

GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

This file contains correspondence and documents submitted to the Commission which is in compliance with the Commission Rules and Operating Procedures, Rule 4.3. Compliance means that the deadline, delivery method (hard copy and/or electronic) AND the number of copies, when applicable, has been met. The file is divided into three sections and each section has been bookmarked by case:

- **“Initial Submissions”**: Submissions received no later than by end of day Monday of the week prior to the meeting (unlimited).
- **“Rebuttal Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting (for the Central, Harbor and South Los Angeles Area Planning Commissions, the deadline is 3:00 p.m. Thursday prior to the Commission meeting). Maximum 10-pages including exhibits.
- **“Day of Hearing Submissions”**: Submissions after the Rebuttal Submission deadline up to and including the day of the Commission meeting. This section also includes material received at the meeting.

Material which does not comply with the submittal rules is not distributed to the Commission. The Commission Rules and Operating Procedures can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

Please note that all complying Initial Submissions **have been transmitted to the Commission**, either integrated with the Staff Report or along side it.

If the material was submitted to the project planner prior to the Monday deadline, it was made part of the staff report which can be accessed in the agenda by clicking on the specific item (Correspondence is typically included at the end of the staff report). All other compliant material is included in this file.

Day of Hearing Submissions will be posted after the meeting and will be included at the end of this file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

INITIAL SUBMISSIONS

M E M O R A N D U M

re: Case No. DIR-2017-2670-CDP-MEL
17642 Tramonto Drive single-family house
attn: West Los Angeles Planning Commission
from: Saied Kashani (owner/applicant)
hearing: July 18, 2018

SUMMARY: The appeal should be denied because:

A. This is a frivolous appeal from an absentee owner who lives in Florida who tried to extract improper demands for not objecting. The appeal as filed has no evidence or grounds and was filed solely to delay the project.

B. If appellant files something at the last minute, here are the responses, based on actual *data* and *evidence*:

1. Renderings (Tab 1) show this house is compatible and not obtrusive in context. Local neighborhood association fully approved the project (Tab 2) based on its strict rules on setbacks, height, size and effect on views from other houses and compatibility and after twice setting up story poles to show the size. There are many large houses in the neighborhood shown at Tab 3. Only 3 persons objected to the project, two of whom always object to every project in the area, out of over 100 neighboring houses. Tab 11 shows nearby recent zoning approvals.

2. House will utilize "greenwalls" to cover exposed walls and minimize visual impact as seen from beach. See Tab 1 rendering and Tab 4 successful greenwall test on-site. Unlike the other houses on the street, there will no large blank stucco walls facing the beach.

3. Project has had its soils report approved *twice* by the City Engineer and can be constructed to the 1.5 or greater margin of safety. Tab 5 (2016 approved soils report). Appellant may bring a report by Johnson. Report by Ralph Stone & Co. (Tab 6) refutes every statement by Johnson report, which is full of Johnson's own question marks and speculation and does not concern the actual site but another property. Johnson report is not based on any actual test borings or test digs, by contrast applicant's twice-approved soils report (LADBS 2010 and again in 2016) is based on multiple boring and test pits dug over 15 years and shows applicant's house and structures will be built on

bedrock on top of slope not landslide. Johnson report's claim that land along top of slope "could be" ancient landslide, is pure speculation and contrary to the conclusions of the US Geological Survey/Army Corps of Engineers (McGill) and their detailed landslide map of the area, which is actually in Johnson report.

Johnson "suggests" (his word) an "ancient landslide" based on his review of a single, low-resolution survey from 1928 and two old photographs. Johnson claims no one has considered this 1928 survey until now and therefore his speculation is superior to the US Geological Survey. Incorrect and misleading. The USGS/McGill study was expressly based on *all* available prior surveys and photographs dating back to 1876, as well as extensive test borings, all as stated on the map itself. We cannot now substitute objector's "hired gun" geologist and a 1928 low-resolution survey for the considered determination of the US Geological Survey based on *all* available data, or for applicant's geologist's reports based on test borings and actual data from the site, or for the City's review and approval.

Also, objector obviously does not believe his own geologist. According to Johnson, objector's own house at 17646 Tramonto is built on the same "ancient landslide," and is therefore in "danger", but objector has not moved out or conducted any inspection or renovation of their own house. Appellant also did not object to approved house addition at 17708 Tramonto, which is on the actual site of Johnson report.

Subject house and deck will be constructed in bedrock at the top of the slope, not on any slide area. Tab 10.

4. Categorical exemption is available. In 2015, the California Supreme Court upheld the use of a categorical exemption for a single family house in a case where the objector provided a contrary soils/geotechnical report. Per Supreme Court, objector cannot defeat categorical exemption through speculation or even a "fair argument," rather, objector must put forward clear evidence that an exception applies. Objector relies on Johnson geological report but this is flawed as stated above and at best speculation and not based on any test borings of the actual site.

Also, objector is ultimately making a safety objection, which is the province of LADBS which approved the soils report (twice). Objector should not be allowed to use CEQA to usurp LADBS safety review.

5. Prevailing height is based on approved letter June 10, 2016 from LA Dept. of Bldg & Safety (Tab 7). Calculation is based on actual survey per LADBS (Tab 8).

Objector's "contrary" data on prevailing height is incomplete and misleading. For example objector cites the inspection application for 17726 Tramonto Drive to claim its height is only 12 feet. This could only be referring to the height above street level, as the same application states the structure is 2 stories which, alone, is more than 12 feet. More importantly, the envelope height, which controls, is measured down the slope. The photograph alone (Exhibit 16 attached) makes clear the envelope height, which is measured from the low point *on the slope* from a point five feet out from the structure, to the rooftop, is many times more than 12 feet. Same for 17732 Tramonto, again, the permit is clearly reflecting a livable space height of 33 feet (3 stories) not envelope height which is a completely different measurement. Photo (tab 9), again, makes this clear. As to 17646 Tramonto, objector has highlighted the *building* height, not the zoning height, and even then the zoning height was measured differently (and lower) under Code at that time 1995.

Interestingly, the same application shows that 17646 Tramonto substantially exceeded the applicable height limits even for the time let alone today.

Ultimately the precise prevailing height measurement is subject to analysis by the Dept. of Bldg & Safety which has the expertise in this area. Applicant is ready to provide any additional data LADBS may request in this regard. Proposed CDP should contain standard language that applicant is responsible to demonstrate compliance with all setbacks, limits, etc. to satisfaction of LADBS.

7. Objector falsely claims the project will present "an 80-foot white stucco wall" to the beach. Actually the adjacent house at 17646 and nearby houses all present tall white stucco walls to the beach. By contrast subject house will utilize native vegetation "greenwalls" (proven in concept on the site) to cover all exposed walls and

minimize "whitewalls" exposed to the beach. Applicant has already proven viability of greenwalls through test plantings on the site. Tab 4.

9. The proposed house deck will not be obtrusive as seen from the beach because of the greenwall. Deck is specifically designed with a steel screen to support native plant vines/wallcovering which will cause most of the structure to visually blend into the surrounding vegetation. As regards compatibility, nearby 17800 Tramonto has multiple lower decks/terraces and an enormous tennis court structure (Tab 1), as well as being more than two stories above street level. 17642 Tramonto will not be the only house with a lower deck.

DETAILED ANALYSIS

1. Project has support and only slight opposition

Out of 153 homeowners in the local homeowners association (HOA) and others in the area, only 3 homeowners came to object at the hearing and apparently only 1 has filed an appeal. The HOA approved the project in full (Tab 2). If the project were as "enormous", "overwhelming" and "incompatible" as objector contends, there would be substantially more opposition including, for example, from homeowners across the street who are arguably more affected by a house built between them and the ocean, but who have raised no objections.

2. 17646 Tramonto objector has known about the project, its plans and scope and scale for *eight* years and is not entitled to delay the project further.

Applicant first submitted his plans, which are the same size as the current plans, to the HOA in 2008. In 2008 the HOA, pursuant to its recorded covenants, made the plans available for review by all nearby homeowners including objector at 17646 Tramonto (adjacent house). In 2008, HOA also put up "story poles" showing the size and scale of the project. Per the recorded covenants, objector had an opportunity to raise objections with the HOA at that time. They did not. The adjacent homeowner on the other side (17630 Tramonto) did, in fact, raise objections, and applicant revised the plans accordingly with the HOA's approval. HOA then put up story poles again in 2011 illustrating the revised plans. Again all nearby

homeowners were given an opportunity to object, and again objector did not object. Finally applicant submitted the plans again for approval in January 2017, and objector again was given an opportunity to object to the HOA. They did not object to the HOA. HOA approved the plans in full including the deck and accessory structure. Tab 2.

3. Geotechnical

LADBS has approved applicant's soils reports not once but twice, in 2010 and 2016. Tab 5. We cannot substitute the objector's speculation about a different site (17708 Tramonto) for the considered and repeated determination of the Dept. of Bldg. & Safety.

Objector submits report of Jeffrey Johnson. This report expressly concerns 17708 Tramonto, which is not the subject. The 17642 Tramonto project soils reports and approvals are based on 15 years of actual testing and core samples on the actual property by Ralph Stone & Co., not speculation or the condition of property two houses down.

Objector's soils report is "results oriented" and scientifically flawed. The author, Johnson, according to his website, has been retained in 50 lawsuits and includes objector's lawyer Henning as a client. He includes amongst his services "preparation of trial exhibits". Applicant submits that whatever Johnson's credentials may be, today he specializes in litigation not science.

Specific problems with Johnson geotechnical "report":

- a. Johnson's report pertains to 17708 Tramonto not the subject site, 17642 Tramonto. See Johnson Report p.1.
- b. Johnson himself did not conduct any test bores or excavation on *any* site, either 17708 Tramonto or 17642 Tramonto. On the Palisades conditions can vary from lot to lot and there is no substitute for testing of the actual project site. This is why applicant has conducted years of test boring and test digs on the actual site, 17642 Tramonto. Test boring and digs on the site are the only method to confirm geological conditions and presence/absence of landslide area on site. This is confirmed by Johnson himself in an article Johnson wrote in 1997 in which Johnson wrote: "In a zone such as the West Castellemmare Mesa where deep landslides are occurring in

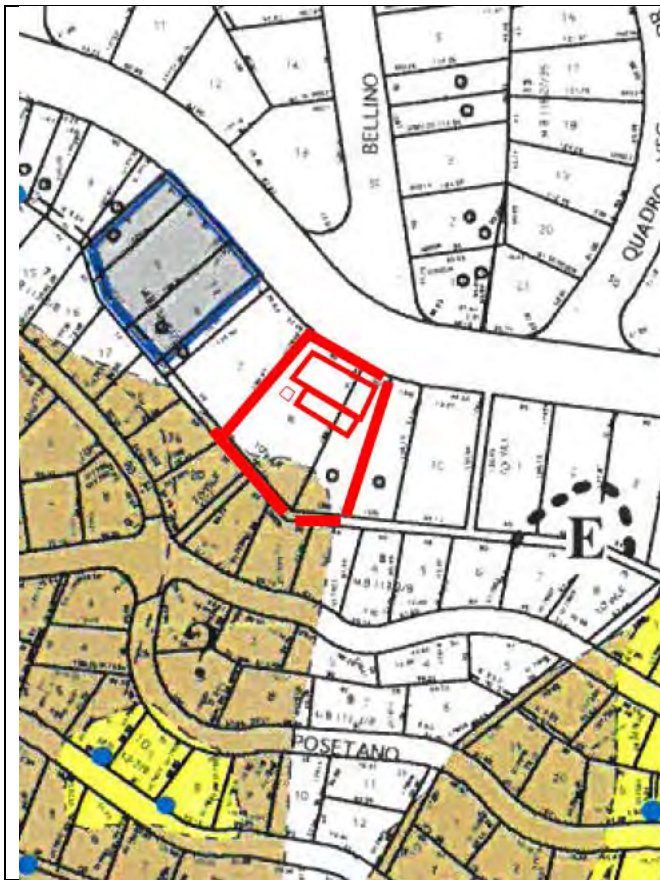
tectonically altered, low-shear strength materials, **the most effective means of exploration is a deep, continuous-core boring supplemented with downhole geophysics.**" That is precisely what applicant's geologist, Ralph Stone & Co., did at 17642 Tramonto (Tab 6), and that is what Johnson himself never did.

c. The proposed house and deck at 17642 Tramonto will be constructed at the top of the slope and supported with caissons driven into bedrock, not landslide area. Per the Ralph Stone & Co. report, "The pool, deck, and residence shall utilize a pile and grade beam foundation system penetrating all soils and founded at depth below/behind structural/slope setbacks and into competent bedrock as described below." See also, from Ralph Stone report, Tab 10 (structures are supported by caissons driven into "Ts" formation) showing "BEDROCK EXPOSED" at top of slope where structures will be.

The soils approvals are based on actual test borings and digs on the site including a 90-foot test boring at the top of the slope where the caissons will be installed. Ralph Stone & Co. based its conclusions on detailed soils testing on the site and not on an old photo.

d. The United States Geological Survey and Army Corps of Engineers (McGill) conducted an extensive analysis of the Palisades area using old and new surveys, old and new photographs and an extensive series of test borings and excavations conducted over the entire area in 1958-59. The result was a detailed, high-resolution map of the area showing landslides, first published in 1973. The USGS/McGill map concluded there is no ancient or other landslide area at the top of the Tramonto slope at the subject location, 17642 Tramonto, or adjacent either side, or at 17708 Tramonto for that matter.

Johnson's own report reproduces part of the USGS/McGill map at Johnson Figure 2. The area around 17642 Tramonto is reproduced below. Landslide area is in yellow or brown. Subject site 17642 Tramonto is outlined in red (this red outline is added, not part of original Johnson report). Location of proposed structures also outlined in red.



From Johnson report Figure 2, showing landslide areas identified by US Geological Survey (McGill) (brown/yellow)

Outline of 17642 Tramonto and proposed structures in red, added by applicant (not in original Johnson report). Note structures are in bedrock not in landslide area.

As can be seen, only a small part of the bottom of 17642 Tramonto is in landslide area. There are to be no structures in this area. Instead, pursuant to the approved soils plan, a soldier-pile retaining wall will be installed at the bottom of the slope and the soil compacted. This is not to support the structures (house, deck and accessory building) above, but simply to strengthen this small section of the land.

Incidentally, the City and Coastal Commission recently approved construction of a three story house at 17639 Revello, which is entirely in the landslide area below 17642 Tramonto.

e. Contrary to the US Geological Survey (McGill), Johnson claims the top of the slope along Tramonto Drive at 17708 Tramonto and adjacent (including objector's house at 17646 Tramonto) is also "ancient landslide" not bedrock. This supposed landslide does not appear on the US Geological Survey landslide map of the area (above). **In other words,**

Johnson claims to have discovered a landslide area where the US Geological Survey concluded none exists.

Johnson did not conduct any test borings or test digs at all at 17642 Tramonto or even 17708 Tramonto. Instead, Johnson drew his "conclusions" from a 1928 topographic survey of the entire area from the beach to the Santa Monica mountains, and on two old photographs. See Johnson Report pp. 4-5, where Johnson claims, "Our review of the 1928 map suggests that the subject site is within a large pre-development landslide." Johnson claims no one else considered the old map therefore Johnson's "suggestion" should be considered new and different information. Johnson claims the 1928 map is "more useful" because it is older and shows the area before extensive development.

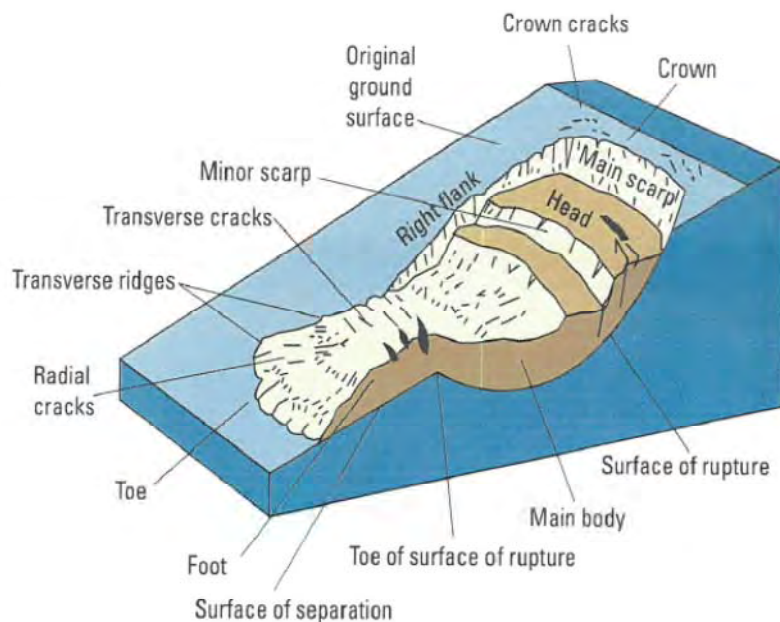
f. Johnson's report is flawed, factually incorrect and seriously misleading. First, contrary to Johnson's report, the US Geological Survey considered *all* available old surveys and photographs dating back to 1876, and nonetheless concluded there was no landslide at the top of the Tramonto slope. As stated on the full McGill map (exhibit 13):

"Landslide information has been obtained from published and unpublished records and reports, interpretation of aerial and ground photographs and topographic maps, field investigation of active or recently active landslides... The earliest document used in this study is a U.S. Coast survey topographic map of 1876 that includes the Pacific Palisades area."

McGill also relied on a comprehensive Pacific Palisades landslide study that included test borings conducted by Moran, Proctor engineering firm in 1958-59.

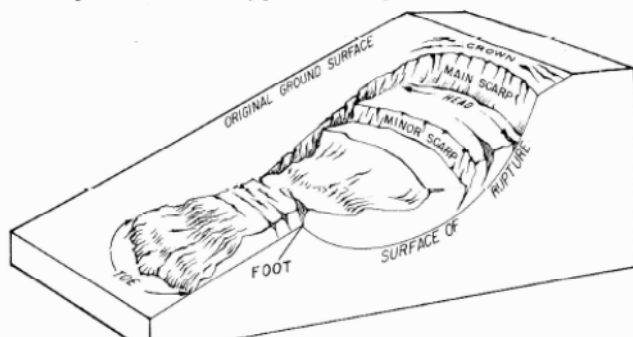
Therefore, contrary to Johnson, McGill and the US Geological Survey did consider old maps and photographs, indeed maps far older than the 1928 map Johnson used. Johnson is not correct that he found some "new" information (the 1928 map) that was not previously considered.

g. Nor did Johnson conduct some new or different analysis of the 1928 map that was not utilized by McGill. According to his report (Figure 5) Johnson used a "geomorphic" analysis to compare the survey to a reference scarf diagram. Johnson's reference diagram is reproduced below:



McGill/USGS used the same reference diagram for analysis, which appears on the USGS/McGill's landslide map (exhibit 13):

The nomenclature of various parts of a landslide is illustrated by the following drawing (modified from Varnes, 1958, pl. 1), which is of a slump-earthflow type of complex landslide.



In other words, McGill utilized the same geomorphic analysis as Johnson. Johnson did not use some more sophisticated or different analysis. The difference is McGill/USGS, which found no landslide at the area of the subject lot, reviewed all available maps, photographs and data going back to 1876 and including actual test borings and digs. Johnson relied on a single 1928 map and two old photographs. Johnson is simply trying to substitute his own limited analysis of a single old map for the extensive

and multi-year and multi-map analysis of McGill and the US Geological Survey.

h. The 1928 map is insufficiently detailed to allow any accurate analysis. Johnson's enlargement of the 1928 map (Johnson's figure 4) is misleading and implies the map is more detailed than it is. Johnson claims these contour lines indicate an ancient landslide area. The actual map (omitted from Johnson's report) is attached as exhibit 14. The 1928 map was done at 1/24000 scale and covers a very large area at very low resolution. By contrast, McGill used topographical maps "chiefly at a scale of 1 inch equals 100 feet", or 1:1200 scale. Thus McGill primarily utilized topographic maps that are 20 times more detailed than Johnson's old map.

It is doubtful that any meaningful conclusions regarding landslide potential in an area as small as a few house lots, can be drawn from the 1928 map, even adding a few old photos. The 1928 map is simply not detailed enough.

Again, Johnson is taking a single piece of old data, the 1928 map, and using it to come to a different "suggestion" than the US Geological Survey, which considered all available old maps and photographs plus better, newer maps and test borings and fieldwork. Johnson's claim does not hold up and does not create a substantial issue.

i. Ultimately conditions on a given site must be analyzed by test borings and fieldwork as confirmed by Johnson himself in his article. Ralph Stone & Co.'s conclusions as to the subject site, 17642 Tramonto Drive, are based not just on the McGill map, but on test boring down 90' and test pits to confirm actual soil conditions. This work took place over literally years, from 2003 to the final soils approval in 2016. We should not now substitute Johnson's cursory examination for this detailed analysis.

j. The 17646 homeowners do not believe their own report. If one believes their report, then their own house at 17646 Tramonto (adjacent to 17708) is also on an ancient landslide. 17646 Tramonto was built on a simple post on block system. But the 17646 homeowners have not made any structural changes whatsoever to their home or even had an inspection of their own home, and have not moved out. If they truly believed they are on a landslide, they would move out or at least have their own home inspected for

subsidence. This report is just to cloud the issues and they do not take it seriously.

k. Finally, at best Johnson "suggests" certain soil conditions i.e. speculation not proof. The categorical exemption cannot be defeated by speculation or even a "fair argument".

5. Categorical exemption

Objector's representative said "environmental review" was required and will cite Case ZA-2011-2111-CDP-1A at 17708 Tramonto Drive. That appeal was decided in 2012. At that time, objector relied on a California Court of Appeal legal case, Berkeley Hillside Preservation v. City of Berkeley, which held that all an opponent had to do to block a categorical exemption for a single-family house was to make a "fair argument" of special circumstances. The Berkeley case applied only for a very short time. In 2015 the law changed. The California Supreme Court reversed and nullified the Berkeley Court of Appeal decision and upheld the use of the categorical exemption for a single family house. See attached exhibit 15, **"California Supreme Court Protects CEQA Categorical Exemptions -- On Monday March 2, 2015, the California Supreme Court upheld the use of a CEQA exemption for a large single-family residence."** So the law today is that the categorical exemption will apply to a single family house even if the opponents have a competing geotechnical report. The law is to defer to the agency determination.

Also, the Supreme Court held the objector must put forward affirmative evidence negating the exception and not merely a "fair argument" or speculation. Here, the Dept. of Building & Safety has already approved the soils report, twice, once in 2011 and again in 2016. Opponent is simply claiming LADBS is "wrong" so an environmental review is necessary, based on Johnson's "suggestion". That is not the law and not a basis to require an environmental review.

6. Prevailing Height

a. Objector has submitted old records of inspections for 17726 Tramonto and 17732 Tramonto. These documents show "heights" of 12' and 20', respectively. Whatever those heights are, they are not envelope height per current Code which is the correct measurement. The heights on the

applications appear to be height from street level or possibly height of the habitable floors only. Attached as Exhibits 16 and 17 are photos of 17726 and 17732 Tramonto. Envelope height is measured from the low elevation point on the 5' perimeter of the structure to the rooftop. 17726 and 17732 Tramonto descend for many, many tens of feet down the slope and obviously have much higher envelope heights than 12' or 20'. Applicant's licensed and stamped surveys measured envelope height per code. It is misleading and inaccurate to rely on old inspection records.

Objector has also submitted a permit *application* for their own house at 17646 Tramonto dated Sept. 27, 1995. On this application, objector has highlighted a "height" of 46'-0". But this is incorrect and misleading. This is labeled as "Height-Bldg." Elsewhere on the application, and not highlighted by objector, is "Height (Zoning)" which is given as 56'. Note that this height is already 5' higher than applicant's proposed house which has an envelope height of 50' 7".

Even the 56' height for 17646 Tramonto is incorrect per Code today. 17646 Tramonto was constructed in 1995 and was therefore pursuant to the 1992 Hillside Ordinance, relevant pages attached as Exhibit 18. Under the 1992 Hillside Ordinance, "height" was defined as "measured from grade." 1992 Ordinance Section (c). Section (c)(5) provided, "For the purpose of measuring height pursuant to this subdivision, grade shall be determined as the elevation of the finished or natural surface of the ground, whichever is lower, or the finished surface of the ground established in conformance with a grading plan." Under the 2011 Hillside Ordinance applicable to this project, height is defined as "envelope height" and is measured from the low elevation point of the 5' perimeter around the project, not from grade at the building foundation. Because the 17646 land is steeply sloped, "envelope height" as defined in the 2011 code will necessarily be higher than "zoning height" per the 1992 code. If the "zoning height" or "height measured from grade" of 17646 Tramonto was 56', as stated in the application, "envelope height" per current Code would be 5 or more feet more, because the slope is very steep and the measurement is at the 5' perimeter. In addition, 17646 Tramonto appears to have a closed-in cantilevered extension of the top story which increases the envelope height still more, because the perimeter is also extended to 5' around this closed-in extension.

This is all why actual survey of the finished house is required and not reliance on permit applications.

Incidentally, the maximum permitted height, however measured, in the 1992 ordinance, was 45 feet. Exhibit 18 section (c). There is no record of a variance being applied for or obtained for 17646 Tramonto. Thus 17646 Tramonto (objector's residence) was overheight even per Code at that time let alone today, however measured.

b. Applicant's prevailing height report (Tab 8) has been filed with LADBS since the initial submission for plan check and returned no comments or objections from LADBS.

7. The project is compatible with surrounding homes

An extensive re-verification of the prevailing height by the planning department is also not necessary for "compatibility" with nearby structures. First, unlike Venice, the Brentwood-Palisades Community Plan does not require mathematical measurement and comparison with heights, floor areas, etc. of nearby homes. There is sufficient evidence of compatibility even without measuring prevailing height. In particular, the local homeowners association already approved the plans. As part of the recorded covenants, the HOA reviews new home plans for height, setbacks and other parameters to insure compliance. Second, photographs such as Tab 1 show the house, in situ, is comparable in size and scale compared to the lot size. The nearby homes almost all have minimal side setbacks and extend out over the slope to a similar extent. The subject, 17642 Tramonto, was designed to have the same height at street level and larger setbacks than the adjoining homes, and to sit behind the "stringline" between the adjoining homes.

To take just one example, without considering prevailing height at all, according to the 1995 permit application (part of objector's submission) the adjoining white house, 17646 Tramonto, has a zoning height (meaning height from grade) of 56 feet. The envelope height is of course higher. By comparison, the subject envelope height is 50' 7". This means the subject envelope height is lower than the adjacent house by any measure.

In addition, the HOA approved the plans after consideration of height, setbacks and impact on views from nearby homes, in accordance with the CCRs. In particular, the recorded covenants provide:

"In all cases the Architectural Committee shall have the right and power to reject plans for new buildings or alterations to existing buildings if, in their opinion, the proposed height would cause unreasonable interference with views from other lots."

"Height of Buildings. No new building shall be erected and no existing building shall be altered to exceed one story in height, except that the Architectural Committee is empowered to approve an additional story or stories as underfloor space."

"In determining the location on the lot of each new dwelling or addition to an existing dwelling, reasonable effort shall be exercised to avoid obstruction of views from other lots."

"The depth of front and rear yards shall not depart materially from those of adjoining dwellings or other dwellings on the block."

The association approved the subject project taking into account the above rules and other requirements especially views from adjoining structures.

Interestingly, the recorded CCRs mandate a *minimum* house size but no maximum. While the proposed house is above the minimum, this suggests the community is more interested in avoiding too-small houses than large ones.

8,9. Deck and greenwalls

Objector contends the subject will present an 80' white stucco wall to the beach and the proposed deck is too visually prominent. Actually it is the nearby houses that present tall, white, featureless walls, and 17800 Tramonto has multiple terraces and an enormous tennis court deck (Tab 1). The subject will not be obtrusive in context. Also, unlike all other structures on the street, 17642 Tramonto will utilize "greenwalls" of native vegetation to cover solid wall surfaces and minimize visual impact. Applicant already tested the greenwall concept on the

property using native plants grown on a row of wooden stakes (Tab 4). The planting "took" and remained after only initial irrigation. These photos show the concept works and will obscure vertical surfaces.

CONCLUSION

For the above reasons, the appeals should be denied.

17642 Tramonto Drive
in situ rendering

17800 Tramonto

17642

Pacific Coast Highway







17642 Tramonto HOA approval

Castellammare Mesa Home Owners Architectural Committee
P.O. Box 742
Pacific Palisades, CA 90272

May 16, 2017

Said Kashani
800 West 1st Street, Suite 400
Los Angeles, CA 90012

Re: Plans for your proposed new home

Dear Mr. Kashani:

The CMHO Architectural Committee (the "AC") has reviewed the plans for your proposed house at 17642 Tramonto Drive, Pacific Palisades. The AC has considered the objections from neighbors and has found that the latest plans received by the AC on April 7, 2017 are within the guidelines of the CC&R's for Tract #8923.

You are reminded that Final Approvals are valid for 18 months from the date of approval stamped on the final plans. Upon expiration of this 18 month "approval period", you may apply to the AC for an extension of this period. The AC will review the circumstances at the time of the extension application to determine whether or not the application shall be granted or denied.

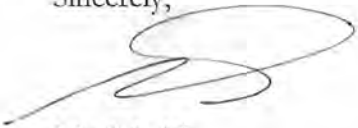
When work begins the CC&R's require that the project must be completed with reasonable diligence until the project is completed. The time allowed by the City of Los Angeles is two years and this is used as a guideline by the AC. If you anticipate that the construction period will extend beyond two years, please let me know in writing or by e-mail and indicate the expected duration of the construction period.

Any changes to the plans as approved must be submitted to the AC for review and approval.

Finally, please be advised that the CMHO approval not only follows the criteria set forth in the CC&R's, but is contingent upon obtaining all necessary permits and addressing any geological, health or safety considerations.

Thank you for your patience and cooperation during this process.

Sincerely,



Mo Sahebi,
AC Chair

encls: 1 set of stamped approved plans
cc: AC Members

United States, CA, Los Angeles
Co., Pacific Palisades

17433 Tramonto
13,122 SF house

17470 Tramonto
10,213 SF house

17642 Tramonto
9074 SF house
including
basement

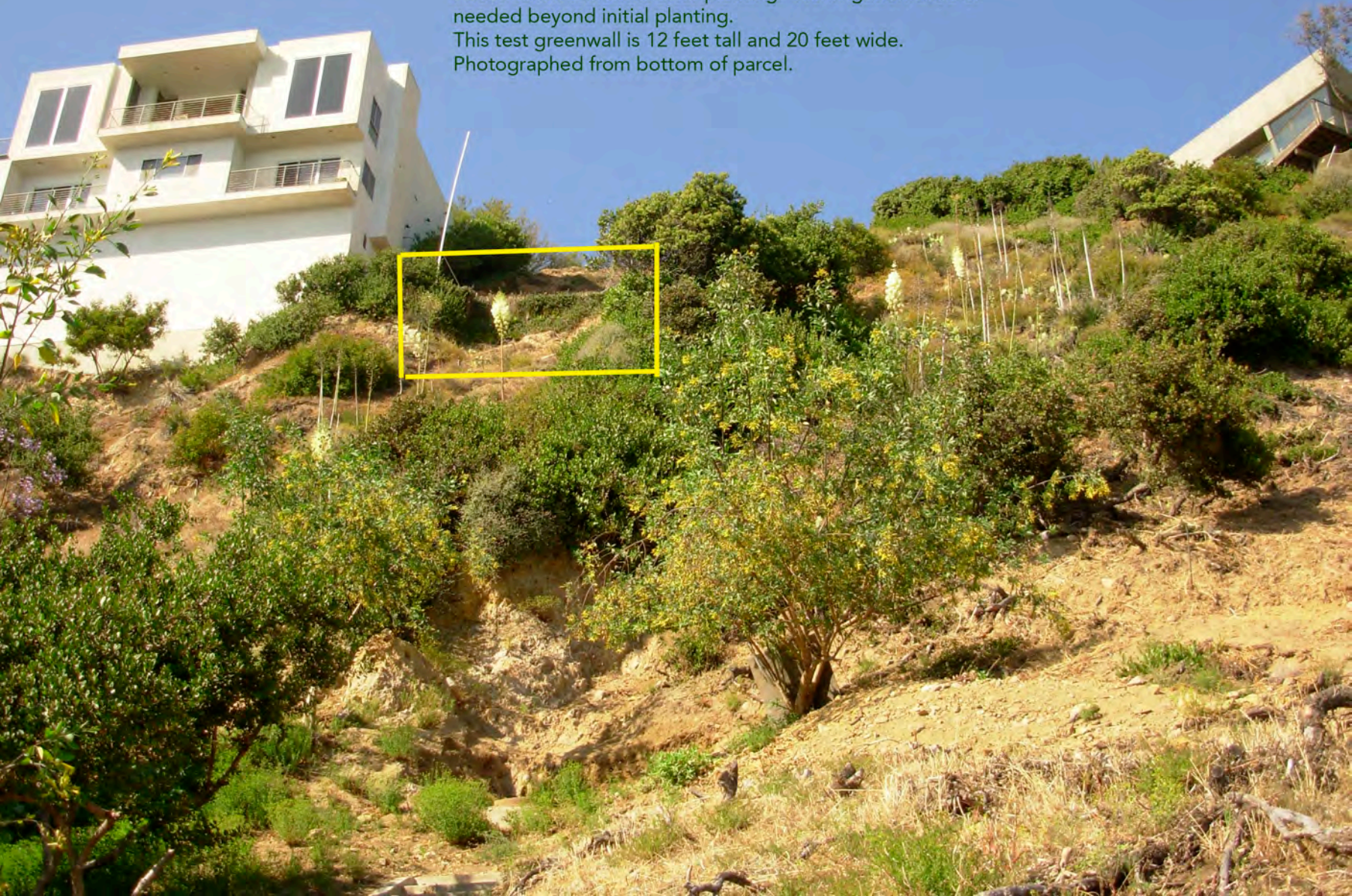
241 Quadro Vecchio Dr,
Los Angeles, CA 90272

17642 Tramonto Drive
Large houses in vicinity

17407 Revello
10,618 SF house



17642 Tramonto test temporary vertical greenwall erected using wooden supports and native site vegetation. Photo taken 9 months after planting. No irrigation used or needed beyond initial planting. This test greenwall is 12 feet tall and 20 feet wide. Photographed from bottom of parcel.



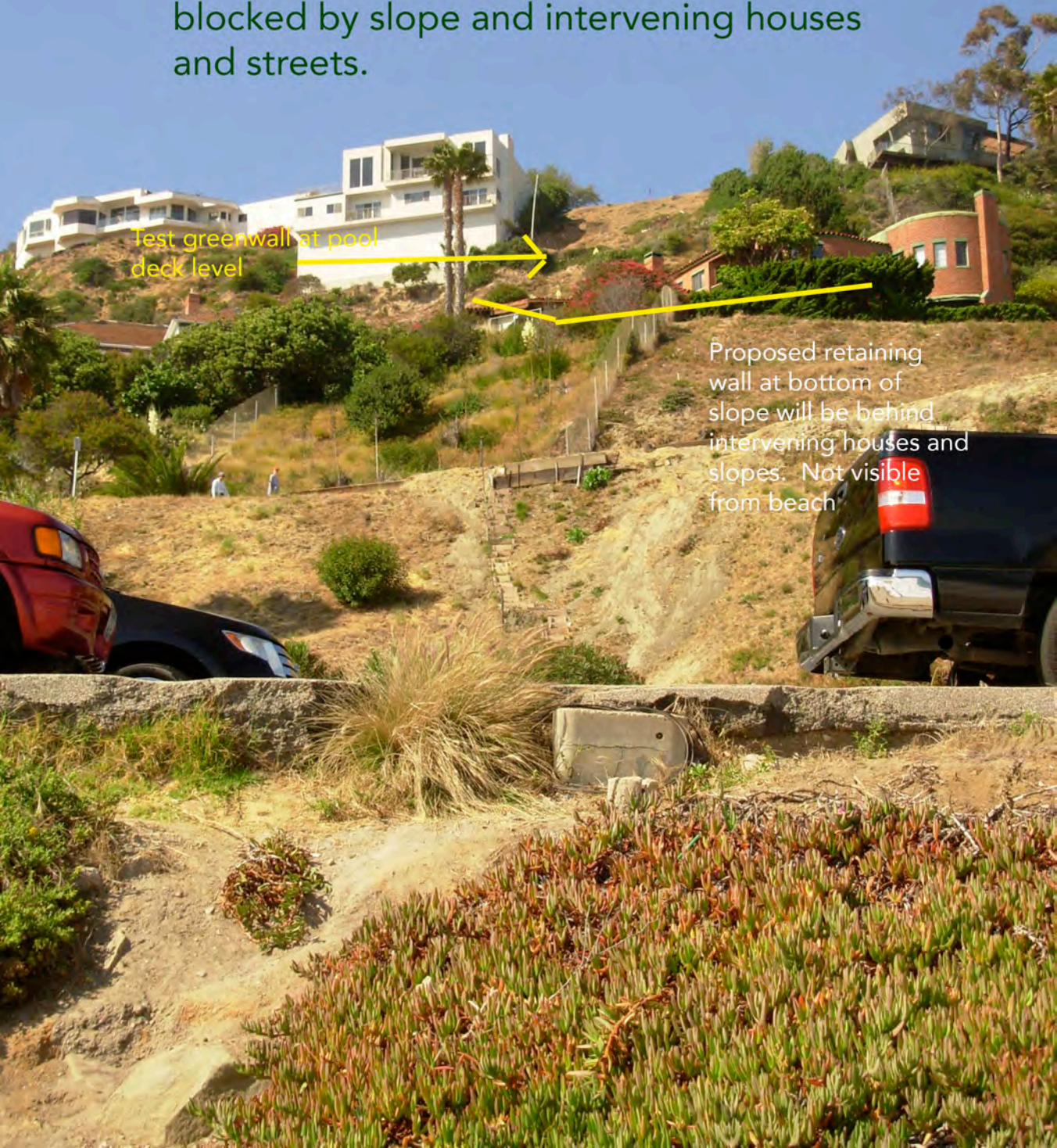
Test greenwall photographed from street below (Revello Drive). Vertical face of greenwall blends into existing slope. Zero visual impact.



17642 Tramonto seen from beach.

Test greenwall, at level of proposed pool deck greenwall, has zero visual impact.

Proposed retaining wall at bottom of parcel is not visible at all from beach, blocked by slope and intervening houses and streets.



VAN AMBATIELOS
PRESIDENT

E. FELICIA BRANNON
VICE-PRESIDENT

JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
JAVIER NUNEZ



ERIC GARCETTI
MAYOR

FRANK BUSH
GENERAL MANAGER

OSAMA YOUNAN
EXECUTIVE OFFICER

GEOLOGY AND SOILS REPORT APPROVAL LETTER

October 7, 2016

LOG # 94048-01
SOILS/GEOLOGY FILE - 2
LAN

Mir Kashani
800 West First Street, Suite 400
Los Angeles, CA 90012

TRACT: 8923
BLOCK: 11
LOT: 8
LOCATION: 17642 W. Tramonto Drive

<u>CURRENT REFERENCE</u> <u>REPORT/LETTER(S)</u>	<u>REPORT</u> <u>NO.</u>	<u>DATE(S) OF</u> <u>DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soils Report	6784	09/12/2016	Ralph Stone & Co.

<u>PREVIOUS REFERENCE</u> <u>REPORT/LETTER(S)</u>	<u>REPORT</u> <u>NO.</u>	<u>DATE(S) OF</u> <u>DOCUMENT</u>	<u>PREPARED BY</u>
Dept. Correction Letter	94048	08/11/2016	LADBS- Grading
Geology/Soils Report	6784	07/20/2016	Ralph Stone & Co.
Dept. Approval Letter	71815	10/26/2010	LADBS - Grading
Geology/Soils Report	6784	08/25/2010	Ralph Stone & Co.
Dept. Approval Letter	32949-04	12/19/2003	LADBS - Grading
Geology/Soil Report	4665	12/18/2003	Ralph Stone & Co
Geology/Soil Report	4665	10/08/2003	Ralph Stone & Co
Dept Correction letter	32949-03	09/12/2003	LADBS
Geology/Soil Report	4665	07/15/2003	Ralph Stone & Co
Dept Correction letter	32949-02	06/23/2003	LADBS
Geology/Soil Report	4665	05/08/2003	Ralph Stone & Co
Dept Correction letter	32949-01	09/19/2002	LADBS
Geology/Soil Report	4665	07/19/2002	Ralph Stone & Co
Dept Correction letter	32949	03/23/2001	LADBS
Geology/Soil Report	4665	02/09/2001	Ralph Stone & Co

The Grading Division of the Department of Building and Safety has reviewed the referenced update report dated September 12, 2016, and July 20, 2016, that provides updated revised seismic slope stability analyses for the proposed residence, deck, and pool. In addition, the proposed pool/deck

structure and proposed basement floor have been raised and lowered respectively to be at the same level. The basement floor has also been enlarged into the slope to match the upper levels.

Previously, the Grading Division of the Department of Building and Safety has reviewed and approved (Log # 71815, dated October 26, 2010) the referenced update report dated August 25, 2010, that provides updated recommendations for the proposed pile supported multi level residence, swimming pool, deck, and retaining walls.

According to the previous and current reports, the site is located on Castellammare Mesa in a historic and prehistoric landslide area. A large prehistoric bedrock landslide begins on the lower portion of the site and extends to Pacific Coast Highway. Landslide debris up to 12 feet thick was observed on the lower portion of the site. The descending slope on the site is subject to erosion and debris flows. It is proposed to support all structures on piles founded below a structural setback plane. Additionally, the upper portion of the building piles will be designed for a potential creep load. Soldier piles are proposed along the lower property line to support the existing landslide debris on the site, with two rows of debris fences utilized on the slope. It is proposed to grade the surface of the landslide on the lower portion of the site to no steeper than 2(H):1(V). The pile-supported retaining wall supporting the new graded slope will be up to 10 feet in height exposed.

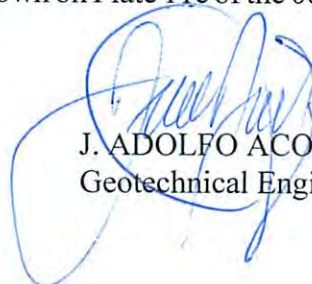
The slope stability analyses included as a part of the report demonstrate a factor of safety in excess of the minimum 1.5 required by the Los Angeles City Building Code.

The referenced report dated September 12, 2016, and July 20, 2016, are acceptable, provided the following conditions are complied with during site development:

(Note: Numbers in parenthesis () refer to applicable sections of the 2014 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

1. The Department Approval Letter dated August 25, 2010, Log # 71815, remains in effect, except as specifically modified herein.
2. Retaining walls shall be designed for the minimum lateral pressures specified on page 11 of the 08/25/2010, referenced report and the recommendations provided on page 3 of the 09/12/2016. All surcharge loads shall be incorporated into the design. Please note that the recommended at-rest pressure of 28 pcf shall be 28 *psf* uniformly distributed along the entire height of the wall (i.e., rectangular pressure), as shown on Plate 11e of the 08/25/2010 report.


JEFFREY T. WILSON
Engineering Geologist I


J. ADOLFO ACOSTA
Geotechnical Engineer II

Log No. 94048-01
(213) 482-0480

cc: Ralph Stone & Co.
WLA District Office

R A L P H S T O N E A N D C O M P A N Y , I N C .

Geotechnical, Environmental & Civil Engineers

September 12, 2016

File: 7488

Mr. Mir Saied Kashani
800 W. First Street, #3201
Los Angeles, CA 90012

SUBJECT: Addendum No. 1, Response to City Correction Letter, to Update Letter
for Proposed Residence, Deck, and Pool at 17642 Tramonto Drive,
Pacific Palisades, California

REFERENCES: See Appendix A

Dear Mr. Kashani:

In accordance with your authorization, we have completed this addendum in
response to the City Correction Letter, Reference 15.

Our Responses to City Comments are as follows:

City Comment 1

Provide electronic copies of the above reference previous reports and Depart-
ment letters.

Response 1

Electronic copies of Reference documents are provided on a CD under separate
cover.

City Comment 2

Provide a geologic map and cross sections showing the current proposed proj-
ect.

Response 2

The horizontal locations of the proposed structures remain unchanged. However
the vertical locations have been modified such that the proposed pool/deck
structure and proposed basement floor have been raised and lowered, respec-
tively to be at the same level. The basement floor has also been enlarged
into the slope to match the upper levels.

The original geologic map and revised cross section illustrating the current
proposed project is presented on Plates 2b1, 2b2 (original map and legend),
and 3d (revised cross section).

10954 Santa Monica Boulevard, Los Angeles, CA 90025

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Geotechnical, Environmental & Civil Engineers

December 13, 2017

File: 7488

Mr. Mir Saied Kashani
800 W. First Street, #3201
Los Angeles, CA 90012

SUBJECT: Opinion Letter Regarding Third Party Engineering Geologic Review of
17708 Tramonto Drive as Relates to 17642 Tramonto Drive, Los Angeles, California

REFERENCES: See Appendix A

Dear Mr. Kashani:

We received and reviewed the third party review (TPR) prepared in 2012 by Jeffrey A. Johnson, Inc. for the property located at 17708 Tramonto Drive. In accordance with your authorization, we have prepared this opinion letter regarding the relevance of the TPR to your property at 17642 Tramonto Drive.

This office has performed multiple investigations at 17642 Tramonto Drive, located two lots east of 17708, and prepared reports to provide recommendations for construction of a multi-level single-family residence and rear-yard pool to be built into and down the descending bedrock slope. The reports have been reviewed and approved multiple times by the City as Building Codes and City Guidelines have changed from 2001 to 2016.

The TPR provides general conclusions and recommendations related to slope stability and exploration at the property at 17708 Tramonto Drive, located approximately 75 feet west of your property at 17642 Tramonto Drive. Our comments regarding relevance of the TPR conclusions/recommendations to your site are as follows:

Comment 1

The TPR includes a one page figure illustrating the author's slope stability analysis based on geomorphology and delineates an area around the subject sites as "Suspected landslide based on geomorphic analysis" (TPR Fig. 4). The source map on which the analysis was based is an expanded portion of the 1928 Topanga Canyon Quadrangle topographic map (USGS 1928). The original topographic map is printed at 1:24000 scale with a contour interval of 25 feet in the area of the subject sites.

