 and 21 at 283 Trino Way and the Bernheimer Garden Must Comply with the Subdivision Map Act.

Dear President Margulies, Vice President Newhouse, Commissioners Waltz Morocco and Rozman:

Please require the Departments of City Planning and Building and Safety to comply with the California Coastal Act, California Environmental Quality Act, and Mello Act. The Department of City Planning on January 19, 2018, unlawfully granted a categorical exclusion from the California Coastal Act to a proposed development at 283 Trino Way, located in the Dual Permit Area of the California Coastal Zone within fifty feet of the Coastal Bluff, and exempted the project for the California Environmental Quality Act and Mello Act. Mr. Scott MacPherson and others seek to excavate, construct retaining walls and build on a moving landslide at 283 Trino Way on the Pacific Palisades Coastal Bluff in the Dual Jurisdiction Coastal Zone without obtaining required Coastal Development Permits and an Environmental Impact Report. The unsubstantiated claim for a categorical exemption for 283 Trino Way was recently submitted without review or hearing.

No building or grading permit should be issued until the 283 Trino Way applicant complies with the California Coastal Act permit requirements. Grading on this landslide is particularly dangerous and must be preceded by a request for California Coastal Commission permits.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

The proposed demolition, grading, retaining walls, pool, and other development at 283 Trino Way raises issues that are likely to come before the West Los Angeles Area Planning Commission with other adjacent grading and excavation projects in this landslide area. A massive grading and excavation is proposed in the Bel Air Bay Tract 10179 and Bernheimer Gardens, where two Bel Air Bay landslides continue to obstruct Pacific Coast Highway. Excavation and grading this moving landslide is likely to cause more landslides, damage adjacent properties and further obstruct Pacific Coast Highway. Please require the Departments of City Planning and Building and Safety to comply with the California Coastal Act, California Environmental Quality Act, Mello Act and other laws to prevent further landslides and obstruction of Pacific Coast Highway.

The City Should Issue an Interim Control Order Under California Government Code Section 65858. The City should place a moratorium on grading, retaining walls, excavations and enlargements until an Environmental Impact Report determines the location of the fault and identifies how to reduce further movement of the landslides in the Bel Air Bay Tract 10179. The pre-1928 City storm drains and sewers should be immediately replaced to prevent triggering further landslides.

Development in the Dual Permit Area of the California Coastal Zone requires permits from both the City and the California Coastal Commission. Categorical Exclusion Case No. ADM-2018-262-CATEX states that 283 Trino Way is “located in a Dual Permit Jurisdiction of the California Coastal Zone.” The City of Los Angeles does not have legal authority to exempt development in the Dual Permit Jurisdiction from the requirements of California law. The California Coastal Act requires California Coastal Development Permits from the California Coastal Commission before any development.¹

1. 283 Trino Way is in the Dual Permit Area of the California Coastal Zone and Must but Failed to Obtain California Coastal Development Permits for Demolition, Grading, Retaining Walls, and New Residential Construction

On December 8, 2017, Mr. John Parker, Pacific Crest Consultants, applied for a Categorical Exclusion from the Coastal Act to demolish 1,657 square feet two-story single-family dwelling and attached 430 square feet garage and construct in unidentified project. Mr. Parker did not identify any related plan check numbers.² But the City found that the Mr. MacPherson and others already demolished the 1,657 square feet dwelling formerly located at

¹ Categorical Exclusion Case No. ADM-2018-262-CATEX, 8 pages, second page of three-page Justification for Categorical Exemption.

² Categorical Exclusion Case No. ADM-2018-262-CATEX, page 1 of 5, dated December 8, 2017, signed January 19, 2018, on page 5, by Kenton Trinh, City Planning Associate, with attached three-page Justification for Categorical Exemption, total of 8 pages.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

283 Trino Way. A separate request seeks approval by the Department of Building and Safety to excavate more than 1,000 cubic yards from 283 Trino Way.

On January 19, 2018, City Planning Associate Kenton Trinh approved the request to exclude unidentified development at 283 Trino Way from California law that requires development in the Dual Permit Jurisdiction Area of the California Coastal Zone to Coastal Development Permits from both the City of Los Angeles and the California Coastal Commission before any development. The City Planning Associate based Categorical Exclusion Order E-79-8 (Case No. ADM-2018-262-CATEX) on California Public Resources Code Sections 30610(e) and 30610.5(b), which do not exempt development such as 283 Trino Way, which is on the Coastal Bluff in the Dual Permit Jurisdiction of the California Coastal Zone.³ Mr. Trinh admits in the Categorical Exclusion Order that 283 Trino Way is “located in a Dual Permit Jurisdiction of the California Coastal Zone.”⁴

Attached to this letter is a copy of City of Los Angeles Map M-848, May 1977, revised February 1980, which shows the boundary line of the Coastal Zone Act of 1977. This copy of Map M-848 was provided by the California Coastal Commission. Map M-848, Sheet 7 of 8 sheets, shows that 283 Trino Way is both on the Coastal Bluff and in the Dual Jurisdiction Area. California law requires California Coastal Development permits be obtained before any development in this area. The City of Los Angeles has no legal authority to exempt 283 Trino Way from the obligation to obtain California Coastal Development Permits. It is not in a geographic area excluded from the Coastal Development Permit requirements by California Public Resources Code Sections 30610(e) and 30610.5(b).

In Categorical Exclusion Order E-79-8 (Case No. ADM-2018-262-CATEX) City Planning Associate Mr. Trinh refers to inapplicable sections of the California Environmental Quality Act.⁵ But Mr. Trinh admits that 283 Trino Way is in a “Hillside Area, a Very High Fire Hazard Severity Zone, a Special Grading Area, a Landslide Area, and the Santa Monica Fault.”

Moreover, the Department of City Planning’s Categorical Exclusion Order ADM-2018-262-CATEX, signed on page one by Mr. Parker and on page five by Mr. Trinh, states on

³ Section 30601(2) of the California Coastal Act requires that a coastal development permit shall be obtained from the commission, in addition and second to the City, for developments within 300 feet of the top of the seaward face of any coastal bluff.

⁴ Categorical Exclusion Case No. ADM-2018-262-CATEX, 8 pages, second page of three-page Justification for Categorical Exemption.

⁵ Title 14, California Code of Regulations, Ch. 3, Guidelines for Implementation of the California Environmental Quality Act, Article 19, Categorical Exemptions: Section 15303, New Construction or Conversion of Small Structures, which are not located in environmentally sensitive areas; and Section 15332, In-Fill Development Projects, which must comply with all applicable zoning designation and regulations.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

page 4: the exclusion shall not include development that includes street widening. But Mr. MacPherson proposes to widen Trino Way by dedicating five feet of 283 Trino Way. The signed Categorical Exclusion Order states in Part II Limitations, development that includes street widening does not qualify for the categorical exclusion. For this reason, also, 283 Trino Way does not qualify for a categorical exclusion.

The 283 Trino Way applicant proposes to widen Trino Way by dedicating five feet.⁶ But the applicant has already unlawfully dedicated 5 feet to the City for the street widening, with no Public Hearing, California Environmental Quality Act review, Coastal Development Permit, geotechnical engineering plan for the street Trino Way. Applicant submitted no geology and soils report for the proposed street widening and failed to address whether it is safe and legal.

The Categorical Exclusion Order form signed by Mr. Parker and Mr. Trinh, states on page 2 that it only applies to specific geographic areas excluded by California Public Resources Code Sections 30610(e) and 30610.5(b) from the Dual Permit Jurisdiction of the California Coastal Zone.

California Public Resources Code Section 30610(e).

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.

(Section 30610 Amended by Stats. 2004, Ch. 697, Sec. 18. Effective January 1, 2005.)

California Public Resources Code Section 30610.5(b)

(b) Every exclusion granted under subdivision (a) of this section and subdivision (e) of Section 30610 shall be subject to terms and conditions to assure that no significant change in density, height, or nature of uses will occur

⁶ *Request & Findings for: Coastal Development Permit (LAMC Sec. 12.20.2-G,1), 283 Trino Way, updated 6/20/2017, 2, Received by City of Los Angeles, City Planning, June 20, 2017.*

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

without further proceedings under this division, and an order granting an exclusion under subdivision (e) of Section 30610, but not under subdivision (a) of this section may be revoked at any time by the commission, if the conditions of exclusion are violated. Tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust shall not be excluded under either subdivision (a) of this section or subdivision (e) of Section 30610.
(Amended by Stats. 1980, Ch. 1087, Sec. 8. Effective September 26, 1980.).

From at least 2010 to 2017, Mr. Scott MacPherson has attempted to evade the California Coastal Commission permit requirements for demolition, grading, retaining walls and other development at 283 Trino Way. On October 23, 2012, the City of Los Angeles Department of Building and Safety issued to Scott MacPherson B/BSM Trust an Order to Comply for violations at 283 Trino Way. The single-family dwelling at 283 Trino Way was demolished without required clearances by the California Coastal Commission, and Mr. MacPherson was ordered to obtain all required clearances and approvals from City Planning and the California Coastal Commission.⁷

2. 283 Trino Way is on a Coastal Bluff within the Dual Permit Jurisdiction Coastal Zone where any significant alteration requires a Coastal Development Permit

The California Coastal Act defines the Coastal Zone as land “extending inland generally 1,000 yards from the mean high tide line of the sea.”⁸ Section 30103(b) of the Coastal Act required the California Coastal Commission to prepare and adopt a “detailed map on a scale of one-inch equals 24,000 inches for the coastal zone and shall file a copy of such map with the county clerk of each coastal county.”⁹

Los Angeles Municipal Code Ordinance No. 151,603 establishes procedures for approval or denial of Coastal Development Permits in accordance with Section 30600(b) of the California Public Resources Code. The Municipal Code similarly defines the Coastal Zone as land specified on maps prepared by the California Coastal Commission. The Coastal Zone “generally extends inland 1000 yards from the mean high tide line of the sea.”

In dual permit jurisdictions, such as Trino Way, an applicant must obtain a permit from the local entity and after obtaining the local permit, a second permit from the

⁷ *Order to Comply, Department of Building and Safety, Scott MacPherson B/BSM Trust, 283 Trino Way, October 23, 2012, 3 pages.*

⁸ *California Coastal Act, Public Resources Code, Division 20, Section 30103(a).*

⁹ *California Coastal Act, Section 30103(b).*

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

commission. (Public Resources Code, Sections 30600, 30601; California Code of Regulations, title 14, Section 13301, subdivision (a). *Pacific Palisades Bowl Mobile Estates, LLC, v. City of Los Angeles*, 55 Cal. 4th 783 (2012).

- a. Alteration of land forms, improvements to a single-family structure, water wells, within fifty feet of the edge of Coastal Bluff and increase in floor area of ten percent or more, increase in height by ten percent or more all require California Coastal Development Permits

The California Code of Regulations, Title 14, Natural Resources, 14 CCR § 13250, provides that Alteration of land forms, improvements to a single-family structure, water wells, within fifty feet of the edge of Coastal Bluff and increase in floor area of ten percent or more, increase in height by ten percent or more require Coastal Development Permits.

§ 13250. Improvements to Existing Single-Family Residences.

(a) For purposes of Public Resources Code Section 30610(a) where there is an existing single-family residential building, the following shall be considered a part of that structure:

- (1) All fixtures and other structures directly attached to a residence;
- (2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and
- (3) Landscaping on the lot.

(b) Pursuant to Public Resources Code Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:

- (1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff.
- (2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;
- (3) The expansion or construction of water wells or septic systems;

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

(5) In areas which the commission or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.

(6) Any improvement to a single-family residence where the development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit.

(c) In any particular case, even though an improvement falls into one of the classes set forth in subsection (b) above, the executive director of the commission may, where he or she finds the impact of the development on coastal resources or coastal access to be insignificant, waive the requirement of a permit; provided, however, that any such waiver shall not be effective until it is reported to the commission at its next regularly scheduled meeting. If any three (3) commissioners object to the waiver, the proposed improvement shall not be undertaken without a permit.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30610(a), Public Resources Code.

As detailed below, Mr. MacPherson attempted to evade the California Coastal Commission permit requirements by applying to the Coastal Commission for a 740 square feet addition to a single-family home, with the existing height, style and colors to remain. Then, he submitted different applications for major grading, walls, and other development to the City of Los

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

Angeles Department of Building and Safety, using the California Coastal Commission exemption for a 740 square feet addition.

- b. On March 1, 2010, Mr. Scott MacPherson applied to the California Coastal Commission for a Categorical Exemption for a 740 square feet addition to the 1,657 square feet single-family residence at 283 Trino Way, Existing Height to Remain

Mr. MacPherson previously applied to the California Coastal Commission for an exemption to construct a 740 square feet addition to the single-family residence at 283 Trino Way. There was to be no change to the then existing height of 26'. On March 1, 2010, Mr. Vladimir Elamanovich, AIA, on behalf of Mr. Scott MacPherson applied to the California Coastal Commission for a Categorical Exemption for a 740 square feet addition to the 1,657 square feet single-family residence at 283 Trino Way, Existing Height to Remain.

Mr. MacPherson failed to obtain required Coastal Development Permits for demolition, grading, retaining walls, a pool, and new construction 283 Trino Way. The California Coastal Act requirements for review of grading, retaining walls and other Coastal Bluff development are critical to the protection of the public and adjacent property.

- c. On March 10, 2010, Mr. Scott MacPherson received a Categorical Exemption for a 740 square feet addition to the 1,657 square feet single-family residence at 283 Trino Way, Reference 5-10-023-X

On March 10, 2010, Mr. Scott MacPherson received a Categorical Exemption for a 740 square feet addition to the 1,657 square feet single-family residence at 283 Trino Way, Reference 5-10-023-X. The exemption was pursuant to 30610 of the Coastal Act and Section 13250(b)(4) of Title 14 of the California Administrative Code, Natural Resources, 14 CCR § 13250, above. Incorrect information in the application renders the exemption invalid.

Mr. MacPherson on October 4, 2010 applied for Building and Safety clearance for a 744 square feet addition, Permit Application 0914-3000-04398. The application noted:

“Waiver of Coastal Development Permit / De Minimis” EXEMPTION 5-10-023-X

- d. On October 4, 2012, Mr. Scott MacPherson applied to Building and Safety for a Major Remodel and Addition to an Existing 2 Story Single Family Dwelling at 283 Trino Way with Attached Basement Garage; Addition 2 Bedrooms/3 Bathrooms, Media Room, Additional Laundry Room, Add Covered Patio, Convert Existing 2 Car -Garage to Rec Room and One-Car Carport, Highway Dedication/Street-Widening, all based on the California

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

Coastal Commission Categorical Exemption for a 740 square feet addition to the 1,657 square feet single-family residence, Reference 5-10-023-X

But instead of submitting plans for a 740 square feet addition, Mr. MacPherson attempted to use this exemption for an enormous unauthorized project with grading, retaining walls, a pool or spa. None of these multiple different proposals received required California Coastal Commission approval.

On October 4, 2012, Mr. Scott MacPherson applied to Building and Safety for a Major Remodel and Addition to an Existing 2 Story Single Family Dwelling at 283 Trino Way with Attached Basement Garage; Addition 2 Bedrooms/3Bathrooms, Media Room, Additional Laundry Room, Add Covered Patio, Convert Existing 2 Car -Garage to Rec Room and One-Car Carport, Highway Dedication/Street-Widening, all based on the California Coastal Commission Categorical Exemption for a 740 square feet addition to the 1,657 square feet single-family residence, Reference 5-10-023-X.

Also, on October 4, 2012, Mr. MacPherson applied to Building and Safety for a permit to build a new 10' x 18' spa. The application claimed to have received a California Coastal Development Permit, reference 5-10-023-X, on March 4, 2010. But, as detailed above, that exemption was for a 740 square feet addition.

- e. The Delicate Hillside cannot accommodate the huge grading, retaining walls and mansion proposed at 283 Trino Way

The homes surrounding 283 Trino Way in the Be Air Bay Tract 10179 and are of modest size, typically less than 2,000 square feet, suitable housing for an unstable landslide. The unstable soil makes this area suitable for affordable housing in the Coastal Zone. Also, nearby are mobile home parks on Pacific Coast Highway. Grading and excavation of more than 1,000 cubic yards at 283 Trino Way is likely to destabilize the landslide and cause loss of affordable housing in the California Coastal Zone.

Mr. MacPherson proposes to replace modest and relatively affordable housing formerly at 283 Trino Way with an oversized mansion lacking setback. Lorraine Oshins (1923-2016) lived in the 1,657 square feet house at 283 Trino Way from 1954 to 2007. Mrs. Oshins worked as a wartime cryptographer and later as a school teacher. Her husband, Ned Oshins, who last worked a travelling caterer. Mrs. Oshins actively volunteered in the community. Before she died, Mrs. Oshins in an August 9, 2007 interview in the Palisadian Post, said she was shocked at what was being built in Pacific Palisades. Mrs. Oshins said, "This hillside is very delicate. They are building huge houses on lots that don't accommodate them, giving the Palisades a different kind of look."

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

f. Coastal Zone Map M-848 Shows 283 Trino on the Coastal Bluff

City of Los Angeles Boundary Line of the Coastal Zone Act of 1977 Map M-848, provided by the California Coastal Commission, shows that 283 Trino Way is on the face of the Coastal Bluff. City of Los Angeles Map M-848, May 1977, revised February 1980, “reflects the City’s interpretation of the State Coastal Zone boundary line as reflected on the State’s 1: 24,000 scale official map.” The State Coastal Commission also uses map M-848 as the boundaries follows the State map, but the City map has the added feature of showing tract parcels.