US map accuracy standards were first issued in 1941 with the latest standards issued by the USGS in 1947. Per the USGS Fact Sheet 171-99 regarding map accuracy standards:

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As applied to the USGS 7.5-minute quadrangle topographic map, the horizontal accuracy standard requires that the positions of 90 percent of all points tested must be accurate within 1/50th of an inch (0.05 centimeters) on the map. At 1:24,000 scale, 1/50th of an inch is 40 feet (12.2 meters). The vertical accuracy standard requires that the elevation of 90 percent of all points tested must be correct within half of the contour interval.

Based on the above standards, the horizontal and vertical data on the original map may have an error of at least 40 feet and 12.5 feet, respectively. However, as the map was prepared in/around 1928 before federal agencies considered accuracy standards, the error may be more. It is our opinion that the general analyses performed in the TPR using a map of this scale, contour interval, and age is subject to reduced precision and/or accuracy based on the inherent errors of map production at that time and the author's enlargement of the source map.

The author's use of the word "suspected" also indicates the lack of certainty regarding the TPR analyses. Site-specific slope stability analyses were performed for the proposed project at 17642 Tramonto Drive utilizing values obtained from samples acquired during on-site deep exploration. No evidence of slope failure was observed surficially or in the exploratory excavations during the course of the investigations. The analyses performed by this office were in general conformance with City Guidelines and were approved by LADBS Grading Division.

Comment 2

The TPR includes a one page figure illustrating the author's slope stability analysis based on aerial photography and delineates features labeled as crown cracks and fractures caused by suspected slope movement (TPR Fig. 6). The crown crack label specifically includes a question mark and the explanation specifically includes the word "suspected" regarding the fractures.

It is our opinion that the existence of the above-described features is not definitive as the author used syntax and punctuation specifically questioning the interpretation of said features. Syntax and punctuation notwithstanding, the majority of the supposed features (crown cracks and fractures) that the author claims affect the property at 17708 Tramonto Drive are located at least 100 feet west of your property at 17642 Tramonto Drive. Geologic conditions may vary greatly from property to property and even within the same property. No surface fractures were observed during our on-site investigations of 17642 Tramonto Drive, nor were those features encountered during the downhole logging of our on-site deep exploration.

Comment 3

The TPR argues that Earth Systems Coustthern California (ESSC), the consultant for the project at 17708 Tramonto Drive, omitted 1985 boring data by others in their interpretation of subsurface conditions. According to the TPR,

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Kashani

-3-

December 13, 2017

inclusion and interpretation of the 1985 data ("...a rapid increase in the thickness of terrace deposits...") indicates the existence of a graben that suggests the presence of a large landslide within the property at 17708 Tramonto Drive.

Our exploration included deep borings and shallow test pits at 17642 Tramonto Drive and inclusion of off-site data by others in our interpretation of subsurface conditions. The site-specific and off-site data indicate that the elevation of the base and relative thickness of the terrace deposits is essentially constant. As such, it is our opinion that no such graben, and therefore no large landslide, exists at/near the top of slope at 17642 Tramonto Drive. The City has reviewed and approved our interpretation of the geology at the site considering the extent of our explorations.

Comment 4

Based on the graben/landslide hypothesis described above, the TPR includes a one-page figure illustrating the author's interpretation of landslide debris approximately 40 feet thick underlying the entirety of 17708 Tramonto Drive. The diagrammatic base of the landslide and the landslide debris label specifically includes multiple question marks.

As our geologic exploration and terrace deposit thicknesses do not support the graben/landslide hypothesis described in the TPR, it is our opinion that no large landslide exists at the top of slope at 17642 Tramonto Drive. Notwithstanding, we already recommended in the approved soils/geology reports for 17642 Tramonto Drive that all foundations be set below/behind a 1.5H:1V setback plane drawn up from the inflection point between the upper and lower Castellammare mesa slopes. This recommended setback plane will result in foundation depths of 50 to 60 feet below grade, deeper than the landslide mass hypothesized in the TPR.

Even if the "suspected" landslide hypothesized by TPR were somehow present, the proposed structures at 17642 Tramonto Drive would still be founded in competent bedrock and have the appropriate factors of safety per the soils/geology reports. The City has reviewed and approved our foundation and setback recommendations, considering the landslide-prone history of the Castellammare mesa and surrounding areas. No changes are indicated or required by the TPR for 17642 Tramonto.

Conclusions

The TPR provides conclusions and recommendations for 17708 Tramonto Drive based on general analyses of publically available documents and interpretation of reports prepared by ESSC. However, the site-specific data and general analyses performed in the TPR for 17708 Tramonto Drive differs from our data and analyses at 17642 Tramonto Drive. The general "stability analyses" performed in the TPR are also subject to error and user interpretation and should not override site-specific exploration and analyses performed at the subject site and approved by the City.

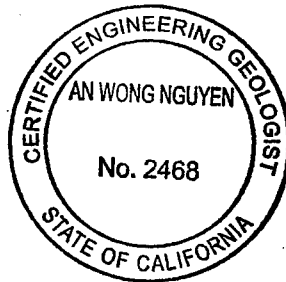
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Geologic conditions may vary greatly from property to property and even within the same property. The difference in geologic conditions between the two sites is significant enough that the conclusions and recommendations provided in the TPR are not specifically applicable to the project at 17642 Tramonto Drive.

All of the findings, conclusions and recommendations from our previous Reference reports remain unchanged and should be incorporated in the design.

Thank you for this opportunity to be of service. If you have any questions, please contact the undersigned at the letterhead location.



Very truly yours,

RALPH STONE AND COMPANY, INC.

A handwritten signature in black ink, appearing to read "Andy Nguyen", written over a horizontal line.

Andy Nguyen, C.E.G. 2468
Engineering Geologist



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

James Rowlands, R.G.E. 740
Vice-President

JR:AN::an

Distribution: Client (1, PDF)

748820171213

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APPENDIX A REFERENCES

1. Geotechnical and Geologic Engineering Investigation and Report for Proposed three Level Residence at 17642 Tramonto Drive, Pacific Palisades, California; by Ralph Stone and Company, File 5026, February 9, 2001
2. Soils and Geology Correction Letter; by LADBS, Log # 32949, March 23, 2001
3. Addendum No. 1 to Geotechnical and Geologic Engineering Investigation and Report for Proposed Three level Residence at 17642 Tramonto Drive, Pacific Palisades, CA; by Ralph Stone and Company, File 4665, July 19, 2002
4. Soils and Geology Correction Letter; by LADBS, Log # 32949-01, September 19, 2002
5. Addendum No. 2 to Geotechnical and Geologic Engineering Investigation and Report for Proposed Three level Residence at 17642 Tramonto Drive, Pacific Palisades, CA; by Ralph Stone and Company, File 4665, May 8, 2003
6. Soils and Geology Correction Letter; by LADBS, Log # 32949-02, June 23, 2003
7. Addendum No. 3 to Geotechnical and Geologic Engineering Investigation and Report for Proposed Three level Residence at 17642 Tramonto Drive, Pacific Palisades, CA; by Ralph Stone and Company, File 4665, July 15, 2003
8. Soils and Geology Correction Letter; by LADBS, Log # 32949-03, September 12, 2003
9. Addendum No. 4 to Geotechnical and Geologic Engineering Investigation and Report for Proposed Three level Residence at 17642 Tramonto Drive, Pacific Palisades, CA; by Ralph Stone and Company, File 4665, October 8, 2003
10. Supplemental Letter Regarding EFP Design of Rear Slope Soldier Pile Wall at 17642 Tramonto Drive, Pacific Palisades, CA; by Ralph Stone and Company, File 4665, December 18, 2003
11. Soils and Geology Approval Letter; by LADBS, Log # 32949-04, December 19, 2003
12. Update Geotechnical Engineering and Geologic Investigation and Report for Proposed Residence, Deck, and Pool at 17642 Tramonto Drive, Pacific Palisades, California; by Ralph Stone and Company, Inc., File 6784, August 25, 2010

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Geotechnical, Environmental & Civil Engineers

APPENDIX A REFERENCES

13. Geology and Soils Report Approval Letter; by LADBS-Grading Division, Log # 71815, October 26, 2010
14. Update Letter, Regarding Revised Seismic Slope Stability Analyses, to Geotechnical Engineering and Geologic Investigation and Report for Proposed Residence, Deck, and Pool at 17642 Tramonto Drive, Pacific Palisades, California; by Ralph Stone and Company, Inc., File 7488, July 20, 2016
15. Geology and Soils Report Correction Letter; by LADBS Grading Division, Log # 94048, August 11, 2016
16. Addendum No. 1, Response to City Correction Letter, to Update Letter for Proposed Residence, Deck, and Pool at 17642 Tramonto Drive, Pacific Palisades, California; by Ralph Stone and Company, Inc., File 7488, September 12, 2016
17. Geology and Soils Report Approval Letter; by LADBS Grading Division, Log # 94048-01, October 7, 2016
18. Third Party Engineering Geologic Review, Slope Stability, Proposed Additions 17708 Tramonto Drive, Pacific Palisades, California; by Jeffrey A. Johnson, Inc., June 1, 2012

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RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

June 10, 2016

Mir Saied Kashani
800 W. 1st Street, #3201
Los Angeles, CA 90012

RE: 17642 W. Tramonto Drive

APN: 4416020009

In response to your written request regarding zoning information on the above referenced property (the "Property") please be advised of the following.

The Property known as Lot 8 of Tract 8923 is shown on the Zoning Map to be located in the R1-1 Zone. See the enclosed copy of the Parcel Profile Report for zoning and other related information pertaining to the Property.

You requested a written zoning **determination for the boundary of the "block" to be used for determining the Prevailing Height** for the Property.

Please **see the enclosed ZIMAS map**, initialed and dated on June 10, 2016, **for the boundary of the "block" to be used for determining the Prevailing Height** for the Property.

You may view the LAMC at <http://www.amlegal.com>, the Information Bulletins at <http://www.ladbs.org>, and the Zoning Manual at <http://www.ladbs.org>.

A copy of permits, Certificate of Occupancy, affidavits, earlier violations, and approved set of plans (if microfilmed) may be obtained from the Department's Records Section in person, via fax, U.S. mail, or online. Please refer to our website <http://LADBS.org>, select "Services" and choose "Search Online Building Records" under "Check Service Status & Records" for further instructions.

Information on recent violations is available on our website <http://LADBS.org>, select "Services" and choose "Permit and Inspection Report" under "Check Service Status & Records" for further instructions.

Should you need further assistance regarding Zoning Code regulations, please contact the City's 311 Call Center at 311 from inside the City of Los Angeles or (213)473-3231 from outside the City and ask to speak with an engineer at the Department of Building and Safety Call Center.

Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. A plan check will be required prior to any construction, change of use or occupancy.

If I may be of further assistance please do not hesitate to contact me at (213) 482-0087.

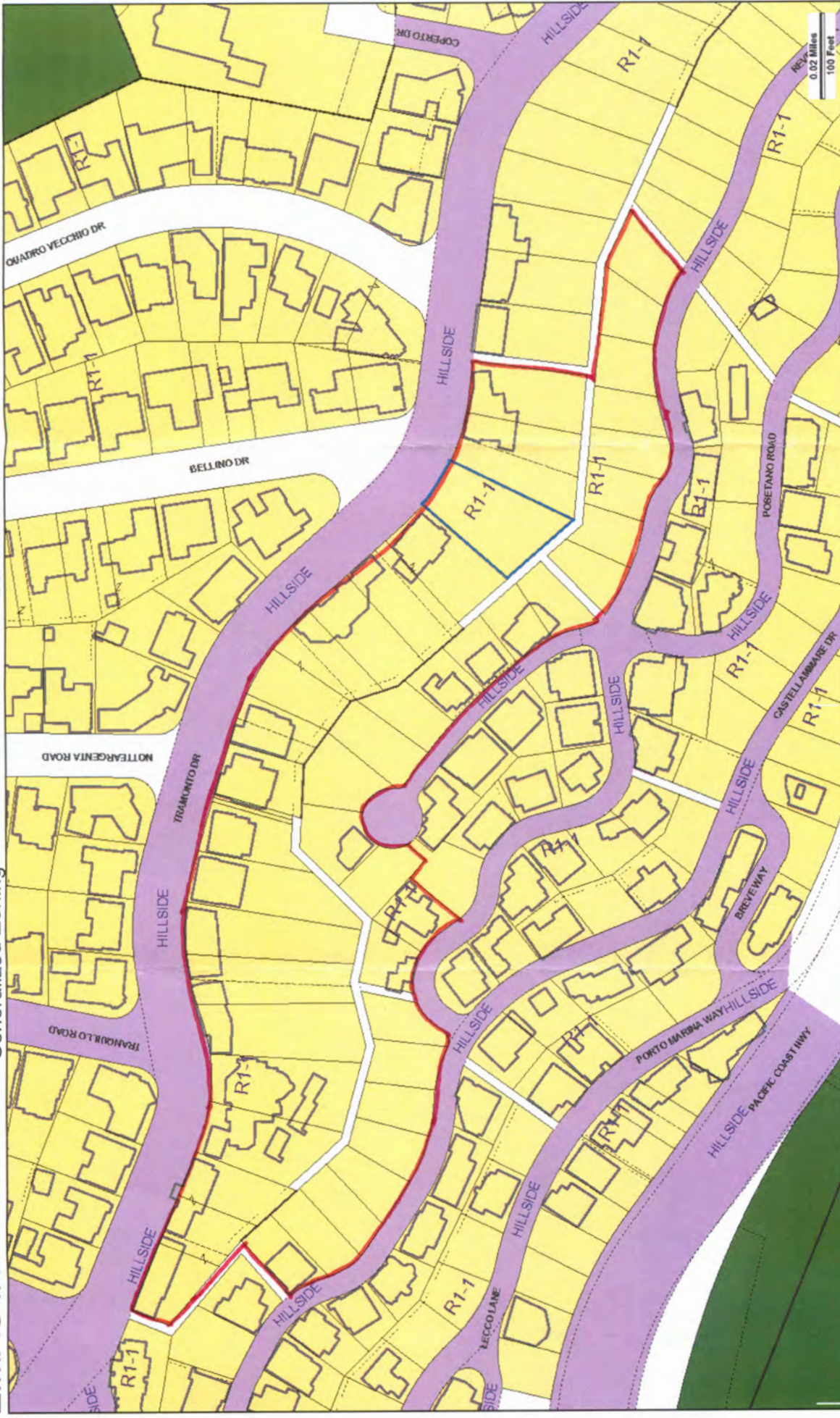


John Pourhassan
Structural Engineering Associate

Ara Sargsyan, P.E., C.B.O., LEED® AP
Zoning Engineer
Chief of Development Services Case Management

Attachment: Parcel Profile Report
ZIMAS map

AS:JP:jp



Address: 17642 W TRAMONTO DR Tract: TR 8923 Zoning: R1-1
APN: 4416020009 Block: 11 General Plan: Low Residential
PIN #: 126B117 343 Lot: 8 Arb: None

Boundary of the Block to be used for determining Prevailing Height

JP (A.S.) 6/10/16

PREVAILING HEIGHT DETERMINATION
LAMC 12.21 C.10(d)(3)

17642 Tramonto Drive, Los Angeles, CA 90012
APN 4416020009

A. LAMC 12.21 C.10(d)(3) states:

(3) Prevailing Height. Notwithstanding Table 12.21 C.10-4 of this Paragraph (d), when 40% or more of the existing One-Family Dwellings with Frontage on both sides of the block have Building heights exceeding these limits, the maximum **envelope height** for any Building on that block may be the **average height of the Dwellings exceeding these limits**.

Copy of the Code section from the BHO Comprehensive Guide is attached. Note that only houses whose heights exceed the limit in the table are included to calculate the average height. Houses that are under the limit are not included to calculate the average.

B. On June 10, 2016, City of Los Angeles issued a Zoning Determination Letter (attached) that defined, by signed map attached to the letter, the "block" for purposes of determining the Prevailing Height. Copy of the letter attached. Also attached is a color aerial photograph that shows the same block and gives the street addresses of the all the Single-Family Dwellings on both sides of the block. The north side of the block is bounded by Tramonto Drive. The south side of the block is bounded by Posetano, Revello and Castellemmare Drives.

C. The envelope height of the existing One-Family Dwellings on the block determined by the City, were measured by actual measurement by licensed surveyors. Reports attached.

D. Attached is a table setting forth the surveys and average. The table shows that more than 40% (actually more than 60%) of the single-family dwellings on both sides of the block exceed the envelope height limits in the table. The table computes the average of the over-height houses on both sides of the block = Prevailing Height.

Prevailing Height = 51.55 feet

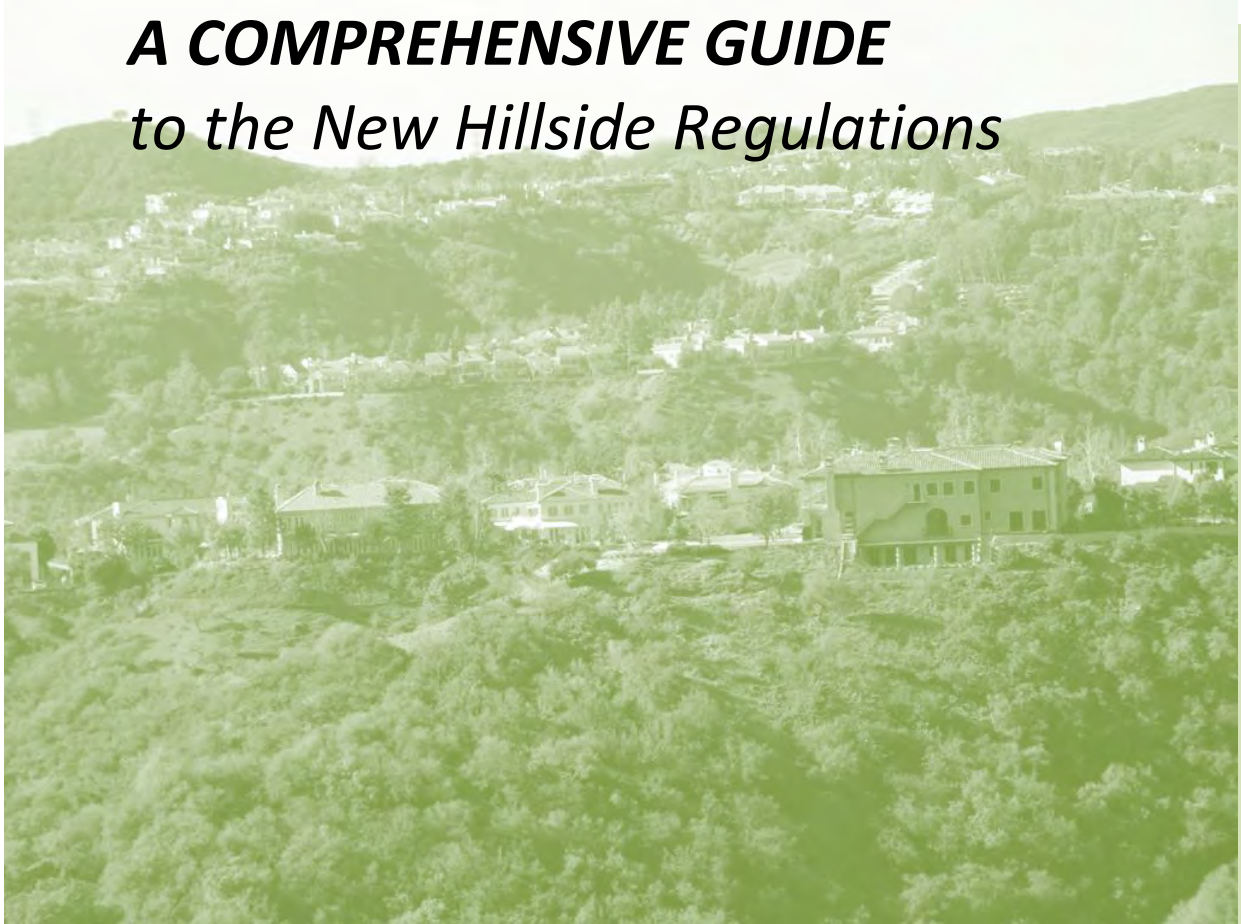
Attachments:

1. Table of heights showing calculation
2. Pages from Hillside Guide
3. City of Los Angeles Zoning Determination Letter with signed map showing Block
4. Aerial view of block per City ZD Letter with addresses marked
5. Surveys of over-height-limit single family dwellings on both sides of the block

17642 Tramonto Drive APN 4416020009
Prevailing Height Determination, LAMC 12.21 C.10(d)(3)

Address of Single-Family Dwelling	North or South side of block	Roof Type	Max. Permitted Envelope Height per Table 12.21 C.10-4 (based on roof type) in feet	Does the height of the house exceed the limit set forth in the table? Yes = house is overheight. No = house is at or below the limit	Actual Envelope Height per Survey, in feet (N/A = this house does not exceed the limit height in the table thus is not part of the average)
17822 Tramonto	North	Slope	33 ft	No	N/A
17810 Tramonto	North	Slope	33 ft	No	N/A
17800 Tramonto	North	Slope	33 ft	Yes	68.07 ft
17774 Tramonto	North	Slope	33 ft	No	N/A
17766 Tramonto	North	Slope	33 ft	No	N/A
17756 Tramonto	North	Flat	28 ft	Yes	43.22 ft
17750 Tramonto	North	Flat	28 ft	Yes	57.10 ft
17732 Tramonto	North	Flat	28 ft	Yes	73.37 ft
17726 Tramonto	North	Flat	28 ft	Yes	84.14 ft
17708 Tramonto	North	Flat	28 ft	Yes	41.99 ft
17646 Tramonto	North	Flat	28 ft	Yes	63.04 ft
Total Number of Single-Family Dwellings on North Side of Block:					11
Number of SF dwellings on North Side that Exceed Height Limit in Table					7
Percentage of SF dwellings on North Side that Exceed Height Limit in Table					7/11 = 63.6%
17833 Castellammare	South	Slope	33 ft	No	N/A
17819 Castellammare	South	Slope	33 ft	Yes	50.83 ft
17753 Revello	South	Slope	33 ft	No	N/A
17747 Revello	South	Slope	33 ft	Yes	39.21 ft
17743 Posetano	South	Flat	28 ft	Yes	30.55 ft
17719 Posetano	South	Flat	28 ft	Yes	32.17 ft
17713 Posetano	South	Flat	28 ft	Yes	34.95 ft
17709 Posetano	South	Slope	33 ft	No	N/A
Total Number of Single-Family Dwellings on South Side of Block:					8
Number of SF dwellings on South Side that Exceed Height Limit in Table					5
Percentage of SF dwellings on South Side that Exceed Height Limit in Table					5/8 = 62.5%
Average Envelope Height of SF Dwellings on Both Sides of the Block that Exceed Limit = Prevailing Height for subject project:					<u>51.55 feet</u>

Baseline Hillside Ordinance
A COMPREHENSIVE GUIDE
to the New Hillside Regulations



May 9, 2011



4. Height Limits. [§ 12.21 C.10.(d) of the LAMC]

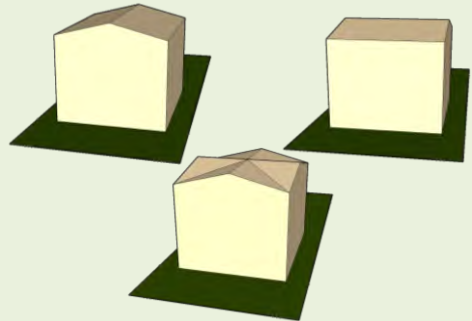
No portion of a Building or Structure shall be erected or enlarged which exceeds the envelope height limits as outlined in [Table 5 – Maximum Height of Structures](#), or as otherwise stated in the paragraphs below. For the provisions below, whenever Grade is mentioned, it shall mean Hillside Area Grade as defined in the Definitions Section of this document (or [Section 12.03 of the LAMC](#)).

Table 5 Maximum Height of Structures (in feet)								
Height Districts	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
When the roof of the uppermost story of a building or structure or portion thereof has a slope of 25% or greater, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	33	33	33	36	36	36	36	36
1XL	30	30	30	30	30	30	30	30
1SS	22	22	22	22	22	22	22	22
When the roof of the uppermost story of a building or structure or portion thereof has a slope of less than 25%, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	28	28	28	30	30	30	30	30
1XL	28	28	28	30	30	30	30	30
1SS	18	18	18	18	18	18	18	18

25% Roof Slope

The 25% roof slope is a Southern California standard which is also commonly referred to as the 3:12 slope. This slope can be expressed as a ratio of 1 foot of vertical rise for every 4 feet of horizontal distance. In order to determine what the minimum height of the standard gabled roof, as measured from the top-plate of the building wall, simply divide the horizontal distance of the wall by 8.

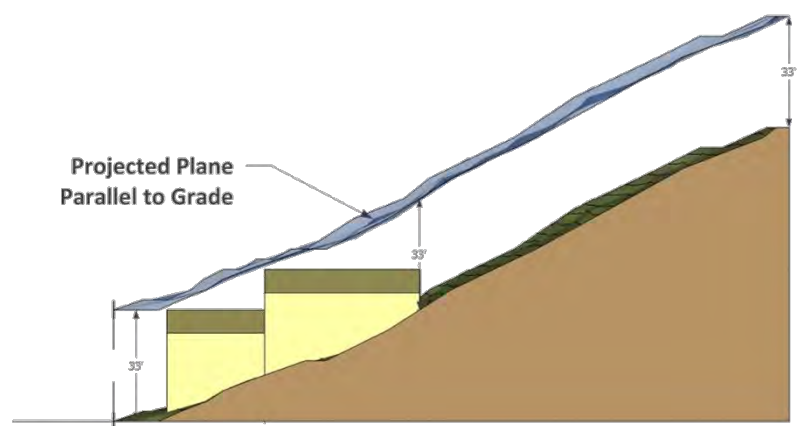
When a roof is made up of a combination of roof slopes, the portions of the structure with a roof slope less than 25% will be considered flat and as a result be required to comply with the lower height.



a. Measurement of Height. [§ 12.21 C.10.(d)(1) of the LAMC]

Notwithstanding any other provision in [the Code](#), the height limits in [Table 5 – Maximum Height of Structures](#) above shall be measured as set forth below.

- (1) **Maximum Envelope Height.** Envelope height (otherwise known as vertical height or “plumb line” height) shall be the vertical distance from the Grade of the site to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the lowest Grade within 5 horizontal feet of the exterior walls of a Building or Structure.



BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE

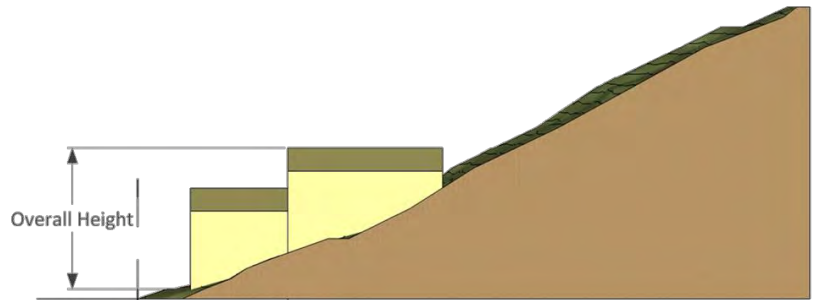
At no point shall any given section of any part of the proposed Building or Structure exceed the maximum envelope height.

A topographic map shall be submitted as a separate plan sheet or as part of the site plan identifying the 5-foot perimeter of the exterior walls, or any other information which the Department of Building and Safety deems necessary to determine compliance with [this provision](#).

b. Zoning Administrator's Authority. [§ 12.21 C.10.(d)(2) of the LAMC]

A Zoning Administrator may allow Structures which exceed the maximum envelope height requirements of [Table 5 – Maximum Height of Structures](#); however, the increase in height may not result in a Building or Structure which exceeds an overall height of 45 feet, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#).

The overall height shall be measured from the lowest Elevation point within 5 horizontal feet of the exterior walls of a Building or Structure to the highest Elevation point of the roof Structure or parapet wall.



c. Prevailing Height. [§ 12.21 C.10.(d)(3) of the LAMC]

Notwithstanding the height limits in [Table 5 – Maximum Height of Structures](#), when 40% or more of the existing One-Family Dwellings with Frontage on both sides of the block have Building heights exceeding these limits, the maximum envelope height for any Building on that block may be the average height of the Dwellings exceeding these limits.

d. Lots in a Single-Story Height District. [§ 12.21 C.10.(d)(4) of the LAMC]

As enabled by [Section 12.21.1 A.1 of the LAMC](#), on Lots in a “SS” Single Story Height District, shown as “1SS” on a Zoning Map, no Building or Structure shall be erected or enlarged which exceeds one Story.

Notwithstanding the provision in [Section 12.21.1 A.8 of the LAMC](#), in determining the number of Stories, any Basement which is exempt from the Residential Floor Area calculation, as outlined in [Section 12.03 of the LAMC](#), shall not be considered a Story.

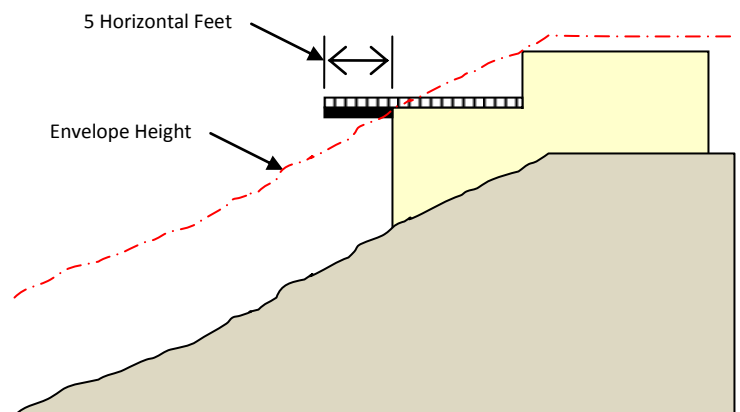
e. Lots Fronting on Substandard Hillside Limited Streets. [§ 12.21 C.10.(d)(5) of the LAMC]

For any Lot fronting onto a Substandard Hillside Limited Street and subject to the 5-foot Front Yard setback, no portion of a Building or Structure within 20 feet of the Front Lot Line shall exceed 24 feet in height. The 24 foot maximum Building and Structure height shall be measured from the Elevation at the centerline or midpoint of the Street on which the Lot fronts.

f. Unenclosed/Uncovered Rooftop Decks and Cantilevered Balconies. [§ 12.21 C.10.(d)(6) of the LAMC]

Unenclosed/uncovered rooftop decks, cantilevered balconies and “visually permeable railing” (no more than 42 inches in height), may project beyond the maximum envelope height no more than 5 horizontal feet.

For the purposes of [this provision](#), “visually



BOARD OF
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LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

June 10, 2016

Mir Saied Kashani
800 W. 1st Street, #3201
Los Angeles, CA 90012

RE: 17642 W. Tramonto Drive

APN: 4416020009

In response to your written request regarding zoning information on the above referenced property (the "Property") please be advised of the following.

The Property known as Lot 8 of Tract 8923 is shown on the Zoning Map to be located in the R1-1 Zone. See the enclosed copy of the Parcel Profile Report for zoning and other related information pertaining to the Property.

You requested a written zoning **determination for the boundary of the "block" to be used for determining the Prevailing Height** for the Property.

Please **see the enclosed ZIMAS map**, initialed and dated on June 10, 2016, **for the boundary of the "block" to be used for determining the Prevailing Height** for the Property.

You may view the LAMC at <http://www.amlegal.com>, the Information Bulletins at <http://www.ladbs.org>, and the Zoning Manual at <http://www.ladbs.org>.

A copy of permits, Certificate of Occupancy, affidavits, earlier violations, and approved set of plans (if microfilmed) may be obtained from the Department's Records Section in person, via fax, U.S. mail, or online. Please refer to our website <http://LADBS.org>, select "Services" and choose "Search Online Building Records" under "Check Service Status & Records" for further instructions.

Information on recent violations is available on our website <http://LADBS.org>, select "Services" and choose "Permit and Inspection Report" under "Check Service Status & Records" for further instructions.

Should you need further assistance regarding Zoning Code regulations, please contact the City's 311 Call Center at 311 from inside the City of Los Angeles or (213)473-3231 from outside the City and ask to speak with an engineer at the Department of Building and Safety Call Center.

Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. A plan check will be required prior to any construction, change of use or occupancy.

If I may be of further assistance please do not hesitate to contact me at (213) 482-0087.

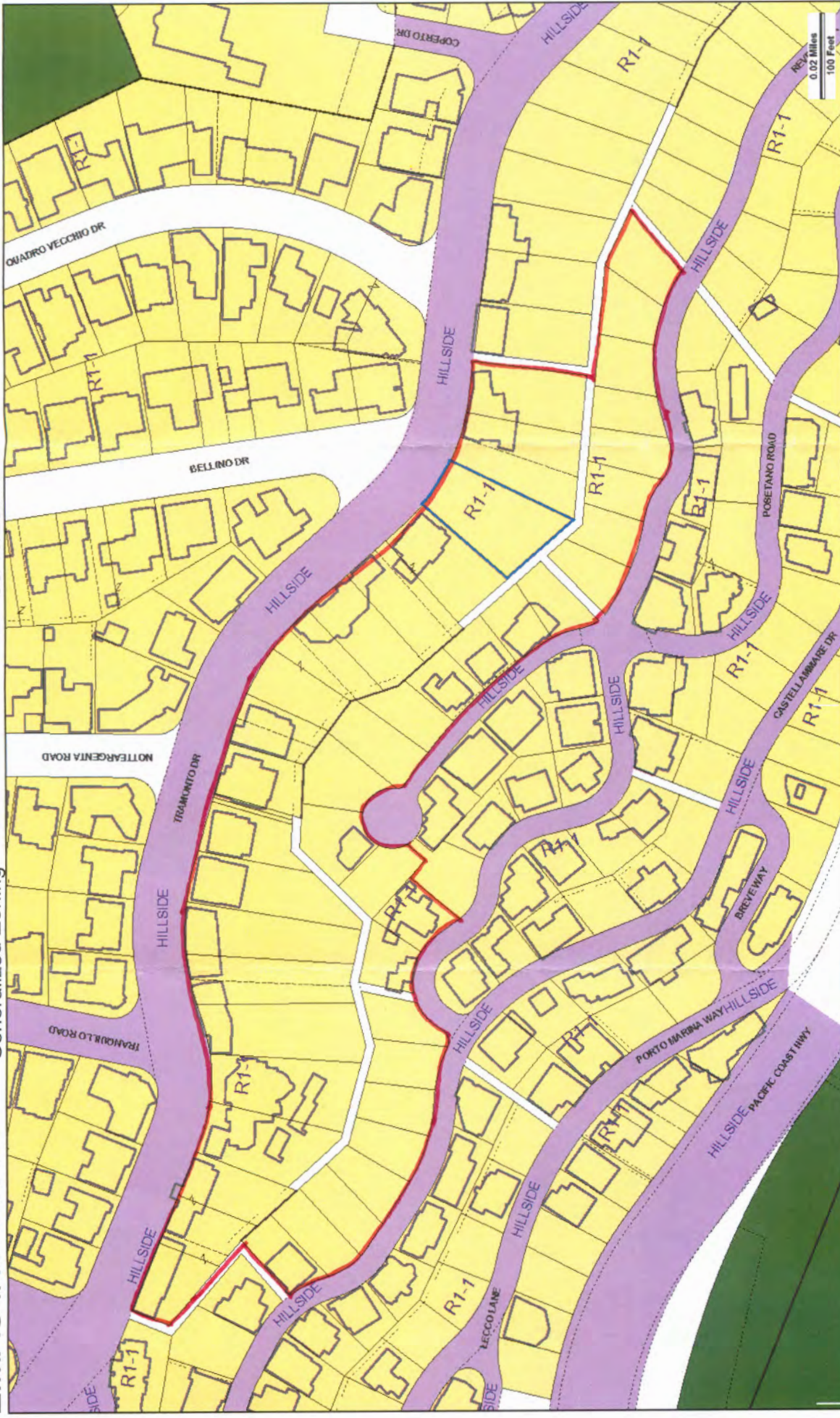


John Pourhassan
Structural Engineering Associate

Ara Sargsyan, P.E., C.B.O., LEED® AP
Zoning Engineer
Chief of Development Services Case Management

Attachment: Parcel Profile Report
ZIMAS map

AS:JP:jp



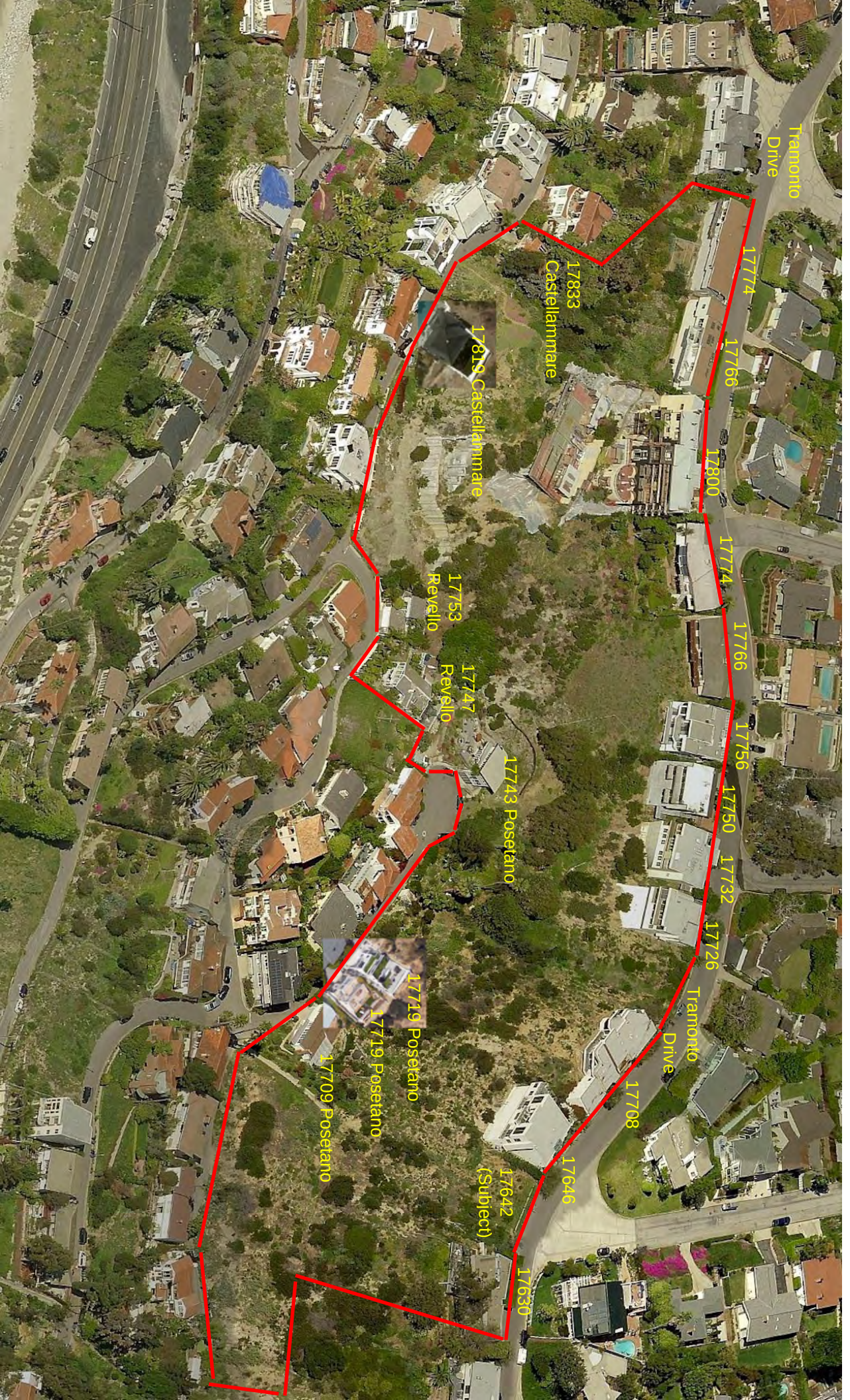
JP (A.S.)
6/10/16

Zoning: R1-1
General Plan: Low Residential

Tract: TR 8923
Block: 11
Lot: 8
Arb: None

Address: 17642 W TRAMONTO DR
APN: 4416020009
PIN #: 126B117 343

Boundary of the Block to be used for determining Prevailing Height



Tramonto
Drive

17774

17766

12800

17774

17766

17756

17750

17732

17726

Tramonto
Drive

17708

17646

17630

17833
Castellammare

17819 Castellammare

17753
Revello

17747
Revello

17743 Posetano

17719 Posetano

17719 Posetano

17709 Posetano

17642
(Subject)

ENVELOPE HEIGHT SURVEY

Subject: 17756 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17756 Tramonto Drive	43.22 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17750 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d) (1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17750 Tramonto Drive	57.10 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17800 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17800 Tramonto Drive	68.07 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17743 Posetano Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17743 Posetano Drive	30.55 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17719 Posetano Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17719 Posetano Drive	32.17 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



ENVELOPE HEIGHT SURVEY

Subject: 17713 Posetano Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17713 Posetano Drive	34.95 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



ENVELOPE HEIGHT SURVEY

Subject: 17747 Revello Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17747 Revello Drive	39.21 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17819 Castellammare, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17819 Castellammare	50.83

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17732 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17732 Tramonto Drive	73.37 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17726 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17726 Tramonto Drive	84.14 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17708 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d) (1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17708 Tramonto Drive	41.99 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17646 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17646 Tramonto Drive	63.04 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

JOHN A. HENNING, JR.
ATTORNEY AT LAW
125 N. SWEETZER AVENUE
LOS ANGELES, CALIFORNIA 90048

TELEPHONE: (323) 655-6171
E-MAIL: jhenning@planninglawgroup.com

July 9, 2018

NEIGHBOR'S GROUNDS FOR APPEAL

VIA ELECTRONIC MAIL

West Los Angeles Area Planning Commission
c/o Commission Executive Assistant
City of Los Angeles
200 North Spring Street, Room 532
Los Angeles, CA 90012

Re: Case No. DIR-2017-2670-CDP-MEL-1A / ENV 2017-4279 (17642 Tramonto Drive) (hearing date: July 18, 2018)

Honorable Commissioners:

I represent Marsha Krieger, the owner of the property at 17646 Tramonto Drive, which adjoins the above-referenced project, and her husband Abbott Krieger. This letter is to provide additional support for the appeal from the Director's Determination dated April 3, 2018.

The Kriegers, along with other neighbors, strenuously oppose this project. It would place a mammoth 9,074 square foot residence on a prominent coastal bluff, making it by far the largest house in this hillside coastal neighborhood, and more than twice as large as 90% of the homes on the block. In addition, apparently for the first time in this neighborhood, the applicant seeks to exploit the "prevailing height" exception in the zoning code. Based upon numerous inaccurate and unsupported surveys of other nearby houses, he proposes a house that is 47 feet tall – and perhaps taller¹ – in a zone where the maximum envelope height is 28 feet.

The project violates the California Coastal Act of 1976 because the construction would severely degrade the landforms on this ocean-facing bluff, and because the proposed massive home is inconsistent with the visual character and aesthetics of this coastal community.

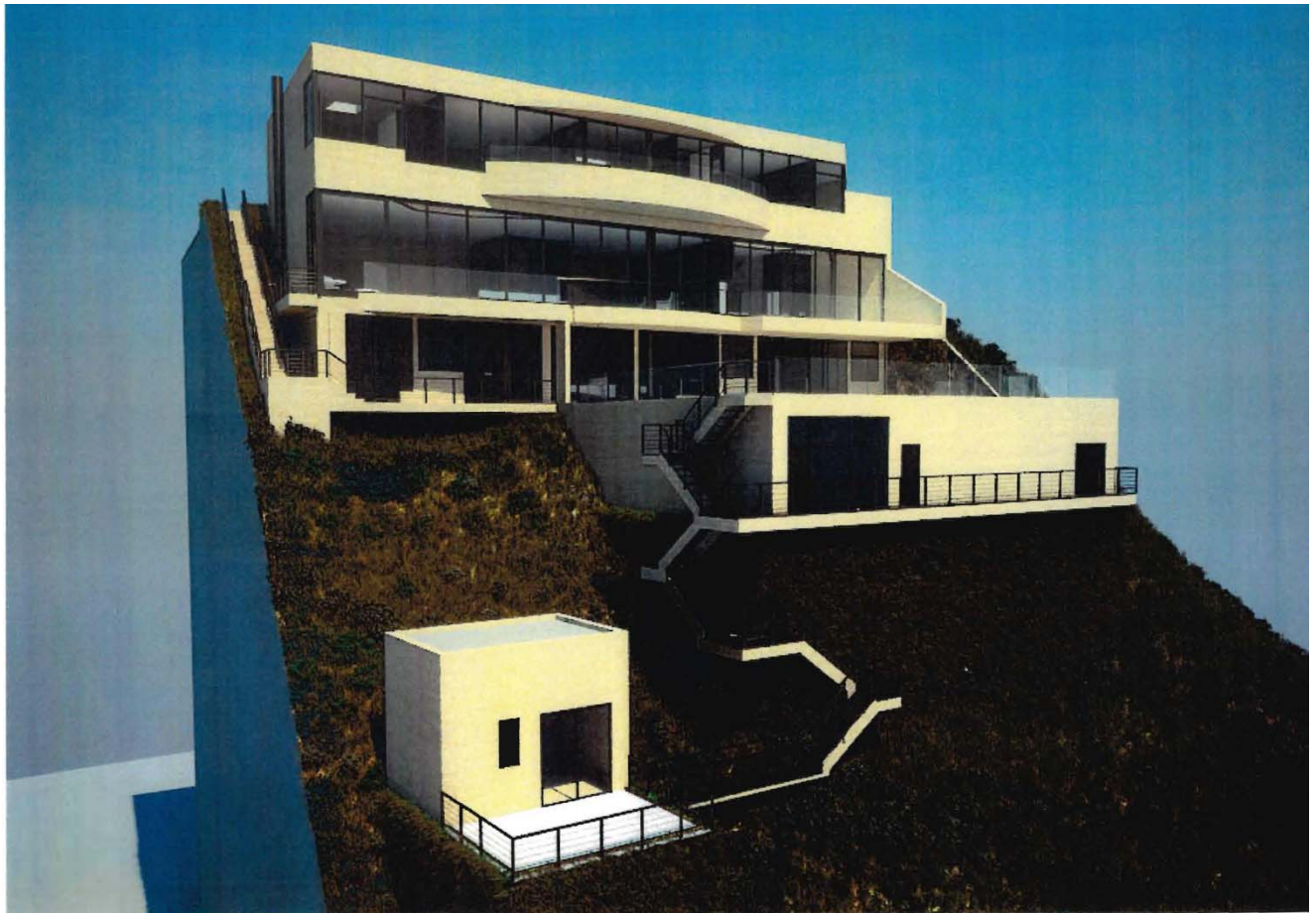
¹ Although the Director's Determination states that the approved structure is 47 feet, in one place it makes the inconsistent allegation that "the applicant proposes an envelope height of 50'-7". (Director's Determination at pg. 14.