The Pacific Palisades boundary line of the Coastal Zone Act of 1977 is shown on Map M-848, Sheet 7 of 8 sheets, February 1980. Map M-848 also depicts the area 50’ inland of the Coastal Bluff and the limit of construction. Map M-848 shows that the Dual Jurisdiction Area extends beyond Aderno Way, and Sunset Boulevard. The Coastal Bluff includes most of Aderno Way, all Trino Way. The proposed development of 283 Trino Way is downslope on the ocean side of Aderno Way, and well within the face of the Coastal Bluff.

g. The 1989 *Geologic Maps of Pacific Palisades Area*, Map 1828-1 and Map 1828 (Sheet 2 of 2) also Show 283 Trino is on the Coastal Bluff

The *Geologic Maps of Pacific Palisades Area, Los Angeles, California*, John T. McGill, United States Geologic Survey Map 1828-1 and Map 1-1828 (Sheet 2 of 2), 1989, show 283 Trino Way on the Coastal Bluff. Particularly Map 1828 (Sheet 2 of 2) depicts various structure contours, including 215 feet and 220 feet above sea level as part of one bluff from sea level.¹⁰

h. Aerial Photographs Show 283 Trino is on the Coastal Bluff

In 1927, Alphonzo Bell purchased thirty-one acres stretching from the Pacific Ocean to Sunset Boulevard. The thirty-one acres included nine-hundred feet of shoreline, the Coastal Bluff from the shoreline to Aderno Way, and the land from Aderno Way Sunset (then Beverly) Boulevard. This became the Bel Air Bay Club, surrounded by a residential area of sixty-seven homes, Tract 10179.¹¹

¹⁰ *Geologic Maps of Pacific Palisades Area, Los Angeles, California*, John T. McGill, United States Geologic Survey Map 1828-1 and Map 1-1828 (Sheet 2 of 2), 1989.

¹¹ *The Bel-Air Bay Club, A Country Place by the Sea, 1927-1997*, ed. Russell Gates, Jr., 45, 50, Pacific Palisades, CA: Post Printing, 1997.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

A 1928 Fairchild Aerial photograph shows the road cuts for Arno, Trino and Aderno Way. The 1928 Fairchild Aerial photograph also depicts the rise of the Coastal Bluff from the shoreline through the Aderno Way circle.¹²

An aerial photograph taken on January 3, 1931, reproduced in *The Bel-Air Bay Club, A Country Place by the Sea*, shows the road cut for Trino Way. The photograph also depicts the coastal bluff rising from the Pacific Ocean through Aderno Way.¹³

An April 27, 1938 Fairchild Aerial Photography Collection photograph captured the landslides along the Coastal Bluff above Trino Way. The 1938 photograph records the landslide debris covering Trino Way.¹⁴

A March 5, 1940 Fairchild Aerial Photography Collection shows the landslides along Trino Way after the landslide debris was removed from the street. The 1940 photograph shows the Coastal Bluff rising from the Pacific Ocean through the home sites in the circle of Aderno Way.¹⁵

An October 1962 Fairchild Aerial Photography Collection photograph shows the Coastal Bluff rising from the Pacific Ocean through the Aderno Way circle. The October 1962 aerial photograph shows the house on Pintoresca on the face of the Coastal Bluff Pacific Coast Highway. That house has since collapsed when the landslide enlarged. The October 1962 aerial photograph also depicts Arno Way above the Bel Air Bay Club before the landslide between Arno Way and the upper Bel Air Bay club. About the mid-1990's, the City of Los Angeles buttressed Arno Way with soldier piles to prevent another collapse.

i. Blufftop Development Should be Set Back 25 feet from the Bluffs

The proposed construction at 283 Trino Way is on the face of the Coastal Bluff within the Dual Jurisdiction Area (California Public Resources Section 30601) of the California Coastal Act. As noted above, applicant must obtain a permit from the local entity and after obtaining the local permit, a second permit from the commission. (Public Resources Code, Sections 30600, 30601; California Code of Regulations, title 14, Section 13301, subdivision (a). *Palisades Bowl Mobile Estates, LLC, v. City of Los Angeles*, 55 Cal. 4th 783 (2012).

¹² Fairchild Aerial Photography Collection, Flight C-300, Frame J:214, 1928.

¹³ *The Bel-Air Bay Club, A Country Place by the Sea, 1927-1997*, ed. Russell Gates, Jr., 56-57, Pacific Palisades, CA: Post Printing, 1997.

¹⁴ Fairchild Aerial Photography Collection, Flight C-5139, Frame 22, April 13, 1938.

¹⁵ Fairchild Aerial Photography Collection, Flight C-2440, Frame 27:73, October 1962.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

The applicant admits in his 283 Trino Way *Request & Findings*, that proposed development should be set back at least 25 feet from the edge of any coastal bluff.¹⁶ The proposed development at 283 Way should but does not conform to this requirement.

3. The California Coastal Act Requires Coastal Development Permits from the California Coastal Commission to modify a recorded Subdivision Tract Map by Lot Split; Adjust a Lot Line; Grade a Coastal Bluff; Erect Retaining Walls; Demolish a Residence; Construct a Structure and Widen a Coastal Zone Street on the Coastal Bluff within the Dual Jurisdiction Area.

California Coastal Act, Public Resources Code Section defines Development:

"Development" means, on land, ... the placement or erection of any solid material or structure;; grading, removing, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits...; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; ... As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, ...

The 283 Trino Way applicant submitted an incomplete application to construct a major remodel but failed to apply for required Coastal Development Permits for new construction, grading, retaining walls, demolition, lot split, lot line adjustment, and with the City the street widening and public sanitary sewer in the westerly easement. The owner/applicant proposes to alter the Tract 10179 Subdivision Tract Map to record a lot split, grade a Coastal Bluff by removing more than 1,000 cubic yards from a landslide on a steep Coastal Bluff, erect retaining walls, request after-the-fact permission to demolish a residence, excavate a coastal bluff, export coastal bluff earth, install caissons, and widen a Coastal Zone Street without required public hearing in front of the City Planning Commission and without Coastal permits.

On June 9, 2015, Mr. Scott B. MacPherson withdrew from the California Coastal Commission another application (5-14-1559) for a Coastal Development Permit. Previously, on May 24, 2014, Gary Morris, CEO, Pacific Crest Consultants, on behalf of Scott MacPherson, withdrew California Coastal Development Permit Application No. 5-13-0412, and on June 18, 2013, withdrew California Coastal Development Permit Application 5-12-

¹⁶ *Request & Findings for: Coastal Development Permit (LAMC Sec. 12.20.2-G,1), 283 Trino Way, updated 6/20/2017, 11, Received by City of Los Angeles, City Planning, June 20, 2017.*

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

301.¹⁷ California Coastal Development Permit Applications are required for Subdivision Map Act changes, grading, retaining walls, excavation, new construction, and demolition at 283 Trino Way.

The Subdivision Map Act provides as a matter of law that subdivisions and other division of land constitute a change in the intensity and density of use of land and qualify as development. The Coastal Act defines development as erection of any solid structure, grading, removing, change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act. (Public Resources Code, Section 31106). Courts confirmed the division includes lot line adjustments. *Landgate v. California Coastal Commission*, 17 Cal. 4th 1006, 1024-1025 (1998); *La Fe, Inc. v. County of Los Angeles*, 73 Ca. App. 4th 231, 242 (1999). The California Supreme Court rejected claims that Subdivision Map Act changes are exempt from the requirements of the California Coastal Act of 1976 (Public Resources Code Section 30000 *et seq.*). *Pacific Palisades Bowl Mobile Estates, LLC, v. City of Los Angeles*, 55 Cal. 4th 783 (2012).

a. 283 Trino Way is on a Steeply-Sloped Coastal Bluff

The slope the Coastal Bluff on the west of 283 Trino Way is more than 50%. The Elevation of 283 Trino increases by 46 feet, from 186 feet in the southwest corner to 232 feet above sea level in the northwest corner.¹⁸ The Subdivision Map of Tract No. 10179 shows the distance from the southwest to the northwest corner of Lot 21 is 78.2 feet.¹⁹ Thus the slope rises by 46 feet over a distance of 78.2 feet (59%).

The City Sewer Map shows the sewer manhole on Trino Way has an elevation of 187.8 and the surface of the five-foot sewer easement on the northwest corner of Lot 21 of 283 Trino Way has an elevation of 227.4 feet above sea level.²⁰

No grading certificate was issued for 283 Trino Way. Unapproved excavation and grading provides no rights. The slope analysis must be based on the condition of the hill absent unapproved grading.

Los Angeles Municipal Code Section 91.3307.3.2 requires protection for properties upslope of excavation and grading such as on 283 Trino Way. The grading and excavation

¹⁷ California Coastal Commission, *Withdrawal of Applications for Coastal Development Permits*, June 9, 2015, May 24, 2014, and June 18, 2013.

¹⁸ *Slope Band Analysis Plan Prepared for 283 Trino Way*, North Lake Land Surveying, Inc., Reviewed, Los Angeles Department of City Planning, December 20, 2016.

¹⁹ *Tract No. 10179 in the City of Los Angeles*, Map Book 63, 33-38, June 24, 1929.

²⁰ Los Angeles City Sewer Map.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

that occurred and is proposed requires protection for the upslope properties at 324 and 334 Aderno Way, for the westerly property 273 Trino, and further protection for 338 Aderno Way.

The 283 Trino Way applicant proposes to grade and excavate more than 1,000 cubic yards of earth from a landslide on the Coastal Bluff in from the lateral support for 4 upslope adjoining properties. The *283 Trino Way Plot Plan, A-01 CDP* claims, without any supporting data, that applicant proposes to cut 1,363 cubic yards of earth.²¹ The shoring, cut, excavation, and fill plan require Coastal Development permit applications, hearing and review. The applicant should address the unpermitted grading in 1953 and October 2012. A Haul Route Permit and California Environmental Quality Act review are required for removal of more than 1,000 cubic yards. At all times, the applicant failed to apply for a Coastal Development permit for the grading of the Coastal Bluff. The California Environmental Quality Act prohibits piecemealing.

Mr. MacPherson The applicant proposes to erect two retaining walls, 208 feet long, one ten feet high and the other six feet high at 283 Trino Way. The applicant fails to address the proposed basement walls and the excavation for the proposed basement, the impact to the upslope properties, and the owner's duty to the upslope properties. Again, the applicant provides no details of the proposed retaining and basement walls and failed to apply for a Coastal Development permit to construct 208 feet long retaining walls, one ten feet high and the other six feet high, excavate a basement, excavate into the lateral support of 4 upslope properties, and build retaining walls.

The 283 Trino Way owner/applicant proposes to change the subdivision map for Tract 10179. On August 31, 2012, the Los Angeles County Recorder's Office recorded a *Covenant and Agreement to hold as One Parcel, portions of Lots 21 and 20*, approved by Los Angeles City Department of Building and Safety, and signed by Scott MacPherson.²² But no public hearing was held by the City of Los Angeles. Consequently, there could be no second public hearing scheduled by the California Coastal Commission for the impacted adjoining property owners.

Section 30601(2) of the California Coastal Act requires that a coastal development permit shall be obtained from the Commission, in addition and second to the City, for developments within 300 feet of the top of the seaward face of any coastal bluff.

²¹ *283 Trino Way Plot Plan, A-01 CDP*, VEA Architects, revised 7/21/2017, Submitted to Los Angeles City Department of City Planning, July 24, 2017.

²² *Covenant and Agreement to hold as One Parcel, portions of Lots 21 and 20*, approved by Los Angeles City Department of Building and Safety, and signed by Scott MacPherson, recorded by Los Angeles County Recorder's Office, August 31, 2012.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

"Coastal development permit" means a permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section 30600 of the California Coastal Act.

California Public Resource Code Section 30106 of the California Coastal Act defines "Development" as the "placement or erection of any solid material or structure." Development also means "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits;" and "construction, reconstruction, demolition, or alteration of the size of any structure."

California Public Resource Code Section 30253 of the Coastal Act states, in part that New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along coastal bluffs.

4. October 23, 2012 Order to Comply, 283 Trino Way & Scott MacPherson Trust

The complete demolition of the house single family dwelling residence previously located on 283 Trino Way resulted in a vacant lot. There is no structure left to remodel or to add to or to reside in. The remaining 1953 garage, portion of wall with 18" foundation is not legally habitable and does not meet today's codes. New construction permits are required to build on 283 Trino Way (See also the violation letter from the California Coastal Commission V-5-12-039).

On October 23, 2012, the City of Los Angeles Department of Building and Safety issued to Scott MacPherson B/BSM Trust an Order to Comply for violations at 283 Trino Way. The single-family dwelling at 283 Trino Way was demolished without required clearances by the California Coastal Commission, and Macpherson was ordered to obtain all required clearances and approvals from City Planning and Coastal Commission.²³ Macpherson has never received required Coastal Development Permits from City Planning or the California Coastal Commission for any Coastal development at 283 Trino Way. This Order to Comply remains open and in effect.

Despite the open Order to Comply from the City of Los Angeles, Macpherson's agent Penny Flinn submitted to both City Planning and LADBS public offices false and misleading

²³ *Order to Comply, Department of Building and Safety, Scott MacPherson B/BSM Trust, 283 Trino Way, October 23, 2012, 3 pages.*

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

statements on and attached to forms titled "Request for Modification of Building Ordinances" that were dated 9-22-15, 4-22-2016, 10-2016. On October 23, 2012, Macpherson was stopped by the City of Los Angeles for violations of the Los Angeles Municipal Code. The form falsely claims that the job was stopped for other reasons other than the highly dangerous and unpermitted excavation of a Coastal Bluff without a California Coastal and other permit. LADBS found serious violations and issued the Order to Comply to prevent a possible catastrophic slope failure.

5. The California Environmental Quality Act requires an Environmental Impact Report for the Proposed Excavation, Grading, Retaining Walls and Subdivision Map Act Changes at 283 Trino Way, Bernheimer Gardens, and other Developments in Bel Air Bay Tract 10179 and Adjacent Projects on the Coastal Bluff

The City is subdividing the single 283 Trino Way and other projects such as the Bernheimer Garden proposals, into smaller individual subprojects to avoid the responsibility of considering the environmental impact of the whole project. The City subdivided the 283 Trino Way demolition, excavation, retaining walls, street widening, subdivision map act revision, and new construction into smaller individual projects to avoid the responsibility of considering the environmental impact of the whole project.

California Environmental law provides that "Projects may not be divided into smaller projects to qualify for one or more exemptions pursuant to this article" (California Public Resources Code Section 21159.27). This is particularly important here where pre-1928 City storm drains have disintegrated, and City sewers are leaking into the unstable landslide.

A public agency is not permitted to subdivide a single project into smaller individual subprojects to avoid the responsibility of considering the environmental impact of the whole project. "The requirements of CEQA, 'cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.' *Orinda Association v. Board of Supervisors of Contra Costa County, et al.*, 182 Cal. App.3d 1145 (1986), citing *Topanga Beach Renters Assn. v. Department of General Services* (1976) 58 Cal.App.3d 188, 195-196 [129 Cal. Rptr. 739].) "[The] term 'project,' . . . means the whole of an action which has a potential for physical impact on the environment, and . . . [the] term 'project' refers to the underlying activity and not the governmental approval process." *Natural Resources Defense Council, Inc. v. Arcata Nat. Corp.* (1976) 59 Cal.App.3d 959, 969 [131 Cal. Rptr. 172].

A major purpose of an Environmental Impact Review is to inform other government agencies, and the public generally, of the environmental impact of a proposed project, and to demonstrate that the agency has in fact analyzed and considered the ecological implications of

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

its action. A simple resolution or Negative Declaration, stating that the project will have no significant environmental effect, cannot serve this function. *No Oil Inc. v. City of Los Angeles*, 13 Cal.3d 68 (1974).

a. The City Storm Drains in Bel Air Bay Tract 10179 Disintegrated and Leak Storm Water and the City Sewers Leak Sewerage into the Landslide

An Environmental Impact Review should address the impact of the disintegrated and leaking pre-1928 City storm drains and City sewers in the Bel Air Bay Tract 10179 on the water table and landslide. The corrugated-metal storm drains are more than ninety-years old and have disintegrated. The City sewer on 283 Trino Way broke and leaked. These storm drains also carry water through the Bel Air Bay Tract 10179 from upslope development of Pacific Palisades that occurred since 1928. As The 1959 *Final Report, Pacific Palisades Landslide Study* noted, the most frequently factors causing landslides include leaking sewer, continuous perched water, slipping along faults, street and highway cuts, and removal of slide talus.²⁴ As these factors are present, it is necessary to address the water table.

The proposed development at 283 Trino must comply with the Coastal Act, the California Environmental Quality Act, and Los Angeles City Municipal Codes Sections 12.20.2.D.1 and 12.20.2. G.1. (f). Los Angeles Municipal Code Section 12.20.2 requires compliance with CEQA. It is not lawful for the reasons detailed above for the City to issue a categorical exemption from the California Environmental Quality Act for this proposed development in this landslide area in the Dual Permit Area of the California Coastal Bluff.