In addition, a categorical exemption should not have been allowed under the California Environmental Quality Act (CEQA). Instead an Environmental Impact Report (EIR) should be prepared on at least to address (a) geology impacts from construction on this steep and landslide-prone site; (b) unusual construction noise impacts from the drilling of over 100 deep caissons into the site; and (c) cumulative aesthetic impacts resulting from this and other structures of this type, which threaten to create a wall of buildings along these prominent ocean-facing bluffs.

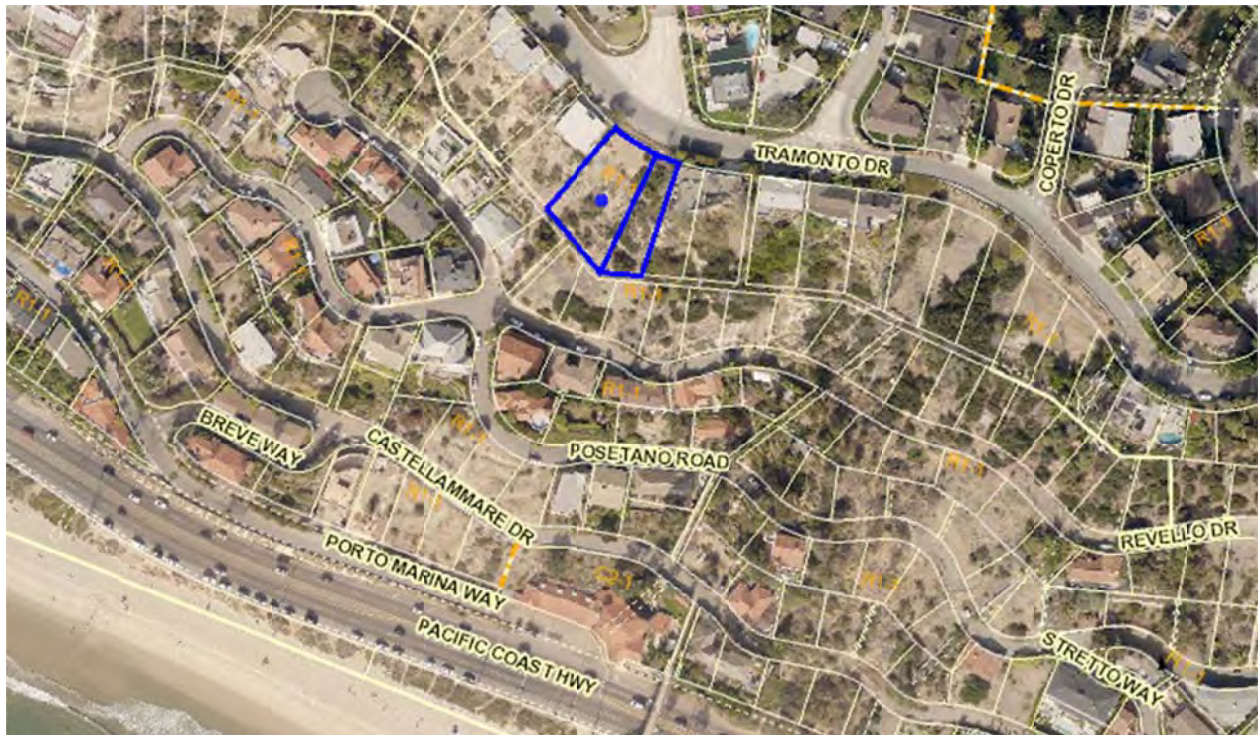
The appeal should be granted and a Coastal Development Permit should not be issued.

A. The Project is Located on a Prominent Coastal Bluff.

The proposed project is located at 17642 Tramonto Drive in Pacific Palisades, on a steep hillside site that slopes down toward Pacific Coast Highway and the Pacific Ocean.



Applicant's rendering of project



Aerial view of project site (source: ZIMAS 2014)



Bird's eye aerial view of project site (source: MSN Maps)



Helicopter view of project site (source: CA Coastal Records Project)



**View of project site from Porto Marina Way,
with Pacific Coast Highway at right**

B. The Community Presently Consists of Modest Structures.

Tramanto Drive, where the project site is located, follows the coastal bluff on which the proposed additions would be constructed. The street is characterized by low, single-story structures that are almost uniformly modest in size. The downslope side of the structures are easily visible from heavily traveled public roads such as Pacific Coast Highway, and from the beach below.



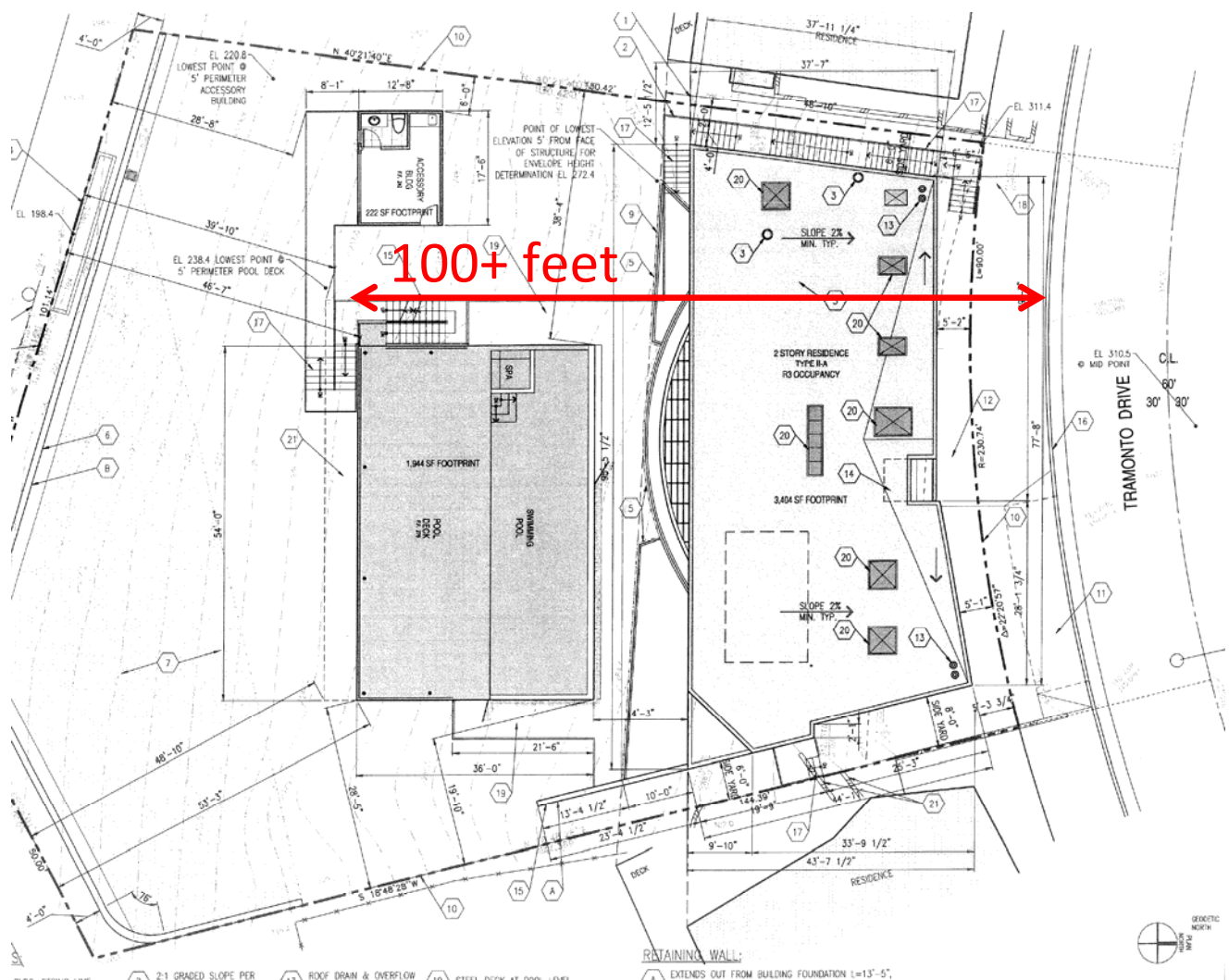
Tramonto Drive, looking west near project site



Tramonto Drive, looking east near project site

C. The Project Is an Enormous 3-Story, 9,074 Square Foot House That Protrudes More than 100 Feet into the Canyon Below.

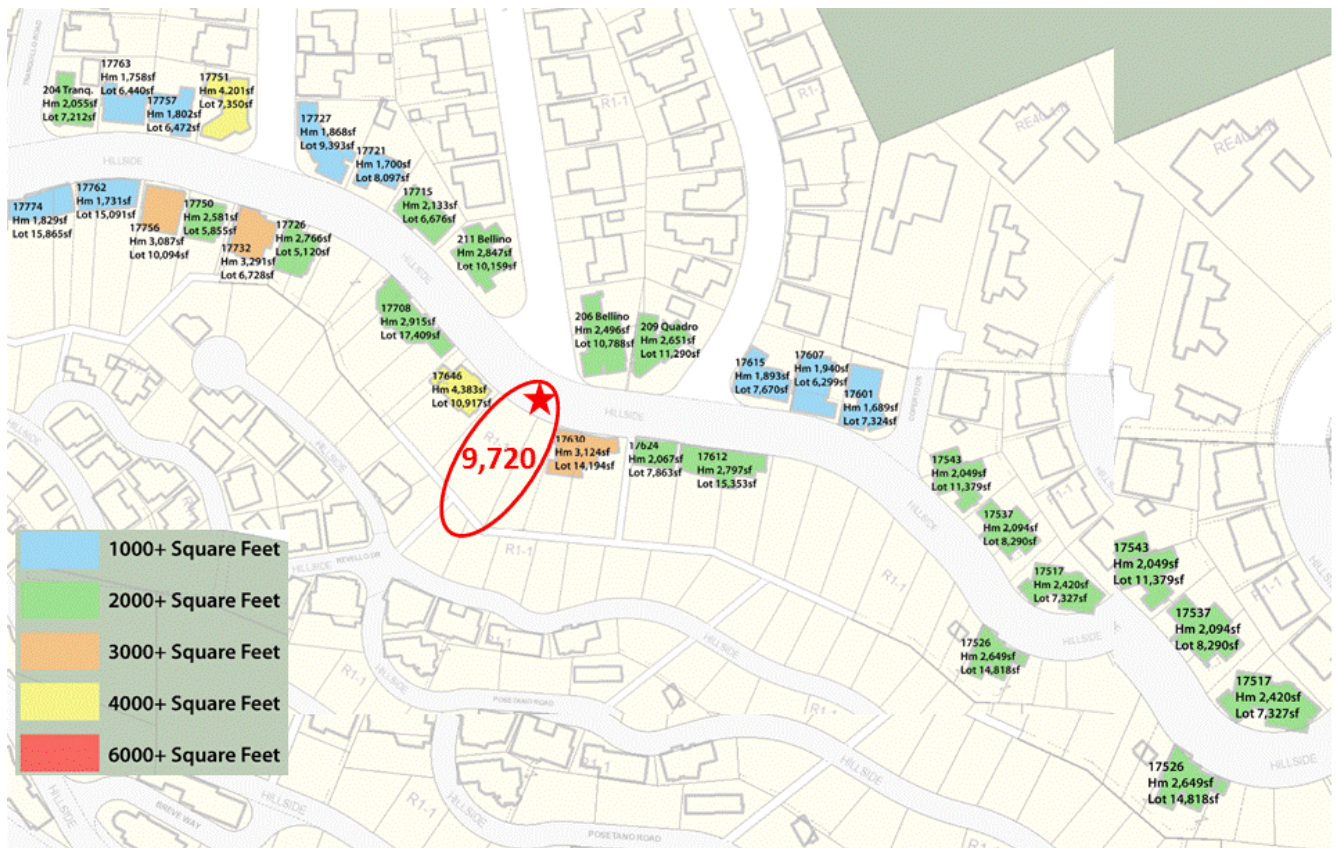
The applicant, Saied Kashani, proposes what is essentially a three story house (two upper floors consisting of 5,607 square feet plus a 3,467 square foot “basement”, with a separate pool deck and accessory structure extending well beyond the basement and toward the ocean. Because of the massive size of the house and the pool deck, the project would protrude more than 100 feet into the canyon below, much further than other nearby houses.



Portion of site plan (A101)

Indeed, the project would create a structure that would be by far the largest within 1,000 feet in either direction on Tramonto Drive. In fact, it would be more than twice the size of 42 (or 90%) of the 45 other homes in this portion of Tramonto Drive.

The map below illustrates the vast difference between the proposed project and all of the surrounding homes on Tramonto Drive, both in terms of footprint and in terms of square footage. A complete map of all of the homes on the 2,000 foot length of Tramonto Drive surrounding the project site will be submitted to the hearing officer.



Nearby development in square feet (source: L.A. County Assessor)

D. The Project Would Disrupt the Visual Character of the Community.

In addition to being far larger in square feet, because the existing home is spread across one and one-half lots (with a street frontage of over 90 feet), it would be more visually massive when viewed from the street as compared with the other nearby homes. It would be fully visible from the public right-of-way, and from nearby properties on the bluff and across the street. It would block views of the ocean beyond from all of those perspectives, thereby permanently harming the visual character of the community.

E. The Project Would Severely Alter Landforms on This Coastal Bluff.

The subject site is one of the steepest on Tramonto Drive and as such it has never been developed. Accordingly, the site retains its original natural landforms. These remaining natural landforms require protection under the Coastal Act, regardless of whether other development elsewhere on the bluff may have destroyed the natural landforms.

In 2011, in connection with a similar project just two lots to the west at 17708 Tramonto Drive, the Kriegers hired an independent geotechnical expert, Thomas Swantko of Group Delta Consultants, Inc., to consider the impact of that project on geology and natural landforms. Mr. Swantko's report was submitted to the Zoning Administrator in connection with Case Number ZA-2011-2111-CDP. **A copy of the Swantko report is attached as Tab A.** The report demonstrated that the project at 17708 Tramonto Drive (which has since been substantially revised, scaled down and pulled back toward the street) would involve substantial landform alteration because it would do the following:

1. Cover 2,625 square feet of existing landforms with structures, and encourage similar projects on the bluff that do the same thing, resulting in a "wall" of development along the bluff;
2. Require the placement into the bluff of a massive and elaborate foundation consisting of 29 caissons, more than 40 feet deep;
3. Cause more than 1,400 cubic yards of grading, all of which must be exported from the site;
4. Necessitate additional grading on the bluff for a ramp and access road to access the building site; and
5. Trigger the need for more remedial grading and other landform alteration because of the severe geotechnical hazards on the site and surrounding properties and the history of landslides.

Here, the project would be even more disruptive of the natural landforms than the project at 17708 Tramonto, because it would

1. Cover 32.3% of the lot, or 5586 square feet of existing landforms with structures, or more than twice the project at 17708 Tramonto); and
2. Cause 4,000 cubic yards of grading (almost three times the amount for the project at 17708), all of which must be exported from the site.



Approximate Landform Alteration by Project

In addition to the landform alteration that the project itself would cause, the approval of the project would set a precedent that could easily lead to wholesale landform alteration from similar projects up and down the bluff.

Indeed, there is no reason to assume that this will be the last attempt to destroy the native landforms on Tramonto Road, especially if this project is approved. Instead, this project will merely pave the way for other, similarly destructive projects. The result would be an unbroken “wall” of development completely obscuring the bluff top and looming over the properties below and the Pacific Ocean beyond. Here is a simulation of what this might look like:



Before: Tramonto Bluff Today



After: Bluff With Development Similar to Applicant's Proposal

The applicant will likely argue that he has a right to make his project an integral part of this wall of development, perhaps based upon the assertion that several other houses on the bluff already reach down into the canyon already. However, there is no legal right to build a house with this sort of impact on coastal resources. To the contrary, it is apparent that several of the houses on the Tramonto bluff have altered landforms, perhaps even excessively. This trend is precisely why the California Coastal Act was adopted in 1976, and why the City has subsequently enacted laws that apply citywide to hillside areas, such as the Baseline Hillside Ordinance. The approval of houses in the past does not justify allowing applicants in the present to make the same mistake – especially when the applicants' property could easily be developed with a house half, or even a third, the size of this one.

F. The Project is Plagued With Geotechnical Hazards.

The Project area and surrounding areas are plagued with geotechnical hazards, thereby dramatically raising the likelihood of a scenario in which the construction would cause permanent alteration of landforms. In 2012, these conditions led an independent geologist, Jeffrey A. Johnson, to prepare a detailed report on the possible presence of a pre-historic landslide on a nearby site at 17708 Tramonto Drive, just two properties to the west of the subject site. Mr. Johnson was critical of reports by project geologists for the project proposed at that address, and he insisted upon additional subsurface explorations to rule out the possibility of a pre-historic landslide. Mr. Johnson's maps indicate that the project site here may have similar characteristics. **A copy of Mr. Johnson's report is attached as Tab B.**

The slopes between Tramonto Drive and Posetano Road below are unusually steep, about 1:1 in gradient, and are characterized by loose soil. Natural rainfall and poor drainage have caused many surficial slope failures. Indeed, the City of Los Angeles in its Zone Information and Map Access System (ZIMAS) designates the subject property and nearby properties as being in a landslide area (i.e., an area where earthquake activity can induce landslides), a high fire hazard area, and a fault zone.

On this site in particular, DBS and project geologists alike have repeatedly documented slope failures and landslides. In a 2003 approval letter for a similar project on this property, the grading division acknowledged that "A large prehistoric bedrock landslide begins on the lower portion of the site and extends to Pacific Coast Highway. Landslide debris up to 12 feet thick was observed on the lower portion of the site. The descending slope on the site is subject to erosion and debris flows." (See DBS Approval Letter for 17642 Tramonto Drive, dated December 19, 2003 (Log # 32949-04).)

Similar observations have been made for the site at 17708 Tramonto, just two properties to the west. On that site, there were slope failures on the site in 1978, causing the City to require remedial grading on the site. (See DBS Geology and Soils Report Correction Letter dated June 29, 2010 (Log # 69739-01) at pp. 4-7; DBS Grading Division letter dated November 27, 1978; accompanying Report of Geotechnical Investigation dated October 27, 1978, by Lockwood-Singh & Associates.) In a correction letter for a geotechnical report for a proposed project at 17708 Tramonto, the City's grading department acknowledged that "[t]he site is located on Castellammare Mesa in a historic and prehistoric landslide area." (See DBS Geology and Soils Report Correction Letter dated September 16, 2010 (Log # 69739-02), at pg. 1.)

As discussed in the Johnson report, it is widely acknowledged that the area below Posetano Road (just south of, and downslope from the project site) is part of a "historic," or "ancient" landslide, which is to say that it is a landform that was likely created by landsliding and is susceptible to landsliding in the future. (See Landslide Map of the of the Pacific Palisades Area, City of Los Angeles, California, John T. McGill (1973), Geology and Soils Report Approval Letter for 17713 Posetano Road, dated April 12, 2007 (Log # 57244), at pg. 64.)



Helicopter view of project area with landslide areas noted

The development of this project has the potential to aggravate these conditions. The construction of an enormous three-story structure and separate pool structure on these steep slopes, including the planned excavation of numerous piles, can easily cause moderate-size slumping of the slope (surficial failure), especially during the rainy season. If there is a pre-historic landslide present, the failures could be far worse.

In fact, the site is so steep that it is essentially inaccessible for purposes of immediately mitigating any surface failures. Thus, should soil material begin flowing downslope, it will damage vegetation in its path, further altering the landforms below. Then, in order to clean up the failure and take other remedial action, it would be necessary to create paths within the site to reach the inaccessible areas, resulting in more landform alteration.

Finally, surficial failures could make it necessary to modify the slope to protect downslope properties. Indeed, in these circumstances it is foreseeable that the City of Los Angeles would grant, on an emergency basis, a temporary excavation permit allowing additional landform modification. This could include terracing and retaining walls – perhaps many of them – necessary to establish code-required minimum 2:1 slopes. Such terracing and walls would forever destroy the natural landforms that now characterize the site.

G. The Project Violates the Community's Consistent Development Pattern.

This portion of Tramonto Drive is notable for the consistently modest size of its homes. There are 46 homes along an approximately 2,000 foot length of Tramonto Drive parallel to the bluff on which it sits, and the project site is roughly at the center. Based upon an analysis performed in 2011, of these 46 homes, 38 (or 82 percent) are less than 3,000 square feet in size. Another 7 houses are between 3,000 square feet and 4400 square feet. Just one house is larger than 4,400 square feet – a historic residence at 17800 Tramonto, which was built in 1931, long before the subdivision of the neighborhood and decades before modern codes protected the coastal bluffs from oversized structures. Even that house – an outlier by any conceivable measure – is just 6,046 square feet and therefore far smaller than the residence now being proposed.

The square footage of all of the 46 homes on this 2,000 foot section of Tramonto Drive is tabulated in the full-sized plan that was submitted to the hearing officer.



Square footage of homes west of project (source: L.A. Co. Assessor)



Square footage of homes east of project (source: L.A. Co. Assessor)

H. The Project's 47-Foot Height Violates the Baseline Hillside Ordinance, and is Inconsistent with Visual Character of the Community.

The height of the project as measured under the Baseline Hillside Ordinance (BHO) is 47 feet, and as such it exceeds the 28-foot envelope height limit under the BHO by more than 65%. (See L.A.M.C. section 12.21 C.10.(d) (limiting height of flat-roofed structures to 28 feet in R-1-1 zone).)

In an attempt to avoid the 28-foot height limit, the applicant has submitted a series of one-page survey sheets (but no maps whatsoever) indicating that most houses in the area are taller than the 28-foot limit. Based upon these, the applicant has prepared a table showing the purported calculation of prevailing height under the zoning code. This chart shows a prevailing height calculation of 51.55 feet, and on this basis the applicant contends that an envelope of 47 feet is permissible. The Planning Director cites to this chart and supporting documents in his letter approving the project. (See Director's Determination at pp. 9-10.) **A copy of the applicant's prevailing height submittal is attached as Tab C.**

The applicant's calculation of prevailing height is not stamped or otherwise approved by the Department of Building and Safety. Although the table is accompanied by a letter from John Pourhassan of the Department of Building and Safety, the DBS letter merely identifies the city block, consisting of 20 addresses, that is to be used for the prevailing height calculation.

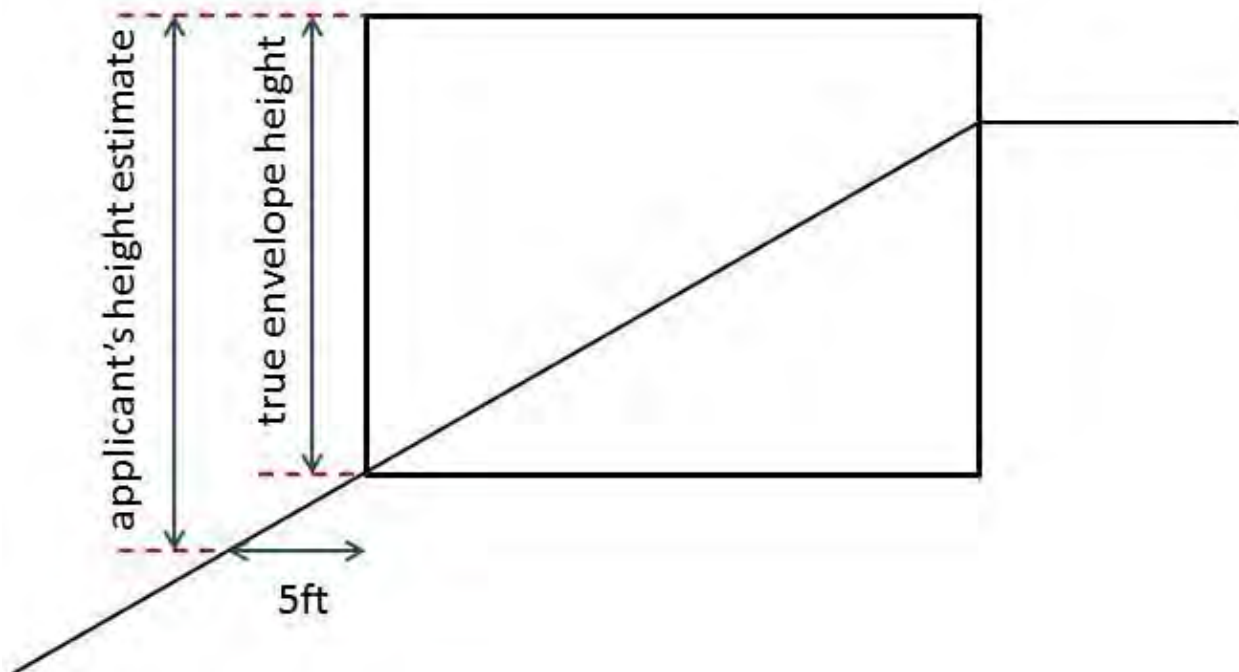
The sole support for the applicant's prevailing height table is a series of sheets entitled "ENVELOPE HEIGHT SURVEY," one for each of 12 addresses, each stamped by a surveyor. There are no survey sheets at all for the other 8 addresses on the city block that DBS requires to be considered in the analysis.

Under the zoning code, the height limit for applicant's flat-roofed house is 28 feet, unless prevailing height applies. Thus, the applicant has the burden to show that prevailing height applies if he wishes to reap the substantial benefits of having increased height. Accordingly, the City should not accept the applicant's survey sheets and calculations uncritically, whether for purposes of the issuance of a building permit by the Department of Building and Safety, or for purposes of determining the consistency of the project with the community character, which is an essential component of the Planning Director's review of an application for a Coastal Development Permit.

For the same reason, the mere fact that calculations of height of individual houses on the block were performed "by a licensed surveyor" does not mean that the methodology used was appropriate. The measurement of "envelope height" under the BHO is entirely different from the measurement of height under the zoning code in effect before the BHO. Under the old zoning code, the absolute height of a structure was measured by establishing the elevation of the highest point of the structure (excluding chimneys and other protrusions excluded from maximum height), and then subtracting the elevation of the lowest point within 5 feet of the structure.

Under the BHO, in contrast, envelope height is measured continuously along the entire structure, as the difference between natural grade and structure height.

Here, the applicant's surveyor has quoted some of the relevant language from the BHO provision concerning measurement of height, but he has wrongly assumed that the low point for the measurement of envelope height of any given structure is "the lowest Grade within 5 horizontal feet of the structure" rather than the point that is directly below the point on the roof being measured. This has a tendency to significantly inflate height measurements, because on a steep slope 5 horizontal feet from the structure may easily be as much as 5 feet lower than the point directly below the roof.



Applicant's method inflates measurements of envelope height

This problem is similar to that faced by the Court of Appeal in Horwitz v. Beglari, 124 Cal.App.4th 1344 (2005). There, the City accepted a calculation for prevailing setback offered by the applicant, allowing a development to be far closer to the street than otherwise allowed by the zoning code. A neighbor challenged the project on the ground that the methodology used by the applicant and accepted by the City was incorrect. The Court found for the neighbor and ordered that the permit be revoked. **A copy of the Horwitz decision is attached as Tab D.**

As in Horwitz, the applicant's prevailing height submittal is riddled with errors and omissions. Accordingly, there is no substantial basis for a finding that prevailing height applies here at all, much less that prevailing height allows an envelope height of 47 feet.

This is not a matter merely for determination by the Department of Building and Safety in the context of a future building permit application. In considering a Coastal Development Permit, the Planning Director must make findings of compliance with the Coastal Act, and that law specifically takes into account both the existing “community character” and the views of the coastal bluffs from the public beaches and roadways such as Pacific Coast Highway. This building, which is substantially taller than what is generally allowed under the BHO, is more likely to be inconsistent with “community character,” and is more likely to negatively impact public views, if the applicant’s surveys are incorrect, and if in fact other houses in the immediate neighborhood are not as tall as the applicant claims.

There are at least 8 errors in the applicant’s prevailing height calculation. Initially, these errors mean that there is no substantial evidence to support the applicant’s contention that prevailing height applies to the subject property in the first place. Further, even if prevailing height is deemed to apply, when the errors are corrected, the prevailing height is no more than 39.8 feet, which is more than 7 feet lower than the envelope height of the applicant’s structure and almost 12 feet below the applicant’s prevailing height calculation of 51.55 feet. Thus, the structure is wholly inconsistent with the community character.

1. Omission of One Property from Calculation. The applicant’s chart omits completely one property – 17630 Tramonto Drive – that was identified in the LADBS letter as part of the block to be considered. There is also no survey sheet for this address. Without this address, the calculation of prevailing height cannot be made.

2. Omission of 7 More Properties From Survey Sheets. In addition to the omitted property, for 7 more addresses listed in the applicant’s chart, there are no survey sheets at all. The applicant justifies the exclusion of these survey sheets on the ground that the measurement of envelope height for each of the structures is “N/A” (not applicable), because “this house does not exceed the limit height in the table thus is not part of the average”. However, there is no data from a licensed surveyor to support the applicant’s contention that these 7 houses do not exceed the applicable height limit. If, in fact, any of these houses does exceed the height limit, it would have to be included in the calculation. This would affect the resulting average height, and given the relatively smaller height of these structures it would substantially reduce the average height.

3. Omission of Maps and Elevations From Survey Sheets. For the 12 properties that were surveyed by the applicant’s surveyor, the one-page survey sheets that are included in the applicant’s package are unsupported by any map showing where the measurements were taken. The survey sheets also do not specify a top of roof elevation or Grade elevation – only the difference between the two, which is asserted to be the envelope height. Without maps and specific elevations of top of roof and Grade, it is impossible to tell where the survey measurements were taken, and it is accordingly impossible to verify whether the survey measurements were taken using the correct methodology.

As just one example of how the use of an incorrect methodology could have corrupted the applicant’s survey, despite the surveyor’s reference to a section of the Baseline Hillside

Ordinance in his survey sheets, as discussed in more detail above, it appears that he was measuring absolute structure height under the zoning code (i.e., the difference in elevation between the highest point on the structure and the lowest point of grade 5 feet from the structure), rather than the envelope height, which is measured continuously along the entire structure based upon the difference between grade and roof elevations at all points in the structure. The use of absolute structure height in the place of envelope height would greatly inflate the prevailing height calculation and lead to a much larger height.

The risk of such an error is reduced when the City requires the applicant's surveyor to make a full disclosure of his measurements. Thus, in an analogous circumstance, when the City calculates prevailing front-yard setbacks pursuant to a similar zoning code provision, LADBS routinely requires the applicant to submit maps showing exactly where setbacks were calculated for each of the residences used for the calculation. This allows City officials and neighbors to ascertain whether the calculations are accurate and use the correct methodology.

In accordance with an approach of full disclosure, at the public hearing on November 20, 2017, the Kriegers insisted that the applicant submit survey maps showing specific elevation measurements for each of the houses, and the Kriegers asked the hearing officer in writing to require such a submittal. However, the City never required this information and the applicant never submitted it. Without such information there is no substantial evidence to support any prevailing height calculation, much less the self-serving calculation made by the applicant here.

4. Improper Measurement of Grade as a Point 5 Feet From House. As indicated in the applicant's own survey sheets, the applicant and his surveyor incorrectly used a methodology for measuring height that is unsupported by the language of the BHO – namely, by establishing the low point of the house as a point 5 feet from the house rather than at the edge of the house (i.e., directly below or “plumb line” from the high point on the house. In fact, the definition of “maximum envelope height” under section 12.21 C.10.(d)(1) of the Los Angeles Municipal Code is as follows:

Maximum Envelope Height. Envelope height (otherwise known as vertical height or “plumb line” height) shall be the vertical distance from the Grade of the site to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the lowest Grade within 5 horizontal feet of the exterior walls of a Building or Structure. At no point shall any given section of any part of the proposed Building or Structure exceed the maximum envelope height.

This provision clearly means that the measurement of envelope height at any point is a simple subtraction of the elevation of the “Grade” from the elevation of the “roof Structure or parapet wall” directly above that point, which is consistent with the concept of a “plumb line”. The requirement in this code section that the overall envelope for a particular property be extended to a point above the lowest grade within 5 horizontal feet of the exterior walls of the

Building or Structure is an entirely separate one, which has no bearing on the measurement of envelope height for any other point.

The use of this improper methodology by the applicant (and his surveyor) greatly inflates the “prevailing height” calculation. To illustrate this, in the case of a 1:1 slope – something that is common in this neighborhood – the use of a reference point for “Grade” that is 5 feet horizontally below the correct reference point would inflate the resulting height calculation by a full 5 feet. Here, the improper methodology inflates virtually all of the building heights, and overstates the overall prevailing height.

5. Inaccurate Measurements. Whether because of the wrong methodology, incorrect assumptions or poor survey technique, most of the applicant’s survey measurements are inaccurate, and several are wildly inaccurate. The Kriegers’ surveyor, Chris Nelson, also did a survey of the relevant houses. Mr. Nelson prepared survey sheets for each house using both of the alternative methods, i.e., Method #1 (the correct method, in which grade is measured directly below the relevant point on the structure) and Method #2 (the incorrect method, in which grade is measured 5 feet from the structure). He also produced maps showing the locations where the measurements were taken. Mr. Nelson’s surveys shows that regardless of method, the height of numerous houses was substantially less than indicated in the applicant’s survey sheets. **A copy of Mr. Nelson’s survey sheets and accompanying maps is attached as Tab E.**

6. Improper Exclusion of Houses With Flat Roofs. In his table calculating prevailing height, the applicant wrongly assumed that 3 structures should be excluded from the prevailing height calculation because they purportedly had “peaked” (or sloped) roofs, which have a different height limit (33 feet) than flat roofs (28 feet). In fact, as shown by Mr. Nelson’s survey maps, these 3 structures each have roofs that are less than 25% (3/12) slope, which means that for purposes of the BHO height limits they are treated as having a flat roof. When the correct height limit is applied, all 3 of these properties are necessarily included in the calculation of average height, and since each of these 3 structures is less than 33 feet tall, the inclusion of the 3 structures substantially reduces the prevailing height.

7. Inclusion of Structure Heights in Excess of Permittable Height of 57 Feet. The applicant has included in his prevailing height calculation 3 properties which have actual heights that appear to be significantly greater than the maximum permittable heights for the structures at the time of construction. Specifically: 73.37 feet (17732 Tramonto); 63.04 feet (17646 Tramonto); and 84.14 feet (17726 Tramonto). In fact, the permitted heights for these properties at the time of construction were no more than 57 feet – i.e., 45 foot maximum structure height plus a 12-foot increase for a steeply sloped lot. The differential between maximum permittable structure height and actual height may be a result of either changes in physical conditions (such as erosion or intentional excavation of the slope below) or error by the City’s plan checkers, but no one including this applicant should benefit from a structure height that is not (and never was) permitted under the City’s ordinances – any more than they should be able to use an unpermitted structure as the basis for a prevailing setback calculation.

8. Incorrect Overall Calculations of Prevailing Height. Given the numerous errors in measurement, errors in methodology, and improper exclusion of structures, the applicant's prevailing height calculation table is riddled with errors and its conclusion of a 51.55 foot prevailing height is utterly unsupported. To aid the Commission, the Kriegers have prepared four tables calculating prevailing height. The first of these (Method #1) uses the correct methodology for measuring height (i.e., defining the grade as the point immediately beneath the part of the structure being measured) and includes all of the relevant structures, except for two structures which are limited to their permissible height of 57 feet. The second (Method #2) uses an alternative methodology for measuring height (i.e., defining the grade as 5 feet from the structure, as the applicant apparently has done), and also limits two structures to their permissible height. The third (Method #3) uses the correct methodology for measuring height, but includes unpermissible heights. The fourth (Method #4) uses the alternative methodology for measuring height and includes unpermissible heights. **A copy of the Kriegers' prevailing height calculation tables is attached as Tab F.**

As shown on the tables, Method #1 results in a prevailing height of 39.8 feet, or more than 7 feet below the project height. The other three methods result in larger prevailing heights, but none of them is anywhere close to the applicant's calculation of 51.55 feet, or the structure height of 47 feet. Even Method #4, which follows the applicant's approach, results in a height of only 43.9 feet, or more than 3 feet less than the project height.

Because the project does not comply with the Baseline Hillside Ordinance and there is no legitimate "prevailing height" calculation that justifies an envelope height of greater than 28 feet, the project should be denied a Coastal Development Permit.

I. The Project Violates the Coastal Act.

L.A.M.C. section 12.20.2.G.1 states that "the permit granting authority shall not approve, or conditionally approve a permit unless it makes written findings, including specific factual findings, supporting the following conclusions: ... (a) That the development is in conformity with Chapter 3 of the California Coastal Act ... [and] (c) That the Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination."

Section 30251 of the Coastal Act, in turn, provides:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The project violates the Coastal Act and the referenced Interpretive Guidelines because it is inconsistent with the visual character of the community and would result in excessive alteration of landforms. Therefore, the required finding that the development is in conformity with the Coastal Act cannot be made, and the permit cannot be granted. The Director's findings that the development is in conformity with the Coastal Act were not supported by substantial evidence in the record and were accordingly an abuse of discretion.

1. The Project is Incompatible With the Visual Character of the Community.

The Statewide Interpretive Guidelines adopted by the California Coastal Commission pursuant to Public Resources Code section 30620(b) state, in relevant part:

VIEW PROTECTION. Section 30251 of the 1976 Coastal Act states that "the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas . . ." The primary concern under this section of the Act is the protection of ocean and coastal views from public areas such as highways, roads, beaches, parks, coastal trails and accessways, vista points, coastal streams and waters used for recreational purposes, and other public preserves rather than coastal views from private residences where no public vistas are involved.

The project proposed here is inconsistent with the mandates of this State Interpretive Guideline because it invades, rather than protects, views of scenic coastal bluffs from public roads and vista points.

Second, as demonstrated by the map showing the square footage of nearby houses on Tramonto Drive which was submitted to the Zoning Administrator, the proposed house would be far larger than any other home in the neighborhood, and more than twice as large as 90% of the homes.

Third, as discussed in the preceding section, the house is 47 feet tall, which is 65% greater than the maximum 28-foot envelope height allowed under the City's Baseline Hillside Ordinance. Even assuming that a "prevailing height" calculation can be used in lieu of the 28-foot height limit, the house is more than 7 feet taller than the prevailing height when properly calculated. In the Director's Determination, the Planning Director acknowledged that a finding of compliance with section 30251 must be made, and that the prevailing height calculation is relevant to this finding. (See Director's Determination at pp. 9-10.)

Fourth, the project would directly block public views presently enjoyed from Tramonto Drive, both across the undeveloped lots to the west and between the houses to the east.

Fifth, the project would be visibly intrusive as viewed from numerous public roads,

including Posetano Road, Porto Marina Way and Revello Drive. The relevant public “views” under the Coastal Act are not just views toward the ocean. In fact, the Coastal Act protects all “ocean and coastal views from public areas,” including views of the coastal bluffs themselves from public roads.

2. The Project Would Severely Alter Landforms.

The Statewide Interpretive Guidelines adopted by the California Coastal Commission pursuant to Public Resources Code section 30620(b) states, in relevant part:

GEOLOGIC STABILITY OF BLUFFTOP DEVELOPMENT: Section 30253 of the 1976 Coastal Act provides that “New development shall: (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard; (2) 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 bluffs and cliffs.” Section 30251 provides that: “Permitted development shall be sited and designed ... to minimize the alteration of natural landforms. . .”

...

To meet the requirements of the act, bluff and cliff developments must be sited and designed to assure stability and structural integrity for their expected economic lifespans while minimizing alteration of natural landforms. Bluff and cliff developments (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, waste water disposal and other activities and facilities accompanying such development) must not be allowed to create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.”

Alteration of cliffs and bluff tops, faces, or bases by excavation or other means should be minimized...”

Meanwhile, the Regional Interpretive Guidelines, South Coast Region, Los Angeles County (adopted October 14, 1980) state:

ALTERATION OF LANDFORM: Grading, cutting or filling that will alter natural landforms (bluffs, cliffs, ravines, etc.) should be prohibited. . . . In all cases grading should be minimized. . .”

The project is inconsistent with the foregoing provisions of the Coastal Act, the Statewide Interpretive Guidelines and the Regional Interpretive Guidelines. As discussed in more detail in section E, above:

- The Project would 100 feet from Tramonto Drive and well beyond the line of present development
- The Project would destroy 5,586 square feet of the natural hillside.
- The Project would require 4,000 cubic yards of grading.
- Given that the project and nearby property area are in a designated landslide area and there is evidence of prior surficial slope failures on the site, landsliding on a nearby site on Tramonto Drive, and a historic landslide beginning at Posetano Road just below the site, the construction of the project may aggravate these surficial failure conditions.
- Because the site is so steep that it is inaccessible for purposes of immediately mitigating any surface failures, should soil material begin flowing downslope, it will damage vegetation in its path, further altering the landforms below. Then, in order to clean up the failure and take other remedial action, it would be necessary to create paths within the site to reach the inaccessible areas, resulting in more landform alteration.
- It is also possible that the City would require additional landform modification to protect downslope properties, including terracing and retaining walls.

For the reasons above, the finding of conformance with the Coastal Act cannot be made.

J. The Project Does Not Qualify for a Categorical Exemption Under CEQA.

In the Director's Determination, the Planning Director determined that a categorical exemption applies to the project under CEQA. This determination was not supported by substantial evidence and is an abuse of discretion. At the time of the November 20, 2017, public hearing, there was no draft Notice of Exemption (NOE) in the file. Nonetheless, after the hearing a draft Notice of Exemption appeared in the file, attaching a 2-page Justification for Project Exemption, and a "Draft/Proposed CDP Letter" file stamped November 15, 2017, which included an extended 9-page analysis in support of the proposed categorical exemption. (See Draft/Proposed CDP Letter (in file) at pp.19-27.

Even 11 pages of paperwork cannot overcome the fact that a categorical exemption simply is not appropriate here, due to at least three types of impacts: (a) geologic resources; (b) temporary noise impacts associated with hillside construction; and (c) aesthetic impacts from similar construction along these coastal bluffs. Thus, a categorical exemption should have been denied and full review should have been conducted by way of an environmental impact report (EIR) on at least these issues, and perhaps others.

The Director's Determination and the draft NOE together found the project categorically exempt from CEQA on the ground that it qualifies under the following provisions:

- Class 3, Category 1 of City CEQA Guidelines (Construction of Single Family Homes and Second Dwelling Units)
- Class 3, Category 6 of City CEQA Guidelines (Construction of Accessory Structures)
- Class 32 of State CEQA Guidelines (Infill Development)

1. The Class 3, Category 1 and Category 6 Exemptions Do Not Apply Because the Project May Impact an Environmental Resource of Critical Concern, i.e., Landform Stability.

The Class 3, Category 1 exemption for the construction of single family homes, and the Class 3, Category 6 exemption for the construction of accessory structures, are used together here to justify a categorical exemption for this project, which includes a house and accessory structures. These Class 3 exemptions are codified in both the City CEQA Guidelines and the state Guidelines. (See City of Los Angeles Environmental Quality Act Guidelines, Article III, section 1(c)(1), 1(c)(6); California Code of Regulations, Title 14, section 15303(a), 15303(e).).

While the City CEQA Guidelines can (and do) in some cases restrict the use of categorical exemptions more stringently than the state CEQA Guidelines, they cannot expand the scope of categorical exemptions beyond that allowed by the State Guidelines. The reason for this is simple: The City's right to exempt projects from CEQA review at all is purely a creature of state law: Local agencies such as the City cannot go further than the state law already goes.

This is important here because Section 15300.2(a) of the CEQA Guidelines makes clear that the Class 3 categorical exemption is actually quite limited:

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 an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

Here, the Category 3 exemptions do not apply because they may impact an environmental resource of hazardous or critical concern – namely, landform instability.

Here, the City of Los Angeles in its Zone Information and Map Access System (ZIMAS) designates the subject property as being in a landslide area, a high fire hazard area, and a fault zone, thereby satisfying the requirement under section 15300.2(a) that the hazard be mapped by a public agency. In addition, as discussed in more detail above, and as acknowledged by the applicant's own geotechnical engineer, there is evidence of landsliding on this site, of surficial

slope failures on a nearby site on Tramonto Drive, and a historic landslide beginning at Posetano Road just below the site.

The construction of the project has at least the potential to aggravate these conditions, especially since 4,000 cubic yards of grading will be necessary. Importantly, the threshold for precluding the use of the exemption is that the project “may” impact the resource of hazardous or critical concern. Accordingly, there is no need for a showing that it will impact the resource.

2. **The Class 32 Exemption Does Not Apply Because Project Approval Would Result in Significant Construction Noise Impacts.**

The Class 32 Categorical Exemption is purely a creature of state law and has no corollary in the City CEQA Guidelines. (See California Code of Regulations, Title 14, section 15332.) It applies when certain types of projects are developed on an infill site and meet certain specified criteria, including consistency with the general plan and zoning regulations, and where certain impacts are shown not to exist. The State CEQA Guidelines provide, in relevant part: “Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. . . . (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Here, the Class 32 exemption does not apply because of the existence of significant noise impacts resulting from the unusual nature of hillside construction involving caissons. The project site consists of 1-1/2 lots on a steeply sloped hillside with up to 1:1 slopes. While it may be possible to stabilize the site in order to build the proposed structures, stabilization measures will result in their own set of impacts, especially on noise to be experienced by nearby residents. Specifically, numerous caissons must be either (a) drilled and then cast in place, or (b) driven into the hillside using a pile driver.

The applicant prepared a noise study to support the use of a categorical exemption for the project. However, such a study was not included in the record at the time of the public hearing on November 20, 2017, and so the public had no opportunity to consider and comment on it. For that reason alone, the noise study should be disregarded as evidence supporting a categorical exemption. Regardless, the Kriegers retained their own noise consultant, Dale La Forest, who responded to the applicant’s self-serving noise study and discussed the unusually severe noise impacts of the proposed construction at length. This letter was submitted to the Director on February 12, 2018, almost two months before the decision was made on the project. Yet the letter was not even mentioned in the Director’s Determination. **A copy of Mr. La Forest’s report is attached as Tab G.**

In addition to avoiding the actual noise impacts of the project, the applicant’s noise study attempts to avoid conceding significant noise impacts by making blanket assertions that such impacts will be mitigated by means of compliance with the City’s noise ordinance. The draft NOE, which was presumably prepared by the applicant, notes that the project will have to comply with the City of Los Angeles Noise Ordinance, and alleges that this alone “will ensure

that the project will not have significant impacts on noise” and “would reduce any potential impacts on ... noise to less than significant.” The Director’s Determination, in turn, makes similar contentions that compliance with the City’s noise ordinance will preclude significant noise impacts, stating among other things that “The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance.” (Director’s Determination at pg. 13.)