The proposed development at 283 Trino Way is mapped in an Official Seismic Hazard Zone, California Coastal Zone subject to CA PRC 30601, in a Coastal Bluff Hillside Area, a Very High Fire Hazard Severity zone, a Special Grading Area, a Landslide Area, near within Fault Zone, nearest Santa Monica Fault. The numerous landslides in this Coastal Zone near Pulga Canyon and parkland provide a habitat for thousands of hummingbirds, wild parrots, wildlife, including deer and mountain lions. The proposed project will degrade the space available for wildlife and the spirit and intent of the Coastal Act

Grading and excavating the active and historic landslide at 283 Trino Way may cause additional earth movement. A landslide on 283 Trino Way may damage adjacent properties

²⁴ *Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers*, 30, Department of Public Works, State of California, in conjunction with the City of Los Angeles, City of Santa Monica, County of Los Angeles, December 21, 1959.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

and public infrastructure on Aderno and Trino Way and potentially block access to other homes on Trino Way.

The California Environmental Quality Act Notice of Exemption, filed by Chris Parker, June 15, 2017, admits that 283 Trino Way is in a Special Grading Hillside Area in a Landslide Area.²⁵ But he omitted that 283 Trino Way is mapped by the State Geologist within an official seismic hazard zone. LAMC 91.3307.3.2 requires the owner /applicant to underpin adjacent structures and underpin adjoining properties or record an affidavit for the protection of the lateral support of the adjoining properties. This still has not been done and must be done for the work that has already occurred at 283 Trino Way. The slope at 283 Trino Way must be restored.

- b. The City Should Issue an Interim Control Order Under California Government Code Section 65858 and Place a Moratorium on Grading, Retaining Walls, Excavation, Enlargements until an Environmental Impact Report Determines the Location of the Fault and Identifies How to Reduce Further Movement of the Landslides in the Bel Air Bay Tract 10179

California Government Code Section 65858

(a) Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

(b) Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65090 and public hearing, in which case it shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body

²⁵ California Environmental Quality Act, Notice of Exemption, filed by Christ Parker, June 15, 2017.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

may by a four-fifths vote extend the interim ordinance for 22 months and 15 days.

(c) The legislative body shall not adopt or extend any interim ordinance pursuant to this section unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare. In addition, any interim ordinance adopted pursuant to this section that has the effect of denying approvals needed for the development of projects with a significant component of multifamily housing may not be extended except upon written findings adopted by the legislative body, supported by substantial evidence on the record, that all of the following conditions exist:

(1) The continued approval of the development of multifamily housing projects would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the ordinance is adopted by the legislative body.

(2) The interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1).

(3) There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

(d) Ten days prior to the expiration of that interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

(e) When an interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first interim ordinance or any extension of the ordinance as provided in this section.

(f) Notwithstanding subdivision (e), upon termination of a prior interim ordinance, the legislative body may adopt another interim ordinance pursuant to this section provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

(g) For purposes of this section, “development of multifamily housing projects” does not include the demolition, conversion, redevelopment, or rehabilitation of multifamily housing that is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or that will result in an increase in the price or reduction of the number of affordable units in a multifamily housing project.

(h) For purposes of this section, “projects with a significant component of multifamily housing” means projects in which multifamily housing consists of at least one-third of the total square footage of the project.

(Amended by Stats. 2001, Ch. 939, Sec. 1. Effective January 1, 2002.)

6. 283 Trino Way is on an Active Landslide in a Seismic Hazard Zone and Special Grading Hillside Area

Building on an active landslide may result in another slope failure and damage neighboring homes, utilities, sewers, and streets. Compliance with the California Coastal Act, California Environmental Quality Act, and other law is particularly important because building on a landslide recorded as geologically unstable may not be legal, may not be safe, and may not be possible (LAMC 91.7016). Slope excavation in Bel Air Bay Tract 10179 and the immediately adjacent area has previously caused landslides.

An owner / applicant is required to attest to the truth, completeness, and accuracy of the application. However, many of the answers to questions in the 283 Trino Way applications were omitted, inaccurate, or misleading. For example, the ‘Department of City Planning Application’ of which only 7 of 8 pages were received) no. DIR-2016-2561-CDP-MEL / ENV-2016-2560-CE, which was signed under penalty of perjury on July 5, 2016, was subsequently altered after July 5, 2016, and then received by City Planning on June 20, 2017 states

on page 1 of 8, no. 2. Project Description, Proposed Use: ‘existing single-family dwelling’, but no legal dwelling exists at 283 Trino Way, it was unlawfully demolished in September 2012;

on page 1 of 8, no. 2 Project Description RFA per BHO will be approximately 4,067 SF, but this is not a BHO application, it is a Coastal Development Permit application per the Coastal Act CA PRC 30000 et seq., applicant/owner must describe the existing total square footage, and the proposed total square footage prior to any legal public hearing and decision;

on page 3 of 8, no. 4 Related Department of City Planning Cases: Owner/Applicant omitted the previous cases AIC-2010-478 and AIC-2011-3266. The CA PRC

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

21159.27 prohibits piecemealing. The 2016 application is the third and largest part of the three piecemeal submittals to City Planning, which information was omitted on page 3 of 8, no. 4;

on page 3 of 8, no. 5. Are there any outstanding Order to Comply/Citations at this property? The Owner/Applicant, Mr. Scott Macpherson, trustee, has an outstanding Order to Comply/citations KN 102312935, but omitted the yes answer, and copy.

On the Environmental Assessment Form, the owner/applicant omitted on page 2 of 5 the existing square footage, and the proposed bulk square footage as required by the Coastal Act; omitted the cut and grading that already occurred, omitted the removal of the previously existing dwelling; omitted the total number of square feet of floor area; omitted the 2013 finding of hydrogen sulfide gas at the boring hole at the adjoining property line; omitted site is a known geologic hazard above Pacific Coast Highway; and omitted mitigating features

The CEQA Notice of Exemption CA PRC section 15062 does not apply because the Los Angeles Municipal Code 12.20.2. D and 12.20.2.G require compliance with the California Environmental Quality Act. California Code of Regulations section 15304 (a) states “grading shall not be exempt in ... officially mapped areas of severe geologic hazard such as ... an official Seismic Hazard Zone, as delineated by the State Geologist.

The proposed development at 283 Trino Way is mapped in the State Seismic Hazard zone and in the federally mapped Pacific Palisades Landslide study. Therefore, grading at 283 Trino is not exempt from the California Environmental Quality Act. The City is not exempt from preparing an environmental impact report.

City Ordinance 151,603 requires that the signer of a Coastal Development Permit application who is not the applicant, evidence the power to bind the applicant. Owner/applicant did not provide evidence binding Chris Parker, on behalf of the owner of 283 Trino Way, to sign the CEQA Notice of Exemption.

Public records depict 283 Trino Way on an active landslide. Landslides occurred in 1962 and 1978 at 283 Trino Way. The Los Angeles City public sanitary sewer runs through an easement on the westerly five feet of Lot 21 of 283 Trino Way. In 2016, it was discovered that the City sewer was broken and leaking in more than 9 places. What caused the sewer to break? Did the 2012 excavation and construction cause the breaks? Did the 1953 excavation and construction break the sewer? Did landslide movement break the sewer? It is important to determine the cause of the severely broken and offset sewer so that the problem can be fixed or mitigated. Adjacent properties must be protected, and the slope repaired to limit damage by the leaking public sanitary sewer. Does shearing of soil water monitors on Arno Way indicate that the landslide is now moving?

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

The Los Angeles Municipal Code, Section 91.3307 and state law CA CIV 832 require each upslope adjoining property to be protected due to the excavation at 283 Trino Way. The slope must be restored and repaired to limit damage caused by the leaking public sanitary sewer and the disintegrated City storm drains.

a. The 1962 Landslide Runs Across 283 Trino Way in the East-West Direction

The 1962 landslide and 1962-1963 slope repair at 283 Trino Way evidence the hazard of excavating and building on the Coastal Bluff at 283 Trino Way.²⁶ The 1962 landslide occurred above and below the landslide mapped by the United States Geological Survey. The owner/applicant misleadingly listed the 1962 landslide at 283 Trino Way under the heading “338 Aderno Way, Lots or Portions of Lots 20 and 21, Tract 10179.” Earth Systems on behalf of the applicant falsely described the landslide at 283 Trino Way as “City of Los Angeles, *Final Approval*, Lot 20, Tract 10179, 334 Aderno Way Pacific Palisades, California, March 8, 1963.”²⁷ The 1962 landslide was not on 334 Aderno Way. The truth is that the 1962 landslide and slope repair occurred on 283 Trino Way (Portions of Lot 21 and Lot 20).

Earth Systems on behalf of the owner/applicant claims no slide plane is present on 283 Trino Way. According to Earth Systems, “A repaired landslide is no longer a landslide.”²⁸ As discussed below, both the 1962 and 1978 landslides on Trino Way were remediated, not repaired, and remain landslides. Owner/applicant’s geologist for many of his applications, Roland Acuna of Strata-Tech, stated that a fault ran through 283 Trino Way, and diagramed the fault on 283 Trino.

The 1962 landslide at 283 Trino Way is in an area mapped as landslide by John T. McGill, United States Geologic Survey.²⁹ On January 10, 1963, Pacific Soils Engineering filed slope-failure-report, Work Order 4083, with the Department of Building and Safety on behalf of Aris Anagnos and his former spouse, Lorraine Oshins (1923-2016), who then co-owned 283 Trino Way. All the work was performed at 283 Trino Way but, for unknown reasons, the job address listed on the permit was 338 Aderno Way, Lot 20 and portions of Lot 21. The parcel map had not been adjusted to reflect the 1953 split of Lots 20 and 21. The

²⁶ *Addendum No. 1, Geotechnical Engineering Report, Response to City Review, Proposed Residential Additions and 318 Retaining Walls, Lot 21, Tract 10179, 283 Trino Way, Pacific Palisades, California, LA-01384-01*, Prepared for Mr. Scott MacPherson, March 22, 2012, Earth Systems Southern California, Site History, page 2 of March 22 letter, 3.

²⁷ *Addendum No. 1, Geotechnical Engineering Report, Site Specific References*, page 16, 38 Aderno Way, 17.

²⁸ *Response to Third-Party Geology and Geotechnical Comments, Residential Remodel Retaining Walls, Lot 21, Tract 10179, 283 Trino Way*, Earth Systems Southern California, 8, 10, April 19, 2013, revised May 29, 2013.

²⁹ *Geologic Maps of Pacific Palisades Area, Los Angeles, California*, John T. McGill, United States Geologic Survey Map 1-1828-1, 1989.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

slope-repair applicant was the then owner of 283 Trino Way, Mr. Aris Anagnos, and the work was at 283 Trino Way (Lot 21 and portions of Lot 20).

Sixty-five years ago, on March 8, 1963, the Los Angeles City Department of Building and Safety approved slope repair with compacted fill at 283 Trino Way. The Department of Building and Safety approved the slope repair limited exclusively to the slide area shown on the report subject to conditions. The Department of Building and Safety approved the compacted fill only as a non-structural fill. The Department of Building and Safety requires that the fill not be used to support structural footings at 283 Trino Way.³⁰ Instead of addressing the 1962 slide and conditions imposed by the Department of Building and Safety, the applicant falsely represented that the 1962 landslide occurred on properties other than 283 Trino Way.

After the 1962 slope failure, on November 21, 1962, the Department of Building and Safety issued a permit for construction of an 80-foot long, 5-foot high retaining wall at 283 Trino Way. Aris Anagnos, the then co-owner with Lorraine Oshins of 283 Trino Way, applied for the permit for the wall at 283 Trino Way, Lot 21 and portions of Lot 20 of Tract 10179.³¹ The sketch attached to the permit application showed the north of Lot 21 as 100 feet. In fact, the northerly portion of Lot 21 nearest Aderno Way is only 64 feet, as stated by owner/applicant in 2012. As previously noted, in 1953, Lloyd Jones diagonally split off 36 feet from the north of Lot 21, reducing its length from 100 to 64 feet, and added southerly portions of Lot 20 to Lot 21.

The 1962 landslide, compact fill, and retaining wall were on 283 Trino Way. The applicant misleadingly listed the landslide on 283 Trino Way under the heading, 338 Aderno Way, as a March 8, 1963 Final Approval for Lot 20, Tract 10179, 334 Aderno Way. In fact, the 1962 landslide was on 283 Trino Way, as shown on the attached records. The present owner/applicant failed to apply for a required Coastal Development permit to excavate into an active landslide to create a pad and a basement for a new development.

b. Another Landslide Occurred in 1978 at 283 Trino Way

In the 1978 landslide, the land slide from the fault in the southeast area of 283 Trino Way onto the street.³² The then owners of 283 Trino Way made remedial repairs to the

³⁰ March 8, 1963 City of Los Angeles Department of Building & Safety approval of Pacific Soils Engineering January 10, 1963 Work Order 4083 for Slope Repair at 283 Trino Way, and Pacific Soils Engineering Work Order 4083, January 10, 1963, report, 11 pages.

³¹ November 21, 1962 Department of Building and Safety approval of Application to construct an 80' long by 5' high retaining wall at 283 Trino Way, Lot 21, Tract 10179, 2 pages with attached diagram.

³² Photograph of portions of 1978 landslide at 283 Trino Way, 1978.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

landslide, not in full conformance with the Grading Ordinance. There remains a partially remediated landslide from the fault in the southeast area of 283 Trino Way to the lot-line at the street. On October 30, 1978, John O. Robb, Chief of Grading Division, City of Los Angeles, notified Lorraine Oshins and Aris Anagnos that the Department considered the grading remedial and the repair not in full conformance with the Grading Ordinance.³³

c. A Caisson Hole Collapsed on October 4, 2012 at the same 1978 Landslide Area

October 4, 2012, one of applicant's drill holes collapsed around the 1978 landslide at 283 Trino Way. The surface soil was dry, but the deep subsurface soil was wet. Nonetheless, applicant failed to conduct subsurface exploration to determine the location of groundwater and location of earlier slides. Instead of conducting further study of the location, applicant filled the hole and claimed the collapse as due to sprinkler runoff from the adjacent property. The collapse of the drill hole further evidences the need for applicant to provide subsurface exploration and mitigation measures. The collapse of the caisson in October 2012 further evidences the location the need for clarity on the Subdivision Map for Tract 10179.

d. Broken Main Line City Sewer Found at Landslide in 283 Trino Way in 2016

In 2016, the City of Los Angeles main line sanitary sewer in the 283 Trino Way sewer easement, was discovered to be broken, cracked, offset, and leaking. A large break occurred around the 1962 landslide geologic contact fault line mapped on the City of Los Angeles map that runs east - west through 283 Trino Way, parallel to the street. On the westerly side of Lot 21, the City of Los Angeles main line sanitary sewer line runs north-south through the 5' wide sanitary sewer easement on the westerly side of 283 Trino Way. Macpherson did not perform an updated geology and soils report with the August - October 2016 discovery of the adverse geologic feature.

The City of Los Angeles five-foot-wide sanitary sewer easement on 283 Trino Way in recorded in the Tract 10179 Subdivision Map of Lot 21.³⁴ The largest break in the City sewer line is in the geologic contact fault line mapped by McGill and the U.S. Geologic Survey on the west side of 283 Trino Way, and in the area of the 1962 landslide on 283 Trino Way (opposite side of the 1962 landslide on 283 Trino Way), evidence that the fault continues to be an active hazard across 283 Trino Way on east side and on west side.

³³ John O. Robb, Chief of Grading Division, City of Los Angeles, letter to Lorraine Oshins and Aris Anagnos, October 30, 1978.

³⁴ *Tract No. 10179 in the City of Los Angeles*, 2, June 24, 1929.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

Geological exploration in September 2013 located the slide fault line on 338 Aderno Way (portions of Lots 20 & 21) close to where Strata-Tech, Inc., Geoconsultants, found the fault and ancient landslide debris beneath 283 Trino Way in Test Pit 3 (the easterly portion of the proposed new construction at 283 Trino Way, Lots 21 and 20).³⁵ Exploration on the westerly portion of 338 Aderno Way, Test Pit 3 on the easterly portion of 283 Trino Way, and the sewer break at the fault line in the easement on the westerly five-foot easement of 283 Trino Way, indicate that the fault line runs parallel with Trino Way from east to west. of 283 Trino Way at the level of the broken sewer line. This is consistent with the line mapped in 1989 and 1973 by the U.S. Geological Survey and John T. McGill.³⁶

Mrs. Oshins, while she lived at 283 Trino Way, told me that she periodically had to have the doors of her home shaved so that the doors could be closed. Despite the 1962-1962 slope repair and retaining wall, evidence indicates that the landslide at 283 Trino Way remains active. The 2016 City sanitary sewer repair at the landslide location in the easement on 283 Trino Way further evidences the continued landslide activity.

On March 16, 2010, Strata-Tech, Inc., Geoconsultants, reported on the geology of 283 Trino Way. Strata-Tech found ancient landslide debris beneath 283 Trino Way in Boring 1 (the driveway), at 12-feet, and in Test Pit 3 (the easterly portion of the proposed new construction at 283 Trino Way).³⁷

7. Federal, State, and Local Governments Maps Show 283 Trino Way is on a Landslide

Federal, State, and Local Governments maps show a landslide or fault runs from east to west through the center of 283 Trino Way. At a minimum, Landslides occurred on 283 Trino Way in 1962 and 1978 (aerial photos reveal in 1938 as well). The applicant filed with the City documents that misrepresented the 1962 landslide on properties other than 283 Trino Way. Applicant's previous geologist, on March 16, 2010, admitted evidence of the ancient landslide in Boring 1 (the driveway), at depth of 12-feet, and Test Pit 3 (the easterly portion of the proposed new construction at 283 Trino Way). Misrepresentations by owner/applicant

³⁵ *City of Los Angeles Department of Building & Safety Geology and Soils Correction Letter, May 5, 2010, March 22, 2009, with attached Strata-Tech, Inc. Preliminary Engineer Geology & Geotechnical Investigation of Proposed House Remodel at 283 Trino Way, March 22, 2009 (Revised March 16, 2010).*

³⁶ *Geologic Maps of Pacific Palisades Area, Los Angeles, California, John T. McGill, United States Geologic Survey Map 1-1828-1, 1989; and Map Showing Landslides in the Pacific Palisades Area, City of Los Angeles, California, John T. McGill, U.S. Geological Survey, Miscellaneous Field Studies Map MF-471, 1973.*

³⁷ *City of Los Angeles Department of Building & Safety Geology and Soils Correction Letter, May 5, 2010, March 22, 2009, with attached Strata-Tech, Inc. Preliminary Engineer Geology & Geotechnical Investigation of Proposed House Remodel at 283 Trino Way, March 22, 2009 (Revised March 16, 2010).*

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

undercut later attempts to explain away the 1962 landslide. Moreover, misstatements in an application are ground for revocation under Los Angeles Municipal Code Section 22.06.³⁸

a. 1989 U.S. Geological Survey *Geologic Maps of Pacific Palisades Area* Show Landslide Deposits through the Center of 283 Trino Way

The 1989 *Geologic Maps of Pacific Palisades Area* show older landslide deposits through the center of 283 Trino Way. In 1989, the U.S. Geological Survey updated its maps of the geology of the Pacific Palisades area of the City of Los Angeles. *Geologic Maps of Pacific Palisades Area, Los Angeles, California*, John T. McGill, United States Geologic Survey Map 1-1828-1, 1989, presents basic data on the numerous landslides and complements the 1976 *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study, Appendix* prepared by the U.S. Army Engineer Corps of Engineers, in cooperation with the U.S. Department of the Interior Geological Survey.³⁹ The “technical appendix to that report was prepared by the U.S. Geological Survey; it consists of a map showing landslides of the Pacific Palisades area (McGill, 1971) and a table giving summary data on each of the 130 landslide areas delineated on the map.

b. The 1992 *Geologic Map of the Topanga and Canoga Park (South ½) Quadrangles* Concurs with the 1989 U.S. Geological Survey *Geologic Maps of Pacific Palisades Area* that Show Landslide Debris at 283 Trino Way

The 1992 *Geologic Map* sponsored by the City Planning Department concurs with the 1989 U.S. Geological Survey *Geologic Maps of Pacific Palisades Area*. The 1992 *Geologic Map of the Topanga and Canoga Park (South ½) Quadrangles, Los Angeles County, California* by Thomas W. Dibblee, Jr., edited by Helmut E. Ehrenspeck, is sponsored by the City of Los Angeles Planning Department and prepared in cooperation with the California Department of Conservation, Division of Mines and Geology; and the U.S. Geological Survey.⁴⁰ The scale of the 1992 *Geologic Map* is 1: 24,000.

³⁸ Los Angeles Municipal Code Section 22.06 provides: No person shall make any false, misleading or fraudulent statement or misrepresent any fact in any application for a permit or in any notice or record required to be filed with any Board, Commission or other authorized person of this City. In addition to any other penalties provided in this Code, such conduct shall be grounds for suspending or revoking any permit issued to such person.

³⁹ *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study, Appendix I*, prepared by the U.S. Army Engineer Corps of Engineers, Los Angeles, California, in cooperation with the U.S. Department of the Interior Geological Survey, Denver, Colorado, September 1976.

⁴⁰ *Geologic Map of the Topanga and Canoga Park (South ½) Quadrangles, Los Angeles County, California*, by Thomas W. Dibblee, Jr., 1992, ed. Helmut E. Ehrenspeck, sponsored by the City of Los Angeles Planning Department and prepared in cooperation with the California Department of Conservation, Division of Mines and Geology; and the U.S. Geological Survey, Map DF-35, Santa Barbara, CA: Dibblee Geologic Foundation, January 2000.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

The 1992 *Geologic Map* shows the same landslide in the area detailed in the 1:4,800 scale 1989 *Geologic Maps of Pacific Palisades Area*. The 1992 *Geologic Map* sponsored by the City Planning Department concurs with the 1989 *Geologic Maps of Pacific Palisades Area* that show older landslide deposits through the center of 283 Trino Way.

- c. 1982 U.S. Geological Survey *Open File Report 82-194, and Preliminary Geologic Map of Pacific Palisades Area, City of Los Angeles 82-194*, Show Landslide Deposits through the Center of 283 Trino Way

In 1982, John T. McGill, in *Open File Report 82-194, Preliminary Geologic Map of Pacific Palisades Area, City of Los Angeles*, detailed some of the supporting data used by the U.S. Geological Survey. “Field geologic mapping was done mainly on a scale of 1 in. equals 100 ft. (1:1,200) on topographic maps compiled in 1958 for the California Department of Public Works.”

John McGill and the U.S. Geological Survey used subsurface reports by Moran and others (1959), boring logs and report in government files, excavations and openings for other purposes, old and recent aerial photographs, and topographic maps. Several consulting engineering geologists provided information on local investigations by their firms. The California Division of Highways made available historical photographs, landslide data, and construction reports on Pacific Coast Highway. The City of Los Angeles contributed to the study through discussions, suggestions and “by providing access to maps and reports.”⁴¹

The U.S. Geological Survey maps by John T. McGill and others are based on detailed mapping on a scale of 1 in. equals 100 feet (1:1,200) based on California Department of Public Works topographic maps. The U.S. Geological Survey maps used unbiased information provided by federal, state, and local governments, local investigations by engineering geologists, aerial photographs, field work and other data. The U.S. Geological Survey maps are reliable and based on facts.

- d. 1982 U.S. Geological Survey *Map Showing the Relationship of Historic to Prehistoric Landslides, Pacific Palisades Area, City of Los Angeles* Shows 283 Trino Way as a Landslide

In 1982, the U.S. Geological Survey published a *Map Showing the Relationship of Historic to Prehistoric Landslides, Pacific Palisades Area, City of Los Angeles, Miscellaneous Field Studies Map MF-1455*, by John T. McGill.⁴² The purpose of Map MF-1455 is to show

⁴¹ John T. McGill, *Open File Report 82-194, Preliminary Geologic Map of Pacific Palisades Area, City of Los Angeles*, 1-2, U.S. Department of the Interior Geological Survey, 1982.

⁴² *Map Showing the Relationship of Historic to Prehistoric Landslides, Pacific Palisades Area, City of Los Angeles, Miscellaneous Field Studies Map MF-1455*, by John T. McGill, U.S. Geological Survey, 1982.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

the relationship of historic landslides to prehistoric landslides. The map also updated the 1973 map for landslides that occurred from June 30, 1969, the cutoff date of the 1973 map, to September 30, 1978. The 1982 U.S. Geological Survey *Map Showing the Relationship of Historic to Prehistoric Landslides, Pacific Palisades Area, City of Los Angeles* maps 283 Trino Way as a Landslide.

John T. McGill and the U.S. Geological Survey report in Table 1 of Map MF-1455, that 69% of the historic landslides occurred in areas of prehistoric landslides. Moreover, 98% of the historic landslides occurred within 1,000 feet of areas of prehistoric landslides. Many of the landslides resulted from grading prehistoric landslide deposits.

e. 1976 *Pacific Palisades Area California, Report on Landslide Study Reports*
Landslides on Trino Way in 1938 after the Slope was Cut

In 1976, the U.S. Army Engineer Corps of Engineers, and U.S. Department of the Interior Geological Survey published the *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study. Appendix I* summarizes 130 landslide areas delineated on the 1973 Map Showing Landslides in the Pacific Palisades Area by John T. McGill, U.S. Geological Survey. Landslide area 79 summarizes information about the landslide that includes 283 Trino Way.⁴³

f. *City of Los Angeles Preliminary Geologic Maps 299 and 305* Depict Contact
between Different Lithography runs east to west through 283 Trino Way

The City of Los Angeles Geology and Soils Engineering Section completed geological mapping of Pacific Palisades by 1979. *City of Los Angeles Preliminary Geologic Maps 299 and 305* show gradational contacts between different lithography running from east to west through 283 Trino Way about the line of the landslide mapped by the U.S. Geological Survey and others.

The *Preliminary Geologic Maps 299 and 305* North of the geologic contact line show Terrace Deposits (Qt) to the north and Modelo (Mml) south of the contact between the different lithography. These maps were provided by District Engineer Joseph M. Russell, Bureau of Engineering, Department of Public Works, on August 31, 1979.⁴⁴

⁴³ *Map Showing Landslides in the Pacific Palisades Area, City of Los Angeles, California*, John T. McGill, U.S. Geological Survey, Miscellaneous Field Studies Map MF-471, 1973.

⁴⁴ *City of Los Angeles Preliminary Geologic Maps 299 and 305: Lithographic and Formation Symbols; & Geologic & Structural Symbols*, Geology and Soils Engineering Section, Street Opening and Widening Division, Bureau of Engineering, Department of Public Works, about 1979.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

8. Applicant Propose to Cut the Toe and Removing Slide Talus at 283 Trino Way, an Act Documented in the *Final Report, Pacific Palisades Landslide Study* to Cause Landslides

Applicant proposes to cut the toe and remove the slide talus from the landslides at 283 Trino Way. The *Final Report, Pacific Palisades Landslide Study, Moran, Proctor, Mueser & Rutledge Consulting Engineers*, lists cuts to the toe of a landslide and removal of slide talus as factors contributing to the landslides.

The 1989 U.S. Geological Survey *Geologic Maps of Pacific Palisades Area*, Map 1-1828-1, note the continuing relevance of the comprehensive study for the California Department of Public Works conducted by the consulting engineering firm, Moran, Proctor, Mueser & Rutledge. The 1959 *Final Report, Pacific Palisades Landslide Study, Moran, Proctor, Mueser & Rutledge Consulting Engineers*, summarizes the history of construction and landslides, and findings on causes of the landslides in Pacific Palisades.

The 1959 *Final Report, Pacific Palisades Landslide Study* lists factors contributing to the landslides. The most frequently factors causing landslides are: water (groundwater, runoff, rain, leaking sewer, continuous perched water); slipping along faults; bedding attitude; earthquakes; street and highway cuts; and removal of slide talus.⁴⁵

The City has extensive documentation of the Pacific Palisades landslides. The *Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers*, was available in the late 1970's in the City of Los Angeles Municipal Reference Library, City Hall, Public Library Reference R551.3, C15.

Moran, Proctor, Mueser & Rutledge in their July 1959 *Final Report: Pacific Palisades Landslide Study, Volume I – Text, 130-133*, summarized the history of construction and landslides in West Pacific Palisades. This includes the Bel Air Bay area, Tract 10179, and 283 Trino Way. The 1959 *Final Report* by Moran, Proctor, Mueser & Rutledge demonstrates the damage caused in the landslide areas of Pacific Palisades, even by sophisticate contractors such as the California State Highway Division, when acting without full knowledge and study of the unique geology of the Bel Air Bay area.

⁴⁵ *Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers*, 30, Department of Public Works, State of California, in conjunction with the City of Los Angeles, City of Santa Monica, County of Los Angeles, December 21, 1959.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

a. April 1933 Landslide

In April 1933, there was a slide of 50,000 cubic yards at location 3 (between Arno Way Lot 14 and Pacific Coast Highway).⁴⁶

b. 1938 Landslides from Bernheimer Gardens to Pacific Coast Highway, and Landslides on Trino Way

In 1976, the U.S. Army Engineer Corps of Engineers, and U.S. Department of the Interior Geological Survey, reported that landslides occurred during grading for realignment and improvement of the Pacific Coast Highway in 1938. On the Coastal Bluff on which 283 Trino Way is located, about 50,000 cubic yards slid from the area between Arno Way and Pintoresca Way and Pacific Coast Highway (area Y1 on Map MF-471).⁴⁷

The July 1959 *Final Report* of Moran, Proctor, Mueser & Rutledge Consulting Engineers, describes the long history of landslides in West Pacific Palisades, including the Bel Air Bay.⁴⁸ In 1938, 50,000 cubic yards slid from beneath Arno Way and Pintoresca Way to Pacific Coast Highway (Location 3 in Drawings L-8 and L-9).⁴⁹

Geological Section 24 depicts the failure from Pacific Coast highway to Arno Way. Geological Section 24 also depicts that the 1924 surface of the Coastal Bluff continues beyond 220 feet above sea level.⁵⁰ Movements in the area from Arno Way and Pintoresca Way to Pacific Coast Highway (Location 3 in Drawings L-8 and L-9), appear to have resulted from cutting the toe of the slide for realignment of Pacific Coast Highway in 1933 and continued intermittently through 1938.⁵¹

⁴⁶ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume I – Text, 130-133*, July 1959.

⁴⁷ *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study, Appendix I*, U.S. Army Engineer Corps of Engineers, in cooperation with the U.S. Department of the Interior Geological Survey, Denver, Colorado, 47, September 1976; and *Map Showing Landslides in the Pacific Palisades Area, City of Los Angeles, California*, John T. McGill, U.S. Geological Survey, Miscellaneous Field Studies Map MF-471, 1973.

⁴⁸ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume I – Text, 130-133*, July 1959.

⁴⁹ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume II – Drawings, L-8 & L-9*, July 1959.

⁵⁰ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume II – Drawings*, No. GS-15, Geological Section 24 (Slide Location 3, West Pacific Palisades), July 1959.

⁵¹ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume I – Text, 135*, July 1959.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

Landslide movement beneath the Bernheimer Gardens, area 80 on Map MF-471, on December 11, 1938, temporarily closed Pacific Coast Highway.⁵² The State of California acknowledged that work on Pacific Coast Highway caused slippage of the Bernheimer Gardens on the Coastal Bluff. The State agreed to pay damages for restoration, but Adolph Bernheimer died within weeks of that decision.⁵³

The *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study: Appendix I* reports that in late 1927-early 1928, a roadcut was made for Trino Way through the historic landslide. In 1938, landslides blocked Trino Way during the heavy rains of late February to early March. The landslide debris was removed from Trino Way before March 5, 1940.⁵⁴

c. 20' Deep Landslide Covered 80' of Pacific Coast Highway on April 10, 1958

On “April 10, 1958 there was a slide near the Bel Air Bay Club on the Pacific Coast Highway involving approximately 17,500 cubic yards of material covering the highway for approximately 80 feet to a depth of 20 feet over the highway.”⁵⁵ The 1959 *Report on Investigation and Study for Control and Correction of Palisades Landslides* recommended realignment of Pacific Coast Highway.⁵⁶

The University of Southern California Digital Library has slides of the 1952 slide of Bernheimer Gardens which blocked Pacific Coast Highway. Below is link to those images:

<http://digitallibrary.usc.edu/cdm/ref/collection/p15799coll44/id/38183>

Previously, in 1999, the California Coastal Commission denied the of Palisades Bay Club application to develop a ten-lot subdivision for nine family homes on the Bernheimer

⁵² *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study, Appendix I*, U.S. Army Engineer Corps of Engineers, in cooperation with the U.S. Department of the Interior Geological Survey, Denver, Colorado, 48, 50-51, September 1976; and *Map Showing Landslides in the Pacific Palisades Area, City of Los Angeles, California*, John T. McGill, U.S. Geological Survey, Miscellaneous Field Studies Map MF-471, 1973.

⁵³ Cecilia Rasmussen, *A Tourist Mecca That Geology Helped Obliterate, LA. Then and Now*, Los Angeles Times, Metro, B3, Sunday, October 23, 2000.

⁵⁴ *Pacific Palisades Area, Los Angeles County, California, Report on Landslide Study, Appendix I*, prepared by the U.S. Army Engineer Corps of Engineers, Los Angeles, California, in cooperation with the U.S. Department of the Interior Geological Survey, Denver, Colorado, 46-48, September 1976.

⁵⁵ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Report on Phase 1 of Landslide Investigation Pacific Palisades, California, State of California, Department of Public Works*, 5, May 1958.

⁵⁶ *Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers*, 57-59, Department of Public Works, State of California, in conjunction with the City of Los Angeles, City of Santa Monica, County of Los Angeles, December 21, 1959.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

Gardens. Below is a link to the 1999 California Coastal Commission documenting the denial. The report documents the history of the area, geology reports, maps, and settlement of litigation.

<https://documents.coastal.ca.gov/reports/2001/4/T12a-4-2001.pdf>

- d. On March 31, 1983, a Landslide beneath Arno Way and Pintoresca Way Covered Pacific Coast Highway between Pulga Canyon and Bel Air Bay Drive on April 10, 1958

About March 31, 1983, a massive landslide just west of Pulga Canyon, beneath Arno Way and Pintoresca Way, covered Pacific Coast Highway between Pulga Canyon and Bel Air Bay Drive.⁵⁷ The 1983 landslide still covers portions of Pacific Coast Highway.

9. The Proposed Height of 283 Trino Way Exceeds All Neighboring Homes

The proposed new construction at 283 Trino Way appears to have a rooftop elevation 236.5 (256.5?) feet above sea level (plus solar panels?), on Exterior Elevation A-03 CDP?⁵⁸ The Trino Way sewer manhole is 184.5 above sea level.⁵⁹ Thus the proposed construction would tower 52 or more feet above Trino way. The proposed roof elevation, if 236.5 and not 256.5 feet, would be 44.5 feet above the lowest grade within five feet of the building perimeter, elevation 192 feet above sea level.⁶⁰ The applicant proposes to excavate 1,363 cubic yards of hillside bluff to create a three-level (or a 5 five-floor level structure in the letters submitted about August 4, 2017) structure.⁶¹ The height of the proposed building at 283 Trino Way exceeds Brentwood-Pacific Palisades Community Plan, the Hillside Area and California Coastal Zone height limits.