However, there is no legitimate basis for these conclusions, because the City’s noise ordinance contains no meaningful noise standards limiting construction noise.

Unfortunately for the neighbors of large construction projects, under the City Noise Ordinance (LAMC Section 122.05), construction noise levels are exempt from the usual 75 dBA noise threshold if all “technically feasible” noise attenuation measures are implemented. Since it is almost always not “technically feasible” to shield nearby residential and other sensitive uses from the extreme and sustained noise caused by a major construction project, City staff commonly concludes during environmental review that construction projects – however disruptive – will not violate the City’s noise ordinance. It has followed this policy again here.

Yet courts have held that the fact that a project may not technically violate the City’s noise ordinance does not mean that the Project will not have a significant noise impact on residential neighbors. See Keep Our Mountains Quiet v. County of Santa Clara (2015) 236 Cal.App.4th 714 (compliance with County’s noise ordinance was irrelevant to determination of whether project’s impact on neighbors was significant); Rominger v. County of Colusa (2014) 229 Cal.App.4th 690, 717 (“A lead agency cannot avoid finding a potentially significant effect on the environment by rotely applying standards of significance that do not address that potential effect”); Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners (2001) 91 Cal.App.4th 1344, 1380 (court noting that CEQA Appendices G and I do not define significant noise impacts “simply in terms of whether a project would violate applicable local, state, or federal noise standards,” but instead adopt a “site-sensitive threshold of significance for noise.”).

In fact, as discussed by Mr. La Forest’s report, pile-driving and similar construction techniques are by any reasonable measure an extremely high level of noise, and these activities are also almost certain to exceed the separate threshold of a 5 dBA increase in noise from ambient levels, established by the City’s CEQA Thresholds guide. See Los Angeles Unified School District v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1024-26 (court rejecting EIR’s conclusion that increase of less than 5 decibels in ambient noise level has only “a marginal impact” on the listener.)

Therefore, noise impacts from this project will be significant, and accordingly no categorical exemption is appropriate.

3. **The Class 3 and Class 32 Exemptions Do Not Apply Because There is a Significant Cumulative Impact on Aesthetics from Similar Projects Over Time.**

Notwithstanding the categorical exemption, a single-family residence is not exempted from environmental review under CEQA “when the *cumulative impact* of successive projects of the same type in the same place, over time is significant.” (California Code of Regulations, Title 14, section 15300.2(b), italics added; see *Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1005-1006.) Here, there is a cumulative impact on aesthetics from similar large development projects on this coastal-facing bluff.

The CEQA regulations define “significant effect on the environment” as a “substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or *aesthetic significance*.” (Cal. Code Regs., tit. 14, sec. 15382, italics added; see also Pub. Res. Code, sec. 21068.) Thus, regardless of whether the Coastal Act or city ordinances protect scenic views per se, such views are necessarily subject to environmental review under CEQA. As the seminal case on the subject explained, “it is inherent in the meaning of the word ‘aesthetic’ that any substantial, negative effect of a project on view and other features of beauty could constitute a ‘significant’ environmental impact under CEQA.” (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1604.)

Here, there is overwhelming—and uncontradicted—evidence that the project will irredeemably destroy current scenic views from public streets including Tramonto Drive, Porto Marina Way, Revello Drive and Posetano Road, as well as from nearby private properties along the bluff. The applicant has not even attempted to rebut this evidence; rather, his submittals to the City are silent on the subject.

These impacts must be fully evaluated under CEQA because of the cumulative impact of this project and other large hillside projects on views, which preclude the application of the categorical exemption here. CEQA regulations define “cumulative impact” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” and can include “(a) The individual effects may be changes resulting from a single project or a number of separate projects. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (Cal. Code Regs., tit. 14, sec. 15355.)

The City has *already* found that there is a danger of successive behemoth projects like this one deteriorating the aesthetic values in the hillside areas, including coastal hillsides. The recently adopted Baseline Hillside Ordinance (BHO) is itself evidence of the very “cumulative impact” defined by the CEQA regulations. Here, the applicant’s own photographs of existing

conditions prove that the steady march of huge development projects like his are gradually destroying the precious remaining undisturbed hillside on these coastal-facing bluffs.

4. **The Class 3 and Class 32 Exemptions Do Not Apply Because it Can be “Readily Perceived” That the Project “May” Have a Significant Effect the Environment as to Geology, Noise or Aesthetics.**

In addition to the preceding arguments concerning the Class 3 and Class 32 exemptions, neither exemption can be used here because it can be readily perceived that the project may have a significant effect on the environment. Under the City’s CEQA Guidelines, this is all that is needed to preclude the use of any categorical exemption. Article III, Section 1 of the City CEQA Guidelines provides (emphasis added):

The Secretary for Resources has provided a list of classes of projects which he has determined do not have a significant effect on the environment and which are therefore exempt from the provisions of CEQA. The following specific categorical exemptions within such classes are set forth for use by Lead City Agencies, provided such categorical exemptions are not used for projects where it can be readily perceived that such projects may have a significant effect on the environment.

Applying the above language, because the project involves (a) construction in a designated and documented landslide area; (b) unusual construction noise from construction on steep hillsides; and (c) the addition of an extremely large home on a prominent coastal-facing bluff, it can be “readily perceived” that the project “may” have a significant effect on the environment under Article III(1) of the City CEQA Guidelines, and particularly on (a) geology; (b) noise; and (c) aesthetics. If such a potential impact can be readily perceived as to any of these three categories, no categorical exemption can apply under the City CEQA Guidelines.

Indeed, by using the phrase “readily perceived” in combination with the term “may,” the City has effectively set its own threshold for the use of categorical exemptions, which is more stringent and more protective of the environment than the standard applied under the statewide CEQA statute and statewide CEQA Guidelines. Neither state law nor the statewide Guidelines pre-empts the City CEQA Guidelines on this point. State law does not relieve the City from the obligation to comply with the City CEQA Guidelines, which are a separate enactment formalized by a resolution of the City Council adopted in 2002. (See Council File 02-1507, at <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=02-1507>.) Instead, as long as the City CEQA Guidelines are more restrictive than the state CEQA Guidelines, the City is bound to follow the City CEQA Guidelines prohibition on the use of categorical exemptions when it can be “readily perceived” that the project “may” have a significant impact.

K. Conclusion.

The Project is just too big: Too big for the hill it is on, too big for the neighborhood it is in, and too big for the public who experience and enjoy these rapidly diminishing natural bluffs. It violates the Coastal Act because it is incompatible with the visual character of this bluffside neighborhood, and would result in substantial landform alteration and other geological hazards.

The project is also not categorically exempt from CEQA. Thus, the project cannot be approved without a full environmental review beforehand.

Undoubtedly the applicant has a right to build a house on his property. However, it is not the City's obligation to satisfy the applicant's quest for a 9,000 square foot house with a large pool deck facing the ocean, especially when doing so would violate the policies of the city's ordinances, the Coastal Act and CEQA. Thus, we ask that you grant the Kriegers' appeal and deny the Coastal Development Permit application.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John A. Henning, Jr.", with a stylized, cursive script.

John A. Henning, Jr.

**GEOTECHNICAL REVIEW
PROPOSED ADDITIONS TO EXISTING RESIDENCE
AND SLOPE CONSTRUCTION ISSUES
17708 TRAMONTO DRIVE
PACIFIC PALISADES, CALIFORNIA**

Prepared for

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**Project No. L-1032
December 8, 2011**

GROUP



**DELTA
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December 8, 2011

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*Geotechnical
Engineering*

Geology

HydroGeology

*Earthquake
Engineering*

*Materials Testing
& Inspection*

Forensic Services

Attention: Mr. John Henning

GDC No. L-1032

Subject: Geotechnical Review
Proposed Additions to Existing Residence
And Slope Construction Issues
17708 Tramonto Drive, Pacific Palisades, California

Transmitted is a report summarizing our geotechnical review of existing documents associated with the proposed construction planned for the existing residential structure located at 17708 Tramonto Drive in Pacific Palisades. Our services and stated opinions were provided in accordance with our proposal dated November 23, 2011.

We appreciate the opportunity to assist you with geotechnical services. If you have any questions pertaining to our report, or if we can be of further service, please do not hesitate to contact us.

Sincerely,
Group Delta Consultants, Inc.

Thomas D. Swantko, GE 813
Principal Geotechnical Engineer



Distribution: (4) Addressee

L-1032 17708 Tramonto Drive Final Report 120611.doc

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**GEOTECHNICAL REVIEW
PROPOSED ADDITIONS TO EXISTING RESIDENCE
AND SLOPE CONSTRUCTION ISSUES
17708 TRAMONTO DRIVE
PACIFIC PALISADES, CALIFORNIA**

1.0 PURPOSE

This report provides the results of our geotechnical review of documents associated with the proposed additions planned at 17708 Tramonto Drive in Pacific Palisades. The purpose of our services is to provide an independent geotechnical opinion regarding the potential impacts of the proposed grading and construction to cause an alteration to the landform of the existing natural slope, including impacting the stability of the slope.

Our work was based on review of the documents provided to us. No additional field exploration, laboratory testing or engineering analyses were included in this assignment.

2.0 PROJECT SUMMARY

Our understanding of the project is based mainly on our review of geotechnical and geological documents pertaining to the site and the planned construction, submitted to the City of Los Angeles Department of Building and Safety, and copies of architectural plans for the project.

Aerial views of the property are shown in Figures 1 and 2. The property has a steep slope that extends from Tramonto Drive down to Posetano Road. The slope is about 165 feet high with inclinations as steep as about 1 horizontal to 1 vertical (Figure 3).

The subject property and adjacent area are located in a mapped landslide hazard zone, and landslides have been mapped adjacent to the property (Figures 4 and 5). Portions of the slope have been affected by both surficial and gross instability in the past, including historic landsliding. Scars from shallow slumping and erosion are clearly visible as light colored areas in Figures 2 and 3.

We understand it is planned to expand the existing residential structure by construction of two separate 3-story additions at the west and east ends. The locations of the additions are indicated in Figure 6. The plans indicate the existing house consists of 3,437 square feet, including a 637 square foot garage. The additions will add a total of 4,805 square feet, creating a structure with a total of 8,242 square feet of floor space.

The planned additions will be supported on a total of 29 drilled and cast-in-place concrete caissons that will extend to depths of about 20 to 46 feet. The construction will involve grading of level pads and access ramps and disposal of excavated soils and bedrock generated from drilling of caissons. The work will be difficult because of the steep slope, tight work areas and the potential risk of causing slope instability. Provisions are also required to ensure support of the existing structure, Tramonto Drive and adjacent property during the construction.

3.0 SCOPE OF WORK

Our scope of work included the following:

1. Review of the documents provided to us regarding the proposed construction, including previous geotechnical and geologic reports prepared for the property, City of Los Angeles Geology and Soils Correction Letters, Responses to City Comments, architectural plans for the project, and geologic documentation concerning the slopes on nearby properties. In addition, we reviewed available published geologic maps and documents and aerial photographs published online. A complete list of the documents reviewed is provided in the Reference Section of this report. A visit to the area was made on November 25th.
2. Preparation of a written report, based on our review, summarizing our independent geotechnical opinion regarding the potential of the proposed grading and construction to affect the existing slope, including the potential effects on the stability of the slope, and the altering of the natural landforms on or near the project site.

4.0 BACKGROUND INFORMATION

4.1 General

Based on our review of the documents listed, the following summarizes the background of this property and project:

- The property was previously occupied by a single-family residence that was built in about 1954 and which was demolished in about 1984. The existing house was built in 1986.

- The existing house is about 3,437 square feet. The south edge of the structure extends about 40 feet over the slope and is supported on drilled piles embedded at least 10 feet into bedrock.
- Bedrock underlies the site at shallow depth and can be seen in outcrops below the residence. The rock is associated with the Sespe Formation and consists of sandstone and siltstone that is moderately weathered to lightly/moderately cemented.
- The proposed construction includes two 3-story additions to be built on the west and east ends of the existing residence (Figure 6). Cross-sections drawn through the west and east additions are presented in Figures 7 and 8, respectively. The top level of both additions will be at the level of Tramonto Drive, with the two lower levels extending down the face of the descending slope.
- The new construction will be built to be independent from the existing structure. The proposed additions will be supported on deep caissons supported in bedrock and will extend to depths of about 20 to 46 feet, to minimize loading on the slope. The caissons for the east addition are also designed as shear pins, to increase the gross stability of the slope in this area, in order to meet the City's minimum factor of safety requirements. The use of caissons in this manner is a common technique to increase slope stability by adding the shear strength of the concrete and reinforcing steel in the caisson to help resist the gravitational forces acting on the slope.
- During construction, provisions must be taken to protect the existing structure, adjacent street and properties. The Earth Systems Southern California (ESSC) report dated April 30, 2010 specifically notes that the eastern addition may remove much of the foundation support for the existing garage and that the structural engineer should evaluate the potential loss of vertical and lateral support and should design adequate mitigation, such as underpinning the garage with new foundation piles.
- The geologic reports for the proposed construction have been reviewed and approved by the City of Los Angeles Department of Building and Safety, with conditions that direct the work to conform to specific City criteria, including taking drainage to the street and mitigating loose soils on the slope.

4.1 Landslide Hazard Zone

- The subject property is located in a mapped State and City landslide hazard zone. Aerial views of the subject property and surrounding area prior to development are shown in Figures 9 and 10. It can be seen in these figures that the slope extending from Tramonto Drive to Pacific Coast Highway is extensively affected by landsliding.
- There are two ancient landslides that remain in the area. An ancient landslide is one that occurred before recorded time. The subject property sits immediately up slope from an ancient landslide that is located along the toe of the property slope near Posetano Road and extends down to Pacific Coast Highway (Figure 4). The property slope is actually part of the backscarp of the ancient landslide. Since the site is above the ancient slide, it is not currently affected by its presence. However, the proximity of this ancient landslide is evidence of the general landslide threat in this area.

Another large ancient landslide is located about 500 feet to the east of the subject property, near Copeto Drive, at the location shown in Figures 11 and 12. This ancient slide is about 60 to 80 feet wide; extends to a depth of 40 to 50 feet; and extends from Tramonto Drive down to Pacific Coast Highway, a distance of 580 feet. In 1946 landslide debris from this feature fell onto Pacific Coast Highway (Figure 13). In 1962 four residences that had been built along Tramonto Drive at the top of the landslide were damaged and demolished. In 1969 there was a major reactivation of the slide that cut off 3 roads below Tramonto Drive. In the 1980's a pile bulkhead, shown in Figure 14, was installed on the south edge of Tramonto Drive to protect the road. A recent geotechnical investigation of this landslide was done by URS Corporation (URS, 2011) and proposed stabilization of the slide by the installation of a large subsurface drainage system, installation of 48 drilled piles and supporting roads with bridges at an estimated cost of \$25 million.

- As noted by the light areas in Figures 2, 3 and 15, the slope below Tramonto Drive is covered with the scars of shallow slumps, small pop outs and areas of erosion. Two small shallow slumps were previously mapped on portions of the upper slope of the subject site, and were reported to have occurred in thin terrace or colluvial soils overlying bedrock. In 1978 a local slope failure was investigated along the south edge of the previous structure that was located on the site (Lockwood Singh, 1978). That investigation concluded that the failure was the result of severe erosion of uncompacted surficial soils that also undermined a retaining wall.

- Figure 5 shows a larger landslide that occurred below 17612 Tramonto Drive, which is located 5 lots to the east of the subject property. This slide is about 110 feet wide and 200 feet long and appears to have occurred in colluvial soils above the bedrock. Based on a review of historic aerial photographs, this landslide occurred between 2002 and 2010.

5.0 GEOTECHNICAL FINDINGS AND OPINIONS

5.1 General

- This is a major remodel project which will add 4,805 square feet to the existing 3,437 square foot structure. The total square footage of the existing house will be increased to almost 8,242 square feet.
- The lower level of both of the proposed additions will each cover about 20 vertical feet of the slope. Both will also extend about 40 to 44 feet out over the existing slope. The east addition will also extend beyond the current south edge of the existing structure.
- The construction will require the installation of 29 drilled caissons to support the additions. The caissons will range from 24 to 42 inches in diameter and will be about 20 to 46 feet long. The use of heavy-duty drilling equipment is anticipated to drill to design depths and advance through anticipated zones of hard bedrock.

5.2 Grading/Construction Effects on Existing Landform

The construction will require significant grading that will alter the existing landform of the property, and will require the export of a large volume of excavated soil and bedrock from the site. The principal grading elements for the project are discussed below.

- When completed the construction of the two additions will cover approximately 2,460 square feet of the native slope face that is currently native. The drilling of the 29 caissons planned for support of the additions will occur within the footprint of the additions and will not additionally alter the slope, but the excavated soil and bedrock rock material from the drilling will need to be disposed of.
- A level building pad will need to be “notched” into the slope for each of the two additions. From a practical standpoint, the pad is expected to be at least 5 feet

wider than the planned construction to provide adequate work space, as well as for the safe operation of construction equipment.

- To build below an existing structure it is customary to build an access ramp. In our opinion, an access ramp and road will likely need to be graded along the south side of the existing structure to provide access to the pad for the east addition. The location where such a ramp would likely be built is shown in Figure 16.
- It is expected the City will permit some of the street in front of the residence to be used for storage of construction materials. However, if additional storage space is needed, the contractor would have to grade an additional relatively flat area on the slope. This would cause further alteration of the natural landform.
- After the construction is completed, it will be necessary to cleanup and repair areas of loose and disturbed soils from the slope. In addition, regrading of the upper portion of the slope will be necessary to conform to City grading requirements for a maximum 2:1 slope inclination. Since the native slope is 1:1, the required 2:1 slope would be another landform alteration.
- Because of the steepness of the slope and tight work areas, the construction also has the potential to cause loose soils to be pushed onto the slope and spill down the slope, away from the construction area. In addition, there is risk that the construction activities could cause local, shallow land sliding. If work is not properly uncontrolled, moderate-size slope slumping could displace soil and/or bedrock material down the slope. These and other risks associated with the proposed construction are discussed in Section 5.5.

Building Pads

- The pads for the additions will require a notch cut into the existing 1 to 1 slope. It is estimated that to create the pads will require excavation cuts up to about 20 feet high. The cuts for the east and west pads are indicated in Figures 7 and 8, and are estimated to be 415 cubic yards for the east pad and 610 cubic yards for the west pad, for a total of 1,025 cubic yards of cut.

Access Ramp and Road with Resulting Backfilled Slope and Retaining Wall

- The eastern addition will be located behind (south of) the existing structure, where access is limited. In order to provide access to this area it is likely that the project will require the grading of a 10 to 12-foot wide access ramp and road extending from Tramonto Drive along the west side of the residence and then

east below the entire south side of the existing residence. This road must be notched into the existing 1 to 1 slope. Assuming that the road would be 12 feet wide and about 90 feet long, approximately 240 cubic yards of cut material will be excavated for the road.

- To create a 10 to 12 foot wide access road, the stability of the cut would need to be analyzed. However, based on practical experience and in order to minimize the amount of grading required, soldier piles and shoring will be need to be installed along the up slope side of the road alignment. The soldier piles would be installed and then the road cut made in front of the piles. Lagging consisting of wooden boards will be needed between the piles to retain the soils as the cut is made. Figure 17 shows an example of how the road cut will look after the soldier piles are installed.
- After the construction is complete, the access road will need to be backfilled. The City code will require that the slope of the fill be constructed at 2:1, which would not match the 1:1 inclination of the native slope. Therefore, a 6-foot high permanent retaining wall will need to be built along the line of soldier piles. This will create another alteration of the natural landform of the site.
- When the fill is placed, it must be properly keyed and benched into undisturbed native soil/bedrock, as required by the grading code to ensure the fill is tied into undisturbed native bedrock. The keyway is essentially a minimum 2-foot deep trench that extends below the road level. The benches are generally "steps" that are about 2 feet high and 2 feet wide. An example of a keyway for a repair on a step slope is shown in Figure 19.
- After backfilling the road cut with a 2:1 slope, there will be an additional 120 cubic yards of excess material to export.
- At this time, there has been no discussion in the geotechnical reports or the City's approval letter concerning the construction of an access road and retaining wall. Design plans for the retaining wall and backfilling of the road cut, and a specific slope stability analysis must be reviewed and approved by the City Department of Building and Safety. However, it is assumed this additional work would be approved based on subsequent submittal to the Department, despite the additional impact this grading and construction will have on the natural landforms.

Additional Storage Space on the Slope

- If additional storage space is required by the contractor's operations, this could involve further grading and flattening of the existing 1:1 slope, as well as the need for additional fill placement to re-grade the affected area. This will create even more disturbance and alteration of the native slope.
- As discussed above regarding the backfilling of the access road, the City code will require the fill slope be constructed at 2:1, which would not match the 1:1 inclination of the native slope. The fill will also need to be properly keyed and benched into undisturbed native soil/bedrock. This will cause even more alteration of the existing slope.
- The grading of a storage area on the slope is not specifically addressed in the geotechnical reports or the City's approval letter. However, it is likely the Department of Building and Safety would approve this, following review of additional supporting documentation.

Excavation of Caissons

A total of 29 caissons will be installed, ranging from 24-inches to 42-inches in diameter and from about 20 to 46 feet in length. The excavation of the caissons will generate about 260 cubic yards of cut materials that will need to be disposed of off-site.

Example of Finished Slope

Figure 18 shows an example of a project that included the regrading of a slope after the construction of a retaining wall. Note that the slope above the wall has been regrading at a flatter slope to meet code requirements. The changes to the landform are obvious.

5.3 Export of Excavated Soil and Bedrock Materials

The grading described above will result in 1,405 cubic yards of excavated soil and bedrock material that will require export from the site. This includes: about 1,025 cubic yards from the pads, 120 cubic yards after back filling the access road and 260 cubic yards from the excavation of the caissons.

This large of a volume of export will require on the order of 140 trucks to remove. This number of trucks will cause a significant impact on access within the neighborhood, create noise and require control of dust.

5.4 Lack of Staging Plan

Our review did not encounter any documentation on how the proposed earthwork and construction is planned to be accomplished. **The lack of an approved staging plan for this project is seen as a serious oversight by the owner and consultants and was also not requested by the city reviewers. Without an engineered staging plan the feasibility of the construction has not been established.**

Because of the steepness of the slope; the nature of the remodel (including installation of large caissons and significant grading); tight work areas; and the necessity to protect adjacent property, a carefully conceived staging plan is necessary to evaluate if the project can be done in a manner to ensure the work can be accomplished safely and with minimal impact on the native slope.

Conversely, without an effective staging plan, this construction project can result in damage to the existing natural slope and/or adjacent street and neighboring property; and can cause the need for more extensive grading to repair disturbed ground, including loose soil and bedrock pushed/spilled onto the slope; small slumps; and, in a worst case scenario, repair of a landslide.

Several examples of what should be in a staging plan for the project include;

- A clear description of the staging and controls, including a list of the specific equipment to be used; the sequencing for the work, how access to work sites will be established; where materials and equipment be stored; and, the provisions for protecting adjacent improvements and property.
- A provision that before excavation for the addition pads can be started, the caissons must be installed adjacent to the existing street, the existing structure and neighboring property in order to maintain lateral support in these areas.
- An explanation of how new piles will be installed under the edge of the existing garage, which the ESSC report of April 30, 2010 specifically indicates requires assessment because of the potential loss of vertical and lateral support caused by the construction of the eastern addition. If this phase of the work is not staged properly, the result can damage the existing structure and slope, including the possibility of creating a shallow landslide.
- A provision that soldier piles are installed before the access road can be graded. Without the piles, ground slippage could occur adjacent to the south side of the existing structure.

- A provision that before starting any work on the slope, catchment fences and/or other suitable devices must be installed down slope of work areas to prevent loosened soils, spillage and eroded soil debris from sliding or being carried down the slope, which could cause a shallow landslide.
- Specific provisions to protect against the work causing a land slide, and the provisions for clean up and repair should a slide occur.

5.5 Project Risks

Because of the steep native slope, difficult site access and small work areas, there is the potential for the grading and construction to cause damage and instability. **Furthermore, should slope damage and/or landslides occur, the mitigation and repair necessary will be difficult to implement because of the steepness of the slope (Figure 19).** Potential risks associated with the planned construction include:

- At an inclination of 1:1, the slope is so steep that it is even difficult to walk on. Before work begins, provisions must be made to catch and contain any loose soils/bedrock material that is pushed onto the slope or spilled on the slope from the drilling of the caissons. This would include the installation of a heavy fabric fence, using steel post supports drilled or driven into the slope.
- If not properly contained by fencing or other means, the loose soils could be carried down the slope in a mudflow during a heavy rain, which could cause damage to existing improvements and property along the toe of the slope, and would be a threat to the safety of people. In this regard, it should be noted that two single family homes are currently under construction below the subject site at 17713 and 17719 Posetano Road.
- Cutting of the access road will require a small dozer (Figure 20). This grading will create loose soils that will be pushed onto the slope and slide down away from the work.
- As noted earlier, the documents reviewed indicates concern that the planned construction may cause the potential loss of vertical and lateral support of the foundation piles for the existing garage and the need for underpinning the existing structure is anticipated. If the work is not properly staged and controlled, there is also the potential to cause damage to the existing structure and slope and/or adjacent improvements and property, including the potential to create shallow landslides.

- The steep slope and tight work areas create a risk for the operation of equipment on the slope to cause a small to moderate slump slide to develop in the native soil cover. Examples of the types of excavation and grading equipment used to perform work on steep slopes are shown in Figure 20.
- If the work is uncontrolled, the potential to create a larger slide also cannot be precluded. In such a case, the containment fence will be limited in preventing slide debris from moving farther down the slope, and the fence could be also be destroyed.
- During and following the construction, drainage must be collected and prevented from flowing uncontrolled down the slope, or else there will be erosion of slope materials. Figure 21 shows an example of erosion getting started on a steep slope. Left unrepaired these local erosion channels can create deeper cuts, carrying eroded material down the slope and leading to shallow landslides.
- The clean up of spilled soils or landslide material on the slope will be extremely difficult to do because of the steep inclination and height of the slope. Even done carefully, the cleanup activities will cause additional loosening and scarring of the slope. Furthermore, attempts to repair even a small pop out slide will need to be done by hand (Figure 19).
- Repair of larger slumps and slides would be especially problematic, and would require the cutting of roads on the slope to access the area, remove debris and repair the scar. In addition, during the repair of slumps and slides, the City grading code would require installation of a 2:1 slope rather than the 1:1 fill slopes and possibly a retaining wall. Again, it is likely the Department of Building and Safety would grant approval despite their potential to substantially alter natural landforms.
- The relative inaccessibility of much of the site could cause some areas that failed to be left unrepaired. Over time, unrepaired areas would be enlarged and deepened by erosion, and result in permanent scars, causing further alteration of the natural landform.

6.0 LIMITATIONS

The conclusions and recommendations contained in this report are professional opinions, based on review of documents provided to use regarding the proposed construction planned for the residential property at 17708 Tramonto Drive in Pacific Palisades. This report has been prepared solely for the purposes described herein, and may not contain sufficient information for other uses. The discussion and opinions provided should be based on a limited study, per your request.

Our review and evaluations were performed in accordance with generally accepted local standards using that degree of care and skill ordinarily exercised under similar circumstances by reputable geotechnical consultants practicing in this or similar localities. No other warranty, expressed or implied, is made as to the professional advice included in this report.

7.0 REFERENCES

California Department of Conservation, 1997, State of California Seismic Hazard Zones, Topanga 7.5 Minute Quadrangle.

City of Los Angeles Letter of California Geo Systems, April 1, 1992, Temporary Shoring Recommendations for Proposed Single-Family Residence, Portion of Lot 41, and Lot 7, Tract 8923, 17708 Tramonto Drive, Los Angeles, CA, dated July Aug. 20, 1992.

California Geo Systems, April 1, 1992, Temporary Shoring Recommendations for Proposed Single-Family residence, Portion of Lot 41, and Lot 7, Tract 8923, 17708 Tramonto Drive, Los Angeles, CA.

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FIGURES



Reference: Pictometry Aerial Photos, 02/22/11



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Aerial Photo Looking North

FIGURE 1



Reference: Pictometry Aerial Photos, 02/22/11



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Aerial Photo Looking East

FIGURE 2



Reference: Pictometry Aerial Photos, 02/22/11



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Orthogonal View with 10ft Contours

FIGURE 3





Reference: Pictometry Aerial Photos, 02/22/11

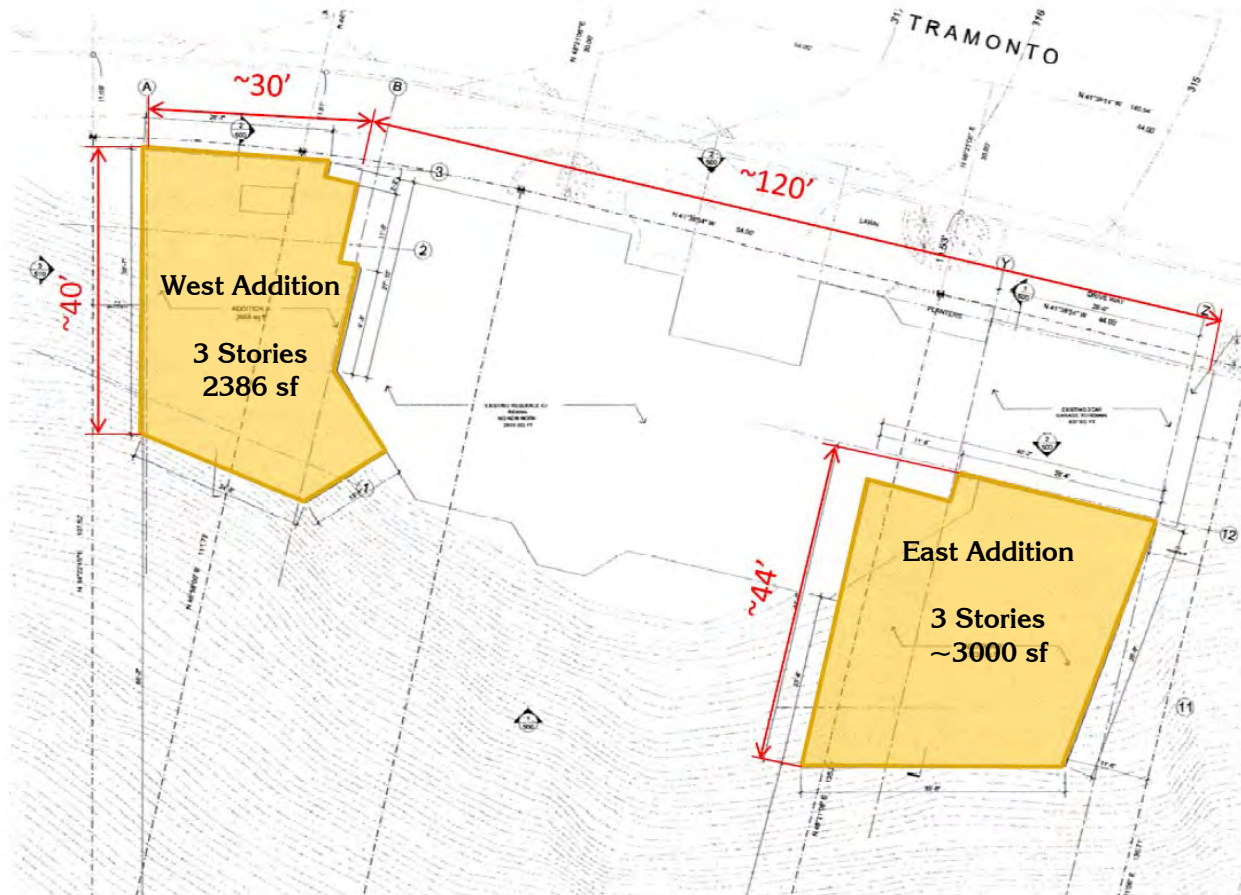


GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Landslide at 17612 Tramonto Drive

FIGURE 5

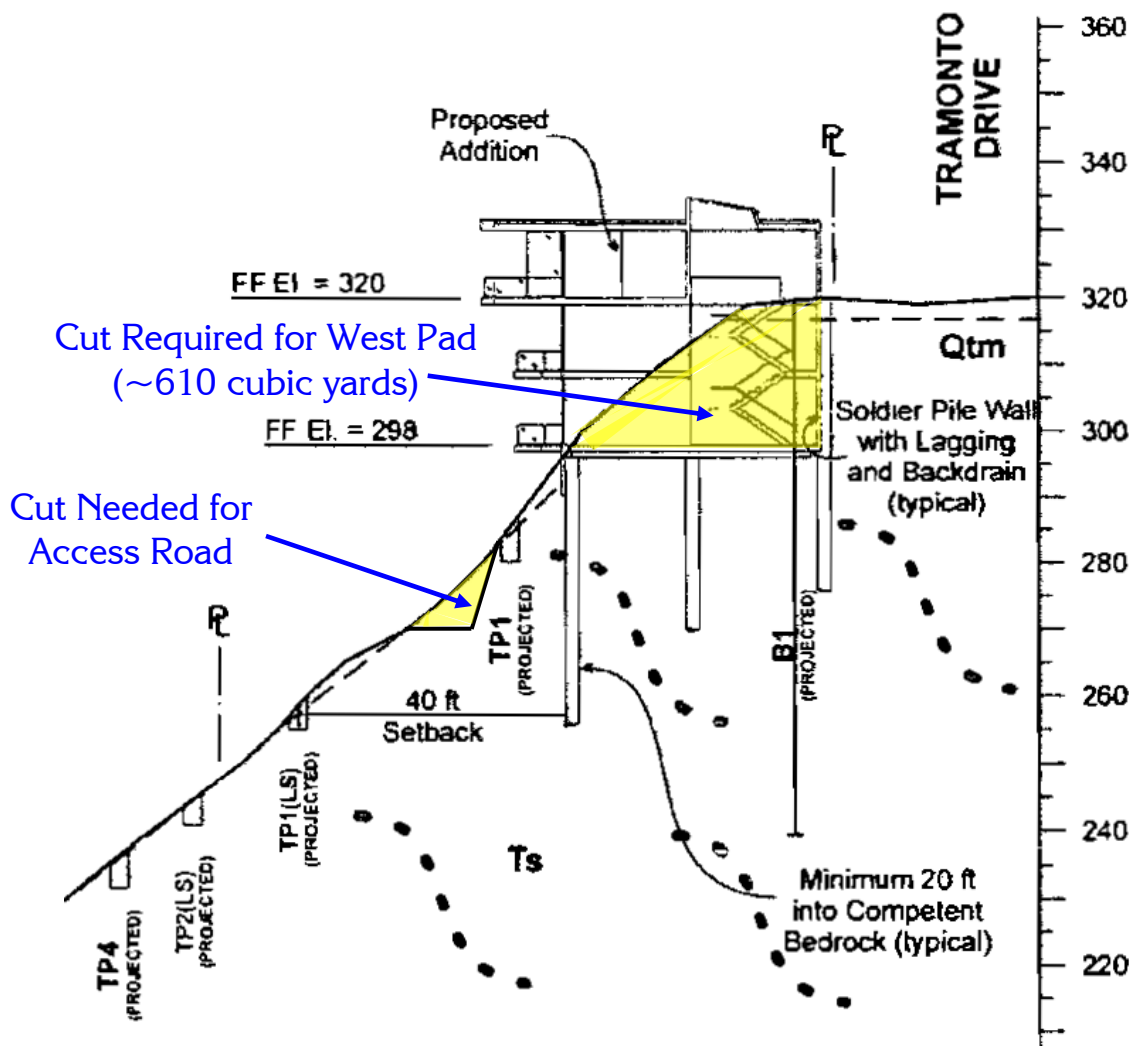


GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Site Plan with East and West Additions

FIGURE 6



Reference: Earth Systems Geotechnical Engineering Report, Dated 12/07/10

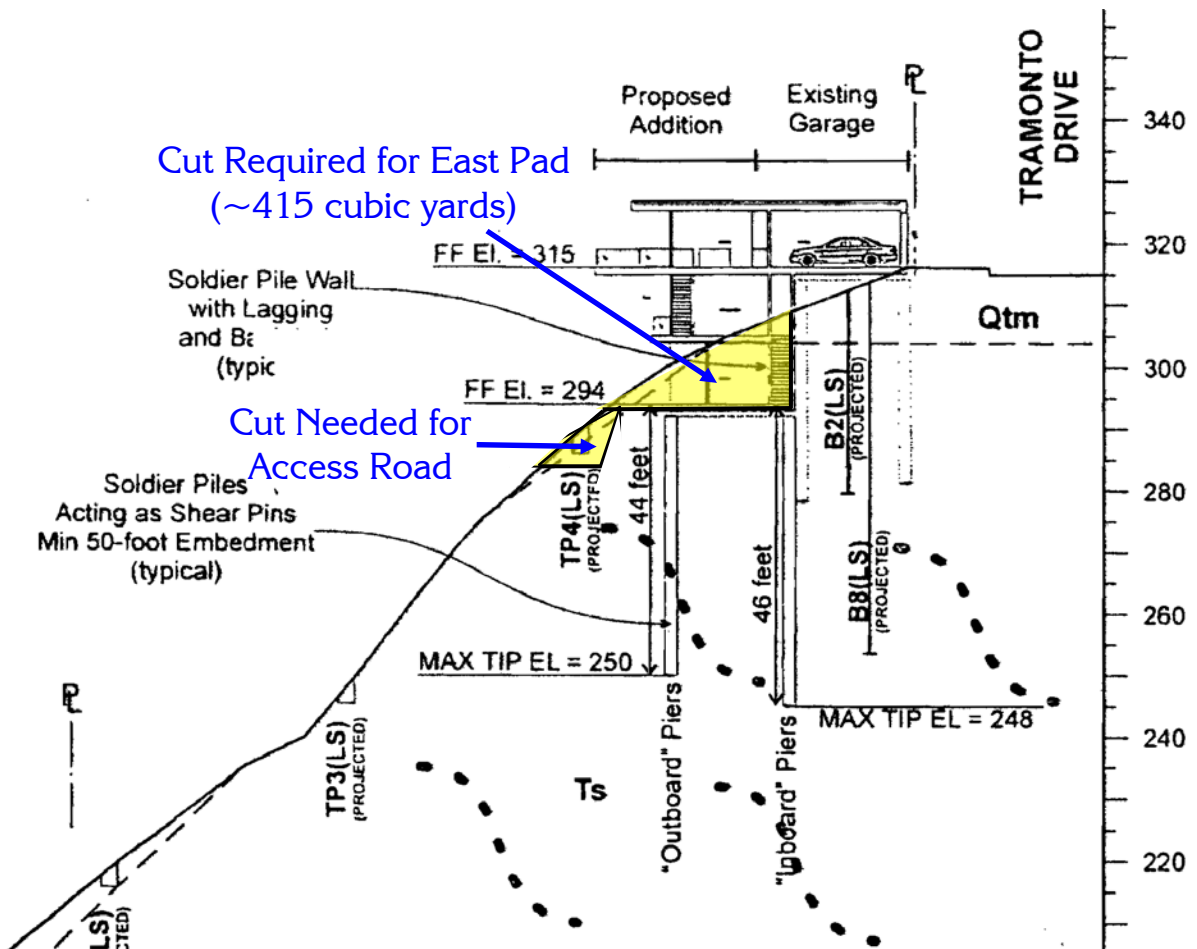


GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Cross Section Through West Addition

FIGURE 7



Reference: Earth Systems Geotechnical Engineering Report, Dated 12/07/10



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Cross Section Through East Addition

FIGURE 8



Reference: URS (2011)



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Upper Mesa Before Development (1924)

FIGURE 9



Reference: URS (2011)



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Grading Access Roads to Upper Mesa (1925)

FIGURE 10



Reference: URS (2011)



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Tramonto Drive Landslide Vicinity Map

FIGURE 11

← 17708 Tramonto Dr. (~100 ft)



Reference: URS (2011)

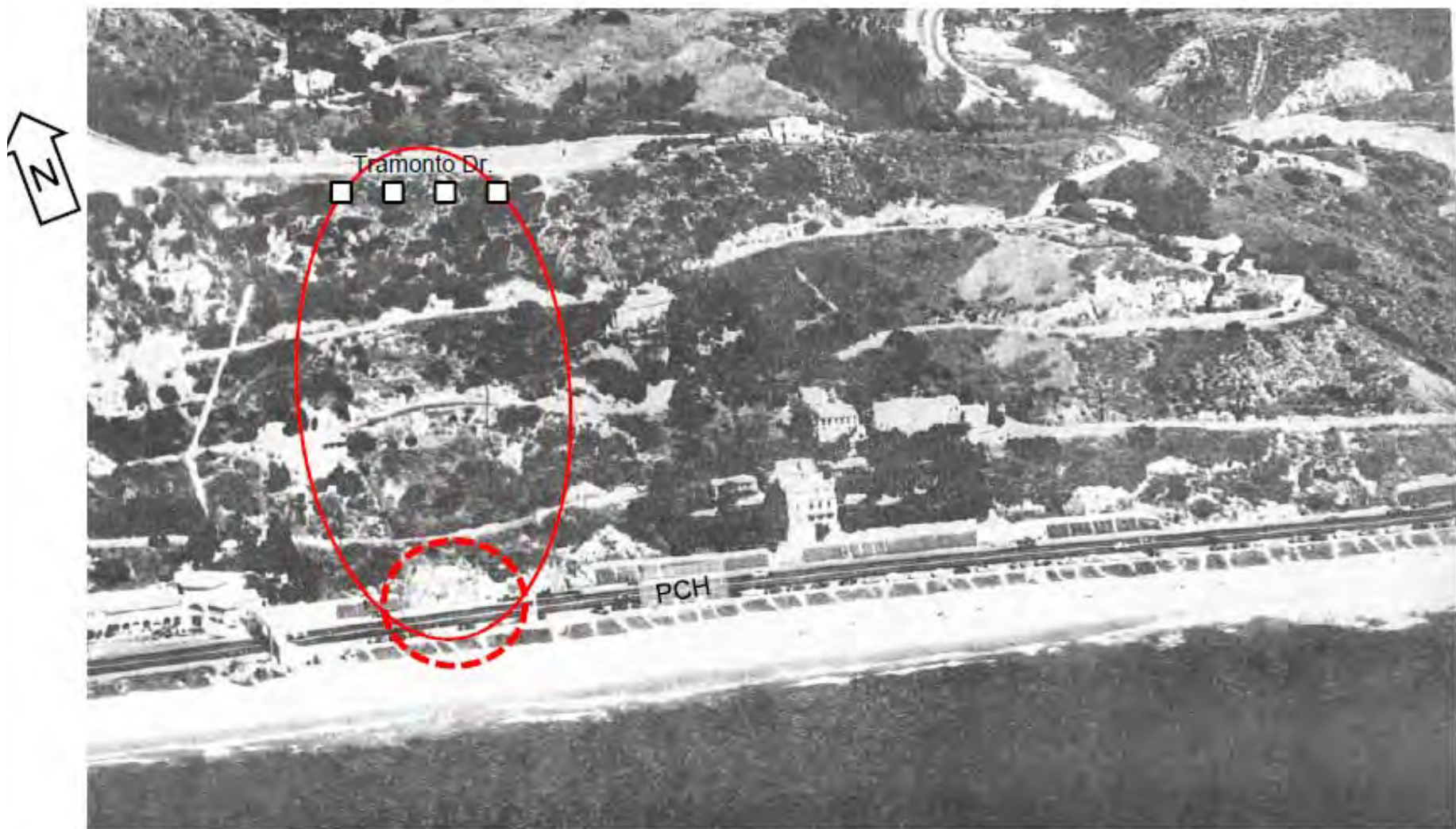


GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Tramonto Drive Landslide Aerial View

FIGURE 12



Reference: URS (2011)



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Landslide Debris on PCH (1946)

FIGURE 13



Reference: URS (2011)



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Headscarp at Tramonto Drive

FIGURE 14



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Photo Indicating Scarring

FIGURE 15



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Photo of Access Road Location

FIGURE 16



Soldier Piles

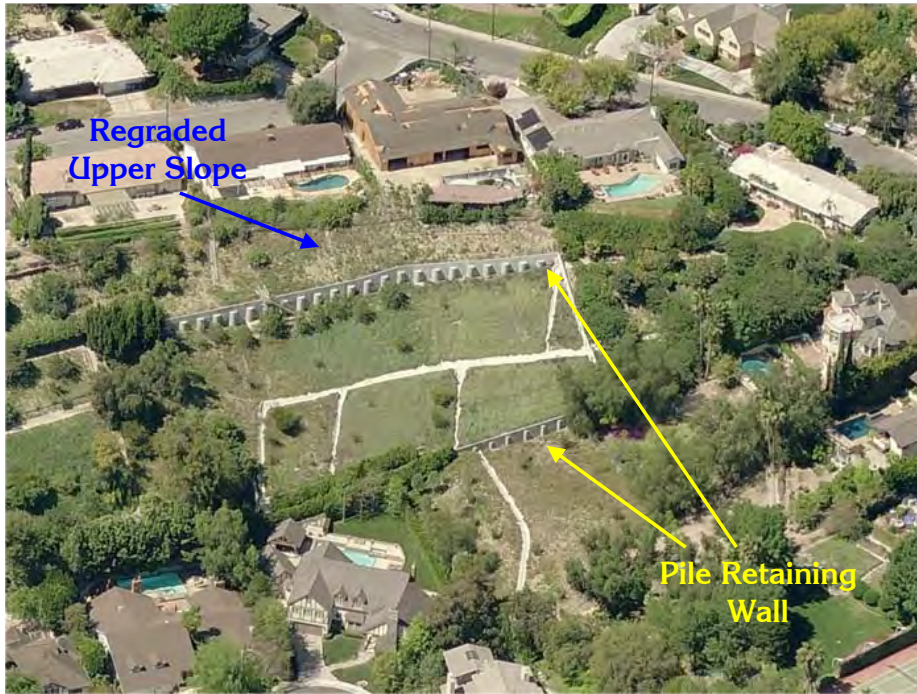


GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Example of an Access Road

FIGURE 17



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Repair

FIGURE 18

Grading at Top of Slope



Spill Fill

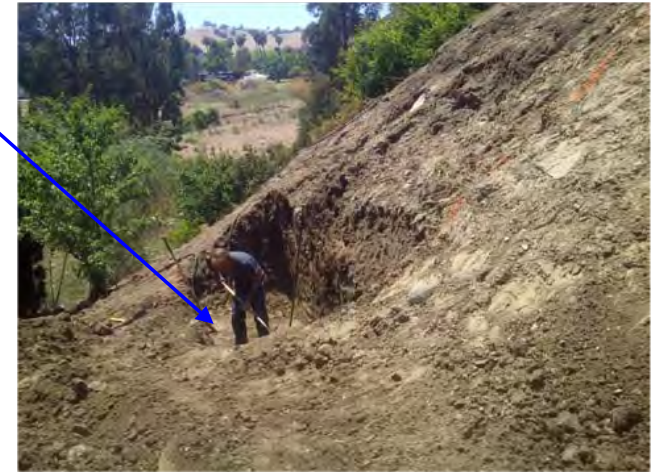
Plastic for Slope
Erosion Protection



Hillside Keyway
Excavation for
Slope Repair



Difficult Repair
of Pop Out



Hand Repair



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Repair

**Specialized Hillside
Excavator**



Small Dozer



**Specialized Hillside
Excavator**

Hill Excavator

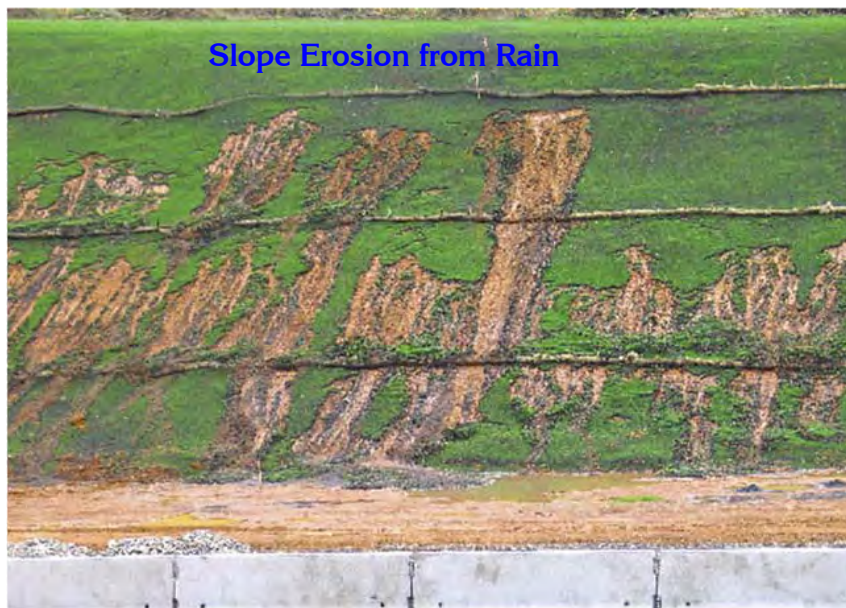


GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

Specialized Hillside Equipment

FIGURE 20



GDC PROJECT NO. L-1032

Tramonto - Pacific Palisades

**Shallow Slumps, Pop Outs,
and Erosion**

FIGURE 21

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June 1, 2012

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Attention: John A. Henning, Jr.
Attorney at Law

Subject: Third Party
Engineering Geologic Review
Slope Stability
Proposed Additions
17708 Tramonto Drive
Pacific Palisades, California

A. Introduction

A homeowner proposes to construct two additions to an existing single-family residence at 17708 Tramonto Drive, Pacific Palisades, California (Figure 1). At issue is the stability of the steep slope underlying the subject site.