The height of the proposed structure will block views from surrounding properties. The height will exceed the height of other homes in Tract 10179 and change the character of the community in violation of Brentwood-Pacific Palisades Community Plan, the LAMC, and the Coastal Act.

About 1927, architects Elmer Grey and Mark Daniels, designed the Bel Air Bay Tract 10179 so that each site was staggered above the other with careful regard to views and

⁵⁷ *Photograph*, Palisadian-Post, 5, March 31, 1983.

⁵⁸ *283 Trino Way Exterior Elevations, A-03 CDP*, VEA Architects, revised 7/21/2017, Submitted to Los Angeles City Department of City Planning, July 24, 2017.

⁵⁹ *Slope Band Analysis Plan Prepared for 283 Trino Way*, North Lake Land Surveying, Inc., Reviewed, Los Angeles Department of City Planning, December 20, 2016.

⁶⁰ *283 Trino Way Exterior Elevations, A-03 CDP*.

⁶¹ *283 Trino Way Plot Plan A-01 CDP; Floor Plans A-02 CDP*.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

required setbacks.⁶² The proposed new development at 283 Trino Way seeks to violate the height and setback design of the community for Tract 10179.⁶³

- a. Open Space in Tract 10179 leaves room for wildlife and views and protects the protected landforms and California Coastal Bluff

The architects designed Tract 10179 so that each house is set back and staggered above the other. As a result, Tract 10179 contains large amounts of open space for coastal wildlife. Tract 10179 is situated between the open space of Pulga Canyon and the Bernheimer Gardens, undeveloped land that has slid onto Pacific Coast Highway. The active landslides limited development and this coastal zone teems with birds, wildlife, deer, coyotes, racoons, opossum, bobcats, and many other animals. Street signs on Arno Way warn to watch for deer. Deer move along the bluff of Trino Way and Aderno Way.

At present, all properties on page 35, of book 163, Tract 10179 have views to the water and were designed and protected so that each would keep their views. But, the proposed development at 283 Trino Way will cause prejudice to existing taxpaying neighboring properties and cause harm to their longstanding views and respective property values and obliterate the open space. The proposed development at 283 Trino seeks to block the views of at least 6 other properties.

The proposed development at 283 Trino would set a new precedent forever changing the natural beauty of the Coastal Bluff. It would cause injury to existing property owners and violate the California Coastal Act. As previously mentioned, the leaking City sanitary sewers and storm drains run through the Coastal Bluff on Trino Way and the Bel-Air Bay Tract 10179. These City storm drains and sewers serve vast hillside development north of the small Bel Air Bay tract.

The proposed development at 283 Trino Way will not only block views from neighboring properties but also obliterate the open space. It will block the movement of wildlife along the bluff. About September 16, 2015, neighbors observed a bobcat in front of 283 Trino Way. The California Coastal Act protects wildlife in the Coastal Zone. The proposed excavation, huge retaining walls, new construction occupying most of the open space, will eradicate existing wildlife movement across 283 Trino Way.

It is noteworthy that applicant failed to apply for required California Coastal Act and other permits for the most hazardous part of the proposed project. Excavating and grading a

⁶²

⁶³ *Tract No. 10179 in the City of Los Angeles*, June 24, 1929.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

recently active and historic landslide risks triggering more landslides and damage. Why is it not part of this application?

10. The Lot Splits of Lots 20 and 21 at 283 Trino Way and the Bernheimer Garden Must Comply with the Subdivision Map Act

On April 29, 1953, J. E. Lloyd-Jones applied to the City of Los Angeles Department of Building and Safety for a permit to Erect a New Building at 283 Trino Way. In this Application, J. E. Lloyd-Jones diagrammed a diagonal lot split in which 36 feet were split off from Lot 21, reducing the north property line of Lot 21 to 64 feet, and adding portions of Lot 20 the south, adjacent to Trino Way.⁶⁴

The same builder, J. E. Lloyd-Jones, graded and built two homes on Lots 20 and 21, 283 Trino Way, and 338 Aderno Way. The homes were terraced, 338 Aderno Way above 283 Trino Way. The builder subdivided Lots 20 and 21 without complying with the City Ordinances and Grading Codes in force at the time for 283 Trino Way. (At present, 283 Trino still has no grading certificate, and its grading permit is questionable as there should not have been two different properties on the 338 Aderno grading permit). One area surface water drainage system collected water from 338 Aderno and at the top of the hill at the northerly portion of Lot 21 and discharged through a drain across the northern area of Lot 21 and then down an area in and near the five-foot City of Los Angeles sewer easement on Lot 21 at 283 Trino Way. Another drain ran from Lot 20 to the driveway wall of Lot 21, 283 Trino Way. Both drains systems were unlawfully demolished in the demolition of the 283 Trino Way along with the dwelling, yard, and earth that resulted in the City of Los Angeles issuing an Order to Comply on October 23, 2012.⁶⁵

In August 2012, Mr. MacPherson recorded the diagonal lot split of 283 Trino Way and 338 Aderno Way made by J. E. Lloyd- Jones in 1953 but did not notify me, the owner of 338 Aderno Way.⁶⁶ Modifications of recorded parcel maps require public notice and a hearing and the approval and signatures of both impacted properties.⁶⁷ The Subdivision Map

⁶⁴ April 29, 1953 Application to Erect a New Building, Tract 10179, Lot 21, 283 Trino Way, with attached diagram, 2 pages.

⁶⁵ *Order to Comply, Department of Building and Safety, Scott MacPherson B/BSM Trust, 283 Trino Way*, October 23, 2012, 3 pages.

⁶⁶ *Covenant and Agreement to hold as One Parcel, portions of Lots 21 and 20*, approved by Los Angeles City Department of Building and Safety, and signed by Scott MacPherson, recorded by Los Angeles County Recorder's Office, August 31, 2012.

⁶⁷ SEC. 17.59. MODIFICATION OF RECORDED PARCEL MAPS. (Added by Ord. No. 157,533, Eff. 5/12/83.)

A. In addition to amendments to parcel maps authorized by Government Code Section 66469, after a parcel map is filed with the Office of the County Recorder, such recorded map, including the

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

conditions of approval thereof, may be modified pursuant to the provisions of this section. The provisions of this section are not applicable to certificates of correction or amending maps filed pursuant to Government Code Section 66469.

B. (Amended by Ord. No. 176,321, Eff. 1/15/05.) Applications for certificates of correction or amending maps filed pursuant to this section may be filed with the Advisory Agency. The submittal of an application and processing of such applications shall conform to the provisions of Section 17.53 H. of this Code relating to the filing and processing of modifications of preliminary parcel maps.

The public notice and hearing shall conform to the provisions of Section 17.06 A.1. The decision of the Advisory Agency may be appealed in accordance with the applicable provisions of Section 17.54 of this Code relating to the appeal of preliminary parcel maps.

C. Consideration of and action on such applications shall be limited to the proposed modifications.

D. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) No such modification or amending map may be approved unless the Advisory Agency, or the Appeal Board or City Council on appeal, finds each of the following:

1. That there are changes in circumstances which make any or all the conditions of such map no longer appropriate or necessary;
2. That the modifications do not impose any additional burden on the present fee owner of the property;
3. That the modifications do not alter any right, title or interest in the real property reflected on the recorded map;
4. That the map and conditions as modified conform to the provisions of Government Code Section 66474 and of this Code;
5. That the decision-maker has given consideration, among other factors, to the effects of the modifications on surrounding properties.

E. (Added by Ord. No. 163,641, Eff. 7/1/88.) Modifications and amending maps shall be governed by the following limitations.

1. No modifications involving increases in density shall be allowed which would change the density of a parcel map as approved on appeal by the Appeal Board or the City Council, where such density was the subject of the appeal to the Appeal Board or the City Council.
2. No condition may be modified if it was imposed as a mitigating measure identified in a mitigated or conditional negative declaration or in an Environmental Impact Report.
3. Modifications involving increases in density shall not exceed an increase of one lot or dwelling unit.
 - (a) For subdivision of fewer than 10 lots or dwelling units, any density increase shall be limited to one lot or dwelling unit; and
 - (b) For subdivisions containing 10 or more lots or dwelling units, any increase shall be limited to not more than 10 percent of that originally approved.
4. Modifications involving either increase in the height of structures, or in the elevation of building pads where the elevation of such pads has been specified by the Advisory Agency, shall be limited as follows:
 - (a) an increase in the height of structures of not more than 10 percent above the approved height of such structures; or
 - (b) an increase in the elevation of building pads of not more than 5 feet above the approved elevation of such pads.

Any such increase in height or elevation shall not obstruct the view from surrounding properties. A greater increase in the elevation of building pads may be approved if such increase has been determined to be necessary for health and safety reasons by the Department of Building and Safety.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

Act requires notice and a public hearing to prevent unilateral action that may damage other parties. Notice and a hearing would ensure that the 1962 landslide is properly recorded on 283 Trino Way, and ensure the drainage, power, telephone and sewer lines on Lot 20 that service 338 Aderno Way are recorded in the Subdivision Tract Map for the portion of Lot 20 and 21 that are subject of the Lot split. Failure to comply with the notice and hearing required by the Subdivision Map Act injures me, and surrounding property owners.

Mr. Scott MacPherson recorded a Covenant and Agreement to Hold as One Parcel portions of lots 20 and 21. The property at 283 Trino Way (Lots 20 & 21), abuts Lots 19, 22, 40, 41, and 338 Aderno Way (Lots 20 & 21), of Tract 10179. The City of Los Angeles Storm Drain and Sanitary Sewer runs from Las Casas to Trino Way through a ten-foot easement in the southerly potion of Lot 20 and northerly portion of Lot 19, that require clarification on the Tract 10179 Subdivision Map. All these adjacent parties are entitled to notice an opportunity to be heard before modification of the Subdivision Map of Tract No. 10179.⁶⁸ Other modifications to the Subdivision Map for Tract 10179 should similarly be addressed as required by the Subdivision Map Act.

Documents in the City Planning file use different legal descriptions on different documents in referring to 283 Trino Way. Some documents refer to Lot 21, others to Lots 20 and 21, and the application fails to address the conditions on the entirety of 283 Trino Way. Some documents such as the May 20, 2011 “Affidavit Regarding Erecting and Maintenance of Building in an Area Subject to Landsliding and Unstable Soils” are signed by Scott MacPherson, *omits trustee of the SBM revocable trust*. A June 6, 2012 Affidavit is signed by Scott MacPherson, Trustee, The SBM Revocable Trust, but refers to Lot 21 (Arb 2) of Tract 10179 but *omits Lot 20 (arb 2)*. The March 22, 2012 Addendum No. 1, Geotechnical Report Response to City Review refers to Lot 21, Tract 10179, 283 Trino Way, but *omits portions of Lot 21 and 22*. Yet another document, an August 28, 2012 “Covenant and Agreement to Hold Property as One Parcel” describes 283 Trino Way as portions of Lot 21, Arb 2, and portions of Lot 20, Arb. 2, Tract 10179, signed by Macpherson *but omitted the SBM trust and trustee*.

The application fails to clearly and consistently identify the applicant, the property, the authority of those making representations on behalf of the applicant, and who will be

5. No modifications shall be permitted which violate the intent of any of the original conditions of the parcel map approval as that intent is expressed in the findings or otherwise by the decision maker.

F. An amending map or certificate of correction shall be recorded with the Office of the County Recorder in the manner specified in Government Code Section 66472. If the modification of one or more conditions does not require an amending map or certificate of correction, the approval of the modification shall be evidenced in a letter mailed to the subdivider and made a part of the subject parcel map file. (Former Subsec. E Redesignated F by Ord. No. 163,641, Eff. 7/1/88.)

⁶⁸ *Tract No. 10179 in the City of Los Angeles*, Map Book 63, 33-38, June 24, 1929.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

responsible for hazardous excavation and construction on the active landslide at 283 Trino Way. Multiple documents in the City Planning file appear to be signed without legal binding authority from the owner / applicant by his agents and differ from the application that appears to be signed and legally authorized by the owner / applicant. Plans are inconsistent and disinform.

The California Health and Safety Code, Housing, requires every local building permit applicant by an Owner-Builder to present evidence to identify the applicant and verify the signature of the property owner. (Article 19825, Health and Safety Code, Division 13, Part 3, Chapter 9, Housing, Article 1). California Health and Safety Code Section 19825, and Los Angeles Municipal Code Section 12.20.2.D.3 require declarations that attest to the truth, completeness, and accuracy.

Sincerely,

Martin J. Murphy

Martin J. Murphy

References

City of Los Angeles Map M-848, May 1977, revised February 1980, shows the boundary line of the Coastal Zone Act of 1977. This “map reflects the City’s interpretation of the State Coastal Zone boundary line as reflected on the State’s 1:24,000 scale official map.”
The Pacific Palisades boundary line of the Coastal Zone Act of 1977 is shown on Map M-848, Sheet 7 of 8 of Sheet 7 of 8 sheets, February 1980.

Geologic Maps of Pacific Palisades Area, Los Angeles, California, John T. McGill, United States Geologic Survey Map 1-1828-1, 1989.

Geologic Maps of Pacific Palisades Area, Los Angeles, California, John T. McGill, United States Geologic Survey Map 1828-1 and Map 1-1828 (Sheet 2 of 2), 1989.

Geologic Map of the Topanga and Canoga Park (South ½) Quadrangles, Los Angeles County, California, by Thomas W. Dibblee, Jr., 1992, ed. Helmut E. Ehrenspeck, sponsored by the City of Los Angeles Planning Department and prepared in cooperation with the California Department of Conservation, Division of Mines and Geology; and the U.S. Geological Survey, Map DF-35, Santa Barbara, CA: Dibblee Geologic Foundation, January 2000.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

John T. McGill, *Open File Report 82-194, & Preliminary Geologic Map of Pacific Palisades Area, City of Los Angeles*, 1-2, U.S. Department of the Interior Geological Survey, 1982.

Map Showing the Relationship of Historic to Prehistoric Landslides, Pacific Palisades Area, City of Los Angeles, Miscellaneous Field Studies Map MF-1455, by John T. McGill, U.S. Geological Survey, 1982.

Map Showing Landslides in the Pacific Palisades Area, City of Los Angeles, California, John T. McGill, U.S. Geological Survey, Miscellaneous Field Studies Map MF-471, 1973.

City of Los Angeles Preliminary Geologic Maps 299 and 305: Lithographic and Formation Symbols; & Geologic & Structural Symbols, Geology and Soils Engineering Section, Street Opening and Widening Division, Bureau of Engineering, Department of Public Works, about 1979.

Los Angeles City Sewer Map, Trino Way.

Photograph of portions of 1978 landslide at 283 Trino Way, 1978.

Fairchild Aerial Photography Collection, Flight C-300, Frame J:214, 1928.

Fairchild Aerial Photography Collection, Flight C-5139, Frame 22, April 13, 1938.

Fairchild Aerial Photography Collection, Flight C-6330, Frame 63, March 5, 1940.

Fairchild Aerial Photography Collection, Flight C-2440, Frame 27:73, October 1962

California Coastal Commission, *Withdrawal of Applications for Coastal Development Permits*, June 9, 2015, May 24, 2014, and June 18, 2013.

Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers, 30, Department of Public Works, State of California, in conjunction with the City of Los Angeles, City of Santa Monica, County of Los Angeles, December 21, 1959.

Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume I – Text, 130-135*, July 1959.0

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Final Report: Pacific Palisades Landslide Study, Volume II – Drawings*, L-8 & L-9, No. GS-15, Geological Section 24 (Slide Location 3, West Pacific Palisades), July 1959.

April 29, 1953 Application to Erect a New Building, Tract 10179, Lot 21, 283 Trino Way, with attached diagram, 2 pages.

Tract No. 10179 in the City of Los Angeles, Map Book 63, 33-38, June 24, 1929.

The Bel-Air Bay Club, A Country Place by the Sea, 1927-1997, ed. Russell Gates, Jr., 45, 44-50, 56-57, Pacific Palisades, CA: Post Printing, 1997.

Tract No. 10179 in the City of Los Angeles, Map Book 63, 33-38, June 24, 1929.

Addendum No. 1, Geotechnical Engineering Report, Response to City Review, Proposed Residential Additions and 318 Retaining Walls, Lot 21, Tract 10179, 283 Trino Way, Pacific Palisades, California, LA-01384-01, Prepared for Mr. Scott MacPherson, March 22, 2012, Earth Systems Southern California, Site History, page 2 of March 22 letter, 3.

Addendum No. 1, Geotechnical Engineering Report, Site Specific References, page 16, 38 Aderno Way, 17.

March 8, 1963 City of Los Angeles Department of Building & Safety approval of Pacific Soils Engineering January 10, 1963 Work Order 4083 for Slope Repair at 283 Trino Way, and Pacific Soils Engineering Work Order 4083, January 10, 1963, report, 11 pages.

November 21, 1962 Department of Building and Safety approval of Application to construct an 80' long by 5' high retaining wall at 283 Trino Way, Lot 21, Tract 10179, 2 pages with attached diagram.