The bluff on which the project is proposed has a long history of landslides, dating back to the 1920's, which has damaged private homes and roads and locally blocked three streets. About 1000 feet to the west, a 1993 landslide destroyed 12 homes (Figure 2), and about 400 feet to the east another landslide in 1962 destroyed four homes. The latter slide resulted in the construction by the City of a "bulkhead" to hold up the affected portion of Tramonto Drive (Figure 3), but the City of Los Angeles and Caltrans have proposed to undertake a \$25 million stabilization scheme.

In our study of the subject site, we reviewed certain historic topographical maps (Figures 4 and 5) and aerial photographs (Figure 6) that appear not to have been considered by the project applicant's geotechnical engineer and engineering geologist, and conducted a more thorough analysis of subsurface data presented in the applicant's geotechnical reports (Figures 7 and 8). These data: (1) suggest that the geology of the subject site is more complex and the slope is less stable than indicated by the applicant's

engineer; (2) suggest (demonstrate that it is more likely true than not true) that the entire site was affected by a pre-1920's landslide(s) and that accordingly the proposed foundation systems for both additions are inadequate; and (3) call for a complete analysis of all existing site and near site subsurface data, additional subsurface explorations on the subject site and a thorough analysis of the results before the proposed development is considered further.

B. Previous Landslides on Castellammare Mesa.

The slope above PCH has experienced a number of catastrophic slope failures between 1928 and 2006 as shown on Figures 2, 2A and 3. The landslides were generally associated with periods of heavy winter rainfall. In addition in our 1997 paper (Johnson, 1997) we present a summary of our detailed engineering geologic analysis of a 1993 landslide, we named the West Castellammare Mesa Landslide (WCML). The WCML destroyed or severely damaged 12 homes on Castellammare Drive and Porto Marino Way, leading to litigation against the City of Los Angeles and costly systems engineered to support and therefor keep open portions of Lecco Lane, Porto Marino Way and Castellammare Drive. Most of the affected homes were outside landslides as mapped by McGill (1989), Dibblee (1992) and the City of Los Angeles (1960 map M-664-297G) and were thought to have been safely constructed. Some of the affected homes were less than 1000 feet west of the project site.

The 1997 paper concluded that the WCML is a relatively large, reactivated, complex slope failure or multiple slide system that includes a large "host" landslide and at least four major, active, secondary landslides. This system of landslides is two to three times larger and more complex than that mapped by either McGill or Dibblee, which maps are frequently relied upon in geotechnical reports for development in this area including the reports submitted by the applicant for the subject project (ESSC, 2009 and 2010). Because high rainfall seasons occur often during the expected 50-year design life of a residential structure and the WCML is deep and larger than individual residential lots our paper concluded that regional geotechnical studies, combined with deep site-specific drilled excavations, should be conducted prior to any future development in the area.

In addition to the WCML to the west of the subject site, about 400 feet to the east of the subject site there is a separate active slope failure known as the Tramonto Drive Landslide (Roth, 2011). The City of Los Angeles initially misunderstood the size of this landslide, and allowed homes to be built within it on the south side of Tramonto Drive (Figures 3 and 6). In 1962 the movement of the landslide

destroyed four homes on Tramonto Drive, and these properties were never redeveloped (Roth, 2011). In the 1980s, to address the continual movement and keep the street open, the City of Los Angeles constructed a bulkhead along the down slope edge of Tramonto Drive near the main scarp (Figures 3 and 5), where the four houses were once located (Roth, 2011). In addition to this, the City and Caltrans in 2011 proposed a \$25 million scheme to stabilize the slope between Tramonto Drive and PCH (Roth, 2011). This project has not been implemented.

There is evidence that the Tramonto Drive Landslide has compromised adjoining property. For example, high-resolution coastal photography from the California Coastal Records Project demonstrates that between 2002 and 2006, the property immediately to the west of the Tramonto Landslide experienced a slope failure below the house (Figures 2 and 3). The slope failure may have moved prior to 2002 (Figure 3 [a]) but clearly enlarged by 2006 (Figure 3 [b]). Meanwhile, during the same period the rear yard of the residence immediately east of the Tramonto Landslide was terraced (Figure 3 [b]) with several retaining walls, apparently to protect the structure from slope failures.

C. Geologic Characteristics of Tramonto Drive in the Vicinity of the Subject Site.

The subject site is located on the south-facing slope below the southwestern rim of Castellammare Mesa (Figures 1 and 4). The general area descends southward toward the Pacific Coast Highway (PCH). Regional geology by Hoots (1931) was remapped by McGill (1989) and Dibblee (1992). The upper part of the mesa, including the site, is capped by a relatively thin layer of marine and non-marine terrace deposits (Qt). These deposits are younger strata that rest in a discontinuous way upon older strata of the Upper Cretaceous Tuna Canyon Formation (Kt) and lower Miocene Sespe Formation (Ts).

Recent events have greatly affected the stability of Castellammare Mesa generally, including the subject site: (1) road construction starting in 1925; (2) residential construction starting in 1926 or possibly sooner; (3) the heavy rains of the early 1940's and 1969, 1978, 1983 and 1992-1993; (4) the physical deterioration of streets, homes, and infrastructure starting in late 1920's; and (5) locally the use of distressed and cracked residential streets as storm drains. Earthquakes, such as Long Beach 1933 and Northridge 1994, may also have adversely affected the mesa as where slopes above PCH farther to the east.

Street grading on Tramonto Drive and other streets began in 1925, when geologic and geotechnical studies were not required by the City of Los Angeles. Roads were cut into, and homes were built on, older landslide deposits. Initially, with the exception of a single house built about 300 feet to the west in 1931, development on Tramonto Drive was confined to an area substantially to the west of the subject site. However, beginning in the 1950s, houses were developed in the immediate vicinity of the subject site. At the time, the City of Los Angeles issued permits for such projects without requiring geologic reviews. In fact, the City did not consider the importance of geotechnical review of hillside developments until after the heavy rains of 1952, and it did not actually require geologic reviews until 1963, when modern grading ordinances were enacted (Prevost, 1993).

As the WCML demonstrated, even post-1963 geologic reviews performed on a project-by-project basis can fail to recognize actual landslide risk. For example, during the research for our 1997 paper we reviewed post-1963 geotechnical and geological reports for residential construction permits issued to the 12 properties destroyed by the WCML. The reports indicated a significant variation in geologic opinion regarding the existence, depth, and location of landslides in the area. Several reports indicated the existence of a landslide under certain lots, while other reports indicated that the landslide did not exist. Yet, as the rains of 1992-1993 proved, a landslide was present under all of the lots.

D. Analyses Omitted by Project Geotechnical Engineer.

The historic evidence of slope instability on this portion of the Castellammare Mesa calls for a thorough review of all relevant existing data before new development proceeds including on the subject site. In our opinion such a review has not yet been completed for the proposed project.

As part of the City's process for issuance of a geology and soils approval letter for the proposed project, the applicant's geotechnical engineer, Earth Systems Southern California (ESSC) analyzed the geology and stability of the slope of the project site beginning in 2009 and continuing in 2010 (ESSC, 2009 and 2010). However, the ESSC analyses omitted certain basic engineering geologic analyses, including the following: (1) a geomorphic analysis of the 1928 Topanga Canyon Quadrangle map (U.S. Geological Survey, 1928); (2) a review of pre-1950's vertical aerial photographs; and (3) a thorough compilation, presentation and analysis of pre-2009 regional and site-specific subsurface geologic data. These basic analyses or similar should be conducted prior to collection of site-specific subsurface data.

To better understand the geologic hazard(s) at the subject site we have reviewed the 1928 quadrangle map, conducted an analysis of 1928 and 1940 vertical aerial photographs and performed a preliminary analysis of subsurface data. These basic analyses, and the resulting data (1) indicate that the geology of the slope is more complex and potentially less stable than indicated by the applicant's geotechnical engineers; (2) suggest (demonstrate that it is more likely true than not true) that the site was affected by a prehistoric landslide(s) and that accordingly the proposed foundation systems for the additions are inadequate; and (3) call for additional subsurface explorations on the subject site and a thorough analysis of the results before development proceeds.

We describe below each of the three omitted analyses that we performed, the resulting data, and our conclusions.

1. Omitted Analysis #1: Geomorphic Analysis of the 1928 USGS Topographic Map.

In 1928 the U. S. Geological Survey (USGS, 1928) published a topographic map of the Topanga Canyon Quadrangle (Figure 4) that included the subject site. The survey was conducted in 1925. The map is important because it shows topography and geomorphology unobstructed by development that can conceal evidence of landslides. Although the map is readily available, it does not appear to have been considered by ESSC in any of its reports. Our review of the 1928 map suggests that the subject site is within a large pre-development (and most likely pre-historic) landslide the potential for which has not been acknowledged by ESSC.

We performed geomorphic analysis on the 1928 topographic map and incorporated it into Figure 4. Generally speaking, in a geomorphic analysis the configuration and spacing of the equal elevation contour lines are analyzed to estimate the potential stability of a slope, and to ascertain whether a landslide may be present. The geologic model of a landslide is shown on Figure 5. As indicated in Figure 5, a landslide alters the slope, resulting in relatively level, stepped areas including the "head", which are indicated by divergent contour lines, as well as bulging at the base of the slope (known as the "toe"), and curved, steep bowl shaped areas near the top of the slope (known as the "main scarp").

In Figure 4, we mapped suspected landslides including landslide debris (i.e., failed material between the head and toe) and the main scarp exhibiting one or more of the geomorphic traits of a landslide (Figure 5), in an area within about 1500 feet of the subject site in both the east and west directions. The geomorphic pattern of debris suggests that the subject site is within a large pre-

development (and most likely pre-historic) landslide that has not been acknowledged by ESSC in its 2009 and 2010 analyses. The Tramonto Drive landslide (outlined in red) is clearly evident.

2. Omitted Analysis #2: Review of Overlapping Aerial Photographs from 1928 and 1940.

References attached to the ESSC reports indicate that ESSC reviewed oblique aerial photographs taken in 1931, 1938 and 1975 (ESSC 2009, 2010). Oblique photographs are useful (Figure 2A) but they have limited geologic value. For example, in Figure 2A, a 1932 oblique aerial photo of the region generally west of the subject site, there is evidence of slope movement just below Tramonto Drive in the center of the photo. The upper portion of the mesa near the subject site is also visible at the right, but because of the oblique angle of the photo it difficult to accurately locate the site itself, or to identify any possible objects or features of interest on or near the site, such as landslide debris and ground surface fractures.

In contrast, overlapping, vertical aerial photographs, viewed in stereo, provide geologists a “3D” image within the overlap. In overlapping photographs, objects or features of interest, such as landslide debris and ground surface fractures, can be more accurately located and more reliably identified than on oblique photographs. Our review of overlapping historic photographs suggests that the area along the southern edge of Tramonto Drive, including the subject site, is potentially unstable.

Consistent with the preferred overlapping approach, we reviewed readily available vertical aerial photographs taken in 1928 and 1940, which were not referenced in the ESSC reports. The 1928 photographs were taken approximately 3 years after the start of street grading on Tramonto Drive, and about a year after the first residences were built in the area west of the subject site. The 1940 photographs are important because at that time, there was still no residential development within 300 feet of the subject site and the quality and resolution of the photos (1” = 700”) is very good.

Initially, in order to assure the accuracy of our analysis of the aerial photographs, we compared the location and extent of known and suspected landslides as reported by McGill (1989), Prevost (1992), Johnson (1997) and Roth (2011) with geomorphic evidence of slope failures visible on the 1928 and 1940 aerial photographs (see Figure 6) and with the 1928 topographic map (Figure 4). The results were positive, demonstrating the usefulness of the analysis.

The results of the aerial photograph study are shown on Figure 6. The base photograph for Figure 6 is the 1940 photograph depicting the subject site. For reference, we have depicted landslides

mapped by the U.S. Geological Survey (McGill, 1989) and by the author in 1993 (Johnson, 1997). Also shown are the Tramonto landslide immediately to the east of the subject site, which destroyed four homes on Tramonto Drive in 1962 (Roth, 2011); the locations of observed seeps or springs that may indicate the presence of a landslide (McGill, 1989); and what appear to be crown cracks, north of Tramonto Drive, observed on the 1928 photographs.

Finally, Figure 6 contains numerous red lines, which depict fractures (tension and shear) that are visible on the 1940 photographs and which appear to have been caused by slope failure. One of these fractures runs directly through the subject site and one is upslope of the site near Tramonto Dr.

The results of the aerial photography analysis are consistent with the geomorphic study of the 1928 topographic map (Figure 4), discussed above, and suggest that the area along the southern edge of Tramonto Drive, including the subject site, is potentially unstable.

3. Omitted Analysis #3: Complete Review of Pre-2009 Geologic Data.

In its first report (ESSC, 2009) and its last report (ESSC, 2010), ESSC collected and analyzed pre-2009 geotechnical studies for proposed homes on Tramonto Drive and Posetano Road, which is immediately below the project site. However, in fact ESSC noted, but did not thoroughly present for analyses, important pre-2009 subsurface data. A more thorough analysis of these data suggests (demonstrates that it is more likely true than not true) that the main scarp, or uppermost vertical face, of a large landslide is located within the subject property and immediately underneath the proposed addition.

ESSC performed subsurface excavations, and plotted their locations on maps contained in both reports (See, e.g., Figure 5, from ESSC, 2010.) It then presented geologic cross-sections which showed these excavations, along with other pre-2009 excavations performed in 1985 by another geotechnical engineering firm (Lockwood, Singh and Associates) in connection with the development of the present single family residence on the site. (See, e.g., Figure 6, from ESSC, 2010.) For reasons unknown to the author, some of the 1985 data was included in the 2009 ESSC report but was excluded from the 2010 ESSC report. Specifically, the 2009 version of cross-section A-A' (ESSC, 2009) included the locations and depth of borings B3 and B5 (L.S., 1985). Yet the 2010 version of cross-section A-A' (ESSC, 2010) excluded borings B3 and B5, and the relevant geologic data (ESSC, 2010). Because of the potential critical importance of these 1985 borings, we reincorporated the missing data into our work.

Figure 7 depicts the updated site geologic map from the December 7, 2010 ESSC report. Section A-A' (which we highlighted in blue), runs through the proposed western addition to the structure. We selected this section for review because sections B-B' and C-C' have less geologic data suitable for slope stability review and analysis. Three borings and four hand-excavated test pits are proximate to Section A-A' and therefore are relevant to our analysis of this section. Several of these excavations were performed by ESSC and the remainder was performed by Lockwood, Singh and Associates in 1985. Of the borings, boring B1 (ESSC) is located at the northern edge of the proposed western addition; boring B5 (L.S., 1985) is located within the footprint of the proposed western addition; and boring B3 (L.S., 1985) is on the slope southwesterly of boring B1. Of the hand-excavated test pits, test pit TP1 (ESSC) is located within the footprint of the proposed western addition, and test pits TP4 (ESSC), TP1 (L.S., 1985) and TP2 (L.S., 1985) are all located on the slope below the footprint.

Also on Figure 7, the approximate horizontal limits of the thin layer of terrace deposits (Qtm) that overlay the top of the subject site, are colored brown but otherwise are exactly as mapped by ESSC.

Figure 8 depicts two versions of section A-A'. Figure 8[A], in the inset, is the original version of section A-A' presented by ESSC in its 2010 report (ESSC, 2010), with a single exception: It shows, colored in brown, the horizontal scope of the terrace deposits as mapped by ESSC in Figure 7. Figure 8[B], which is the larger diagram beyond the inset, is the same section A-A' (ESSC, 2010), but modified to include numerous data that we consider essential to a proper analysis of the subject site, including: (a) the horizontal limits of the terrace deposits as mapped by ESSC in Figure 7; (b) data from the above-referenced borings and hand excavated test pits; (c) the results of our analyses of the 1928 USGS map and the 1928 and 1940 aerial photographs, described above (Figures 2, 2A, 3 and 4); and (d) other important information including bedding attitudes from boring B1 and hand excavated test pits TP1 and TP4, free water (evidence of saturated sediments) noted in boring B1, and landslide debris mapped by McGill (1989).

As with Figure 8[A], in Figure 8[B] the horizontal limit of the terrace deposits (known as the "contact" or "interface" between the terrace deposits (i.e., Qtm) and the underlying materials (i.e., Ts)) was plotted to match the ESSC site geologic map (Figure 5), and the terrace deposits were colored brown. However, an important difference between Figure 8[A] (which reflects ESSC's analysis) and our Figure 8[B] (which reflects our analysis of the data presented by ESSC) is the inclusion in our Figure 8[B] of the thickness (i.e., the vertical limits) of the terrace deposits.

Specifically, our analysis demonstrates a rapid increase in the thickness of the terrace deposits between borings B1 and B5 (i.e. from 3.25ft in boring B1 to 8ft in boring B5) and then a rapid decrease in thickness of those deposits between B3 and the slope face. The increase in thickness of the terrace deposits in this location indicates the existence of a graben, or “down dropped” segment of the main body of a landslide, downslope of the main scarp. Grabens are tension fractures that often fill with soil and fine-grained sediment and therefore can go unnoticed. The log for boring B-3 indicates from 5 ft. to 8 ft. the materials are “Clayey.”

Taken as a whole, the data presented in Figure 8 support the results of our analyses of the 1928 USGS map and the 1928 and 1940 aerial photographs, described above (Figures 2 and 4), and suggest (demonstrate that it is more likely true than not true) that the main scarp, or uppermost vertical face, of a large landslide is located within the subject property and immediately underneath the proposed addition. In addition, the data in Figure 8 suggest that crown cracks, or surface ruptures, exist farther upslope from the main scarp, including within or near Tramonto Drive. An interpretation of the likely surface of rupture and crown cracks, consistent with our findings, is shown in red on Figure 8[B].

Conclusions

1. The geology of the slope underlying the subject site is more complex and potentially less stable than that depicted by ESSC (2009, 2010).
2. Our analysis suggests (demonstrates that it is more likely true than not true) that the subject site was affected by a pre-historic landslide(s) and that the proposed foundation systems for the additions are inadequate.
3. The project applicant’s geotechnical engineer, ESSC, should have conducted detailed aerial photographic and geomorphic studies prior to the start of subsurface excavations in 2009.
4. ESSC should also have plotted data from all relevant existing geologic maps and subsurface excavations, in detail, on regional and site-specific maps and geologic cross-sections. Potential hazards could then have been fully addressed during the subsurface excavation phase of the ESSC study.
5. The substantial risk of instability and the potential inadequacy of the proposed foundation systems on the subject site call for additional subsurface explorations on the subject site and a thorough

analysis of the results before development proceeds. Such explorations should include borings and possibly back hoe trenches.

If you have any questions please contact Jeffrey A. Johnson, Ph.D.

Sincerely,
JEFFREY A. JOHNSON, INC.

J. A. Johnson, Ph.D.
CEG 981

Attachments

- Figure 1 – Location Map
- Figure 2 – History of Landslides
- Figure 2A – History of Landslides
- Figure 3 – Tramonto Dr. Landslide
- Figure 4 – Topographic Analysis
- Figure 5 - Landslide Model
- Figure 6 - Aerial Photographic Analysis
- Figure 7 - Updated Site Geologic Map
- Figure 8 - Section A-A'

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Resume

Jeffrey A. Johnson

EDUCATION

1975 Ph.D. Engineering, University of California, Los Angeles
Major Soil Mechanics
Minors Earthquake Engineering/Engineering Geology
1971 M.S. Geology, University of California, Los Angeles
1969 B.S. Geology, California State University, Northridge

REGISTRATION

California--Professional Geologist #3390
California--Certified Engineering Geologist #981

EXPERIENCE

1996-2004 Lecturer, Geological Sciences Department, San Diego State University
1994-2001 Commissioner, California Seismic Safety Commission
1995-1997 Chairman, Strong Motion Instrumentation Advisory Committee
1992-1996 Associate Faculty, Saddleback College, Orange County, California
1988 Lecturer, School of Engineering and Applied Science, UCLA
1988 USGS/SEAOC workshop on new generation of national probabilistic ground motion maps
1988-1991 Emergency Volunteer/Engineer State Office of Emergency Services
1987 Panelist, Earthquake Engineering Research Institute Two-day course, Strong Ground Motion, Seismic Analysis, Design and Code Issues, Los Angeles, April 10 & 11.
1980-present Consultant (Engineering Geology and Applied Seismology)
1975-1980 Senior Geologist/Engineering Seismologist, Dames & Moore, Los Angeles, CA
1977-1978 Member Building Codes Committee, Southern California section of the Association of Engineering Geologists
1975 Post-Doctoral Research, University of Hokkaido, Sapporo, Japan
1974-1975 Special Consultant, California Geological Survey
1971-1975 Research Engineer, University of California, Los Angeles
1969-1975 Instructor of Geology, California State University, Northridge
1974-1975 Engineering Seismology Consultant, Envicom Corporation, Los Angeles, CA
1973-1974 Consultant to EERI project to maximize learning from future earthquakes
1972-1973 Member EERI reconnaissance team, 1972 Managua, Nicaragua earthquake
1970 Geologist, Mobil Oil Corporation, Anchorage, Alaska
1969 Engineering Geologist, Robert A. Stone and Associates, Woodland Hills, CA

Career Summary

Since 1969 career objectives have been divided between research, teaching and consulting. Research has been devoted to the understanding of geological and seismic processes and their potential effects on the performance of engineered structures. Studies, including the adverse effects of landslides, subsidence, differential settlement, near source ground motion, coseismic fault rupture and associated deformation

and liquefaction have been conducted in the United States, Central and South America, the Middle East, and Japan. Current research includes: (1) the origin and stability of deep-seated landslides in the complex and seismically active region along the step or bend between the Hayward and Calaveras faults; (2) the development of criteria for the identification of seismic exacerbation of cracks in engineered structures; and (3) the relationship between surface distress and damage to buried pipelines and coseismic slip on blind thrusts.

NSF funded research, while at UCLA, included a study of the area affected by the 1971 San Fernando earthquake. Responsibilities included developing geological models of accelerograph stations for the purpose of studying the relationship between local geology and recorded strong motion. Geologic models were also developed of sites where San Fernando aftershocks were recorded and for locations in Rio Blanco County, Colorado where instruments recorded the Rio Blanco Nuclear Blast of May 1973.

The NSF also funded the Earthquake Engineering Research Institute's (EERI) plan to maximize learning from future earthquakes. Responsibilities included research for and editing of the original Volume III (Geoscience Field Guide) of a five-volume study, entitled "Learning From Earthquakes." In January of 1973, earthquake damaged, Managua, Nicaragua was visited as part of the EERI team of experts. Responsibilities included placement of instruments to record aftershocks and review of local geology and geological/seismological hazards. Recorded ground motion was processed and reviewed upon return to UCLA.

In 1975 post-doctoral research was conducted at the University of Hokkaido, Sapporo, Japan with Dr. Y. Ohta. The primary effort was a review and analysis of the relationship between local geology and recorded ground motion. Field studies included measurements of long period ground motion, data analysis and review of the potential effects of local geologic conditions on seismic motion recorded during a large 1968 earthquake.

Within a few days of the 1979 Imperial Valley earthquake field and air review was conducted of zones of surface fault rupture and liquefaction. Strong motion from the event was also studied. The research was undertaken for Western LNG Terminal Associates. At the time of the 1979 earthquake seismic design of the proposed LNG facility at Point Conception, California was under review by the California Public Utilities Commission. Within hours of the 1989 Loma Prieta, earthquake an aerial survey was conducted of the epicentral region south of San Francisco. Damage information was provided to local and state agencies.

Surface fault rupture and ground deformation studies were conducted following the Landers earthquake

(M 7.3) of June 28, 1992 and the Northridge earthquake (M 6.7) of January 17, 1994. Field studies, in 1992, were conducted to review the pattern of faulting within a zone of simple shear along the rupture zone and note the effects of rotational strain and surface rupture on engineered structures including large water storage tanks, shopping centers, apartment houses, lifelines, schools and single family residences. Field studies in 1994 were designed to review surface deformation related to fault slip at depth below the central San Fernando Valley.

As an Instructor of Geology at California State University, Northridge, courses were taught in Physical Geology, Physical Geology Lab and Environmental Geology. Responsibilities also included developing and teaching Geology 105 (combined physical and historical lab) and Environmental Geology 300. A graduate course in earthquake engineering was taught at UCLA in 1988. Courses in Physical Geology, Earth Science, Environmental Geology and Geology of California were also taught at Saddleback College. Most recently, Engineering Geology was taught at San Diego State University.

Consulting projects have included the geologic, seismic and political aspects of the location and design of major facilities, lifelines and residential developments in highly seismic and environmentally sensitive regions of the world including dams in southern California; liquefied natural gas facilities in California, Alaska and Iran; nuclear power plants in the United States, major lifeline facilities including 500 kV transmission lines in California and the SOHIO mid continent pipeline project from Long Beach, California to Midland, Texas; major computer facilities in California and Washington; marine oil drilling platforms in California and Alaska, hydroelectric projects in South America; the Los Angeles Metro Rail Project and residential developments in the Los Angeles and San Francisco Bay areas.

Experience on the above projects as either a member of a interdisciplinary team, technical project manager or project manager included, review of regional seismotectonics, development of seismic source models, deterministic and probabilistic quantification of earthquake magnitude, acceleration, time histories of strong motion, uniform hazard response spectra, fault offsets and set backs as well as liquefaction and slope stability. In addition, Dr. Johnson was involved in developing seismic design codes for several of the above facilities including LNG storage tanks in California and the Los Angeles Metro Rail.

Over the last 30+ years Dr. Johnson has worked with the Army Corps of Engineers, MWD and several large consulting firms on the geologic and seismic review of seven (7) dams and reservoirs in southern California. Reviewed facilities included Garvey reservoir for MWD, Mojave River Dam, Brea Dam, Fullerton Dam and Prado Dam for the Army Corps of Engineers and Mulholland Dam and Juncal Dam as part of a consulting team. Tasks included review of potential surface fault rupture and regional

seismicity and the estimation of seismic parameters used in the stability analyses.

During geoseismic review for residential and commercial development in Malibu, California surface and subsurface geologic conditions along the Malibu Coast fault zone were studied. Experience included regional surface mapping and review of numerous backhoe trenches within the fault zone between Trancas Canyon and Malibu Creek. Evidence of Holocene faulting was exposed in several trenches. On May 9, 1990 Dr. Johnson gave an invited talk at the California Coastal Commission's workshop on "Seismic Activity of the Malibu Coast Fault Zone." Additional fault studies have been conducted, including review and logging of back-hoe trenches along the Newport-Inglewood, the Sierra Madre and the San Andreas fault zones and the bend region between the Hayward and Calaveras faults for residential, commercial and industrial development.

Dr. Johnson has been a consultant to the California Geological Survey (CGS), the California Public Utilities Commission (PUC) and the California Coastal Commission (CCC). Studies were conducted on the secondary effects of ground shaking for cooperative projects with various counties in California as a consultant to the CGS. As a consultant to the PUC review was undertaken of the environmental and geotechnical problems related to the selection of 500 kV transmission line routes across Arizona and into southern California. Expert testimony was provided during State review hearings. Technical review was also undertaken for the CCC for large proposed projects in the southern California coastal zone including oil drilling sites, pipeline routes, a large R & D facility and a Hotel site.

Expert testimony regarding regional and local environmental issues, regional neotectonic models and seismic design parameters have been given before the California State Energy Commission, the California Public Utilities Commission and the Federal Energy Regulatory Commission. Consulting and expert testimony has also been provided regarding distress to engineered structures due to slope failure, oil and ground water production subsidence, differential settlement, expansive soils, secondary consolidation, improperly constructed artificial fill, authigenic crystal growth, flooding, seismic shaking and coseismic ground failure, construction and quarry blasting and explosions.

Relevant Experience

Dr. Johnson has been involved in the static and seismic analysis of slopes and slide debris as a researcher, teacher and consultant. Currently, analysis is be conducted on the stability and performance of large, deep seated landslides in the moratorium region in the foothills of eastern San Jose, California. The moratorium region or Special Geologic Hazards Study Area is located within the bend between the

Hayward and Calaveras faults. The size, number and complex nature of the landslides prompted the City to create the SGHSA in 1995. Several of the largest landslides are active creating additional stabilization issues in the seismically active region.

Projects involving the analysis of slope failures have also been conducted in Southern California. Projects include: (1) site inspections during grading of large landslides in Diamond Bar; (2) mapping and analysis of 1993 rain related failures in Castellammare; (3) detailed review of coseismic slope movement in the Santa Monica mountains due to the 1994 Northridge earthquake; (4) forensic analysis of the Flying Triangle and Bluff Cove landslides in Palos Verde, slope failures in Sullivan and Potrero Canyons and along Paseo Miramar in Pacific Palisades, two large slope movements in Rancho Bernardo and several significant slope failures in Calabasas; (5) analysis and mapping of large landslides in Malibu including Big Rock and failures along Rambla Pacifico, Los Flores Canyon, Los Flores Mesa, Malibu Rd. and Coastline Dr.; (6) review of the potential adverse effects of hydrocarbon production on the stability of the Via de Las Olas landslide; (7)

PROFESSIONAL ORGANIZATIONS

Association of Environmental and Engineering Geologist (AEG)
Earthquake Engineering Research Institute (EERI)
Geological Society of America (GSA)
Seismological Society of America (SSA)

PUBLICATIONS and ABSTRACTS

Hanging-Wall distress: An overview of 1994 Northridge coseismic distress and geomorphic evidence of paleoearthquakes, Abstract, 50th Annual Meeting of the Association of Environmental & Engineering Geologists, Los Angeles, CA, Sept. 2007.

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17708 Tramonto Drive

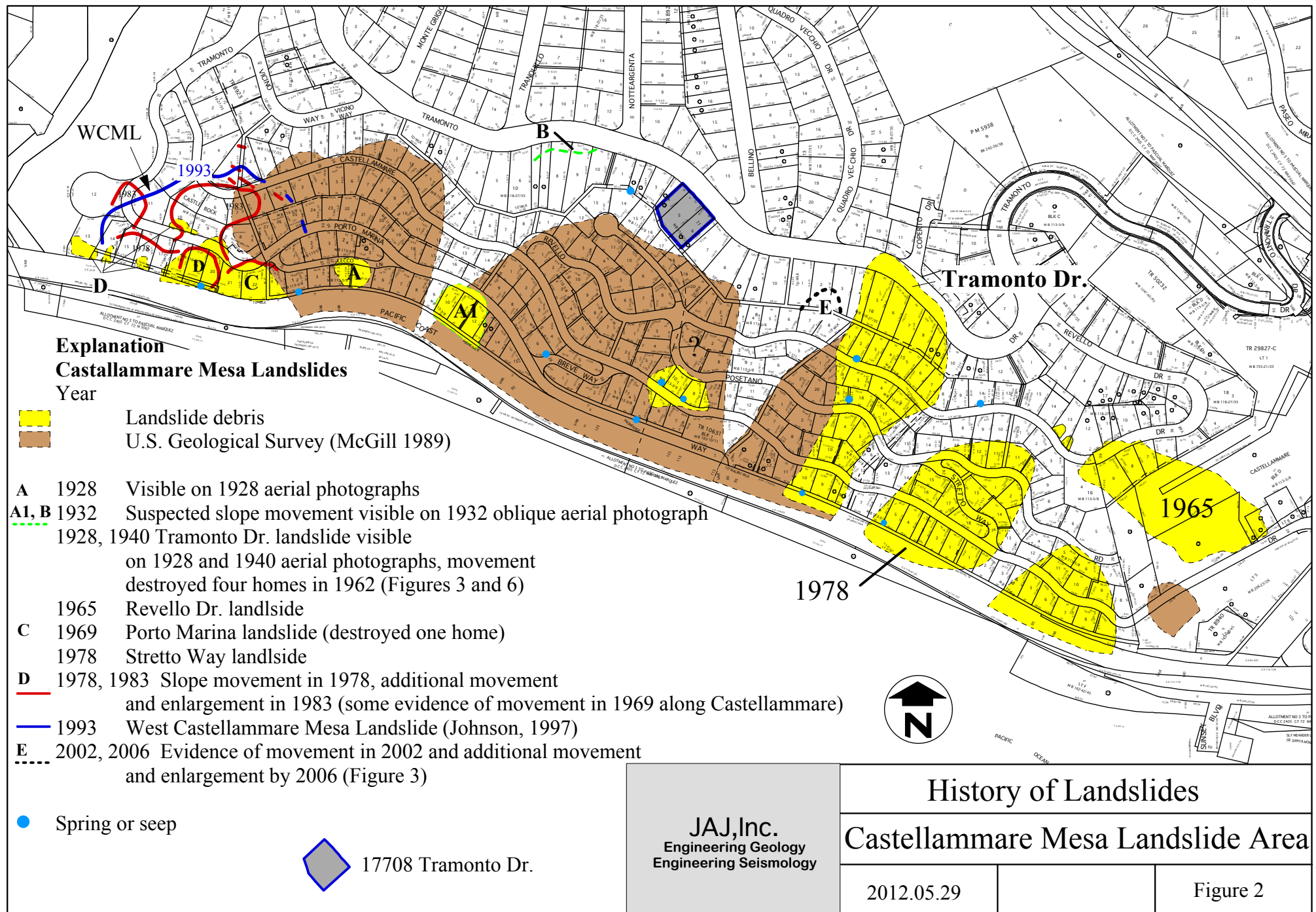
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Engineering Geology
Engineering Seismology

Location Map

17708 Tramonto Drive

2012.05.15

Figure 1





1932.05.19 Spence Collection UCLA
View to the northeast

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Engineering Geology
Engineering Seismology

History of Landslides

Castellammare Mesa Landslide Area

2012.05.30

Figure 2A



(a)



(b)

West ←

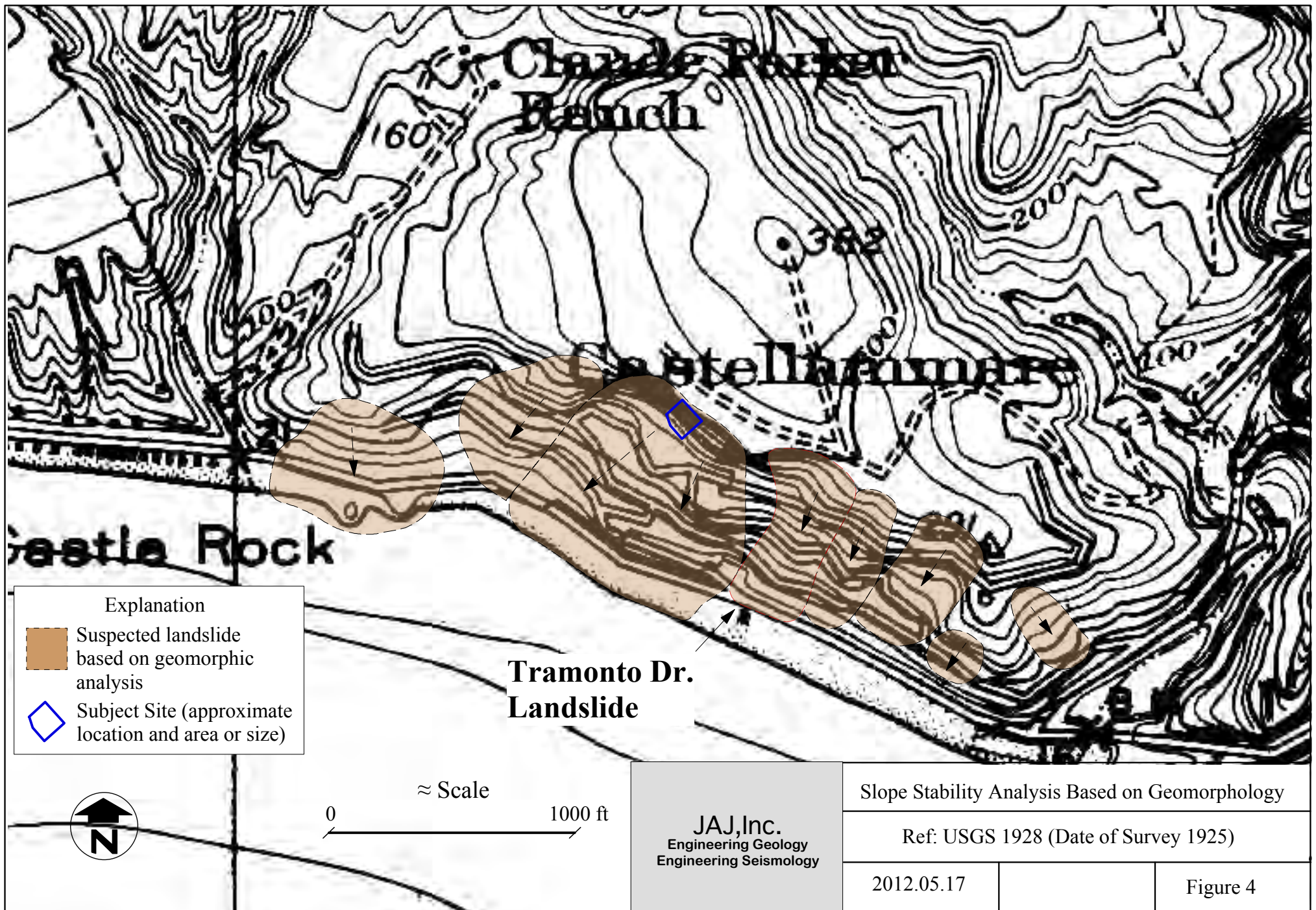
JAJ, Inc.
Engineering Geology
Engineering Seismology

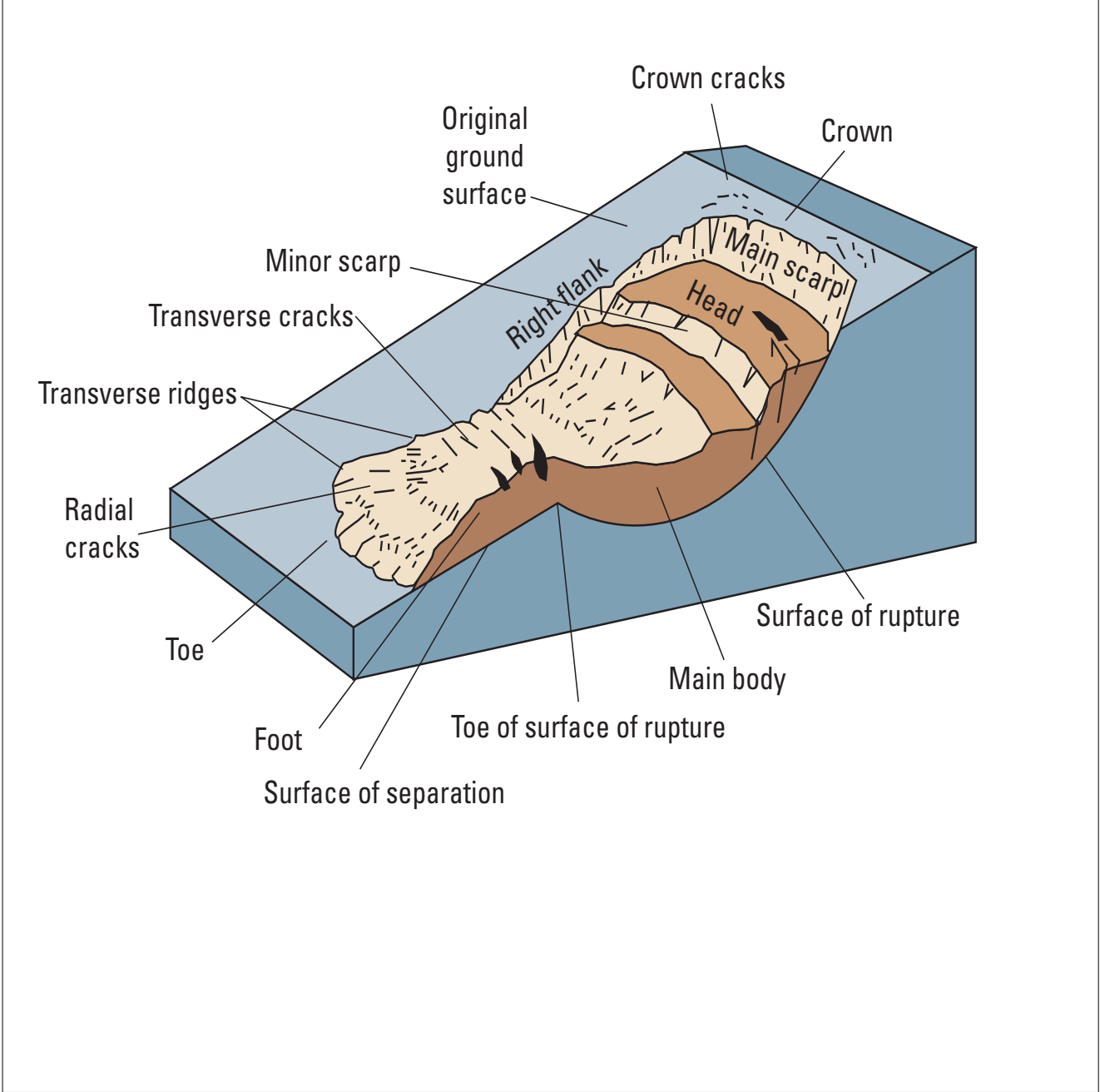
Oblique Aerial Photographs (2002 and 2006)

Ref: California Coastal Records Project

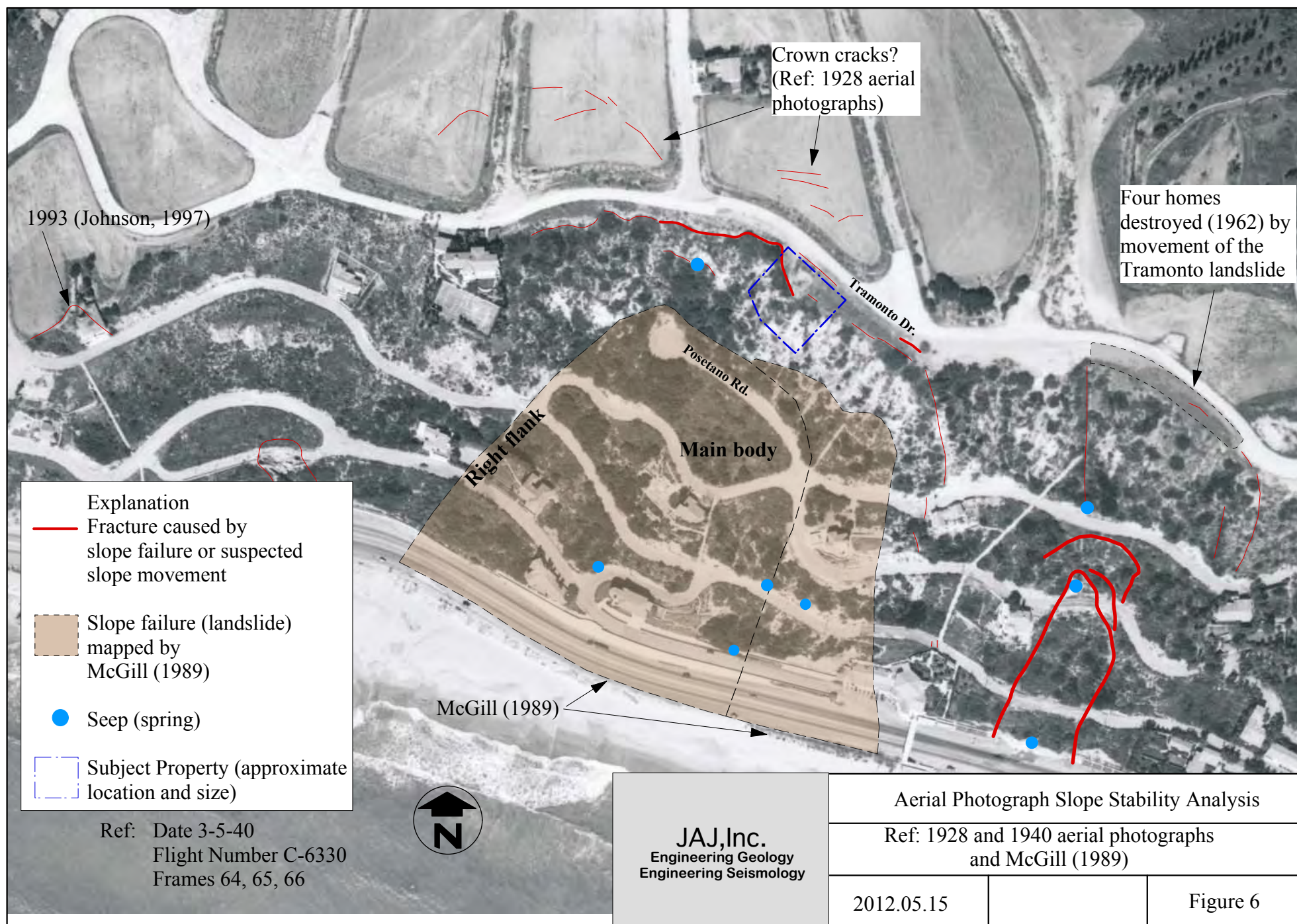
2012.05.29

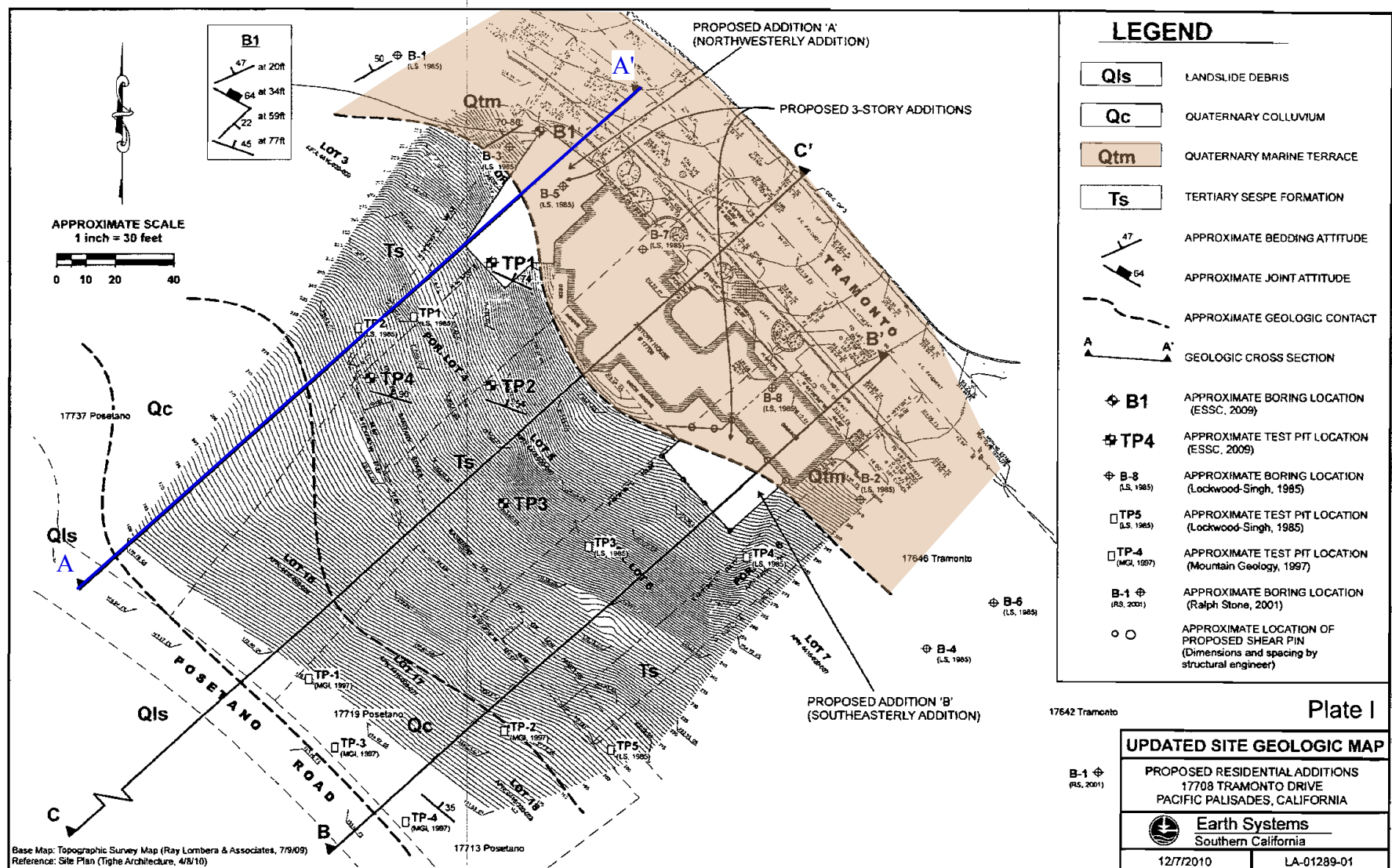
Figure 3

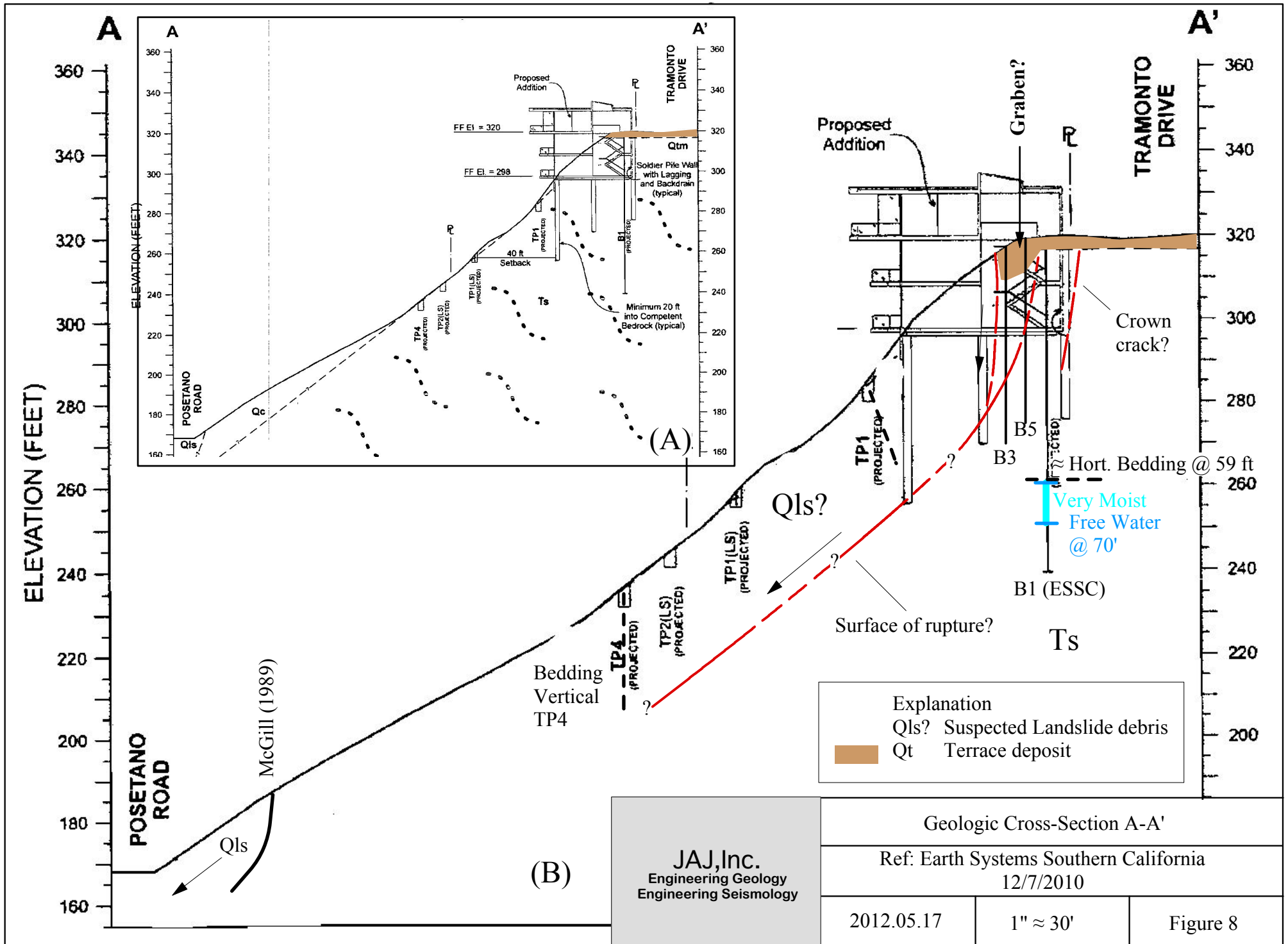




JAJ, Inc. Engineering Geology Engineering Seismology	Commonly used labels for the parts of a landslide		
	Ref: Higland and Bobrowsky, 2008		
	2012.05.15		Figure 5







PREVAILING HEIGHT DETERMINATION
LAMC 12.21 C.10(d)(3)

17642 Tramonto Drive, Los Angeles, CA 90012
APN 4416020009

A. LAMC 12.21 C.10(d)(3) states:

(3) Prevailing Height. Notwithstanding Table 12.21 C.10-4 of this Paragraph (d), when 40% or more of the existing One-Family Dwellings with Frontage on both sides of the block have Building heights exceeding these limits, the maximum **envelope height** for any Building on that block may be the **average height of the Dwellings exceeding these limits**.

Copy of the Code section from the BHO Comprehensive Guide is attached. Note that only houses whose heights exceed the limit in the table are included to calculate the average height. Houses that are under the limit are not included to calculate the average.

B. On June 10, 2016, City of Los Angeles issued a Zoning Determination Letter (attached) that defined, by signed map attached to the letter, the "block" for purposes of determining the Prevailing Height. Copy of the letter attached. Also attached is a color aerial photograph that shows the same block and gives the street addresses of the all the Single-Family Dwellings on both sides of the block. The north side of the block is bounded by Tramonto Drive. The south side of the block is bounded by Posetano, Revello and Castellemmare Drives.

C. The envelope height of the existing One-Family Dwellings on the block determined by the City, were measured by actual measurement by licensed surveyors. Reports attached.

D. Attached is a table setting forth the surveys and average. The table shows that more than 40% (actually more than 60%) of the single-family dwellings on both sides of the block exceed the envelope height limits in the table. The table computes the average of the over-height houses on both sides of the block = Prevailing Height.

Prevailing Height = 51.55 feet

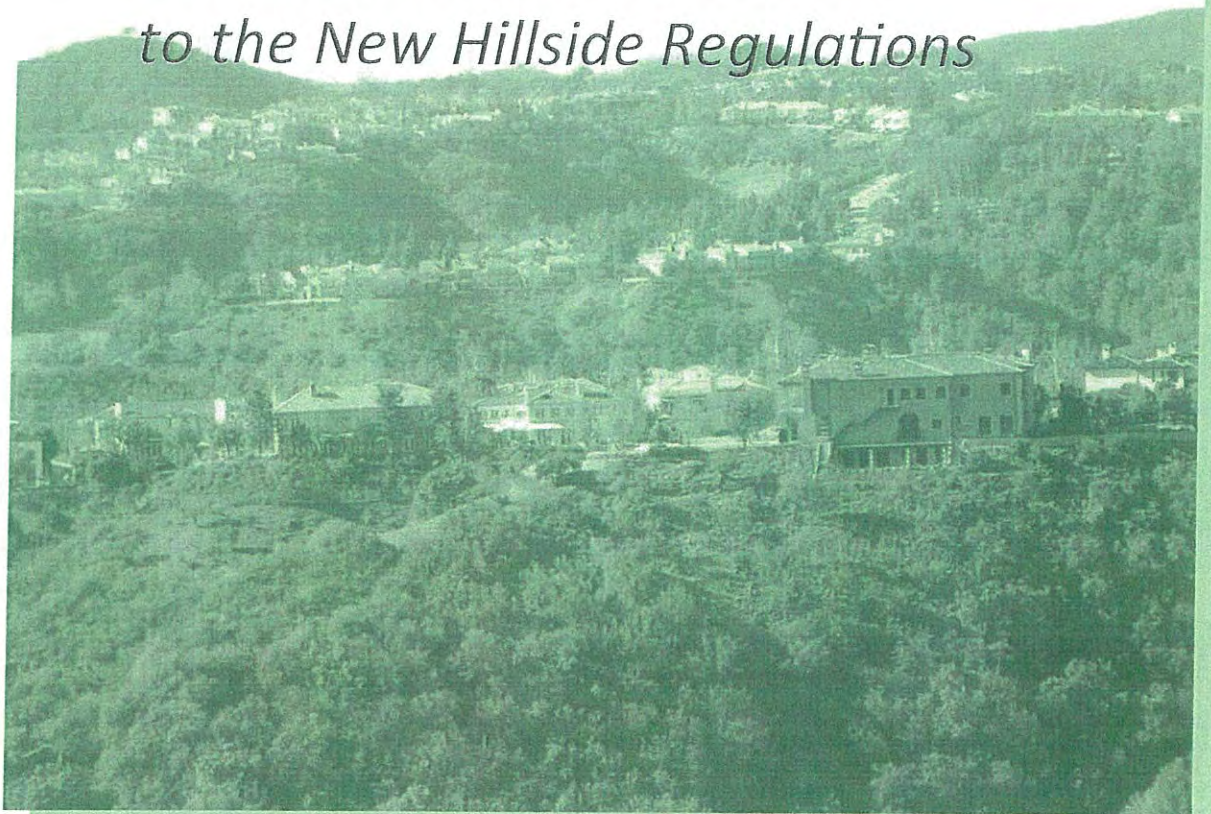
Attachments:

1. Table
2. Pages
3. City c
4. Aeria
5. Surve

17642 Tramonto Drive APN 4416020009
Prevailing Height Determination, LAMC 12.21 C.10(d)(3)

Address of Single-Family Dwelling	North or South side of block	Roof Type	Max. Permitted Envelope Height per Table 12.21 C.10-4 (based on roof type) in feet	Does the height of the house exceed the limit set forth in the table? Yes = house is overheight. No = house is at or below the limit	Actual Envelope Height per Survey, in feet (N/A = this house does not exceed the limit height in the table thus is not part of the average)
17822 Tramonto	North	Slope	33 ft	No	N/A
17810 Tramonto	North	Slope	33 ft	No	N/A
17800 Tramonto	North	Slope	33 ft	Yes	68.07 ft
17774 Tramonto	North	Slope	33 ft	No	N/A
17766 Tramonto	North	Slope	33 ft	No	N/A
17756 Tramonto	North	Flat	28 ft	Yes	43.22 ft
17750 Tramonto	North	Flat	28 ft	Yes	57.10 ft
17732 Tramonto	North	Flat	28 ft	Yes	73.37 ft
17726 Tramonto	North	Flat	28 ft	Yes	84.14 ft
17708 Tramonto	North	Flat	28 ft	Yes	41.99 ft
17646 Tramonto	North	Flat	28 ft	Yes	63.04 ft
Total Number of Single-Family Dwellings on North Side of Block:					11
Number of SF dwellings on North Side that Exceed Height Limit in Table					7
Percentage of SF dwellings on North Side that Exceed Height Limit in Table					7/11 = 63.6%
17833 Castellammare	South	Slope	33 ft	No	N/A
17819 Castellammare	South	Slope	33 ft	Yes	50.83 ft
17753 Revello	South	Slope	33 ft	No	N/A
17747 Revello	South	Slope	33 ft	Yes	39.21 ft
17743 Posetano	South	Flat	28 ft	Yes	30.55 ft
17719 Posetano	South	Flat	28 ft	Yes	32.17 ft
17713 Posetano	South	Flat	28 ft	Yes	34.95 ft
17709 Posetano	South	Slope	33 ft	No	N/A
Total Number of Single-Family Dwellings on South Side of Block:					8
Number of SF dwellings on South Side that Exceed Height Limit in Table					5
Percentage of SF dwellings on South Side that Exceed Height Limit in Table					5/8 = 62.5%
Average Envelope Height of SF Dwellings on Both Sides of the Block that Exceed Limit = Prevailing Height for subject project:					<u>51.55 feet</u>

Baseline Hillside Ordinance
A COMPREHENSIVE GUIDE
to the New Hillside Regulations



May 9, 2011



Los Angeles
Department
of City Planning

BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE

4. Height Limits. [§ 12.21 C.10.(d) of the LAMC]

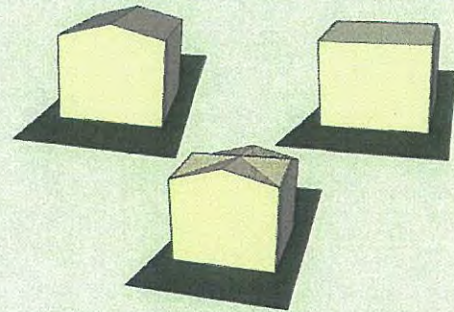
No portion of a Building or Structure shall be erected or enlarged which exceeds the envelope height limits as outlined in **Table 5 – Maximum Height of Structures**, or as otherwise stated in the paragraphs below. For the provisions below, whenever Grade is mentioned, it shall mean Hillside Area Grade as defined in the Definitions Section of this document (or **Section 12.03 of the LAMC**).

Table 5 Maximum Height of Structures (in feet)								
Height Districts	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
When the roof of the uppermost story of a building or structure or portion thereof has a slope of 25% or greater, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	33	33	33	36	36	36	36	36
1XL	30	30	30	30	30	30	30	30
1SS	22	22	22	22	22	22	22	22
When the roof of the uppermost story of a building or structure or portion thereof has a slope of less than 25%, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	28	28	28	30	30	30	30	30
1XL	28	28	28	30	30	30	30	30
1SS	18	18	18	18	18	18	18	18

25% Roof Slope

The 25% roof slope is a Southern California standard which is also commonly referred to as the 3:12 slope. This slope can be expressed as a ratio of 1 foot of vertical rise for every 4 feet of horizontal distance. In order to determine what the minimum height of the standard gabled roof, as measured from the top-plate of the building wall, simply divide the horizontal distance of the wall by 8.

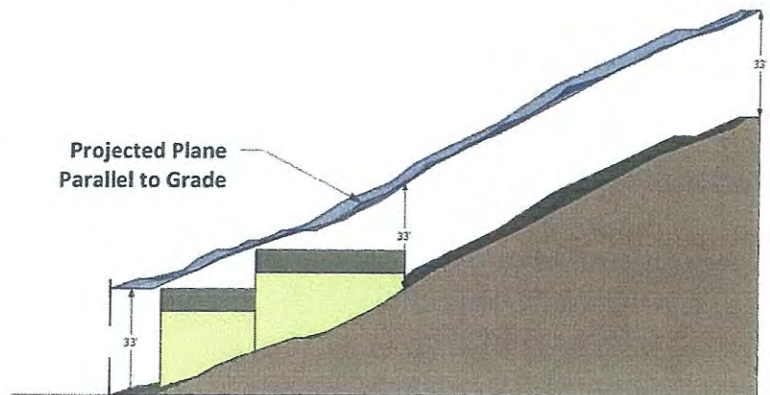
When a roof is made up of a combination of roof slopes, the portions of the structure with a roof slope less than 25% will be considered flat and as a result be required to comply with the lower height.



a. Measurement of Height. [§ 12.21 C.10.(d)(1) of the LAMC]

Notwithstanding any other provision in the Code, the height limits in **Table 5 – Maximum Height of Structures** above shall be measured as set forth below.

- (1) **Maximum Envelope Height.** Envelope height (otherwise known as vertical height or "plumb line" height) shall be the vertical distance from the Grade of the site to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the lowest Grade within 5 horizontal feet of the exterior walls of a Building or Structure.



BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE

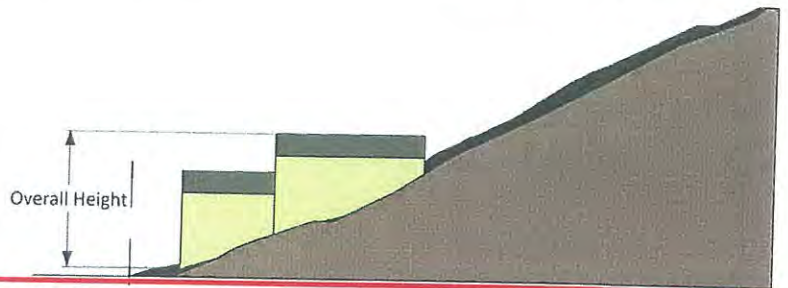
At no point shall any given section of any part of the proposed Building or Structure exceed the maximum envelope height.

A topographic map shall be submitted as a separate plan sheet or as part of the site plan identifying the 5-foot perimeter of the exterior walls, or any other information which the Department of Building and Safety deems necessary to determine compliance with [this provision](#).

b. Zoning Administrator's Authority. [§ 12.21 C.10.(d)(2) of the LAMC]

A Zoning Administrator may allow Structures which exceed the maximum envelope height requirements of [Table 5 – Maximum Height of Structures](#); however, the increase in height may not result in a Building or Structure which exceeds an overall height of 45 feet, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#).

The overall height shall be measured from the lowest Elevation point within 5 horizontal feet of the exterior walls of a Building or Structure to the highest Elevation point of the roof Structure or parapet wall.



c. Prevailing Height. [§ 12.21 C.10.(d)(3) of the LAMC]

Notwithstanding the height limits in [Table 5 – Maximum Height of Structures](#), when 40% or more of the existing One-Family Dwellings with Frontage on both sides of the block have Building heights exceeding these limits, the maximum envelope height for any Building on that block may be the average height of the Dwellings exceeding these limits.

d. Lots in a Single-Story Height District. [§ 12.21 C.10.(d)(4) of the LAMC]

As enabled by [Section 12.21.1 A.1 of the LAMC](#), on Lots in a "SS" Single Story Height District, shown as "1SS" on a Zoning Map, no Building or Structure shall be erected or enlarged which exceeds one Story.

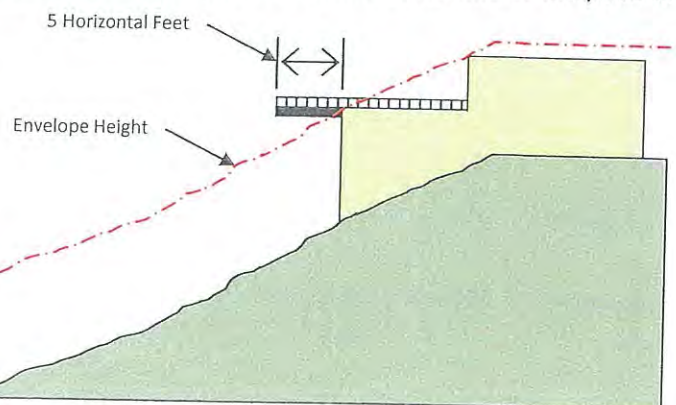
Notwithstanding the provision in [Section 12.21.1 A.8 of the LAMC](#), in determining the number of Stories, any Basement which is exempt from the Residential Floor Area calculation, as outlined in [Section 12.03 of the LAMC](#), shall not be considered a Story.

e. Lots Fronting on Substandard Hillside Limited Streets. [§ 12.21 C.10.(d)(5) of the LAMC]

For any Lot fronting onto a Substandard Hillside Limited Street and subject to the 5-foot Front Yard setback, no portion of a Building or Structure within 20 feet of the Front Lot Line shall exceed 24 feet in height. The 24 foot maximum Building and Structure height shall be measured from the Elevation at the centerline or midpoint of the Street on which the Lot fronts.

f. Unenclosed/Uncovered Rooftop Decks and Cantilevered Balconies. [§ 12.21 C.10.(d)(6) of the LAMC]

Unenclosed/uncovered rooftop decks, cantilevered balconies and "visually permeable railing" (no more than 42 inches in height), may project beyond the maximum envelope height no more than 5 horizontal feet.



For the purposes of [this provision](#), "visually

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
PRESIDENT

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VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
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CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

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

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

June 10, 2016

Mir Saied Kashani
800 W. 1st Street, #3201
Los Angeles, CA 90012

RE: 17642 W. Tramonto Drive

APN: 4416020009

In response to your written request regarding zoning information on the above referenced property (the "Property") please be advised of the following.

The Property known as Lot 8 of Tract 8923 is shown on the Zoning Map to be located in the R1-1 Zone. See the enclosed copy of the Parcel Profile Report for zoning and other related information pertaining to the Property.

You requested a written zoning determination for the boundary of the "block" to be used for determining the Prevailing Height for the Property.

Please see the enclosed ZIMAS map, initialed and dated on June 10, 2016, for the boundary of the "block" to be used for determining the Prevailing Height for the Property.

You may view the LAMC at <http://www.amlegal.com>, the Information Bulletins at <http://www.ladbs.org>, and the Zoning Manual at <http://www.ladbs.org>.

A copy of permits, Certificate of Occupancy, affidavits, earlier violations, and approved set of plans (if microfilmed) may be obtained from the Department's Records Section in person, via fax, U.S. mail, or online. Please refer to our website <http://LADBS.org>, select "Services" and choose "Search Online Building Records" under "Check Service Status & Records" for further instructions.

Information on recent violations is available on our website <http://LADBS.org>, select "Services" and choose "Permit and Inspection Report" under "Check Service Status & Records" for further instructions.

Should you need further assistance regarding Zoning Code regulations, please contact the City's 311 Call Center at 311 from inside the City of Los Angeles or (213)473-3231 from outside the City and ask to speak with an engineer at the Department of Building and Safety Call Center.

Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. A plan check will be required prior to any construction, change of use or occupancy.

If I may be of further assistance please do not hesitate to contact me at (213) 482-0087.



John Pourhassan
Structural Engineering Associate

Ara Sargsyan, P.E., C.B.O., LEED® AP
Zoning Engineer
Chief of Development Services Case Management

Attachment: Parcel Profile Report
ZIMAS map

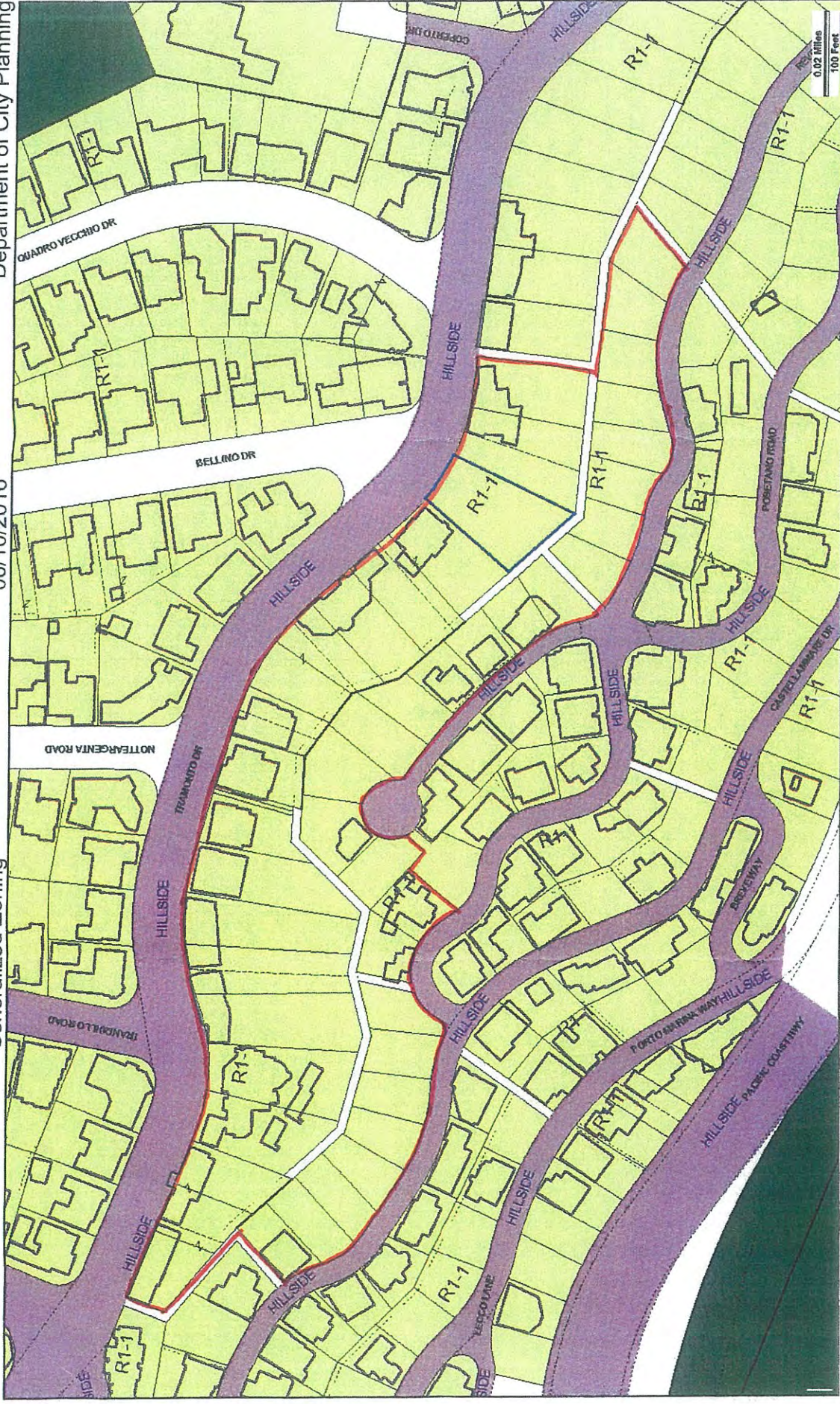
AS:JP:jp

ZIMAS INTRANET

Generalized Zoning

06/10/2016

City of Los Angeles
Department of City Planning



Address: 17642 W TRAMONTO DR

APN: 4416020009

PIN #: 126B117 343

Zoning: R1-1

General Plan: Low Residential

Tract: TR 8923

Block: 11

Lot: 8

Arb: None

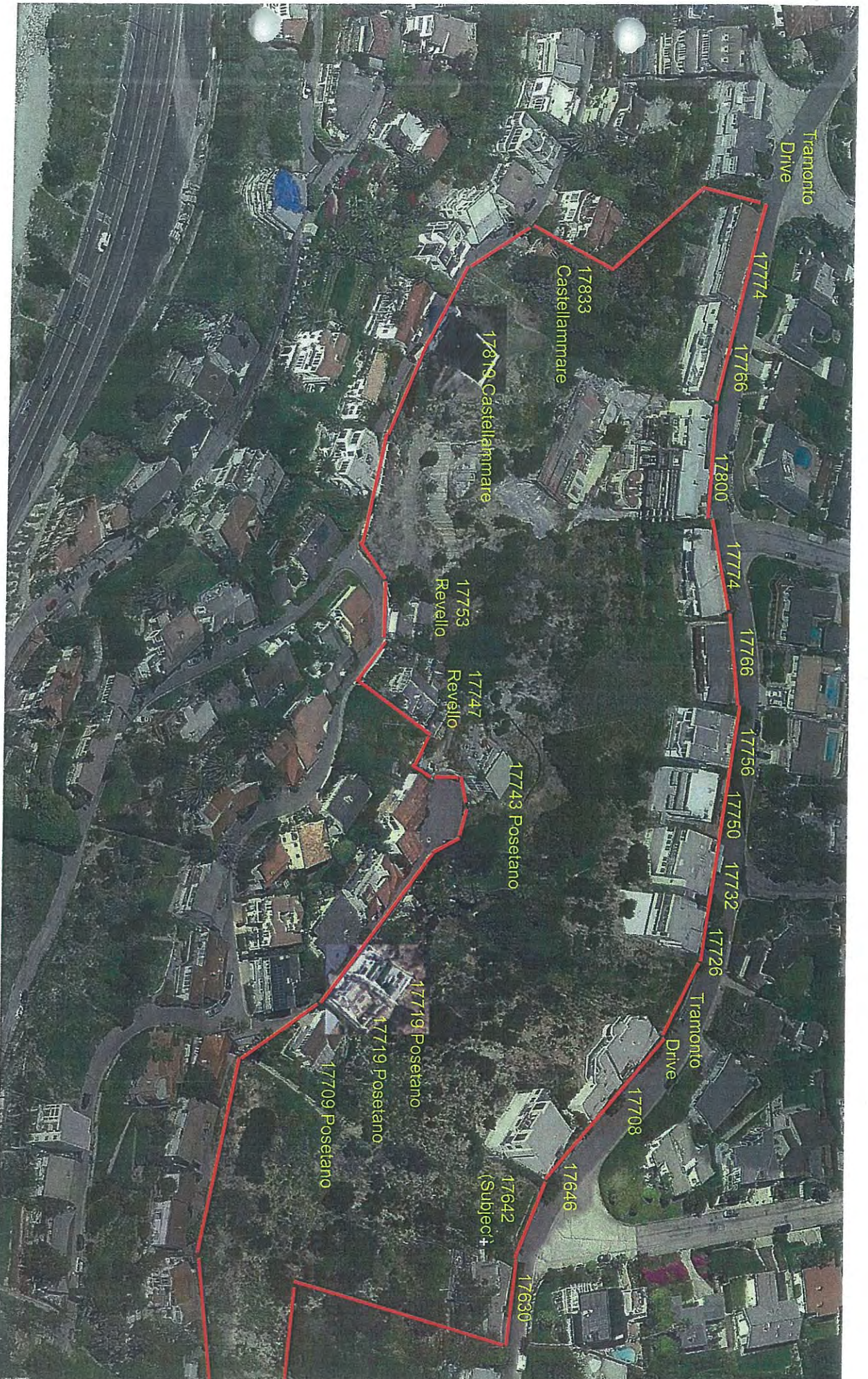


Streets Copyright (c) Thomas Brothers Maps, Inc.

JP (A.S.)

6/10/16

Boundary of the Block to be used
for determining Prevailing Height



ENVELOPE HEIGHT SURVEY

Subject: 17756 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17756 Tramonto Drive	43.22 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17750 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d) (1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17750 Tramonto Drive	57.10 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17800 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17800 Tramonto Drive	68.07 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17743 Posetano Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17743 Posetano Drive	30.55 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17719 Posetano Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17719 Posetano Drive	32.17 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17713 Posetano Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17713 Posetano Drive	34.95 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



ENVELOPE HEIGHT SURVEY

Subject: 17747 Revello Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17747 Revello Drive	39.21 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17819 Castellammare, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17819 Castellammare	50.83

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17732 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17732 Tramonto Drive	73.37 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17726 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17726 Tramonto Drive	84.14 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17708 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17708 Tramonto Drive	41.99 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

ENVELOPE HEIGHT SURVEY

Subject: 17646 Tramonto Drive, Pacific Palisades, CA 90272
Zoning: R1, Hillside

Licensed surveyors measured the "envelope height" of the above One-Family Dwelling in accordance with LAMC 12.21 C.10(d)(1) as explained in the Baseline Hillside Ordinance Comprehensive Guide dated May 9, 2011, pp. 14-15. Licensed surveyors determined and surveyed, through actual measurement on the site, the vertical distance from the lowest Grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the Structure or parapet wall located directly above and parallel to the Grade.

Using this method, the Envelope Height was determined to be:

<u>Subject</u>	<u>Envelope Height in Feet</u>
17646 Tramonto Drive	63.04 feet

Dated: September 7, 2016

Submitted:

Ray Lombera, PLS 7740



9-12-16

124 Cal.App.4th 1344
Court of Appeal, Second District, Division 1, California.

David M. HORWITZ et al.,
Plaintiffs and Respondents,

v.

CITY OF LOS ANGELES, Defendant and Appellant;
Mehr Z. Beglari et al., Real Parties
in Interest and Appellants.

No. B172053.

|
Dec. 15, 2004.

|
Review Denied March 23, 2005.

Synopsis

Background: Homeowners remodeled their house after obtaining a permit based on an erroneous calculation of the required front-yard setback, and neighbors appealed to city's administrative agencies to challenge permit. After city's zoning administrator sustained neighbors' challenge to front-yard setback, the Superior Court, Los Angeles County, No. BC271518, [David C. Velasquez](#), J., granted neighbors' petition for a writ of mandate, and issued a writ commanding city to revoke all of homeowners' building permits and their certificate of occupancy. City and homeowners appealed.

[Holding:] The Court of Appeal, [Vogel](#), J., held that homeowners' permit was subject to revocation for failure to comply with mandatory requirements of city ordinance.

Affirmed.

Attorneys and Law Firms

****296** [Rockard J. Delgadillo](#), City Attorney, [Sharon Siedorf Cardenas](#), Assistant City Attorney, and [Michael L. Klekner](#), Deputy City Attorney, for Defendant and Appellant.

Mark E. Baker, Calabasas, for Real Parties in Interest and Appellants.

Paul, Hastings, Janofsky & Walker, [Geoffrey L. Thomas](#) and [Jason M. Frank](#), Los Angeles, for Plaintiffs and Respondents.

Opinion

[VOGEL](#), J.

***1347** A homeowner who remodeled his house obtained a permit based on an erroneous calculation of the required front-yard setback, so that the house, now completed, is 14 feet closer to the street than permitted by the governing sections of the Los Angeles Municipal Code. Neighbors objected, challenging the permit at the administrative level and in court, and ultimately obtained a judgment directing the City of Los Angeles to revoke the permits. The City and the homeowner appeal. We reject their claims of error and affirm the judgment.

FACTS

A.

Mehr and Vickey Beglari (collectively Beglari) own a house at 909 Greentree Road, in the Rustic Canyon area of Pacific Palisades. In 2000, Beglari (a contractor) decided to enlarge his home and submitted a series of plot plans and permit applications to the City of Los Angeles to obtain approval for an addition that dramatically reduced the front-yard setback, increased the height of the structure, and reduced the width of a side yard.

Several permits were issued to Beglari, including among others a permit issued in January 2001 by the City's Department of Building and Safety to authorize the construction of a 6,550 square-foot, two-story addition to Beglari's existing 2,000 square-foot house; a permit issued in November 2001 to authorize the movement of a side wall; and one issued in March 2002 to authorize an increase in the height of the driveway (by the addition of dirt) to raise the ground level so the roofline of the addition would not exceed height limits measured from ground level.

B.

On March 25, 2002, David Horwitz (and other nearby property owners included in our references to Horwitz) challenged the permits issued to Beglari by way of an appeal to the City's Board of Building and Safety Commissioners. Horwitz claimed (1) the height of Beglari's proposed addition was excessive, (2) the proposed addition would impermissibly reduce the front-****297** yard setback because the prevailing front-yard setback had been incorrectly measured by Beglari, and (3) the enlarged residence would impermissibly reduce the size of the required side yards.¹

***1348** On April 8 (while the just-mentioned administrative appeal was pending), Horwitz sued the City (and Beglari as real party in interest) for declaratory and injunctive relief, asking the court to compel the City to revoke Beglari's building permits and to issue a stop work order. The lawsuit repeated the claims asserted by Horwitz in his administrative appeal, and also alleged that judicial relief was necessary because the Board would not hear his appeal until May at the earliest, and that Beglari had rejected his request to voluntarily discontinue construction until the dispute was resolved. The City challenged all of the judges of the Los Angeles County Superior Court and the case was transferred to the Orange County Superior Court—which found that Horwitz had demonstrated a probability of success on the merits of his claim that Beglari's addition violated various zoning codes, but nevertheless refused to issue a preliminary injunction on the ground that Horwitz had not exhausted his administrative remedies and because construction was by then almost complete. At the same time, the court rejected Beglari's contention that Horwitz's claims were barred by laches, noting that “it appear[ed] that [Beglari] knowingly proceeded despite ... objections [from Horwitz].”

C.

In July, the Board of Building and Safety Commissioners rejected Horwitz's challenges, and Horwitz then appealed to the City's Office of Zoning Administration. On August 19, while the administrative proceedings were pending, the Department of Building and Safety issued a certificate of occupancy to Beglari.

In September, Horwitz's appeal was heard by Zoning Administrator Lourdes Green, who (in October) rejected

Horwitz's challenge to the height and side-yard determinations but agreed with Horwitz's challenge to the front-yard setback determination. The Zoning Administrator found that the formula for measuring front-yard setbacks for new construction is stated in section 12.07.01 C.1 of the Los Angeles Municipal Code, and noted that the only dispute is about the numbers used in the application of that formula to Beglari's lot.² In rough terms, the front-yard ****298** setback is determined by ***1349** measuring the distance from the property line at the street to the *closest existing building* on the subject lot, then measuring the same distance on qualifying adjacent lots (houses on the same street), then averaging those distances to arrive at the permissible post-construction setback for the subject lot. The issue before us turns on the meaning of *closest existing building*. According to a Senior Structural Engineer who is the Chief of the Department's Specialty Engineering Section, this measurement “typically” is the distance from the property line to the existing house. An attached garage is part of the house, but a detached garage is not; when there is a house with a detached front garage, the measurement is from the property line to the house, not from the property line to the detached structure that is closer to the street.

Beglari considered four lots when he submitted his permit application: Lot 5 (Beglari's lot at 909 Greentree), Lot 4 (911 Greentree), Lot 3 (921 Greentree), and Lot 2 (925 Greentree). The dispute is about the setback measurement of Lot 4—which, when measured from the property line to the main house is 30.75 feet, but when measured to a detached garage is only 17.58 feet. Beglari, whose proposed plan obscured the fact that there was a detached garage on Lot 4, used the lower number which, when plugged into the formula, means his remodeled house encroaches 14 feet into the permitted setback area or, put the other way, that his permit allowed his remodeled house to be built 14 feet closer to the street than it would have been had he used the 30.75 feet measurement. Based on the evidence presented at the administrative hearing, the Zoning Administrator made these findings about the setback:

“To the extent ... the formula represents a mathematical equation where specific numbers are plugged in, there is ... no ruling or discretion required of the Board. The significance of this formula depends on the front yard depth of the lots which remain eligible for

determining the front yard calculation. A discrepancy in the measurement, inclusion or exclusion of even one of the lots under review, can lead to a wholly different result in the determination of *1350 the required front yard for a proposed project. *Thus, the most significant aspect of this [administrative appeal] rests solely on whether the front yard depth of... Lot 4[] to the prevailing front yard calculation should have been measured to a detached garage or to the main building.*

“The Department acknowledged that it did not know originally that the garage in question was detached. Had this been originally represented as such, the inference is that the front yard for such lot would have been measured to the main building on said lot, which had a deeper setback than the detached garage. Thus, the resultant computation for the prevailing front yard setback would have been different from what was originally approved by the Department.

“The Department noted that it questioned how the garage could be placed within the front yard of Lot 4. As a result, staff researched the 1950 Code in place at the time of the development of **299 the street to find what provisions would have allowed such a garage to encroach into a front yard.... [¶] *The Department presented the Board with the concept referred to as ‘in line’ as a justification for determining that the detached garage did not encroach into the front yard.* [3] Under this determination and reasoning, the original prevailing front yard approved for the subject project [] would remain as approved. The Department further noted that it could find no provisions in the 1950 Code which would allow garages in the front yard. [Horwitz] contested this and pointed out that the 1950 Code reflected many of the same provisions and exceptions that exist in the current code, which allow for accessory buildings to be located in the front yard. This argument is valid as a review of the 1950 Code contains various provisions associated with these allowances.... [See, e.g., L.A. Mun.Code § 12.22.12(a)(3).]

“The [Board's] ... assumption [was] that the Code that was to be reviewed [included] the provisions of the 1950 Code and the current Code regarding front yard prevailing setbacks and accessory buildings.... [T]he Board ... rule[d] in favor of the Department[, and] made findings that[,] based on the ‘in line’ concept, the garage was not within the front yard and that based on its study

of specific provisions of the Code, the Department had correctly applied and calculated the yard setbacks.

*“The 1950 Code provisions [relied on by the Department] are not very illustrative of the ‘in line’ reasoning presented by the Department. No reference could be found in the Code that identifies the ‘in line’ concept. Department staff noted that the ‘in line’ approach was in fact similar to the prevailing front yard setback approach. If this were the case, then it must *1351 be recognized that the thrust of the prevailing front yard setback is to create adequate setbacks for aesthetic purposes in single-family areas and to maintain deep setbacks if such is the prevailing pattern. If a pattern of deep setbacks exists, then logically the calculation should result in a setback that is more in keeping with the existing setbacks and not one that allows for a substantial reduction in the front yard.*

“In this instance, [the] Department staff has indicated that it was not aware of any other situation which would result in a prevailing front yard setback being allowed to be measured to a detached accessory building. No historic written documentation or Department policy establishing the use of the ‘in line’ concept to calculate required front yard was referenced by the Department staff. The Department used a situation that at best may be considered an anomaly to arrive at a conclusion which in fact would establish a new standard citywide for the measurement of prevailing front yard setbacks for lots with similar characteristics. Contrary to current practice, under this approach the accessory building, which is subordinate by definition to the main building, would be allowed to be the driving force in the calculation of prevailing front yard setback. Within this context, it must be concluded that the Department erred in arriving at this interpretation. [¶] Consequently, the Board also erred **300 in sustaining the action of the Department to allow the measurement of the front yard on Lot 4 to be measured to the detached garage instead of to the main building as has otherwise been the practice.” (Emphasis added.)

In short, the Zoning Administrator found that Beglari's addition encroaches about 14 feet into the area of the required front-yard setback.

D.

Beglari appealed to the Planning Commission, which held a hearing but took no new evidence (although the lawyers for all concerned parties were allowed to describe various events), then rejected the Zoning Administrator's decision and ruled in favor of Beglari on the setback issue. A final determination letter was issued in February 2003. The Planning Commission's findings, in their entirety, are nothing more than a list of the parties' arguments:

“Prevailing front yard setback....