John O. Robb, Chief of Grading Division, City of Los Angeles, letter to Lorraine Oshins and Aris Anagnos, October 30, 1978.

March 8, 1963 City of Los Angeles Department of Building & Safety approval of Pacific Soils Engineering January 10, 1963 Work Order 4083 for Slope Repair at 283 Trino Way, and Pacific Soils Engineering Work Order 4083 January 10, 1963 report; 11 pages.

November 21, 1962 Department of Building and Safety approval of Application to construct an 80' long by 5' high retaining wall at 283 Trino Way, Lot 21, Tract 10179, 2 pages with attached diagram.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 12, 2018

April 29, 1953 Application to Erect a New Building, Tract 10179, Lot 21, 283 Trino Way, with attached diagram, 2 pages.

Order to Comply, Department of Building and Safety, Scott MacPherson B/BSM Trust, 283 Trino Way, October 23, 2012, 3 pages.

Covenant and Agreement to hold as One Parcel, portions of Lots 21 and 20, approved by Los Angeles City Department of Building and Safety, and signed by Scott MacPherson, recorded by Los Angeles County Recorder's Office, August 31, 2012.

Slope Band Analysis Plan Prepared for 283 Trino Way, North Lake Land Surveying, Inc., Reviewed, Los Angeles Department of City Planning, December 20, 2016.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

200 Oceangate, 10th floor, Ste. #1000

Long Beach, CA 98002

(562) 590-5071

RECEIVED
South Coast Region

MAR 01 2010

CALIFORNIA
COASTAL COMMISSIONEXEMPTION REQUEST FORM

Date:

1. Name, mailing address, telephone number of all applicants/owners:

SCOTT MACPHERSON, 283 TRINO WAY
PACIFIC PALISADES, CA 90272 (310) 780 66 68

2. Name, mailing address, telephone number of applicant's representative:

VLADIMIR ELMANOVICH, AIA VEA ARCHITECT
16987 ENCINO HILLS DR, ENCINO, CA 91436
818 632 8322 (cell) OR 818 986 1711 (OFFICE)

3. Project location (Address & APN):

283 TRINO WAY, PACIFIC PALISADES, CA 90272
APN 4415-030-003

4. Project Description (Include detailed description of the proposed development, including existing and proposed square footage, and existing and proposed height, as applicable - attach additional sheets if needed):

ADDITION TO EXISTING SFD OF TOTAL OF 740 SF INCLUDING
FIRST & SECOND FLOOR ADDITION AND COVERED PATIO ROOF
EXISTING HEIGHT, STYLE & COLORS TO REMAIN.

5. **Project Plans:** Include two (2) sets of proposed project drawings (site plan, floor plan, and other plans as necessary). Drawings must be to scale with dimensions shown. All oak trees and riparian vegetation (canopy), streams and drainages, wetlands, easements, and public hiking and equestrian trails (including existing offers to dedicate trails) must be identified on the site plan.
6. **Permit History:** Has any application for development on this site including any subdivision been submitted previously to the Coastal Commission? If yes, state previous application number (s), date, and brief description.
7. **Structures Destroyed by Disaster.** If the proposed development is the replacement of a structure(s) destroyed due to disaster, please include copies of previous building or site plans, if available, to indicate the location, size and height of structure(s). Other potential information that can be used to demonstrate the size and location of structures includes, but is not limited to, photos of the property, surveys showing foundation(s), building permits, and assessor's records.
8. **Filing Fee.** Per the application fee schedule (effective March 17, 2008), the filing fee for an exemption determination is \$250.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(213) 590-5071

FILE COPY**EXEMPTION LETTER**

Date: March 4, 2010
Reference Number: 5-10-023-X
Applicant Name: Mr. Scott MacPherson
Project Location: 283 Trino Way, Pacific Palisades
Project Description: Addition of 740 square feet, including covered patio to an existing 1,657 square foot single-family residence.

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below:

- ☐ The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.
- ☐ The proposed development is included in Categorical Exclusion No. _____ adopted by the California Coastal Commission.
- ☐ The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities and not involving any risk of substantial adverse environmental impact (Section 30610(d) of Coastal Act).
- ☒ The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code).
- ☐ The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).
- ☐ The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

- _____ The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).
- _____ The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).
- _____ The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).
- _____ Other:

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Sincerely,

PETER M. DOUGLAS
Executive Director



Al J. Padilla
Coastal Program Analyst

283 N Trino Way

Permit Application #: 09014 - 30000 - 04398

Bldg-Addition

City of Los Angeles - Department of Building and Safety

Plan Check #: B09WL04433FO

1 or 2 Family Dwelling

09014 - 30000 - 04398

Plans Filed in: WEST LA

Regular Plan Check

CLEARANCE SUMMARY WORKSHEET

Printed On: 10/04/12 12:34:10

IMPORTANT: This summary documents the clearance(s) required prior to permit issuance. Most clearance(s) are granted electronically, however this form will also be completed so that in the event of a computer outage, there is evidence of the clearance action(s). Keep this form with all other documents necessary to obtain the permit.

INSTRUCTIONS

APPLICANT / REPRESENTATIVE: You are advised to initiate the approval process for the following permit application clearance(s) marked as "Not Cleared" as soon as possible. The time to obtain approval from some departments (such as the City Planning Department) may be time-consuming. The address and phone number of the specific agency corresponding to the "Address Code:" shown for each clearance is indicated at the end of this form and it is recommended that you call before appearing in person. Remember to bring a copy of the permit application to the clearance agency for their reference. A "Cleared" condition requires no further action on your part.

CLEARANCE AGENCIES: For city agencies, perform electronic clearance action(s) using PCIS and complete this form. For non-city agencies or PCIS outages, complete this form.

Description of Work: 1ST FLOOR ADDITION: 212 SQ FT; 2ND FLOOR ADDITION: 248 SQ FT; COVERED DECK: 284 SQ FT. TOTAL 744 SQ FT. PART 1 OF 2.

Building & Safety Contact

Plan Check Office: METRO

PC Engineer: Lincoln Lee

Status	Clearance Description and New Status
Cleared	<p>Agency: Bureau of Engineering Description: The fee authorized by Ord. 176,300 for PW/Eng to process clearance(s) for LADBS issued permits</p> <p>Address Code: 1</p> <p>Electronic Clearance <input checked="" type="checkbox"/> By (User ID): DBRAGIN Date: 01/14/10 Phone: _____</p> <p>Comments:</p>
Cleared	<p>Agency: Bureau of Engineering Description: Verify continuous paved roadway is 28 ft minimum, from driveway apron to boundary of Hillside Area per Hillside Ordinance</p> <p>Address Code: 1</p> <p>Electronic Clearance <input checked="" type="checkbox"/> By (User ID): DBRAGIN Date: 01/14/10 Phone: _____</p> <p>Comments: RDWY = 20'</p>
Cleared	<p>Agency: Bureau of Engineering Description: Verify sewer connection for dwellings located 200 feet or less from a sewer mainline (per the Hillside Ord.-12.21A17(g))</p> <p>Address Code: 1</p> <p>Electronic Clearance <input checked="" type="checkbox"/> By (User ID): DBRAGIN Date: 01/14/10 Phone: _____</p> <p>Comments:</p>

Cleared	Agency: Bureau of Engineering Address Code: 1 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>DBRAGIN</u> Date: <u>01/14/10</u> Phone: _____ Comments: RDWY = 20'	Description: Verify street(s) at lot frontage(s) are 20 ft minimum per Hillside Ordinance
Cleared	Agency: Bureau of Engineering Address Code: 1 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>DBRAGIN</u> Date: <u>01/14/10</u> Phone: _____ Comments: Sub-Standard	Description: Verify street classification (Standard or Substandard) & improvement/dedication requirements per Hillside Ordinance
Cleared	Agency: Bureau of Engineering Address Code: 1 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>DBRAGIN</u> Date: <u>01/14/10</u> Phone: _____ Comments: RDWY = 20'	Description: Verify continuous paved roadway is 20 ft minimum but < 28 ft, from driveway apron to boundary of Hillside Area per Hillside Ordinance
Cleared	Agency: Bureau of Engineering Address Code: 1 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>DBRAGIN</u> Date: <u>01/14/10</u> Phone: _____ Comments: Plans shows new curb drain, A-Permit required prior to Cof O.	Description: Roof and/or site drainage to street
Cleared	Agency: Bureau of Engineering Address Code: 1 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>DBRAGIN</u> Date: <u>01/14/10</u> Phone: _____ Comments: No new bedrooms added, no sfc required.	Description: Sewer availability and connection
Cleared	Agency: City Planning Department Address Code: 2 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>GSHOOP</u> Date: <u>03/24/10</u> Phone: _____ Comments:	Description: Coastal Dvmt Permit or "Waiver of Coastal Dvmt Permit Rqmt/De Minimis" EXEMPTION 5-10-023-X <div style="background-color: red; height: 15px; width: 100%;"></div>
Cleared	Agency: City Planning Department Address Code: 2 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>GSHOOP</u> Date: <u>03/24/10</u> Phone: _____ Comments:	Description: exempt from Coastal Zone

Cleared	Agency: City Planning Department Description: Zoning Information File #: ZI 1534 Address Code: 2 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>GSHOOP</u> Date: <u>03/24/10</u> Phone: _____ Comments:
Cleared	Agency: Los Angeles Fire Department Description: Very High Fire Hazard Severity Zone Address Code: 5 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>LRM3340</u> Date: <u>03/18/10</u> Phone: _____ Comments:

End of Clearance(s) for 09014 - 30000 - 04398. Refer to "ADDRESS CODES" sheet for clearance agency address/phone information.

283 N Trino Way

Permit Application #: 11047 - 30000 - 00421

Swimming-Pool/Spa
1 or 2 Family Dwelling
Regular Plan Check

City of Los Angeles - Department of Building and Safety
11047 - 30000 - 00421

Plan Check #: B11WL01260
Plans Filed in: WEST LA
Printed On: 10/04/12 12:41:34

CLEARANCE SUMMARY WORKSHEET

IMPORTANT: This summary documents the clearance(s) required prior to permit issuance. Most clearance(s) are granted electronically, however this form will also be completed so that in the event of a computer outage, there is evidence of the clearance action(s). Keep this form with all other documents necessary to obtain the permit.

INSTRUCTIONS

APPLICANT / REPRESENTATIVE: You are advised to initiate the approval process for the following permit application clearance(s) marked as "Not Cleared" as soon as possible. The time to obtain approval from some departments (such as the City Planning Department) may be time-consuming. The address and phone number of the specific agency corresponding to the "Address Code:" shown for each clearance is indicated at the end of this form and it is recommended that you call before appearing in person. Remember to bring a copy of the permit application to the clearance agency for their reference. A "Cleared" condition requires no further action on your part.

CLEARANCE AGENCIES: For city agencies, perform electronic clearance action(s) using PCIS and complete this form. For non-city agencies or PCIS outages, complete this form.

Description of Work: NEW SPA 10'X18' IRR.
[REDACTED]

Building & Safety Contact
Plan Check Office: WEST LA
PC Engineer: Rodney Samiian

Status	Clearance Description and New Status
Cleared	<p>Agency: City Planning Department Description: Coastal Development Permit</p> <p>Address Code: 2 [REDACTED]</p> <p>Electronic Clearance <input checked="" type="checkbox"/> By (User ID): 54578 Date: 06/28/12 Phone: _____</p> <p>Comments: reference # 5-10-023-X 3/4/2010 [REDACTED]</p>

End of Clearance(s) for 11047 - 30000 - 00421. Refer to "ADDRESS CODES" sheet for clearance agency address/phone information.

283 N Trino Way

Permit Application #: 11014 - 30000 - 01557

Bldg-Addition

City of Los Angeles - Department of Building and Safety

Plan Check #: B11WL01260

1 or 2 Family Dwelling

11014 - 30000 - 01557

Plans Filed in: WEST LA

Regular Plan Check

CLEARANCE SUMMARY WORKSHEET

Printed On: 10/04/12 12:35:15

IMPORTANT: This summary documents the clearance(s) required prior to permit issuance. Most clearance(s) are granted electronically, however this form will also be completed so that in the event of a computer outage, there is evidence of the clearance action(s). Keep this form with all other documents necessary to obtain the permit.

INSTRUCTIONS

APPLICANT / REPRESENTATIVE: You are advised to initiate the approval process for the following permit application clearance(s) marked as "Not Cleared" as soon as possible. The time to obtain approval from some departments (such as the City Planning Department) may be time-consuming. The address and phone number of the specific agency corresponding to the "Address Code:" shown for each clearance is indicated at the end of this form and it is recommended that you call before appearing in person. Remember to bring a copy of the permit application to the clearance agency for their reference. A "Cleared" condition requires no further action on your part.

CLEARANCE AGENCIES: For city agencies, perform electronic clearance action(s) using PCIS and complete this form. For non-city agencies or PCIS outages, complete this form.

Description of Work: MAJOR REMODEL & ADDITION TO EXISTING 2 STORY SFD W/ATT. BASEMENT GARAGE;
ADDITION 2 BEDROOMS/3 BATHROOM, MEDIA ROOM, ADDITION, LAUNDRY ROOM, ADD
COVERED PATIO, CONVERT (E)2 CAR GARAGE TO REC. ROOM AND A ONE CAR CARPORT.

Building & Safety Contact

Plan Check Office: WEST LA

PC Engineer: Rodney Samiian

Status	Clearance Description and New Status	
Cleared	Agency: Bureau of Engineering Address Code: 1 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): LGUILBEA Date: 07/02/12 Phone: _____ Comments: 068534	<i>public Access Road</i>
Cleared	Agency: Bureau of Engineering Address Code: 1 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): PXNGUYEN Date: 08/01/12 Phone: _____ Comments: HWY DEDICATION FEE COLLECTED 7/31/2012. Ref. # 201200170. DEDICATION SHALL BE RECORDED PRIOR TO CERT. OF OCCUPANCY.	<i>public Access Road</i>
Cleared	Agency: Bureau of Engineering Address Code: 1 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): LGUILBEA Date: 07/02/12 Phone: _____ Comments:	<i>public Access Road</i>

Cleared	Agency: Bureau of Engineering Address Code: 1 Description: Verify street classification (Standard or Substandard) & improvement/dedication requirements per Hillside Ordinance Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>PXNGUYEN</u> Date: <u>08/06/12</u> Phone: _____ Comments: sub standard hillside street
Cleared	Agency: Bureau of Engineering Address Code: 1 Description: Verify continuous paved roadway is 28 ft minimum, from driveway apron to boundary of Hillside Area per Hillside Ordinance Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>PXNGUYEN</u> Date: <u>08/27/12</u> Phone: _____ Comments: CPR<28'. Approved with conditions. CPR>=20 feet.
Cleared	Agency: Bureau of Engineering Address Code: 1 Description: Verify continuous paved roadway is 20 ft minimum but < 28 ft, from driveway apron to boundary of Hillside Area per Hillside Ordinance Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>LGUILBEA</u> Date: <u>07/02/12</u> Phone: _____ Comments:
Cleared	Agency: Bureau of Engineering Address Code: 1 Description: Verify sewer connection for dwellings located 200 feet or less from a sewer mainline (per the Hillside Ord.-12.21A17(g)) Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>LGUILBEA</u> Date: <u>07/02/12</u> Phone: _____ Comments:
Cleared	Agency: Bureau of Engineering Address Code: 1 Description: Approval for: CONSTRUCTION ON SSE. Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>KKIRBY</u> Date: <u>08/28/12</u> Phone: _____ Comments: APPROVED- PLAN WAS REVISED. NO PROPOSED WORK IN THE 5' WIDE SANITARY SEWER EASEMENT. NO WORK IS ALLOWED. KEVIN AZARMAHAN OF WLA BOE, 310-575-8617, 8/28/12. DENIED- REVISE CONSTRUCTION PLANS AND REMOVE ALL ENCHROACHMENT FROM CITY SEWER EASEMENT AND ALSO BRING STRUCTURAL PLAN TO SHOW NO PLIE IN THE CITY SEWER EASEMENT. KEVIN AZARMAHAN OF WLA BOE, 8/27/12 ,310-575-8617 REVISE PLAN
Cleared	Agency: Bureau of Engineering Address Code: 1 Description: Roof and/or site drainage to street Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>LGUILBEA</u> Date: <u>07/02/12</u> Phone: _____ Comments:
Cleared	Agency: Bureau of Engineering Address Code: 1 Description: Sewer availability and connection Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>LGUILBEA</u> Date: <u>07/02/12</u> Phone: _____ Comments: C-2012850246

Cleared	Agency: City Planning Department Address Code: 2 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>54578</u> Date: <u>06/28/12</u> Phone: _____ Comments: not applicable to project request	Description: Certificate of Compliance for illegal lot cut: TR-10179 lot 20 arb 2.. LAND LOCK
Cleared	Agency: City Planning Department Address Code: 2 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>SMAILIAN</u> Date: <u>08/07/12</u> Phone: _____ Comments: Coastal Commission Exemption Letter dated march 4, 2010. Ref: #5-10-023-X	Description: Coastal Development Permit
Cleared	Agency: Department of Building and Safety Address Code: 4 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>MKHACHAT</u> Date: <u>08/29/12</u> Phone: _____ Comments:	Description: Approval for Green Code Corrections
Cleared	Agency: Los Angeles Fire Department Address Code: 5 Electronic Clearance <input checked="" type="checkbox"/> By (User ID): <u>JJACKSON</u> Date: <u>08/08/12</u> Phone: _____ Comments:	Description: Very High Fire Hazard Severity Zone

End of Clearance(s) for 11014 - 30000 - 01557. Refer to "ADDRESS CODES" sheet for clearance agency address/phone information.