“• DBS [Department of Building and Safety] have [sic] its own options to address this;

“• Results can be radically different when measurements are taken from attached and/or detached structures;

**1352 “• Landscaping obscures view of front yard setbacks of three of the four lots under consideration;*

“• ‘In-line’ explanation is attempt to relate to prevailing setbacks;

“• A conclusion could result in the demolition of 14 feet of the house;

“• DBS has to be able to exercise discretion and interpret the LAMC for purpose and fairness;

“• BBSC [Board of Building and Safety Commissioners] did not abuse their [sic] discretion due to the LAMC being ‘silent’ on where measurements are taken from;

“• Disagree with Zoning Administrator's determination that BBSC erred in their [sic] decision due to a LAMC that lacks clarity on the matter;

“• Neighbors and neighborhood;SU21“• Encouraged them to ‘pull together’ and settle their differences;

“• Should not go home disappointed;

“• Organize and focus on what they ultimately want for the neighborhood;

“• Can consider standards for the neighborhood;

“• LAMC should be amended;

“• BBSC made a decision to a very specific case under very unique circumstances;

“• Not setting a precedent City-wide;

“• Precedent is a non-issue in this decision;

“• Find Zoning Administrator did err in her decision that BBSC did err in its decision; and

“• Grant the appeal (passed unanimously).” (Emphasis added.)

***1353 E.**

In March, in the action he had filed when he sought injunctive relief to stop Beglari's construction, Horwitz filed an amended pleading in which he sought relief by way of administrative mandamus. ([Code Civ. Proc., § 1094.5](#).) The City and Beglari answered, an administrative record was lodged, and a hearing was held, after which the trial court ruled that the sole issue was “whether the City correctly granted building permits and certificates of occupancy to [Beglari] based upon the City's calculation of the front yard setback.” The trial court reviewed the administrative ****301** record, found the City had prejudicially abused its discretion in that it had not proceeded in the manner required by law, that its decision was not supported by the administrative findings, and that the findings were not supported by substantial evidence, explaining its ruling this way:

“The City's use of the ‘in line’ theory of calculating [Beglari's] prevailing front yard set back is not supported by any reasonable interpretation of the Los Angeles Municipal Code. The court recognizes that the interpretation of the regulations and governing statutes used by the administrative agency charged with enforcing zoning laws is entitled to great weight and should be followed unless clearly wrong. Nevertheless, the ultimate interpretation of such regulations and statutes is a question of law[, and the] court is not bound by the construction given such law by the City.... ‘If the words of the statute are clear, the court should not add to or alter them to accomplish a purpose that does not appear on the face of the statute or from its legislative history.’ [Citation.] Here, the words of section 12.07.01 [C.1] of the Zoning Ordinance are clear in stating the

method by which the prevailing front yard setbacks are to be determined.

“The in line theory as an alternative method of calculating the prevailing front yard setback is not supported by any reasonable interpretation of the governing provisions of the Municipal Code. The City has no discretion to disregard what appears to be the clear meaning of section 12.07.01[C.1] of the Zoning Ordinance. This section establishes the mathematical computation to be used in determining the prevailing front yard setback. Further, the restrictions on the location of accessory buildings, including detached garages, are inapposite to this computation. (See LAMC § 12.21 C.5(k), formerly § 12.22.12 of the 1950 Zoning Code.) *[The City] concedes the in line theory of calculation was never previously applied to circumstances similar to those presented in the instant case, and [it] appears to this court to have been resorted to only to avoid a perceived unfair result to [Beglari].* The analysis of [the] Zoning Administrator[] appears to be correct and is the method historically and consistently used by the City since the enactment of the zoning ordinance.” (Emphasis added.)

***1354** A judgment granting Horwitz's petition for a writ of mandate was thereafter signed and entered, and a writ issued commanding the City to revoke all of Beglari's building permits and his certificate of occupancy. The City and Beglari appeal from the judgment.

DISCUSSION

I.

The City and Beglari contend the trial court erred by rejecting substantial evidence in the administrative record that supports the Planning Commission's decision. There are several problems with this contention.

[1] [2] The Evidence. Because the trial court was acting on a petition seeking judicial review of an adjudicatory decision rendered by an administrative agency ([Code Civ. Proc., § 1094.5, subd. \(e\)](#)), the trial court was required to “scrutinize the record and determine whether substantial evidence supports the administrative agency's findings and whether these findings support the agency's decision. In making these determinations, the [trial] court must

resolve reasonable doubts in favor of the administrative findings and decision.” ****302** ([Topanga Assn. for a Scenic Community v. County of Los Angeles](#) (1974) 11 Cal.3d 506, 514, 113 Cal.Rptr. 836, 522 P.2d 12.) The “agency” in this case is the Department of Building and Safety, acting first through the Zoning Administrator, then through the Planning Commission, and at all times on behalf of the City of Los Angeles.

All of the evidence was presented to the Zoning Administrator, who ruled in favor of Horwitz. The Planning Commission, which took no new evidence, then ruled in favor of Beglari. It follows that the issue before the trial court was whether *the administrative record, in its entirety*, contained substantial evidence to support the Planning Commission's decision.⁴

[3] The Law. Issues of law, including the interpretation of the Los Angeles Municipal Code, were before the trial court for *de novo* review, subject to the well-established rule that the Department's interpretation of the City's Municipal Code is entitled to respect unless that interpretation is clearly erroneous—and the same is true with regard to our review of the trial court's decision.

***1355** ([Terminal Plaza Corp. v. City and County of San Francisco](#) (1986) 186 Cal.App.3d 814, 825–826, 230 Cal.Rptr. 875; and see [Yamaha Corp. of America v. State Bd. of Equalization](#) (1998) 19 Cal.4th 1, 8, 78 Cal.Rptr.2d 1, 960 P.2d 1031.)⁵

II.

[4] The City (joined by Beglari) contends the trial court exceeded its authority when it ordered the City to revoke the three permits issued to Beglari. Instead, claims the City, the trial court “should have remanded the matter back to the City to reconsider its action in light of the court's decision, which was to recalculate the front yard setback.” This is so, says the City, because [Code of Civil Procedure section 1094.5](#) permits the court to order the City to reconsider its decision and to ****303** take further action, but prohibits the court from issuing a writ to “limit or control in any way the discretion legally vested” in the City. ([Code Civ. Proc., § 1094.5, subd. \(f\)](#).) The City's argument misses the point—that (as the Zoning Administrator and the trial court both found) there is no discretion involved in the application of the formula to the measurements at issue in this case.

Beglari's house must conform to the mandatory requirements of the zoning ordinance.⁶ As explained above, the remodeled house does not *1356 conform because the prevailing front-yard setback was miscalculated by Beglari and mistakenly accepted by the City. Just as the City has no discretion to deny a building permit when an applicant has complied with all applicable ordinances, the City has no discretion to issue a permit in the absence of compliance. (*Terminal Plaza Corp. v. City and County San Francisco*, *supra*, 186 Cal.App.3d at pp. 834–835, 230 Cal.Rptr. 875; *Gabric v. City of Rancho Palos Verdes* (1977) 73 Cal.App.3d 183, 190–192, 140 Cal.Rptr. 619.) It follows that Beglari's permits must be revoked.

It adds nothing to say, as does the City, that remand is necessary to permit it to recalculate the front-yard setback and allow it to then “exercise its discretion to remedy the situation once the proper calculations” are made. While we agree that the proper calculations have to be made, we do not see any basis in law, fact, or fairness to allow the City or Beglari to keep the improperly issued permits in place so that they become the foundation for the decisions that will thereafter have to be made. By parity of reasoning, we reject the City's conclusory assertion that the revocation of Beglari's permits leads “to absurd and

inequitable results”—because the City does not say why that is so or why the result would be otherwise if the permits remained in place while the City recalculates the proper front-yard setback. As noted, it seems far more fair and equitable to us to place the burden on Beglari to submit proper permit applications, and to prevent him from retaining some unstated and ephemeral benefit from the nonconforming permits issued in response to his substantially erroneous applications.⁷ Under these circumstances, there is only one more thing to be said—that it is time for the City to amend the relevant portions of the Municipal Code.

*1357 DISPOSITION

The judgment is affirmed. Horwitz is awarded his costs of appeal.

We concur: [SPENCER](#), P.J., and [ALDRICH](#), J. *

All Citations

124 Cal.App.4th 1344, 22 Cal.Rptr.3d 295, 04 Cal. Daily Op. Serv. 11,002, 2004 Daily Journal D.A.R. 14,859

Footnotes

- ¹ Horwitz realized in August 2001 that the construction then underway on Beglari's property appeared to be too close to two streets, Greentree Road and Brooktree Road (Beglari's house is on the corner of those two streets). Horwitz contacted the City by telephone and by letters and tried to determine the basis for the City's authorization of the project. The City at first assured Horwitz that the project had been properly permitted and would comply with all applicable regulations, but later discovered that Beglari's project in fact failed to comply with various ordinances, including the height limitation for the area. At that point, the City gave Beglari the option of reducing the height of his house or raising the site by backfilling a driveway, and Beglari chose the latter option. When Horwitz and the other neighbors were unable to accomplish anything with the City through their informal efforts, they turned to the formal proceedings described in the text.
- ² As relevant, section 12.07.01 C.1 of the Los Angeles Municipal Code provides: “C. Area. No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement: [¶] 1. Front Yard. There shall be a front yard of not less than 20% of the depth of the lot, but such front yard need not exceed 25 feet; provided, however, that where all of the developed lots which have front yards that vary in depth by not more than ten feet comprise 40% or more of the frontage, the minimum front yard depth shall be the average depth of the front yards of each such lot. **Where there are two or more possible combinations of developed lots comprising 40% or more of the frontage, each of which has front yards that vary in depth by not more than ten feet, the minimum front yard depth shall be the average depth of the front yards of that combination which has the shallowest average depth**” (Emphasis added.)
- ³ The record does not include a definition of “in line,” and it appears to us to be little more than the City's post hoc rationalization for its approval of the faulty information submitted by Beglari.
- ⁴ The City concedes this point in its opening brief, when it tells us that we “must examine **the administrative record** to determine whether there is substantial evidence to support the administrative decision and findings,” and later that “the

administrative decision is upheld if there is any substantial evidence *in the record* to support the findings.” (Emphasis added.)

5 The City's theory, that “in line” means the same as “prevailing setback,” is pure nonsense—because it would mean there existed two different interpretations of the same language in the ordinance. As Horwitz aptly notes, if “in-line” has any meaning at all, it is as a concept applied to the placement of accessory buildings, not to the determination of front-yard setbacks. And as the Zoning Administrator noted in her decision, the Department staff conceded “that it was not aware of any other situation which would result in a prevailing front yard setback being allowed to be measured to a detached accessory building” which, if allowed, would “establish a new standard citywide for the measurement of prevailing front yard setbacks for lots with similar characteristics.” We consider it noteworthy that, in granting Beglari's appeal from the Zoning Administrator's decision, the Planning Commission did not express any disagreement with the Zoning Administrator's findings but seemed to base its decision on a concern that any other result would be unfair to Beglari because he would have to demolish his house. If that is the case, it is an improper basis for the Planning Commission's decision as a matter of law and, possibly, as a matter of fairness. After all, it was Beglari who made the mistake and who refused to pause his construction while this dispute was resolved—and it is Horwitz and the other neighbors who now have a non-conforming house to look at, day in and day out. In any event, the Planning Commission's job is to apply the City's zoning ordinances as written and for the protection of all the residents of the City, not just the permittee. ([Terminal Plaza Corp. v. City and County of San Francisco, supra, 186 Cal.App.3d at pp. 834–835, 230 Cal.Rptr. 875.](#))

6 It is for this reason that all of the permits and the certificate of occupancy must be revoked, not just the one authorizing the erroneous front-yard setback. The permit authorizing the backfill of the driveway so the height restriction could be satisfied is invalid because the front of the house and part of the driveway both encroach into the front-yard setback area; the permit authorizing a wall within the side yard is affected because the wall encroaches into the front-yard setback area; and the certificate of occupancy cannot stand without the permits.

7 The cases relied on by the City, all of which involved decisions made in the exercise of discretion rather than a rote application of a formula to a set of numbers, are inapposite. (E.g., [Fascination, Inc. v. Hoover \(1952\) 39 Cal.2d 260, 246 P.2d 656](#) [when a required hearing was not held, the proper remedy was to remand so it could be held and a decision made]; [Clark v. City of Hermosa Beach \(1996\) 48 Cal.App.4th 1152, 56 Cal.Rptr.2d 223](#) [when a hearing was unfair because of a conflict of interest, the proper remedy is remand for new hearing followed by new decision].)

* Associate Justice of the Court of Appeal, Second Appellate District, assigned by the Chief Justice pursuant to [article VI, section 6 of the California Constitution](#).

ENVELOPE HEIGHT SURVEY

Subject: 17822 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 239.0

Roof structure/parapet wall elevation: 268.3

Envelope Height (difference): 29.3

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 236.5

Roof structure/parapet wall elevation: 268.3

Envelope Height (difference): 31.8

Dated: July 6, 2018

Submitted:

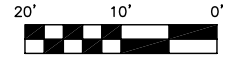
Chris Nelson



Chris Nelson, P.L.S. 6385

HT. CALCULATION SKETCH

17822 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272



SCALE: 1" = 20'

TRAMONTO DR

239.0
+
236.5

268.3

17822 TRAMONTO

ROOF SLOPE 2:12

246.0
+
243.0

274.1

LEGEND:

+ 111.1

SPOT ELEVATION



STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



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CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17810 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 246.0

Roof structure/parapet wall elevation: 274.1

Envelope Height (difference): 28.1

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 243.0

Roof structure/parapet wall elevation: 274.1

Envelope Height (difference): 31.1

Dated: July 6, 2018

Submitted:

Chris Nelson

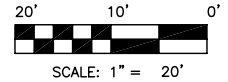


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TRAMONTO DR

246.0 + 274.1
+
243.0

17810 TRAMONTO

ROOF SLOPE 2:12

LEGEND:

+ 111.1

SPOT ELEVATION



STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



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SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17800 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 251.6

Roof structure/parapet wall elevation: 303.5

Envelope Height (difference): 51.9

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 251.6

Roof structure/parapet wall elevation: 303.5

Envelope Height (difference): 51.9

Dated: July 6, 2018

Submitted:

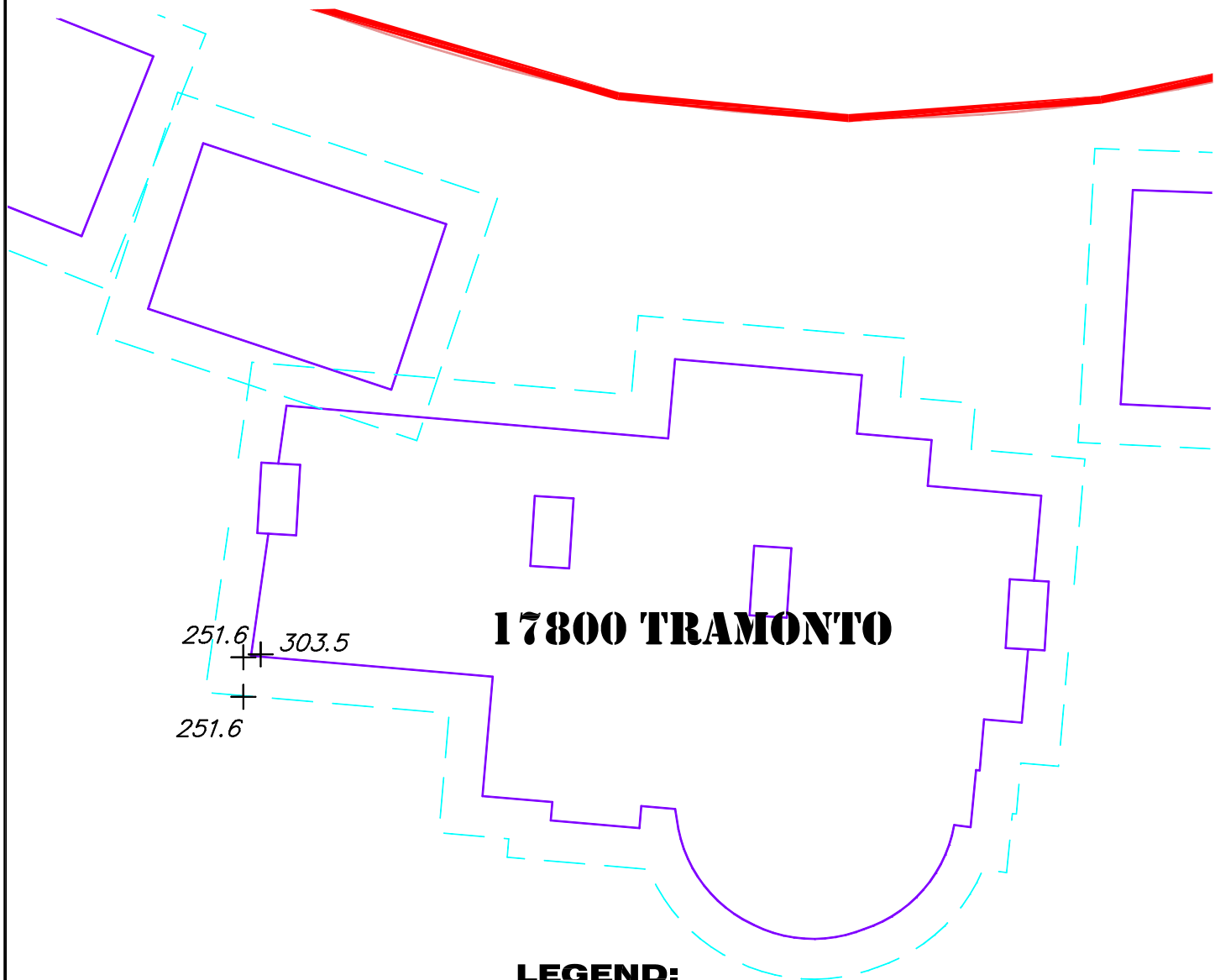
Chris Nelson



Chris Nelson, P.L.S. 6385

HT. CALCULATION SKETCH

17800 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272



LEGEND:

+ 111.1

SPOT ELEVATION

—

STUDY LIMITS LINE

—

BUILDING OUTLINE

- - -

5' OFFSET LINE



SCALE: 1" = 20'



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CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17774 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 268.2

Roof structure/parapet wall elevation: 297.3

Envelope Height (difference): 29.1

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 265.2

Roof structure/parapet wall elevation: 297.3

Envelope Height (difference): 32.1

Dated: July 6, 2018

Submitted:

Chris Nelson



Chris Nelson, P.L.S. 6385

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HT. CALCULATION SKETCH

17774 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272

TRAMONTO DR

17774 TRAMONTO

ROOF SLOPE 2:12

+ 297.3
+ 268.2
+ 265.2

LEGEND:

+ 111.1

SPOT ELEVATION



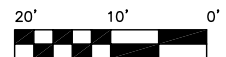
STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



SCALE: 1" = 20'



chris nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS
31238 Via Collinas Suite, "H" Westlake Village, CA. 91362
Voice: 818.991.1040 Fax: 818.991.0614

CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17766 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 277.0

Roof structure/parapet wall elevation: 301.3

Envelope Height (difference): 24.3

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 276.2

Roof structure/parapet wall elevation: 301.3

Envelope Height (difference): 25.1

Dated: July 6, 2018

Submitted:

Chris Nelson

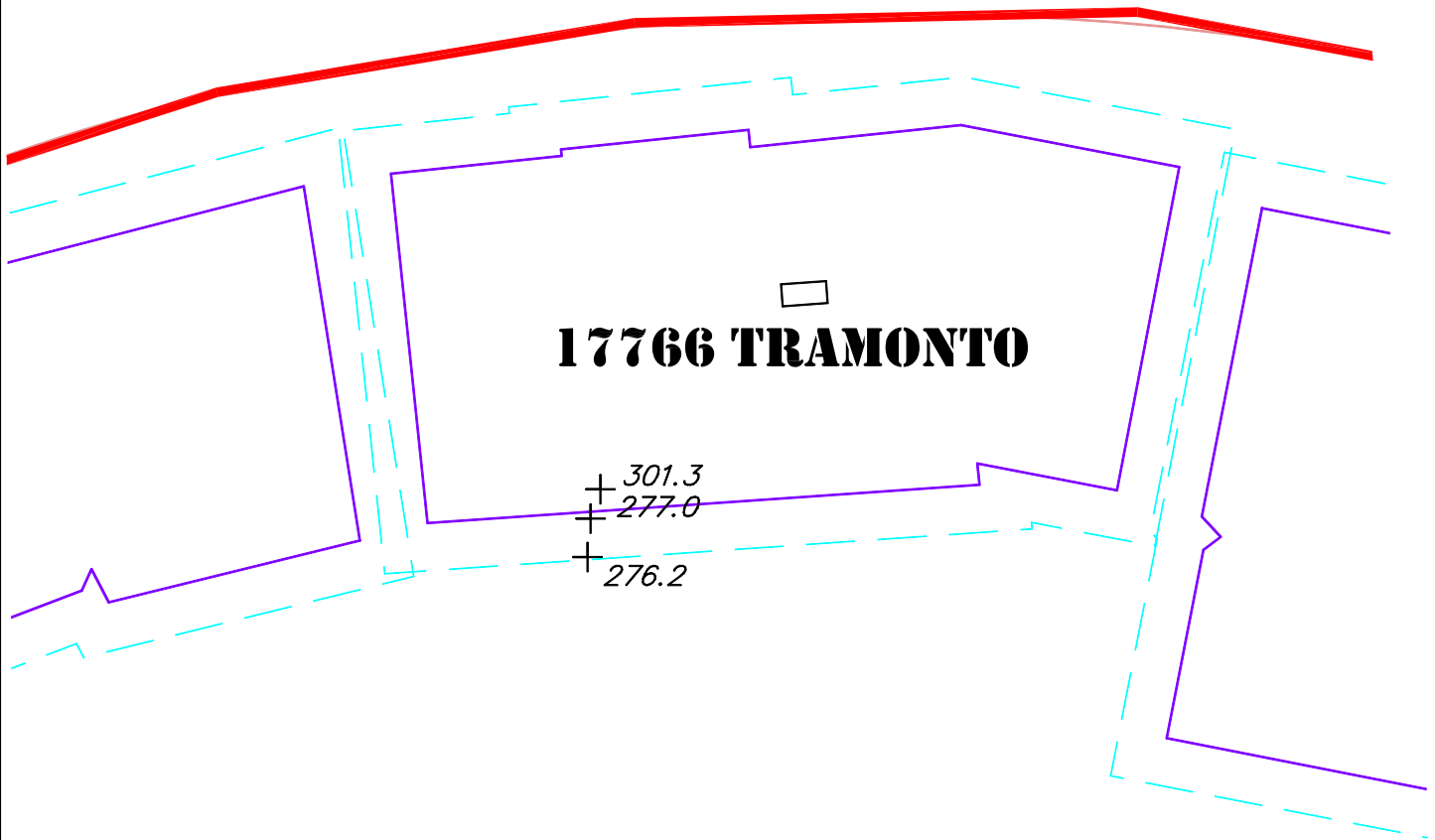


Chris Nelson, P.L.S. 6385

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HT. CALCULATION SKETCH

17766 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272



LEGEND:

+ 111.1

SPOT ELEVATION



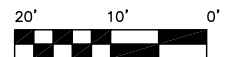
STUDY LIMITS LINE



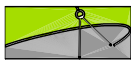
BUILDING OUTLINE



5' OFFSET LINE



SCALE: 1" = 20'



chris nelson
& Associates, inc.

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CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17756 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 279.0

Roof structure/parapet wall elevation: 314.3

Envelope Height (difference): 35.3

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 278.4

Roof structure/parapet wall elevation: 314.3

Envelope Height (difference): 35.9

Dated: July 6, 2018

Submitted:

Chris Nelson

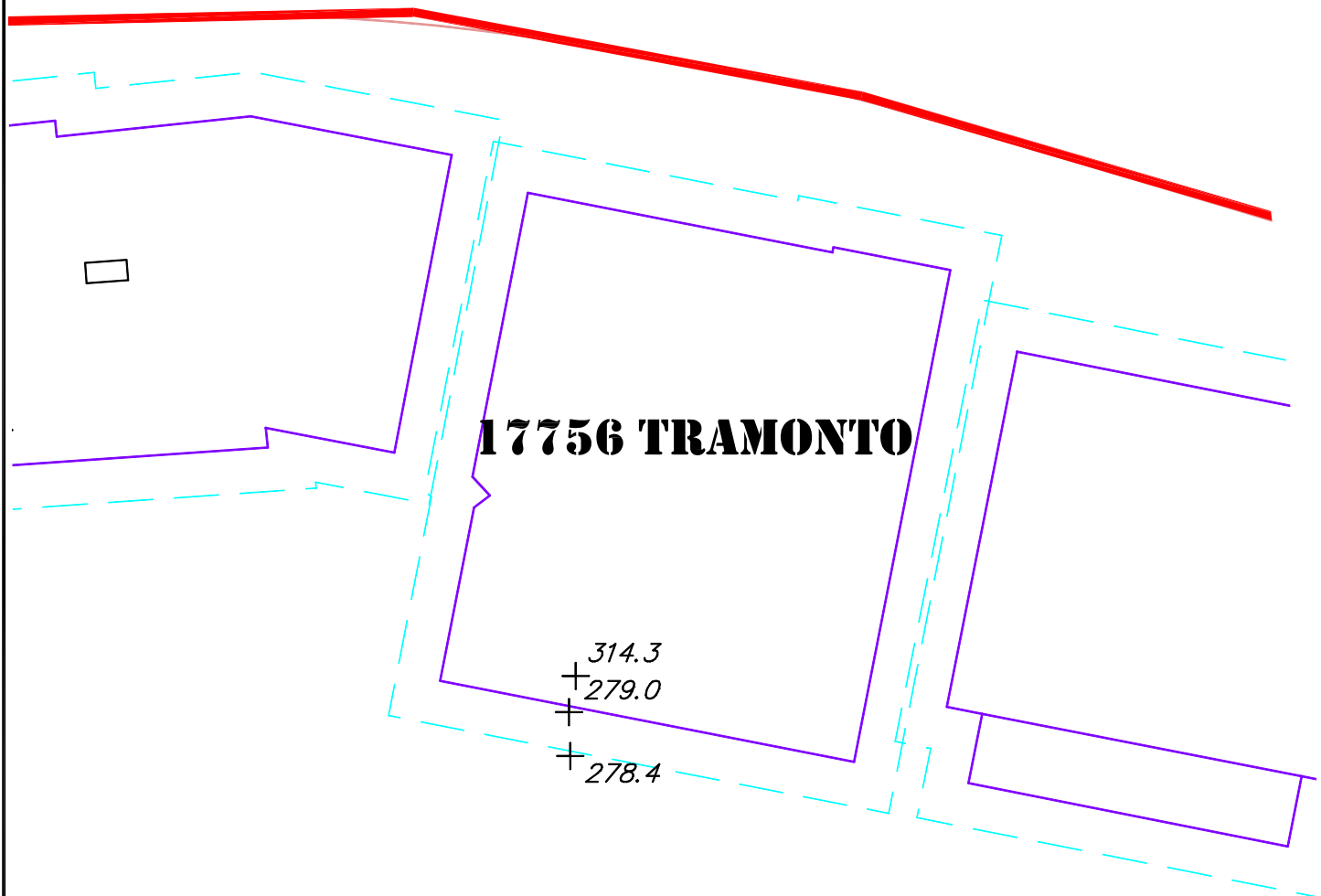


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HT. CALCULATION SKETCH

17756 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272



LEGEND:

+ 111.1

SPOT ELEVATION



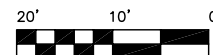
STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



SCALE: 1" = 20'



chris nelson
& Associates, inc.

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CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17750 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 274.8

Roof structure/parapet wall elevation: 316.4

Envelope Height (difference): 41.6

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 270.4

Roof structure/parapet wall elevation: 316.4

Envelope Height (difference): 46.0

Dated: July 6, 2018

Submitted:

Chris Nelson



Chris Nelson, P.L.S. 6385

HT. CALCULATION SKETCH

17750 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272

17750 TRAMONTO

316.4
+
274.8

270.4
+

LEGEND:

+ 111.1

SPOT ELEVATION



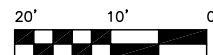
STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



SCALE: 1" = 20'



chris nelson
& Associates, inc.

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Voice: 818.991.1040 Fax: 818.991.0614

CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17732 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 254.9

Roof structure/parapet wall elevation: 325.2

Envelope Height (difference): 70.3

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 252.0

Roof structure/parapet wall elevation: 325.2

Envelope Height (difference): 73.2

Dated: July 6, 2018

Submitted:

Chris Nelson

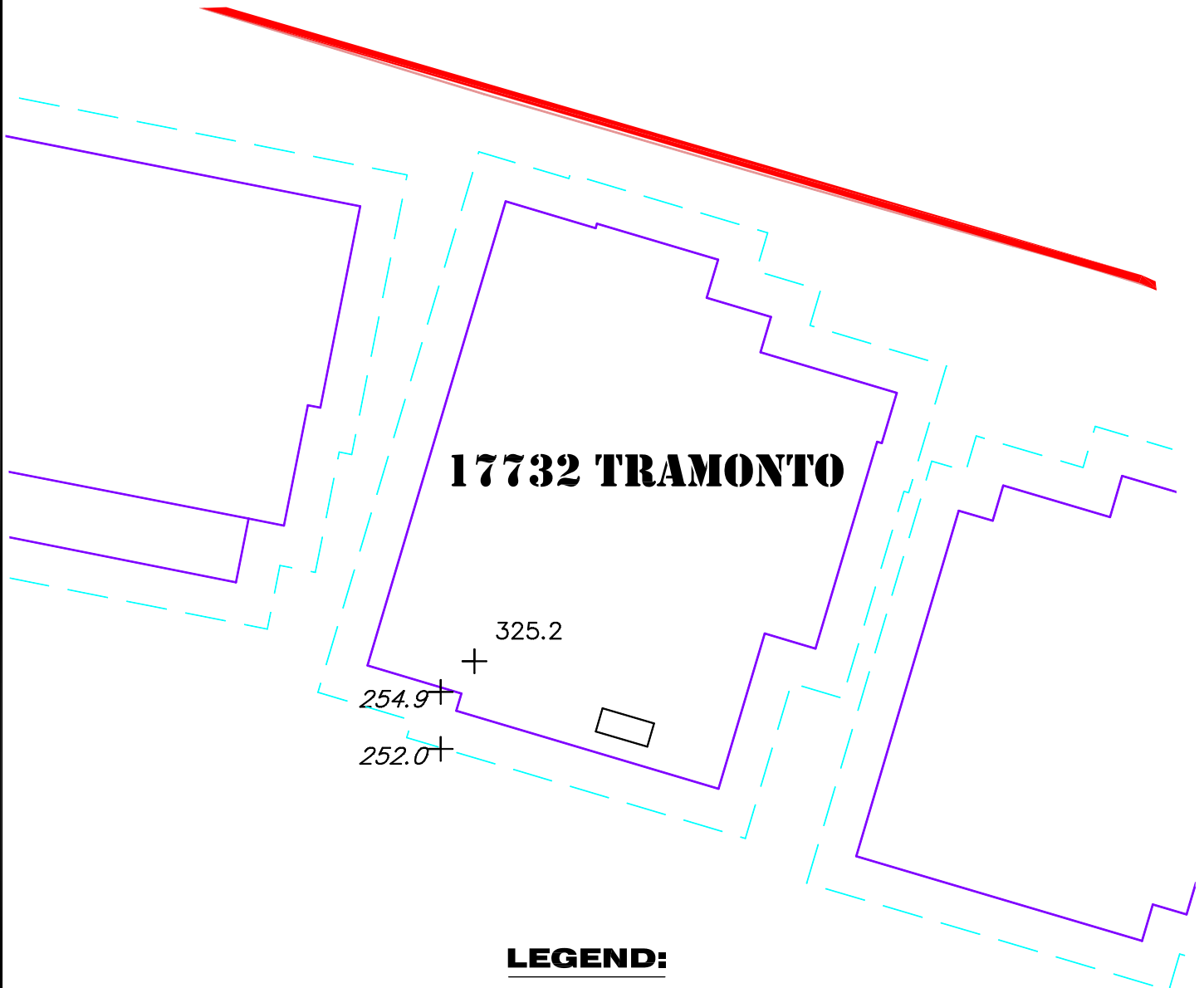


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HT. CALCULATION SKETCH

17732 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272



LEGEND:

+ 111.1

SPOT ELEVATION

—

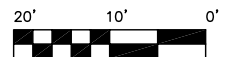
STUDY LIMITS LINE

—

BUILDING OUTLINE

- - -

5' OFFSET LINE



SCALE: 1" = 20'



chris nelson
& Associates, inc.

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CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17726 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 265.0

Roof structure/parapet wall elevation: 332.7

Envelope Height (difference): 67.7

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 259.0

Roof structure/parapet wall elevation: 332.7

Envelope Height (difference): 73.7

Dated: July 6, 2018

Submitted:

Chris Nelson



Chris Nelson, P.L.S. 6385

HT. CALCULATION SKETCH

17726 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272

TRAMONTO DR

17726 TRAMONTO

265.0 + 332.7
259.0

LEGEND:

+ 111.1

SPOT ELEVATION

—

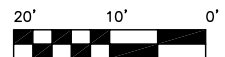
STUDY LIMITS LINE

—

BUILDING OUTLINE

- - -

5' OFFSET LINE



SCALE: 1" = 20'



chris nelson
& Associates, inc.

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CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17708 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 312.6

Roof structure/parapet wall elevation: 330.2

Envelope Height (difference): 17.6

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 309.6

Roof structure/parapet wall elevation: 330.2

Envelope Height (difference): 20.6

Dated: July 6, 2018

Submitted:

Chris Nelson

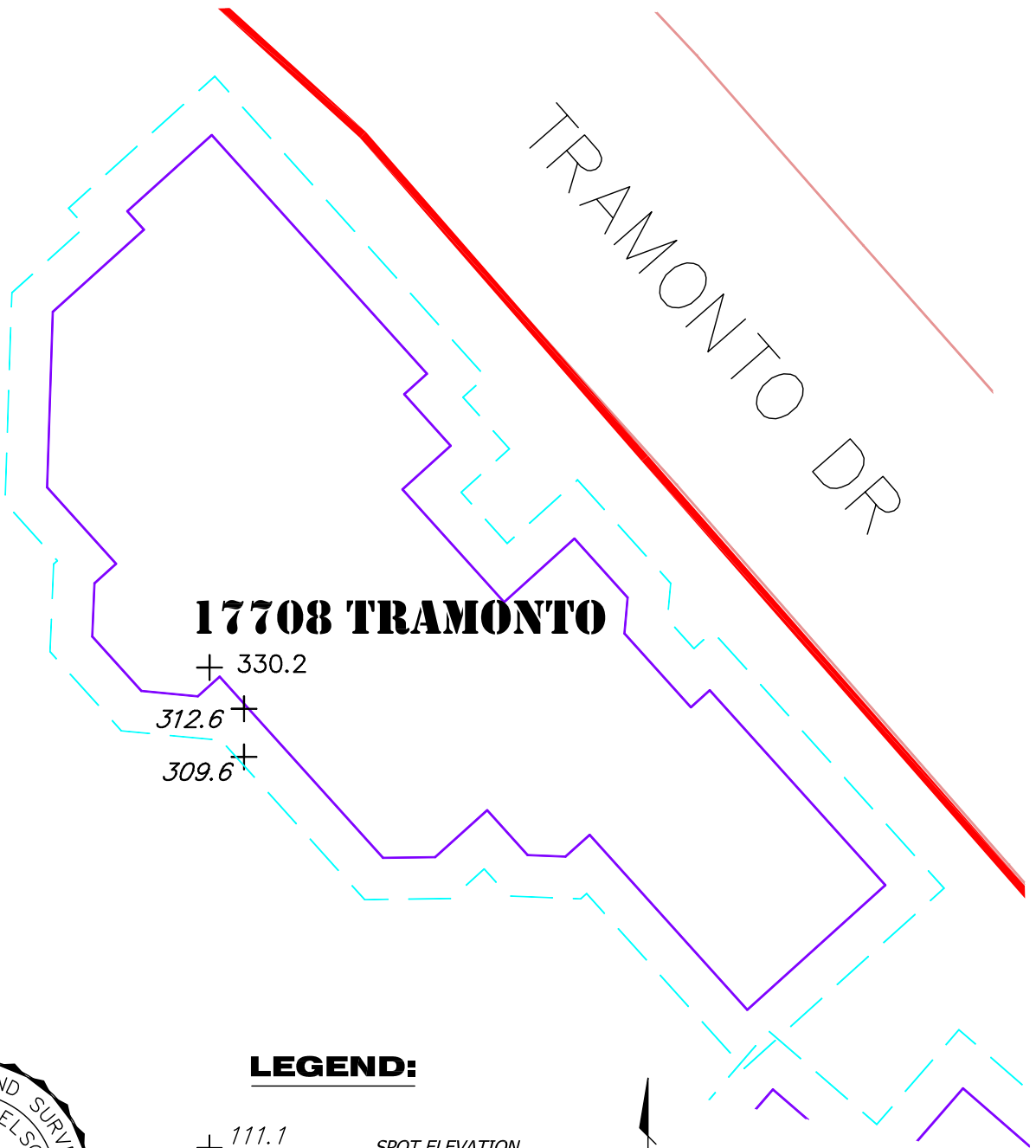


Chris Nelson, P.L.S. 6385

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HT. CALCULATION SKETCH

17708 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272



LEGEND:

+ 111.1

SPOT ELEVATION

—

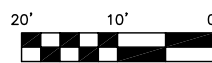
STUDY LIMITS LINE

—

BUILDING OUTLINE

- - -

5' OFFSET LINE



SCALE: 1" = 20'



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CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17646 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 277.0

Roof structure/parapet wall elevation: 324.4

Envelope Height (difference): 47.4

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 275.5

Roof structure/parapet wall elevation: 324.4

Envelope Height (difference): 48.9

Dated: July 6, 2018

Submitted:

Chris Nelson

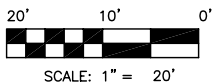


Chris Nelson, P.L.S. 6385

HT. CALCULATION SKETCH

17646 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272

17646 TRAMONTO



324.4
+
277.0
+
275.5

LEGEND:

+ 111.1

SPOT ELEVATION



STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



chris nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS
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Voice: 818.991.1040 Fax: 818.991.0614

CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17630 Tramonto Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 296.0

Roof structure/parapet wall elevation: 325.8

Envelope Height (difference): 29.8

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 294.0

Roof structure/parapet wall elevation: 325.8

Envelope Height (difference): 31.8

Dated: July 6, 2018

Submitted:

Chris Nelson

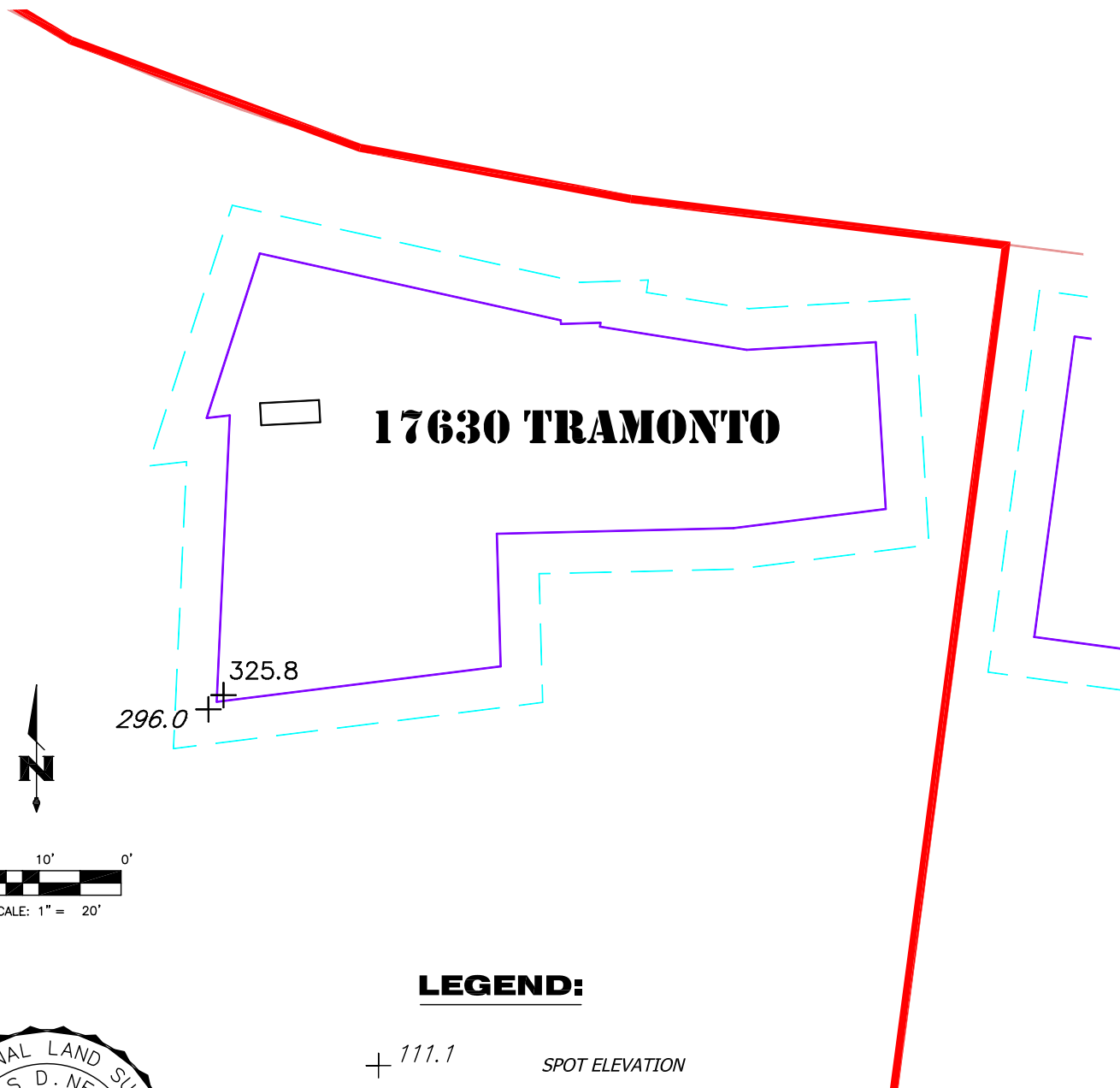


Chris Nelson, P.L.S. 6385

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HT. CALCULATION SKETCH

17630 W. TRAMONTO DRIVE
LOS ANGELES, CA. 90272



LEGEND:

+ 111.1

SPOT ELEVATION

—

STUDY LIMITS LINE

—

BUILDING OUTLINE

- - -

5' OFFSET LINE



chris nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS

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Voice: 818.991.1040 Fax: 818.991.0614

CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17833 Castellammare Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 156.0

Roof structure/parapet wall elevation: 178.9

Envelope Height (difference): 22.9

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 150.3

Roof structure/parapet wall elevation: 178.9

Envelope Height (difference): 28.6

Dated: July 6, 2018

Submitted:

Chris Nelson

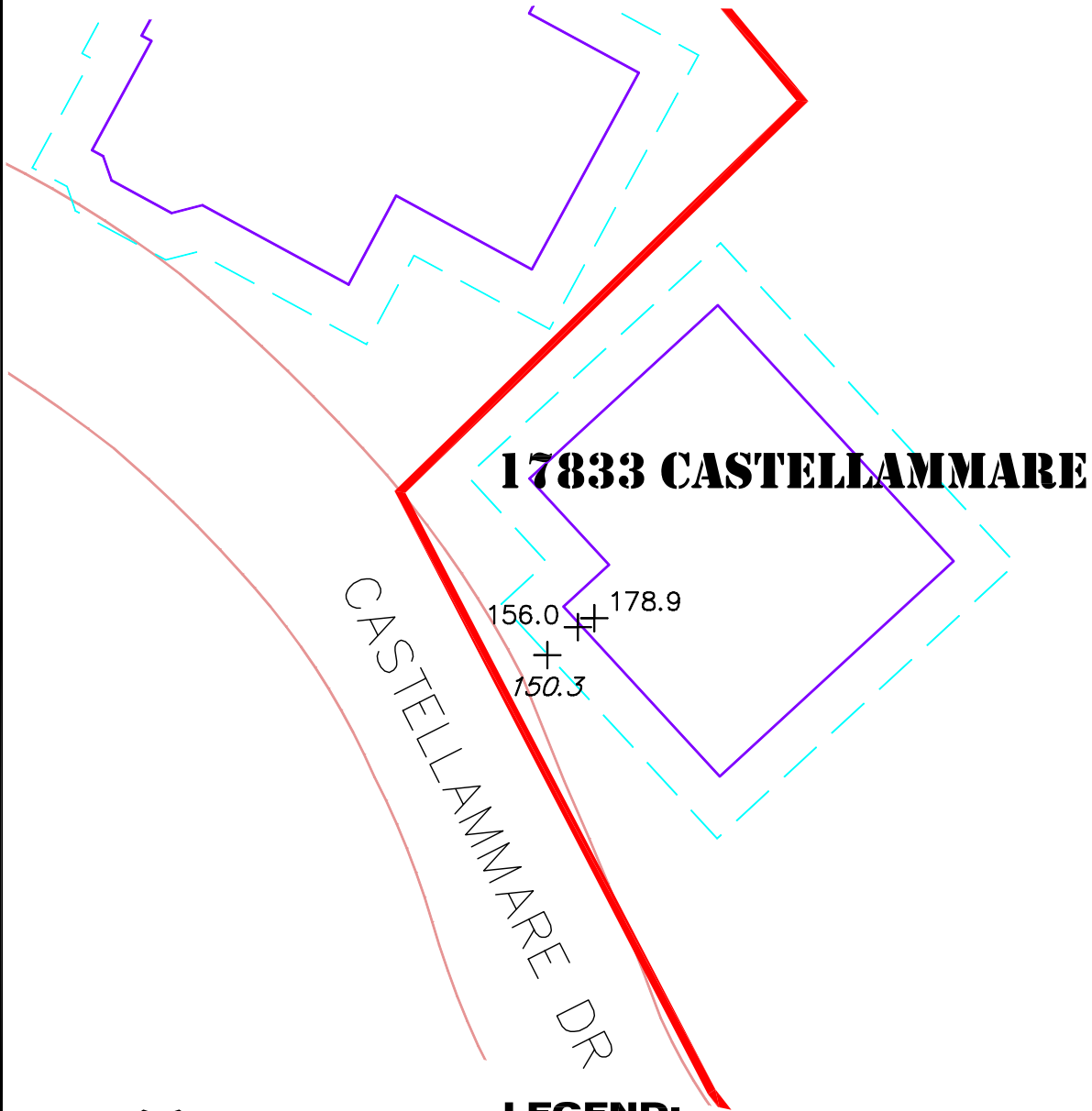


Chris Nelson, P.L.S. 6385

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HT. CALCULATION SKETCH

17833 W. CASTELLAMMARE DRIVE
LOS ANGELES, CA. 90272



LEGEND:

+ 111.1

SPOT ELEVATION

—

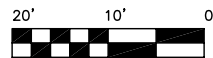
STUDY LIMITS LINE

—

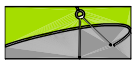
BUILDING OUTLINE

- - -

5' OFFSET LINE



SCALE: 1" = 20'



chris nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS
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Voice: 818.991.1040 Fax: 818.991.0614

CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17819 Castellammare Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 133.1

Roof structure/parapet wall elevation: 184.1

Envelope Height (difference): 51.0

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 133.1

Roof structure/parapet wall elevation: 184.1

Envelope Height (difference): 51.0

Dated: July 6, 2018

Submitted:

Chris Nelson



Chris Nelson, P.L.S. 6385

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Westlake Village CA, 91362
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HT. CALCULATION SKETCH

17819 W. CASTELLAMMARE DRIVE
LOS ANGELES, CA. 90272

17819 CASTELLAMMARE

CASTELLAMMARE DR

184.1
+133.1
+133.1

LEGEND:

+ 111.1

SPOT ELEVATION

—

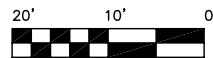
STUDY LIMITS LINE

—

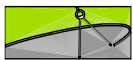
BUILDING OUTLINE

- - -

5' OFFSET LINE



SCALE: 1" = 20'



chris nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS
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Voice: 818.991.1040 Fax: 818.991.0614

CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17753 Revello Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 119.5

Roof structure/parapet wall elevation: 130.5

Envelope Height (difference): 11.0

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 119.5

Roof structure/parapet wall elevation: 130.5

Envelope Height (difference): 11.0

Dated: July 6, 2018

Submitted:

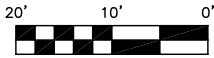
Chris Nelson



Chris Nelson, P.L.S. 6385

HT. CALCULATION SKETCH

**17753 W. REVELLO DRIVE
LOS ANGELES, CA. 90272**



SCALE: 1" = 20'

17753 REVELLO

130.5

119.5

119.5

REVELLO DR

LEGEND:

+ 111.1

SPOT ELEVATION



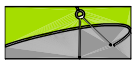
STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



chris nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS

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Voice: 818.991.1040 Fax: 818.991.0614

CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17747 Revello Drive, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 133.3

Roof structure/parapet wall elevation: 165.1

Envelope Height (difference): 31.8

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 131.3

Roof structure/parapet wall elevation: 165.1

Envelope Height (difference): 33.8

Dated: July 6, 2018

Submitted:

Chris Nelson

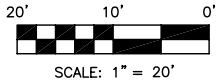


Chris Nelson, P.L.S. 6385

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HT. CALCULATION SKETCH

**17747 W. REVELLO DRIVE
LOS ANGELES, CA. 90272**



17747 REVELLO

165.1
+
133.3
+
131.3

REVELLO DR

LEGEND:

+ 111.1

SPOT ELEVATION



STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



chris nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS
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Voice: 818.991.1040 Fax: 818.991.0614

CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17743 Posetano Road, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 170.7

Roof structure/parapet wall elevation: 199.8

Envelope Height (difference): 29.1

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 169.7

Roof structure/parapet wall elevation: 199.8

Envelope Height (difference): 30.1

Dated: July 6, 2018

Submitted:

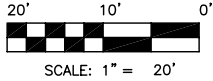
Chris Nelson



Chris Nelson, P.L.S. 6385

HT. CALCULATION SKETCH

17743 W. POSETANO ROAD
LOS ANGELES, CA. 90272



17743 POSETANO

199.8+

170.7+

169.7

POSETANO RD

LEGEND:

+ 111.1

SPOT ELEVATION



STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



chris nelson
& Associates, inc.