Kenton Trinh <kenton.trinh@lacity.org>

283 Trino etc

2 messages

Katina Zinner <katina@katinazinner.com>

Mon, Mar 12, 2018 at 11:47 AM

To: Kenton Trinh <kenton.trinh@lacity.org>, vince.bertoni@lacity.org, lisa.Webber@lacity.org, faisal Roble <faisal.roble@lacity.org>

Vince Bertoni, Director of Planning, Vince.Bertoni@lacity.org (to Address in letter)
 Lisa Webber, Deputy Director of Planning, Lisa.Webber@lacity.org
 Faisal Roble, Senior City Planner, Faisal.Roble@lacity.org
 Kenton Trinh, City Planning Associate, Kenton.trinh@lacity.org
 Department of City Planning

Frank M. Bush - General Manager, Superintendent of Building

City of Los Angeles
 200 North Spring Street, Room 720
 Los Angeles, CA 90012

Re: [283 Trino Way](#), portion of Lots 20 and 21, Tract 10179, and
 City Planning Case Numbers: ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and
 Building & Safety Building Grading Permit application: B18WL00987; and

Adjoining grading, excavation subdivisions, and building projects in the area from the Bel Air Bay Tract 10179 and the Bernheimer Gardens to the two Bel Air Bay landslides obstructing Pacific Coast Highway, Excavating 58,000 cubic yards, DIR 2017-3895-CDP-MEL, DIR 2017-3897-CDP-MEL, DIR 2017-3898-CDP-MEL, CEQA-ENV-2017-3896-CE, and AA-2017-3894-PMEX.

1. [283 Trino Way](#) is in the Dual Permit Area of the California Coastal Zone and Must but Failed to Obtain California Coastal Development Permits for Demolition, Grading, Retaining Walls, and New Residential Construction;
2. [283 Trino Way](#) is on a Coastal Bluff within the Dual Permit Jurisdiction of the Coastal Zone;
3. The California Coastal Act Requires Coastal Development Permits to modify a recorded Subdivision Tract Map by Lot Split; Adjust a Lot Line; Grade a Coastal Bluff; Erect Retaining Walls; Demolish a Residence; Construct a Structure, and Widen a Coastal Zone Street;
4. October 23, 2012 Order to Comply, [283 Trino Way](#) & Scott MacPherson Trust;
5. The California Environmental Quality Act requires an Environmental Impact Report for the Proposed Excavation, Grading, Retaining Walls and Subdivision Map Act Changes at [283 Trino Way](#), Bernheimer Gardens, and other Developments in Bel Air Bay Tract 10179 and Adjacent Projects on the Coastal Bluff
6. [283 Trino Way](#) is on an Active Landslide in a Seismic Hazard Zone and Special Grading Hillside Area
7. Federal, State, and Local Governments Maps Show [283 Trino Way](#) is on a Landslide
8. Applicants Propose to Cut the Toe and Removing Slide Talus at [283 Trino Way](#) and the Bernheimer Gardens, Acts Documented in the *Final Report, Pacific Palisades Landslide Study* to Cause Landslides;
9. The Proposed Height of [283 Trino Way](#) Exceeds All Neighboring Homes;
10. The Lot Splits of Lots 20 and 21 at [283 Trino Way](#) and the Bernheimer Garden Must Comply with the Subdivision Map Act.

Katina Zinner.

Katina Zinner
katina@katinazinner.com



Kenton Trinh <kenton.trinh@lacity.org>
To: Katina Zinner <katina@katinazinner.com>
Cc: Planning APCWestLA <APCWestLA@lacity.org>

Mon, Mar 12, 2018 at 1:26 PM

Hello Katina,

Please also deliver five hard copies to the Commission Office by the end of the day.

[Quoted text hidden]

--



Kenton Trinh, City Planning Associate
Department of City Planning
T: (213) 978-1290
200 N. Spring St., Room 720
Los Angeles, CA 90012



Vince Bertoni, Director of Planning, Vince.Bertoni@lacity.org (to Address in letter)
Lisa Webber, Deputy Director of Planning, Lisa.Webber@lacity.org
Faisal Roble, Senior City Planner, Faisal.Roble@lacity.org
Kenton Trinh, City Planning Associate, Kenton.trinh@lacity.org
Department of City Planning

Frank M. Bush - General Manager, Superintendent of Building

City of Los Angeles
200 North Spring Street, Room 720
Los Angeles, CA 90012

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179, and
City Planning Case Numbers: ADM-2018-262-CATEX; DIR-2016-2561-CDP-
MEL; DIR-2016-2561-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and
Building & Safety Building Grading Permit application: B18WL00987; and

Adjoining grading, excavation subdivisions, and building projects in the area from
the Bel Air Bay Tract 10179 and the Bernheimer Gardens to the two Bel Air Bay
landslides obstructing Pacific Coast Highway, Excavating 58,000 cubic yards, DIR
2017-3895-CDP-MEL, DIR 2017-3897-CDP-MEL, DIR 2017-3898-CDP-MEL,
CEQA-ENV-2017-3896-CE, and AA-2017-3894-PMEX.

1. 283 Trino Way is in the Dual Permit Area of the California Coastal Zone and Must but Failed to Obtain California Coastal Development Permits for Demolition, Grading, Retaining Walls, and New Residential Construction;
2. 283 Trino Way is on a Coastal Bluff within the Dual Permit Jurisdiction of the Coastal Zone;
3. The California Coastal Act Requires Coastal Development Permits to modify a recorded Subdivision Tract Map by Lot Split; Adjust a Lot Line; Grade a Coastal Bluff; Erect Retaining Walls; Demolish a Residence; Construct a Structure, and Widen a Coastal Zone Street;
4. October 23, 2012 Order to Comply, 283 Trino Way & Scott MacPherson Trust;
5. The California Environmental Quality Act requires an Environmental Impact Report for the Proposed Excavation, Grading, Retaining Walls and Subdivision Map Act Changes at 283 Trino Way, Bernheimer Gardens, and other Developments in Bel Air Bay Tract 10179 and Adjacent Projects on the Coastal Bluff
6. 283 Trino Way is on an Active Landslide in a Seismic Hazard Zone and Special Grading Hillside Area
7. Federal, State, and Local Governments Maps Show 283 Trino Way is on a Landslide
8. Applicants Propose to Cut the Toe and Removing Slide Talus at 283 Trino Way and the Bernheimer Gardens, Acts Documented in the *Final Report, Pacific Palisades Landslide Study* to Cause Landslides;
9. The Proposed Height of 283 Trino Way Exceeds All Neighboring Homes;
10. The Lot Splits of Lots 20 and 21 at 283 Trino Way and the Bernheimer Garden Must Comply with the Subdivision Map Act.

Sincerely,
Katina Finner

LOS ANGELES
CITY PLANNING

2018 MAR 15 PM 4:10

ORIGINAL
FILE COPY

Martin J. Murphy

338 Aderno Way
Pacific Palisades, CA 90272-3344
Telephone: (310) 922-3709 (cell)
Facsimile: (310) 454-8919
Email: martin.m@roadrunner.com

March 21, 2018

Esther Margulies, President
Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner
Heather E. Rozman, Commissioner

Vincent P. Bertoni, AICP, Director
Kevin J. Keller, AICP, Executive Officer
Lisa M. Webber, AICP, Deputy Director
Cecilia Lamas, Commission Executive Assistant
apcwestla@lacity.org (213) 978-1299

Attention: Commission Secretariat
West Los Angeles Area Planning Commission
City of Los Angeles
200 North Spring Street, Room 532
Los Angeles, CA 90012

Via email:

Frank M. Bush - General Manager, Superintendent of Building
Department of Building and Safety, frank.bush@lacity.org

Vince Bertoni, Director of Planning, Vince.Bertoni@lacity.org
Lisa Webber, Deputy Director of Planning, Lisa.Webber@lacity.org
Faisal Roble, Senior City Planner, Faisal.Roble@lacity.org
Kenton Trinh, City Planning Associate, Kenton.trinh@lacity.org
Department of City Planning

Re: Jurisdiction for Hearing on March 21, 2018 regarding 283 Trino Way, portion of Lots 20 and 21, Tract 10179, and Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.

Dear President Margulies, Vice President Newhouse, Commissioners Waltz Morocco and Rozman:

The West Los Angeles Area Planning Commission has jurisdiction to hear all matters relating to the August 7, 2017 Public Hearing on 283 Trino Way, including the California

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 21, 2018

Environmental Quality Act, the Mello Act, and the application of a Coastal Development Permit pursuant to Los Angeles Municipal Code Section 12.20.2.

As detailed below, LAMC 12.20.2.H.1 provides: “Where a coastal development permit hearing has been combined with the hearing on the project itself, an appeal may be taken to the appellate body that would hear and decide the appeal from the underlying project.”

Moreover, “Where a coastal development permit (other than for a Public Project) involves an underlying activity which is not otherwise appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission.” LAMC 12.20.2. H.3.

Commission before any development.¹

1. Public Hearing on August 21, 2017

On August 7, 2017, the Department of City Planning held a public hearing on regarding 283 Trino Way to consider the request for an exemption from the California Quality Act, a Coastal Development Permit pursuant to Los Angeles Municipal Code Section 12.20.2 for demolition and construction in the Dual Permit Jurisdiction of the California Coastal Zone, and a Mello Act Compliance Review for the demolition of a Residential Unit in the Coastal Zone.

On December 8, 2017, after the public hearing, Mr. John Parker, Pacific Crest Consultants, applied for a Categorical Exclusion from the Coastal Act to demolish 1,657 square feet two-story single-family dwelling and attached 430 square feet garage and construct in unidentified project. Mr. Parker did not identify any related plan check numbers.² A separate request seeks approval by the Department of Building and Safety to excavate more than 1,000 cubic yards from 283 Trino Way.

2. Decision following the August 21, 2017 Public Hearing

After the August 21, 2017 Public Hearing, the Department of City Planning approved a Mello Act Compliance Review and on January 19, 2018, granted a Categorical Exclusion from the permit requirements of the California Coastal Zone pursuant to Public Resources Code Section 30610(e) and 30610.5(b).

¹ Categorical Exclusion Case No. ADM-2018-262-CATEX, 8 pages, second page of three-page Justification for Categorical Exemption.

² Categorical Exclusion Case No. ADM-2018-262-CATEX, page 1 of 5, dated December 8, 2017, signed January 19, 2018, on page 5, by Kenton Trinh, City Planning Associate, with attached three-page Justification for Categorical Exemption, total of 8 pages.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and
Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-
EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
March 21, 2018

3. Jurisdiction

Los Angeles Municipal Code Section 12.20.2 H provides for appeals from combined hearings, and not-otherwise appealable activity to the Area Planning Commission, as follows:

H. Appeals. Appeals from the approval, conditional approval, or disapproval of a permit under the provisions of this section may be taken by the applicant or any aggrieved person as follows:

1. Where a coastal development permit hearing has been combined with the hearing on the project itself, an appeal may be taken to the appellate body that would hear and decide the appeal from the underlying project. If the appeal from any underlying project is further appealable to a second appellate body, the coastal development permit is likewise further appealable. The time within which to appeal shall be the same as that provided for an appeal of the project itself, but the decision of the permit-granting authority on the coastal permit may be separately appealed, without appealing the action on the underlying project. The times for notification of hearing and action on such appeal shall be the same as for the underlying project, whether or not such underlying project is also appealed.

2. Where a coastal development permit application is for a public project, the action of the City Engineer may be appealed to the Board of Public Works. Such appeal shall be filed with the Office of the City Engineer within ten days of the mailing of the decision of the permit granting authority.

3. Where a coastal development permit (other than for a Public Project) involves an underlying activity which is not otherwise appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission. That appeal shall be filed with the Area Planning Commission within ten days of the mailing of the decision of the permit granting authority. (Amended by Ord. No. 173,268, Eff. 7/1/00.)

Sincerely,

Martin J. Murphy

Martin J. Murphy



Earth Systems
Southern California

14550 Haynes Street, Suite 202
Van Nuys, CA 91411
(818) 901-8075
Fax (818) 901-8084
www.earthsystems.com

March 20, 2018

Project No.: LA-01384-02

Mr. Scott MacPherson
2716 Ocean Park Boulevard, Suite 3080
Santa Monica, California 90405

Subject: Planning Commission Memorandum
For Residential Additions and Retaining Walls
Lot 21, Tract 10179
283 Trino Way
Pacific Palisades, California

References:

- Earth Systems Southern California, 2011, *Preliminary Geotechnical Engineering Report, Proposed Residential Additions and Retaining Walls, Lot 21, Tract 10179, 283 Trino Way, Pacific Palisades, California, LA-01384-01* dated December 8, 2011.
- Earth Systems Southern California, 2012, *Addendum No. 1 Geotechnical Engineering Report, Response to City Review, Proposed Residential Additions and Retaining Walls, Lot 21, Tract 10179, 283 Trino Way, Pacific Palisades, California, LA-01384-01*, dated March 22, 2012.
- Earth Systems Southern California, 2012a, *Supplemental Clarification of Foundation Recommendations, Proposed Residential Additions and Retaining Walls, Lot 21, Tract 10179, 283 Trino Way, Pacific Palisades, California, LA-01384-01*, dated May 23, 2012.
- Earth Systems Southern California, 2012b, *Geotechnical Requirements to Secure Construction Site, for Residential Additions and Retaining Walls, Lot 21, Tract 10179, 283 Trino Way, Pacific Palisades, California, LA-01384-01*, dated October 29, 2012.
- Earth Systems Southern California, 2012c, *Geotechnical Requirements to Secure Construction Site, for Residential Additions and Retaining Walls, Lot 21, Tract 10179, 283 Trino Way, Pacific Palisades, California, LA-01384-02*, dated October 29, 2012.
- Earth Systems Southern California, 2012d, *Response to Third-Party Comments During Construction, Proposed Residential Additions and Retaining Walls, Lot 21, Tract 10179, 283 Trino Way, Pacific Palisades, California, LA-01384-02*, dated November 14, 2012.
- Earth Systems Southern California, 2013, *Second Response to Third-Party Geology and Geotechnical Comments Proposed Residential Remodel and Retaining Walls, Lot 21, Tract 10179 283 Trino Way, Pacific Palisades, California, Project No. LA-01384-01*, dated May 29, 2013.
- Earth Systems Southern California, 2014, *Third Response to Third-Party Geology and Geotechnical Comments Proposed Residential Remodel and Retaining Walls, Lot 21, Tract 10179 283 Trino Way, Pacific Palisades, California, Project No. LA-01384-01*, dated July 11, 2014.
- City of Los Angeles Department of Building and Safety (LADBS), *Geology and Soils Report Approval Letter, Geology and Soils Report Approval Letter, Log Number 75916-01*, dated June 4, 2012.
- City of Los Angeles Department of Building and Safety (LADBS), *Geology and Soils Report Approval Letter, Log Number 84342*, dated July 16, 2014.

MEMORANDUM

This Memorandum has been prepared in support of the Los Angeles Department of Planning Case No. DIR-2016-2561-MEL-1A. Earth Systems has reviewed the above referenced Documents as well as the Staff Recommendation Report for this case dated March 21, 2018. The comments below refer to Exhibit D Appellant Correspondence of the Staff Report that contains a letter of opposition dated March 12, 2018. The letter contains many false assertions that are mitigated by the following facts:

Coastal Bluff setback: The property is approximately 1,000 inland from the coast and 600' inland from the top of the Coastal Bluff. This is near the base of three ancient strandlines (beach) that exist in the Palisades community. Coastal Bluff setbacks are not intended to apply to ancient landscape features.

Presence of landslides: Extensive exploration by drilling and trenching the subject and surrounding properties revealed no unmitigated landslides in the area. There are structural elements in the bedrock underlying the upslope properties that will be mitigated by the development thereby benefitting neighboring properties.

Existing LADBS "Order to Comply": The upslope neighboring properties were built in a way that violates the grading code. LADBS has issued an order to repair the existing unpermitted slope supporting the residence there. The proposed construction at 283 Trino way will largely provide support thereby avoiding expensive mitigation.

The Appellant Correspondence contains no information that would require Earth Systems to alter our previous recommendations. The facts above are in agreement with the geologic model of the USGS and have been published by Earth Systems.

ESSC trusts this letter is sufficient at this time and meets your current needs. ESSC appreciates this opportunity to provide professional geotechnical engineering services for this project. If you have any questions regarding the information contained in this letter, or if you require additional geotechnical engineering services, please contact the undersigned.

Respectfully submitted,

**Earth Systems
Southern California**

William A. LaChapelle, P.G., C.E.G.
Project Engineering Geologist



Kenton Trinh <kenton.trinh@lacity.org>

(no subject)

Ivan Svitek <ivan@svitek.com>

Wed, Apr 18, 2018 at 11:01 AM

To: kenton.trinh@lacity.org

Cc: Andrew Svitek <andrew@svitek.com>, Scott MacPherson <scott_macpherson@macphersonoil.com>

To Whom It May Concern:

I support Scott MacPherson's right to build his house at 283 Trino Way. His plans have been thoroughly vetted and approved by the Department of Building and Safety. The work will be overseen by inspectors from the city as the work progresses. I am familiar with the extensive foundation work that current building codes require, as I completed the construction of my home nearby in 2014. The hillside is safer with the newer construction, not less. Please reject this baseless appeal.

Ivan Svitek

[200 Arno Way, Pacific Palisades](#)

Martin J. Murphy

338 Aderno Way
Pacific Palisades, CA 90272-3344
Telephone: (310) 922-3709 (cell)
Facsimile: (310) 454-8919
Email: martin.m@roadrunner.com

April 23, 2018

Esther Margulies, President
Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner
Heather E. Rozman, Commissioner

Vincent P. Bertoni, AICP, Director
Kevin J. Keller, AICP, Executive Officer
Lisa M. Webber, AICP, Deputy Director
Cecilia Lamas, Commission Executive Assistant
apcwestla@lacity.org (213) 978-1299

Attention: Commission Secretariat
West Los Angeles Area Planning Commission
City of Los Angeles
200 North Spring Street, Room 532
Los Angeles, CA 90012

Via email:

Frank M. Bush - General Manager, Superintendent of Building
Department of Building and Safety, frank.bush@lacity.org

Vince Bertoni, Director of Planning, Vince.Bertoni@lacity.org
Lisa Webber, Deputy Director of Planning, Lisa.Webber@lacity.org
Faisal Roble, Senior City Planner, Faisal.Roble@lacity.org
Kenton Trinh, City Planning Associate, Kenton.trinh@lacity.org
Department of City Planning

Re: Jurisdiction for Hearing on May 2, 2018 regarding 283 Trino Way, portion of
Lots 20 and 21, Tract 10179, and Case Number: DIR-2016-2561-CDP-MEL-1A and
Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-
CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety
Building Grading Permit applications: B18WL00987, and 26 other permit
applications

Dear President Margulies, Vice President Newhouse, Commissioners Waltz Morocco and
Rozman:

The West Los Angeles Area Planning Commission has jurisdiction to hear all matters
relating to the August 7, 2017 Public Hearing on 283 Trino Way, including the California

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
April 23, 2018

Environmental Quality Act, the Mello Act, and the application of a Coastal Development Permit pursuant to Los Angeles Municipal Code Section 12.20.2.

First, the Los Angeles Municipal Code provides that the combined hearing may be appealed to the West Los Angeles Area Planning Commission. As detailed below, LAMC 12.20.2.H.1 provides: “Where a coastal development permit hearing has been combined with the hearing on the project itself, an appeal may be taken to the appellate body that would hear and decide the appeal from the underlying project.”

Moreover, “Where a coastal development permit (other than for a Public Project) involves an underlying activity which is not otherwise appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission.” LAMC 12.20.2. H.3.

1. **On August 7, 2017**, the City held a Public Hearing under the California Environmental Quality Act, Coastal Development Permit in the Dual Permit Jurisdiction of the California Coastal Zone, and Mello Act, for demolition and construction at 283 Trino Way

On August 7, 2017, the Department of City Planning held a public hearing regarding 283 Trino Way to consider the request for an exemption from the California Quality Act, and for a Coastal Development Permit pursuant to Los Angeles Municipal Code Section 12.20.2 for demolition and construction in the Dual Permit Jurisdiction of the California Coastal Zone, and a Mello Act Compliance Review for the demolition of a Residential Unit in the Coastal Zone.

The August 7, 2017 hearing did not consider the subsequent proposals to grade and construct retaining walls nor the subsequent application for a Categorical Exclusion from the Coastal Act. Five months after the public hearing, on January 17, 2018, Mr. John Parker, Pacific Crest Consultants, applied for a Categorical Exclusion to exclude 283 Trino Way from the California Coastal Act. On January 19, 2018, City Planning Associate Kenton Trinh approved LA City case no 2018-262-CATEX (CATEX) Brentwood-Pacific Palisades Order E-79-8, submitted by Mr. Parker on January 17, 2018.

But the Categorical Exclusion does not apply to the bluffs and geologically hazardous areas or to a project that includes street widening or additional right of way. The Coastal Commission refused to exclude areas where geological hazards are known to exist. This includes the coastal bluffs. The Coastal Commission also excludes “Projects which include street widening extensions or any new or additional right of way (Categorical Exclusion Order E-79-8, Section 7, Limitations, c.4).”

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
April 23, 2018

Mr. Parker applied for a Categorical Exclusion from the Coastal Act to demolish 1,657 square feet two-story single-family dwelling and attached 430 square feet garage and construct in unidentified project. Mr. Parker did not identify any related plan check numbers.¹ Later applications seek approval by the Department of Building and Safety to excavate more than 1,000 cubic yards from 283 Trino Way.

These later applications to the Department of Building and Safety were not subject to any review for compliance with the California Environmental Quality Act and are not exempt. The California Environmental Quality Act exempts minor alterations of land with a slope of less than 10 percent. Grading is not exempt on 283 Trino Way, which has a slope of 40-50%. Grading within this official Seismic Hazard Zone, as delineated by the State Geologist is not exempt from the California Environmental Quality Act.

California Environmental Quality Act, Article 19, Categorical Exemptions provides in Section 15304. Minor Alterations to Land:

(a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist

Grading is subject to the California Environment Quality Act and in the dual jurisdiction zone, require approval by the California Coastal Commission. The applicant applied for grading permits for 283 Trino Way without required California Environment Quality Act and California Coastal Commission review.

2. Decision following the August 7, 2017 Public Hearing

After the August 7, 2017 Public Hearing, the Department of City Planning approved a Mello Act Compliance Review and on January 19, 2018, granted a Categorical Exclusion from the permit requirements of the California Coastal Zone pursuant to Public Resources Code Section 30610(e) and 30610.5(b).

3. Los Angeles Municipal Code Section 12.20.2 H Gives the Area Planning Commission Jurisdiction over Combined and Not-otherwise Appealable Activity

¹ Categorical Exclusion Case No. ADM-2018-262-CATEX, page 1 of 5, dated December 8, 2017, signed January 19, 2018, on page 5, by Kenton Trinh, City Planning Associate, with attached three-page Justification for Categorical Exemption, total of 8 pages.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
April 23, 2018

Los Angeles Municipal Code Section 12.20.2 H provides for appeals from combined hearings, and not-otherwise appealable activity to the Area Planning Commission, as follows:

H. Appeals. Appeals from the approval, conditional approval, or disapproval of a permit under the provisions of this section may be taken by the applicant or any aggrieved person as follows:

1. Where a coastal development permit hearing has been combined with the hearing on the project itself, an appeal may be taken to the appellate body that would hear and decide the appeal from the underlying project. If the appeal from any underlying project is further appealable to a second appellate body, the coastal development permit is likewise further appealable. The time within which to appeal shall be the same as that provided for an appeal of the project itself, but the decision of the permit-granting authority on the coastal permit may be separately appealed, without appealing the action on the underlying project. The times for notification of hearing and action on such appeal shall be the same as for the underlying project, whether or not such underlying project is also appealed.
2. Where a coastal development permit application is for a public project, the action of the City Engineer may be appealed to the Board of Public Works. Such appeal shall be filed with the Office of the City Engineer within ten days of the mailing of the decision of the permit granting authority.
3. Where a coastal development permit (other than for a Public Project) involves an underlying activity which is not otherwise appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission. That appeal shall be filed with the Area Planning Commission within ten days of the mailing of the decision of the permit granting authority.
(Amended by Ord. No. 173,268, Eff. 7/1/00.)

As previously mentioned, the August 7, 2017 public hearing considered the request for an exemption from the California Environmental Quality Act, a Coastal Development Permit pursuant to Los Angeles Municipal Code Section 12.20.2 for demolition and construction in the Dual Permit Jurisdiction of the California Coastal Zone, and a Mello Act Compliance Review for the demolition of a Residential Unit in the Coastal Zone. Consequently, the

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
April 23, 2018

combined hearing is appealable to the Area Planning Commission pursuant to Los Angeles Municipal Code Section 12.20.2 H.

Los Angeles Municipal Code Section 12.20.2 G(f) requires findings under the Coastal Development Permits include findings as required by the California Environmental Quality Act. See Los Angeles Municipal Code Section 12.20.2 G (f) Any other finding or findings as may be required for the development by the California Environmental Quality Act.

4. The Project is not Exempt from the California Environmental Quality Act

The 283 Trino Way project may impact an environmental resource of hazardous or critical concern that is designated, precisely mapped, and officially adopted. Proposed grading at 283 Trino Way exceeds 1,000 cubic yards. Further grading of the landslide is proposed at 230 Arno Way and the Bernheimer Gardens projects. Consequently, 283 Trino Way is not exempt from the California Environmental Quality Act.

The California Environmental Quality Act, Title 14, California Code of Regulations, Chapter 3, Guidelines for the Implementation of the California Environmental Quality Act, Article 19, provides for Categorical Exemptions. But the Categorical Exemptions are limited by Exceptions for cumulative impact, significant effect on the environment and hazardous areas mapped by federal, state, or local officials, described in Section 15300.2, below.

15300.2. Exceptions

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. 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.
- (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.

-

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
April 23, 2018

Moreover, the cumulative impact of the 283 Trino Way, 230 Arno Way and Bernheimer Gardens projects on the environment makes CEQA exemptions inapplicable. 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 (15300.2(b)).

5. The City is Required to Prepare an Environmental Impact Report

The City of Los Angeles is required to prepare an environmental impact report on any project that they intend to carry out or approve which may have a significant effect on the environment. The California Public Resources Code, Division 13, Environmental Quality, provides a right of appeal (Section 21151(c), below). If a nonelected decisionmaking body of a local lead agency, certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any. The Los Angeles Department of City Planning is "nonelected decisionmaking body." The decision of the Department of City Planning is appealable, through the West Los Angeles Area Planning Commission, to the City Council.

21151. (a) All local agencies shall prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project that they intend to carry out or approve which may have a significant effect on the environment. When a report is required by Section 65402 of the Government Code, the environmental impact report may be submitted as a part of that report.

(b) For purposes of this section, any significant effect on the environment shall be limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the area as defined in Section 21060.5.

(c) If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any.

(Amended by Stats. 2002, Ch. 1121, Sec. 2. Effective January 1, 2003.)

The California Code of Regulations, 14 CCR Section 15061(d), provides that a Notice of Exemption shall not be filed with the Office of Planning and Research or the county clerk until the project has been approved. The decision that the project is exempt may be appealed to the local lead agency's elected decisionmaking body, if one exists (14 CCR § 15061(e)).

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
April 23, 2018

§ 15061. Review for Exemption.

(a) Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.

(b) A project is exempt from CEQA if:

(1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).

(2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.

(3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

(4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).

(5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter.

(c) Each public agency should include in its implementing procedures a listing of the projects often handled by the agency that the agency has determined to be exempt. This listing should be used in preliminary review.

(d) After determining that a project is exempt, the agency may prepare a notice of exemption as provided in Section 15062. Although the notice may be kept with the project application at this time, the notice shall not be filed with the Office of Planning and Research or the county clerk until the project has been approved.

(e) When a non-elected official or decisionmaking body of a local lead agency decides that a project is exempt from CEQA, and the public agency approves or determines to carry out the project, the decision that the project is exempt may be appealed to the local lead agency's elected decisionmaking body, if one exists. A local lead agency may establish procedures governing such appeals.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21080(b), 21080.9, 21080.10, 21084, 21108(b), 21151, 21152(b) and 21159.21, Public Resources Code; No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
April 23, 2018

The proposed grading of 283 Trino Way is not exempt from the California Environmental Quality Act. The exemption for minor alterations of land specifically excludes in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist, 283 Trino Way is mapped by the State in the Seismic Hazard Zone. Moreover, the slope at 283 Trino Way is 40-50%, far more than the 10% limit of 14 CCR Section 15304(a).

Title 14. California Code of Regulations, Chapter 3. Guidelines for Implementation of the California Environmental Quality Act, Article 19. Categorical Exemptions:

Section 15304. Minor Alterations to Land

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

(a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.

California public policy requires that “Public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects (California Public Resources Code Section 21002).” The City has a duty to minimize environmental damage.

The California Code of Regulations Section 15021(a)(2) provides:

(2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.

The California Code of Public Resources Section 21159.27 prohibits dividing a project such as 283 Trino Way into smaller projects to qualify for one or more exemptions.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
April 23, 2018

The grading, retaining walls, Coastal Bluff restriction, and environmental impact should be considered together rather than divided into smaller projects.

CA Public Resources Code Section 21159.27.

A project may not be divided into smaller projects to qualify for one or more exemptions pursuant to this article.

(Added by Stats. 2002, Ch. 1039, Sec. 12. Effective January 1, 2003.)

The proposed grading, excavation and building of 283 Trino Way, 230 Arno Way,² and the Bernheimer Gardens from Sunset Boulevard to Pacific Coast Highway,³ will reactivate landslide movement. Piecemeal review of these projects obscures the damage likely to result from excavation and grading an active landslide. The Bernheimer Gardens project proposes to excavate 58,000 cubic yards from the active landslide.

Further movement of the unstable soil occurred at 283 Trino Way during the March 22-23, 2018 rainfall.

6. The Mello Act Applies to Low and Moderate Income

The Mello Act Applies to Low and Moderate Income. Persons and families of low or moderate income means persons and families whose income does not exceed 120 percent of area median income (Health and Safety Code Division 31, Section 50093).

Sincerely,

Martin J. Murphy

Martin J. Murphy

Attachments:

Photograph of portions of 1978 landslide at 283 Trino Way, 1978.

Fairchild Aerial Photography Collection, Flight C-300, Frame J:214, 1928.

Fairchild Aerial Photography Collection, Flight C-5139, Frame 22, April 13, 1938.

² 230 Arno Way, ZA-2014-2466-CDP-MEL Coastal Development Permit Mello Act Compliance Review.

³ 16966 Sunset Boulevard to Pacific Coast Highway, DIR-2017-3895-CDP-MEL, DIR-2017-3896-CE, 2017-3897-CDP-MEL, AA-2017-3894.

Los Angeles City Council, Gilbert A. Cedillo, President
Esther Margulies, President, Michael Newhouse, Vice President
Lisa Waltz Morocco, Commissioner, and Heather E. Rozman, Commissioner
West Los Angeles Area Planning Commission

Re: 283 Trino Way, portion of Lots 20 and 21, Tract 10179; Case Number: DIR-2016-2561-CDP-MEL-1A and Related Cases: DIR-2016-2561-MEL; ADM-2018-262-CATEX; DIR-2016-2561-CDP-MEL; ENV-2016-2560-EAF; and ENV-2016-2560-CE; and Building & Safety Building Grading Permit application: B18WL00987.
April 23, 2018

Fairchild Aerial Photography Collection, Flight C-6330, Frame 63, March 5, 1940.

Fairchild Aerial Photography Collection, Flight C-2440, Frame 27:73, October 1962

1952 slide of Bernheimer Gardens which blocked Pacific Coast Highway.
The University of Southern California Digital Library:
<http://digitallibrary.usc.edu/cdm/ref/collection/p15799coll44/id/38183>

20' Deep Landslide Covered 80' of Pacific Coast Highway on April 10, 1958
On "April 10, 1958 there was a slide near the Bel Air Bay Club on the Pacific Coast Highway involving approximately 17,500 cubic yards of material covering the highway for approximately 80 feet to a depth of 20 feet over the highway."⁴
The 1959 *Report on Investigation and Study for Control and Correction of Palisades Landslides* recommended realignment of Pacific Coast Highway.⁵

⁴ Moran, Proctor, Mueser & Rutledge Consulting Engineers, *Report on Phase 1 of Landslide Investigation Pacific Palisades, California, State of California, Department of Public Works*, 5, May 1958.

⁵ *Report on Investigation and Study for Control and Correction of Palisades Landslides Along Highway 101 in and north of The City of Santa Monica in Los Angeles, California, Pursuant to Chapter 2009, Statutes of 1957, Including by Reference the Final Report of Moran, Proctor, Mueser & Rutledge Consulting Engineers*, 57-59, Department of Public Works, State of California, in conjunction with the City of Los Angeles, City of Santa Monica, County of Los Angeles, December 21, 1959.

Photograph of portions of 1978 landslide at 283 Trino Way, 1978.

In the 1978 landslide, the land slide from the fault in the southeast area of 283 Trino Way onto the street.¹ The then owners of 283 Trino Way made remedial repairs to the landslide, not in full conformance with the Grading Ordinance. There remains a partially remediated landslide from the fault in the southeast area of 283 Trino Way to the lot-line at the street. On October 30, 1978, John O. Robb, Chief of Grading Division, City of Los Angeles, notified Lorraine Oshins and Aris Anagnos that the Department considered the grading remedial and the repair not in full conformance with the Grading Ordinance.²

¹ Photograph of portions of 1978 landslide at 283 Trino Way, 1978.

² John O. Robb, Chief of Grading Division, City of Los Angeles, letter to Lorraine Oshins and Aris Anagnos, October 30, 1978.





NO
PARKING
ANY TIME

BEWARE
OF
DOG



Fairchild Aerial Photography Collection, Flight C-300, Frame J:214, 1928.

Fairchild Aerial Photography Collection, Flight C-5139, Frame 22, April 13, 1938.

Fairchild Aerial Photography Collection, Flight C-6330, Frame 63, March 5, 1940.

Fairchild Aerial Photography Collection, Flight C-2440, Frame 27:73, October 1962









1952 slide of Bernheimer Gardens which blocked Pacific Coast Highway.

The University of Southern California Digital Library:

<http://digitallibrary.usc.edu/cdm/ref/collection/p15799coll44/id/38183>

Training to Alaska? Mr. E. J. ...
10-26-51-1

57-49