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CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17719 Posetano Road, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 166.0

Roof structure/parapet wall elevation: 183.2

Envelope Height (difference): 17.2

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 161.8

Roof structure/parapet wall elevation: 183.2

Envelope Height (difference): 21.4

Dated: July 6, 2018

Submitted:

Chris Nelson

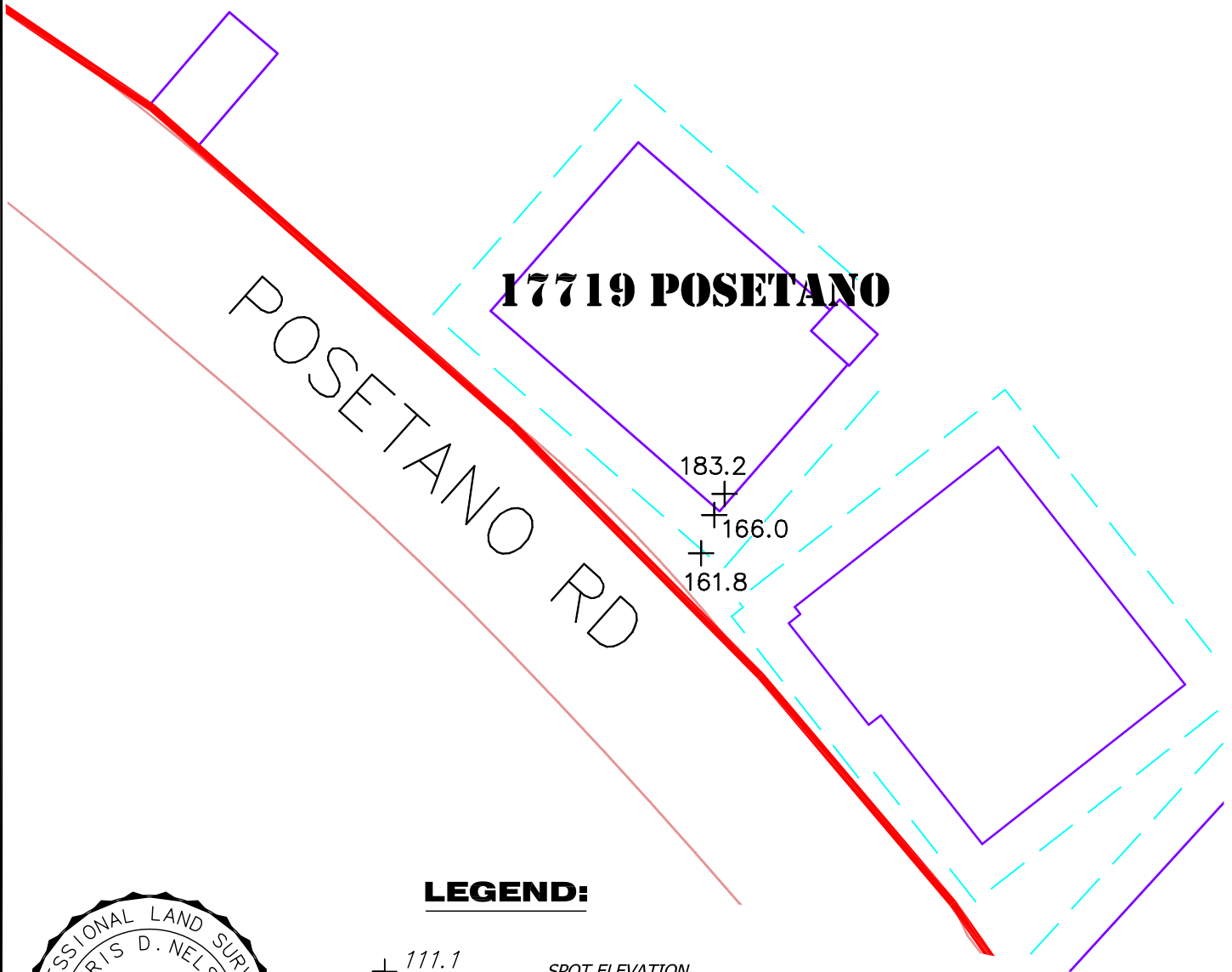
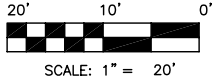


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HT. CALCULATION SKETCH

17719 W. POSETANO ROAD
LOS ANGELES, CA. 90272



LEGEND:

+ 111.1

SPOT ELEVATION



STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



chris nelson
& Associates, inc.

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CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17713 Posetano Road, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 155.0

Roof structure/parapet wall elevation: 179.3

Envelope Height (difference): 24.3

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 152.0

Roof structure/parapet wall elevation: 179.3

Envelope Height (difference): 27.3

Dated: July 6, 2018

Submitted:

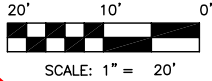
Chris Nelson



Chris Nelson, P.L.S. 6385

HT. CALCULATION SKETCH

17713 W. POSETANO ROAD
LOS ANGELES, CA. 90272



POSETANO RD

17713 POSETANO

+ 179.3
+ 155.0
+ 152.0

LEGEND:

+ 111.1

SPOT ELEVATION



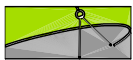
STUDY LIMITS LINE



BUILDING OUTLINE



5' OFFSET LINE



chris nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS

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Voice: 818.991.1040 Fax: 818.991.0614

CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

ENVELOPE HEIGHT SURVEY

Subject: 17709 Posetano Road, Pacific Palisades, CA 90272

Licensed surveyors measured the "envelope height" of the above single-family dwelling in accordance with LAMC 12.21 C.10(d)(1).

Licensed surveyors determined and surveyed, through actual measurements on the site, the envelope height according to two alternative methods:

Method #1. The vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 148.7

Roof structure/parapet wall elevation: 172.9

Envelope Height (difference): 24.2

Method #2. The vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade. Using this method, the envelope height was determined to be:

Natural grade elevation: 148.7

Roof structure/parapet wall elevation: 172.9

Envelope Height (difference): 24.2

Dated: July 6, 2018

Submitted:

Chris Nelson

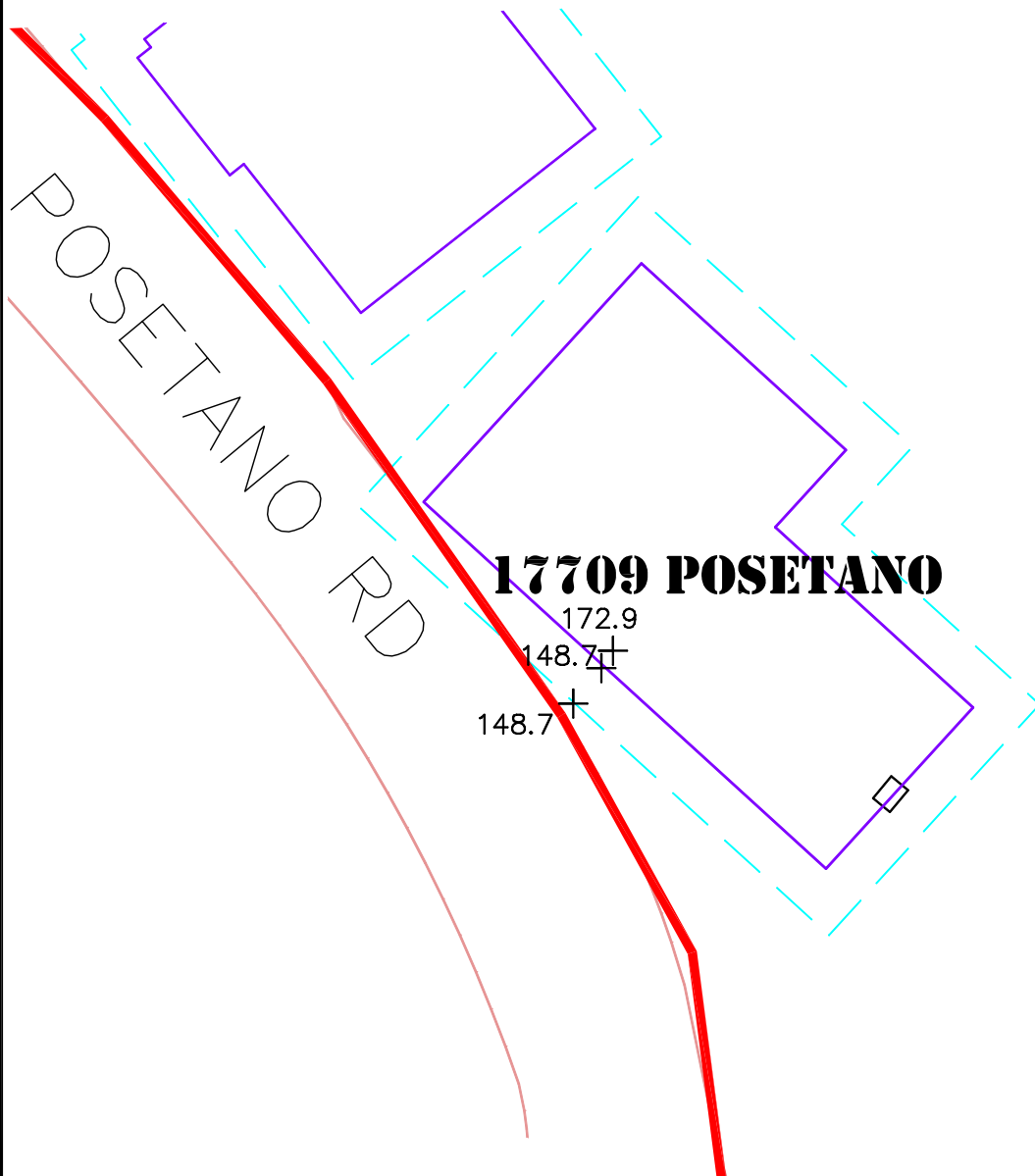


Chris Nelson, P.L.S. 6385

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HT. CALCULATION SKETCH

**17709 W. POSETANO ROAD
LOS ANGELES, CA. 90272**



LEGEND:

+ 111.1

SPOT ELEVATION

—

STUDY LIMITS LINE

—

BUILDING OUTLINE

- - -

5' OFFSET LINE



chris nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS

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CHRIS NELSON P.L.S. 6385

SCALE: 1" = 20'

DRAWN BY: TMH

CHECKED BY: CN

SHEET No. 1 OF 1

DRAWING NUMBER 18-4575

DATE: 07-03-18

Prevailing Height: Method #1 - Height measured from grade to roof directly above, limited to permittable

17642 Tramonto Drive

Address of Single Family Dwelling	North or South side of block	Roof Type	Max. Permitted Envelope height (in feet) per Table 12.21 C.10-4, based on roof type	Does the height of the house exceed the limit set forth in the table? Yes = house is overheight. No = house is at or below the limit	Envelope Height (in feet) per Chris Nelson survey, measured as vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade.	Maximum Permittable Height under historic code	Envelope Height (in feet) per Chris Nelson survey, of houses that exceed the height limit in the table, subject to maximum 57 foot permittable height	FOR COMPARISON ONLY: Applicant's envelope height (based on Method #4)
17822 Tramonto	North	Flat (2/12)	28	Yes	29.3	57.0	29.3	N/A
17810 Tramonto	North	Flat (2/12)	28	Yes	28.1	57.0	28.1	N/A
17800 Tramonto	North	Slope	33	Yes	51.9	57.0	51.9	68.07
17774 Tramonto	North	Flat (2/12)	28	Yes	29.1	57.0	29.1	N/A
17766 Tramonto	North	Slope	33	No	24.3	57.0		N/A
17756 Tramonto	North	Flat	28	Yes	35.3	57.0	35.3	43.22
17750 Tramonto	North	Flat	28	Yes	41.6	57.0	41.6	57.10
17732 Tramonto	North	Flat	28	Yes	70.3	57.0	57.0	73.37
17726 Tramonto	North	Flat	28	Yes	67.7	57.0	57.0	84.14
17708 Tramonto	North	Flat	28	No	17.6	57.0		41.99
17646 Tramonto	North	Flat	28	Yes	47.4	57.0	47.4	63.04
17630 Tramonto	North	Flat	28	No	29.8	57.0	29.8	Omitted
17833 Castellammare	South	Slope	33	No	22.9	57.0		N/A
17819 Castellammare	South	Slope	33	Yes	51.0	57.0	51.0	50.83
17753 Revello	South	Slope	33	No	11.0	57.0		N/A
17747 Revello	South	Slope	33	Yes	31.8	57.0	31.8	39.21
17743 Posetano	South	Flat	28	Yes	29.1	57.0	29.1	30.55
17719 Posetano	South	Flat	28	No	17.2			32.17
17713 Posetano	South	Flat	28	No	24.3			34.95
17709 Posetano	South	Slope	33	No	24.2			N/A
Number of houses that exceed limit the set forth in the Table							13	12
Percentage of houses that exceed the limit set forth in the table							65 %	
Average Envelope Height (in feet)							39.8	51.55

Prevailing Height: Method #2 - Height measured from grade 5' beyond roof, limited to permissible

17642 Tramonto Drive

Address of Single Family Dwelling	North or South side of block	Roof Type	Max. Permitted Envelope height (in feet) per Table 12.21 C.10-4, based on roof type	Does the height of the house exceed the limit set forth in the table? Yes = house is overheight. No = house is at or below the limit	Envelope Height (in feet) per Chris Nelson survey, measured as vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade.	Maximum Permittable Height under historic code	Envelope Height (in feet) per Chris Nelson survey, of houses that exceed the height limit in the table, subject to maximum 57 foot permissible height	FOR COMPARISON ONLY: Applicant's envelope height (based on Method #4)
17822 Tramonto	North	Flat (2/12)	28	Yes	31.8	57.0	31.8	N/A
17810 Tramonto	North	Flat (2/12)	28	Yes	31.1	57.0	31.1	N/A
17800 Tramonto	North	Slope	33	Yes	51.9	57.0	51.9	68.07
17774 Tramonto	North	Flat (2/12)	28	Yes	32.1	57.0	32.1	N/A
17766 Tramonto	North	Slope	33	No	25.1	57.0		N/A
17756 Tramonto	North	Flat	28	Yes	35.9	57.0	35.9	43.22
17750 Tramonto	North	Flat	28	Yes	46.0	57.0	46.0	57.10
17732 Tramonto	North	Flat	28	Yes	73.2	57.0	57.0	73.37
17726 Tramonto	North	Flat	28	Yes	73.7	57.0	57.0	84.14
17708 Tramonto	North	Flat	28	No	20.6	57.0		41.99
17646 Tramonto	North	Flat	28	Yes	48.9	57.0	48.9	63.04
17630 Tramonto	North	Flat	28	No	31.8	57.0	31.8	Omitted
17833 Castellammare	South	Slope	33	No	28.6	57.0		N/A
17819 Castellammare	South	Slope	33	Yes	51.0	57.0	51.0	50.83
17753 Revello	South	Slope	33	No	11.0	57.0		N/A
17747 Revello	South	Slope	33	Yes	33.8	57.0	33.8	39.21
17743 Posetano	South	Flat	28	Yes	30.1	57.0	30.1	30.55
17719 Posetano	South	Flat	28	No	21.4			32.17
17713 Posetano	South	Flat	28	No	27.3			34.95
17709 Posetano	South	Slope	33	No	24.2			N/A
Number of houses that exceed limit the set forth in the Table							13	12
Percentage of houses that exceed the limit set forth in the table							65 %	
Average Envelope Height (in feet)							41.4	51.55

Prevailing Height: Method #3 - Height measured from grade to roof directly above, including unpermittable

17642 Tramonto Drive

Address of Single Family Dwelling	North or South side of block	Roof Type	Max. Permitted Envelope height (in feet) per Table 12.21 C.10-4, based on roof type	Does the height of the house exceed the limit set forth in the table? Yes = house is overheight. No = house is at or below the limit	Envelope Height (in feet) per Chris Nelson survey, measured as vertical distance from the grade of the site to a projected plane at the roof structure or parapet wall located directly above and parallel to the grade.	Maximum Permittable Height under historic code	Envelope Height (in feet) per Chris Nelson survey, of houses that exceed the height limit in the table, including unpermittable heights	FOR COMPARISON ONLY: Applicant's envelope height (based on Method #4)
17822 Tramonto	North	Flat (2/12)	28	Yes	29.3	57.0	29.3	N/A
17810 Tramonto	North	Flat (2/12)	28	Yes	28.1	57.0	28.1	N/A
17800 Tramonto	North	Slope	33	Yes	51.9	57.0	51.9	68.07
17774 Tramonto	North	Flat (2/12)	28	Yes	29.1	57.0	29.1	N/A
17766 Tramonto	North	Slope	33	No	24.3	57.0		N/A
17756 Tramonto	North	Flat	28	Yes	35.3	57.0	35.3	43.22
17750 Tramonto	North	Flat	28	Yes	41.6	57.0	41.6	57.10
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17646 Tramonto	North	Flat	28	Yes	47.4	57.0	47.4	63.04
17630 Tramonto	North	Flat	28	No	29.8	57.0	29.8	Omitted
17833 Castellammare	South	Slope	33	No	22.9	57.0		N/A
17819 Castellammare	South	Slope	33	Yes	51.0	57.0	51.0	50.83
17753 Revello	South	Slope	33	No	11.0	57.0		N/A
17747 Revello	South	Slope	33	Yes	31.8	57.0	31.8	39.21
17743 Posetano	South	Flat	28	Yes	29.1	57.0	29.1	30.55
17719 Posetano	South	Flat	28	No	17.2			32.17
17713 Posetano	South	Flat	28	No	24.3			34.95
17709 Posetano	South	Slope	33	No	24.2			N/A
Number of houses that exceed limit the set forth in the Table							13	12
Percentage of houses that exceed the limit set forth in the table							65 %	
Average Envelope Height (in feet)							41.7	51.55

Prevailing Height: Method #4 - Height measured from grade 5' beyond roof, including unpermittable

17642 Tramonto Drive

Address of Single Family Dwelling	North or South side of block	Roof Type	Max. Permitted Envelope height (in feet) per Table 12.21 C.10-4, based on roof type	Does the height of the house exceed the limit set forth in the table? Yes = house is overheight. No = house is at or below the limit	Envelope Height (in feet) per Chris Nelson survey, measured as vertical distance from the lowest grade within 5 horizontal feet of the exterior walls of the structure to a projected plane at the roof of the structure or parapet wall located directly above and parallel to the grade.	Maximum Permittable Height under historic code	Envelope Height (in feet) per Chris Nelson survey, of houses that exceed the height limit in the table, including unpermittable heights	FOR COMPARISON ONLY: Applicant's envelope height (based on Method #4)
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17800 Tramonto	North	Slope	33	Yes	51.9	57.0	51.9	68.07
17774 Tramonto	North	Flat (2/12)	28	Yes	32.1	57.0	32.1	N/A
17766 Tramonto	North	Slope	33	No	25.1	57.0		N/A
17756 Tramonto	North	Flat	28	Yes	35.9	57.0	35.9	43.22
17750 Tramonto	North	Flat	28	Yes	46.0	57.0	46.0	57.10
17732 Tramonto	North	Flat	28	Yes	73.2	57.0	73.2	73.37
17726 Tramonto	North	Flat	28	Yes	73.7	57.0	73.7	84.14
17708 Tramonto	North	Flat	28	No	20.6	57.0		41.99
17646 Tramonto	North	Flat	28	Yes	48.9	57.0	48.9	63.04
17630 Tramonto	North	Flat	28	No	31.8	57.0	31.8	Omitted
17833 Castellammare	South	Slope	33	No	28.6	57.0		N/A
17819 Castellammare	South	Slope	33	Yes	51.0	57.0	51.0	50.83
17753 Revello	South	Slope	33	No	11.0	57.0		N/A
17747 Revello	South	Slope	33	Yes	33.8	57.0	33.8	39.21
17743 Posetano	South	Flat	28	Yes	30.1	57.0	30.1	30.55
17719 Posetano	South	Flat	28	No	21.4			32.17
17713 Posetano	South	Flat	28	No	27.3			34.95
17709 Posetano	South	Slope	33	No	24.2			N/A
Number of houses that exceed limit the set forth in the Table							13	12
Percentage of houses that exceed the limit set forth in the table							65 %	
Average Envelope Height (in feet)							43.9	51.55

Dale La Forest & Associates
Design, Planning & Environmental Consulting
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Mt. Shasta, CA 96067
Phone: (530) 918-8625
E-Mail: dlaforest@gmail.com

Alex Truong
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

Re: Case No. DIR-2017-2670-CDP-MEL / ENV 2017-4279 (17642 Tramonto Drive)

Dear Mr. Truong:

February 12, 2018

I have been asked by John Henning to review the potential noise impacts that would result from noisy construction activities in building a large home and its related structures at 17642 Tramonto Drive. This review that I am submitting also examines the noise report that was submitted by the applicant for some of those construction activities.

I have been designing hundreds of homes in California as an architectural designer for 43 years since 1975. I have also worked as an acoustical consultant reviewing and preparing environmental noise studies and CEQA project studies since 1985. I've included my professional resume as an attachment to this letter.

SUMMARY OF PROJECT'S NOISE IMPACTS

This Project's construction noise while drilling 105 deep caisson holes in a very steep hillside would generate excessive temporary noise level increases above the ambient noise levels in the neighborhood. More than 50 neighboring homes would be impacted with noise level increases that exceed maximum City noise standards of 55 dBA L_{eq} .

The use of the proposed auger drill rig at this unusually steep building site for this large home would create noise levels that exceed the City's maximum-allowed noise limit of 75 dBA L_{max} at a 50-foot distance. On a lot this steep that reflects some noise in the downward direction toward homes below, the resultant total noise is greater yet since it includes both direct radiated and reflected sound waves.

Foundation drilling noise could create excessive interior noise levels of more than 45 dBA L_{dn} in over 20 nearby homes during the daytime, causing significant noise impacts and annoyance for over a month while this drilling takes place.

Analysis of Noise Impacts

The report, "Noise Impact Assessment for Caisson Installation," prepared on behalf of 17642 Tramonto Drive's large home construction Project by SESPE Consulting, Inc.,

presents certain details that reveal some of this Project's total noise impacts.¹ However, that noise report substantially underestimates the severity of these noise impacts. What the report nonetheless discloses actually confirms that such construction noise impacts will undoubtedly be significant. Those noise impacts will harm the general public who occupy dozens of homes in this neighborhood. As illustrated on maps on the next pages, about 53 or more homes within approximately 400 feet of this Project's drilling locations may be exposed to this Project's excessive noise impacts during weeks of caisson drilling for the Project's steep hillside foundations.

It is the unusual circumstances of this Project being constructed on this steep site that would increase those noise impacts compared to possible construction noise for other homes in this neighborhood. The site's elevated location increases the number of homes below that will be exposed to direct, unshielded, line-of-sight construction noise transmissions. Furthermore, the steep hillside itself will reflect even more noise in that downhill, southerly direction towards homes below.² Those combined construction noise levels at many of these houses which are within about four hundred feet of Project drilling locations will definitely exceed the City of Los Angeles' maximum allowed noise standards.

To analyze the noise impacts during construction, we must consider how this house would be built and what equipment would be used during construction. For this large house project, its very steep lot presents an unusual circumstance that about 105 very deep holes for foundation pilings or caissons will need to be drilled. Those are to prevent the house and nearby soils from sliding down the hillside if disturbed by an earthquake or mudslide.



< --- Steep parcel for building site --- >

¹ See Dec. 18, 2017 Noise Impact Assessment for Caisson Installation for 17642 Tramonto Drive Project.

² The immediate effect of such reflections is an increase in the sound intensity caused by the reflections. A listener will hear the direct sound arriving at the ear along with all of the multiple reflections. Thus the combined loudness of the direct sound and the reflected sound will be greater than the direct sound alone.

Thresholds Of Significance for Maximum Allowed Noise Levels

One standard the City must consider is if this Project's construction would result in a substantial temporary increase in ambient noise levels in the Project vicinity above levels existing without the project?³ The Project applicants have not submitted any on-site ambient noise level testing to determine the existing ambient noise levels in this Project's neighborhood. But the City in that case presumes that the daytime ambient noise level in this residential area is 50 dBA L_{eq} .⁴ It is this ambient noise level of 50 dBA L_{eq} against which this Project's construction noise level increases are evaluated.

- The City defines⁵ that “a project would normally have a significant impact on noise levels from construction if:
 - Construction activities lasting more than one day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use. (In this case, Project noise levels would be significant if they exceed **60 dBA L_{eq}** at homes in the neighborhood. (50 + 10 = 60))
 - Construction activities lasting more than 10 days in a three month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use. (In this case if construction lasts more than 10 days, the Project noise levels would be significant if they exceed **55 dBA L_{eq}** at homes in the neighborhood. (50 + 5 = 55))
- Another standard is that the City's Municipal Code sec. 112.05(a) defines that a project's maximum allowed noise level resulting from use of construction equipment like the proposed auger drill rig or a crane is **75 dBA L_{max}** as measured at a distance of 50 feet from that equipment.⁶

³ See L.A. CEQA Thresholds Guide (2006) Page I.1-1, A. Initial Study Checklist Question XI.d).

⁴ See L.A. Municipal Code, SEC. 111.03. MINIMUM AMBIENT NOISE LEVEL. Where the ambient noise level is less than the presumed ambient noise level designated in this section, the presumed ambient noise level in this section shall be deemed to be the minimum ambient noise level for purposes of this chapter. (For this residential zone, the ambient noise level is presumed to be 50 dBA daytime and 40 dBA nighttime.)

⁵ See L.A. CEQA Thresholds Guide (2006) Page I.1-3, Section 2(A) Significance Threshold.

⁶ See L.A. Municipal Code SEC. 112.05. MAXIMUM NOISE LEVEL OF POWERED EQUIPMENT OR POWERED HAND TOOLS:

Between the hours of 7:00 a.m. and 10:00p.m., in any residential zone of the City or within 500 feet thereof, no person shall operate or cause to be operated any powered equipment or powered hand tool that produces a maximum noise level exceeding the following noise limits at a distance of 50 feet there from:

(a) 75dB(A) for construction, industrial, and agricultural machinery including crawler-tractors, dozers, **rotary drills and augers**, loaders, power shovels, **cranes**, derricks, motor graders, paving machines, off-highway trucks, ditchers, trenchers, compactors, scrapers, wagons, pavement breakers, compressors and pneumatic or other powered equipment.

Note (by author of this review): This code section 112.05 also states: “*Said noise limitations shall not apply where compliance therewith is technically infeasible. . . . Technical infeasibility shall mean that said noise limitations cannot be complied with despite the use of mufflers, shields, sound barriers*”

- One other standard to be considered is the California Noise Insulation Standards (Building Code Title 24, Section 3501 et seq.). This standard for residential land uses sets a maximum interior noise level of **45 dBA L_{dn}** in any habitable room, averaged over a 24-hour period. This standard protects against sleep disturbance impacts at nighttime, and more pertinent here to actual construction noise, against unreasonable annoyance impacts during the daytime.

Predictable Construction Noise Levels For Proposed Foundation Construction

To evaluate the significance of this Project's construction noise impacts, the first step is to review these standards listed above, including those in the City of L.A.'s CEQA Threshold Guide for its definition of applicable thresholds of significance for noise impacts.

(It should be noted that the applicant's engineering consultant, Mr. Garrett Zuleger, P.E., while citing the City's noise ordinance standards, never references the City's 2006 CEQA Threshold Guide in his Dec. 18, 2017 Noise Impact Assessment. Without consideration of those additional relevant standards, his conclusion⁷ that "*the Project's caissons installation activities will produce less than significant noise impacts to nearby receptors*" is lacking substantial evidence and is incorrect in various ways.)

The Project's likely noise levels to be generated during foundation construction activities should be compared to all of those above listed thresholds of significance. As will be demonstrated, this Project's foundation construction activities with noisy caisson drilling operations will generate noise levels in excess of all of the noise standards identified above. As such, this Project will certainly create significant noise impacts in its neighborhood.

The noise generated during caisson drilling will likely be the most significant noise source during the Project's foundation construction. To drill the proposed 105 deep caisson holes, the auger drill rig and crane will likely be used near constantly for weeks and for most of the hours in these work days. The City needs to know how many hours per day such drilling will occur, and also how many days such construction activities will last. The more hours a day that drilling occurs, the greater the Project's averaged noise levels will be. The more days that construction goes on, the less tolerant neighbors will become of continuing noise. To address such reduced tolerance for persistent construction noise, the City's standards even compel a reduction in a project's allowable noise levels when such noisy construction takes longer than 10 days within a three month period.

and/or any other noise reduction device or techniques during the operation of the equipment."

However, for purposes of determining whether or not such construction noise is significant, technical infeasibility for compliance is of no consequence.

⁷ See *Noise Impact Assessment for Caisson Installation*, p. 3.

Duration of Construction Activities for Foundation Caisson Drilling

On February 9, 2018, I personally spoke to Mr. Darnell Tapia, a construction estimator with Leon Kraus Drilling⁸, about his experience drilling in the Tramonto Drive neighborhood. He estimated that drilling for caisson installations in this Project's neighborhood would proceed at a rate of about 125 linear feet to 150 linear feet of depth per day with unknown soil conditions, and a maximum of 200 linear feet per day under the best of conditions. He also estimated from his experience that auger drill rigs are used nearly full time during such deep drilling operations, and not merely 20% of the time (for an *acoustical utilization factor*) that is assumed in the Noise Impact Assessment.⁹ After being informed about the number and depth of caisson holes to be drilled, he roughly estimated such drilling at this Project site would take between 35 to 40 days.

To double-check this estimate, consider the information that the applicant has provided. The applicant's Dec. 18, 2017 *Noise Impact Assessment for Caisson Installation* states that this number of caissons will be drilled:

55 caissons, each 40 to 80 feet deep, to support the main house
21 caissons, each 30 to 60 feet deep, to support the pool deck
11 caissons, each 20 to 30 feet deep, to support the accessory building
18 caissons, each 10 to 20 feet deep, to support the retention wall

The total drilling in linear feet will accordingly be somewhere between these minimum and maximum amounts and these numbers of days:

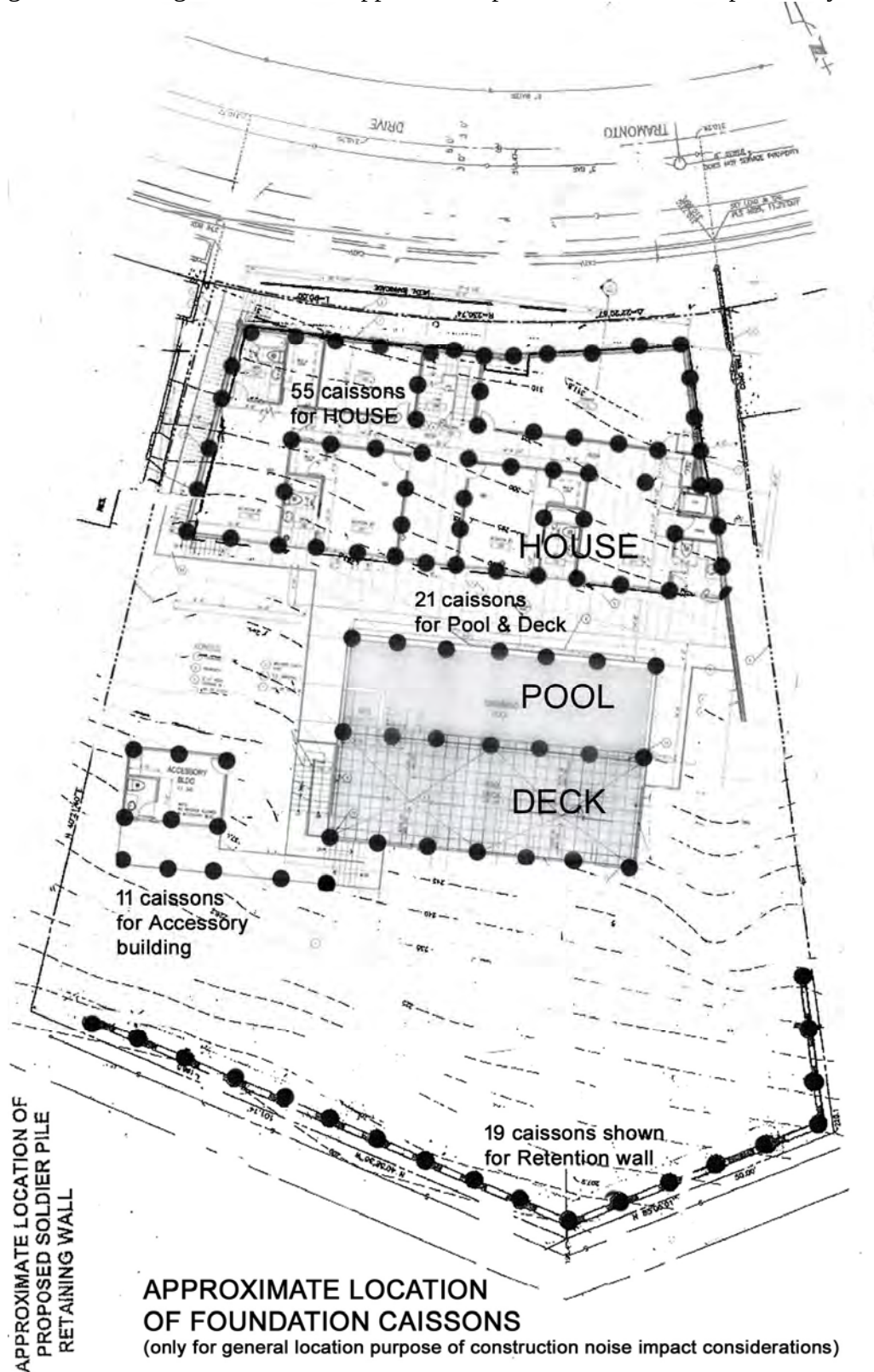
CAISSON LIN. FT.	Minimum drilling	Maximum drilling
55 caissons	55 x 40' = 2200 ft	55 x 80' = 4400 ft
21 caissons	21 x 30' = 630 ft	21 x 60' = 1260 ft
11 caissons	11 x 20' = 220 ft	11 x 30' = 330 ft
18 caissons	18 x 10' = 180 ft	18 x 20' = 360 ft
Total drilling depth:	Minimum 3,230 ft	Maximum 6,350 ft
DAYS:		
Days of drilling (if 125 feet/day): (slowest)	3,230'/125' = 26 days	6,350'/125' = 51 days
Days of drilling (if 200 feet/day): (fastest)	3,230'/200' = 16 days	6,350'/200' = 32 days

Drilling for Project's foundation support caissons will take between 16 to 51 days. Thus, this project is not allowed to increase ambient noise levels by more than 5 dB.

⁸ For reference: Leon Kraus Drilling: 13753 Gladstone Ave; Sylmar, CA 91342, Phone (818) 367-4237

⁹ The *acoustic utilization factor* is the fraction of time that a piece of construction equipment is typically at full power.

The exact locations for proposed caisson drilling were not made available, but this generalized diagram illustrates approximate positions for noise impact analysis:



L.A.'s CEQA Threshold Guide (2006), page I-1.3, states that:

A project would normally have a significant impact on noise levels from construction if:

- *Construction activities lasting more than one day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use;*
- *Construction activities lasting more than 10 days in a three month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use; or*

Drilling for these caissons will take more than 10 days so the threshold of significance would be exceeded if construction noise levels at neighboring homes would exceed 5 dBA above the existing ambient exterior noise level.

As mentioned above, the City's Municipal Code section 112.03 presumes that ambient noise levels are about 50 dBA L_{eq} . Therefore if this Project generates construction noise during foundation drilling of greater than **55 dBA L_{eq}** at neighboring homes, its noise impact will be considered to be significant.

Many neighboring homes will be exposed to more than this significant noise level under the unusual circumstances of this Project's steep hillside lot, its massive foundation work being proposed, and the close proximity of so many neighboring homes. To calculate such noise levels, the following assumptions are made as to how loud the equipment is, how many hours per day it will be used, whether noise muffling will also occur, and the distances to neighboring homes in the vicinity.

Equipment Operational Noise Levels

For this calculation, using data from the Project's Noise Impact Assessment, the caisson installation equipment of an auger drill rig will generate about **85 dBA L_{max} at a 50-foot distance.**¹⁰ Noise levels from various auger drill rigs will differ somewhat, but that value of 85 dBA L_{max} is within specification even if it is 1 dB more than assumed in the Noise Impact Assessment that was obtained by measurement of one auger drill rig. Numerous equipment noise prediction reference sources also identify auger drill rigs producing 85 dBA L_{max} at a 50-foot distance, as does the FHWA source used in the Noise Impact Assessment.¹¹

Equipment Acoustic Utilization Factor

If heavy equipment is operated full time and at full power throughout a day, its noise impact in the neighborhood will be greater than if operated intermittently or for just a few hours of a day. Equipment noise levels are cumulative when averaged over hours, so they

¹⁰ See Noise Impact Assessment, Table 1, Auger drill rig, Spec. 721.560, 85 dBA L_{max} @ 50 feet.

¹¹ See the 2006 FHWA Roadway Construction Noise Manual Users Guide, p. 3, Table IV.F-7.

Available online at: https://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/rcnm.pdf

are higher when not interrupted by long, quiet periods. During drilling at this Project site, such an auger drill rig would be operated nearly constantly for much of the work day according to Mr. Tapia who was consulted on this issue. With the large number of caissons to be drilled and at the proposed depth, such construction would take over a month even if operated full time. It would make no sense to conduct drilling only 20 percent of the time and to extend the drilling time by many months. The Noise Impact Assessment however assumes an acoustical utilization factor of only 20%. That unexplained assumption artificially lowers the drilling operation's calculated noise level and its impact's significance. That factor might have been pulled from highway standards used for roadway construction when multiple types of construction activities are occurring. But it is not appropriate for this steep hillside's circumstance for the proposed 105 deep caisson holes.

For example, in one noise report, an acoustical usage factor for drilling of 50% was assumed.¹²

Accordingly, this review letter will examine different, more appropriate and more intensive *acoustical usage factors* in the calculations below including 40%, 60%, 80% and 100%. If this Project's foundation drilling was so slow and only occurred with a 20% usage factor, the drilling might continue for one half year or more. That clearly won't be allowed to drag on so long.

Equipment Noise Mitigation

The applicant's engineer assumes the use of some means of muffling or somewhat quieting the noise from the auger drill rig during its operations. This review will also assume that same 5 dBA reduction in equipment noise levels due to additional muffler installations.

Point Source Noise Calculation¹³

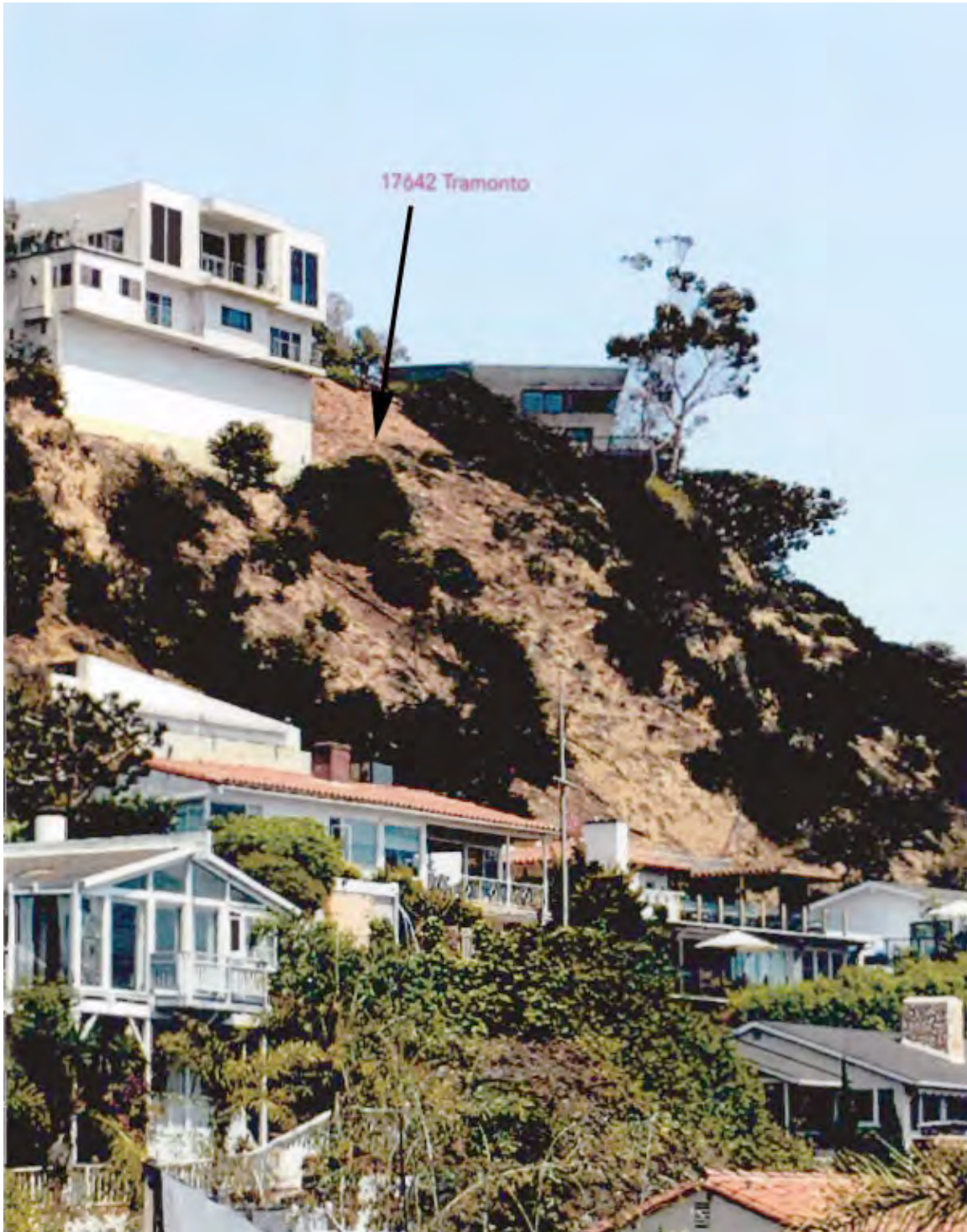
To evaluate whether this Project's construction noise levels will be significant and will exceed City standards by exceeding ambient noise levels by more than 5 dBA, it is necessary to calculate how loud that construction noise will be at neighboring homes some distance from this Project's drilling operations.

In this Project's neighborhood, many homes to the south are significantly lower in elevation compared to this Project's hillside site, and they will have direct line-of-sight exposure to such equipment activity. Accordingly many neighboring homes will not be

¹² See the Draft Initial Study/Mitigated Negative Declaration for the East Newport Mesa Groundwater Investigation Project 4-72, page 4-73, for the auger drill rig at a 50% acoustical use factor. This study was accessed online at <https://www.ocwd.com/media/1248/wic-2014-01-15.pdf> on February 9, 2018, and alternatively a copy will be provided to the City if requested.

¹³ Formulas for noise level calculation are from the Inglewood Oil Field Specific Plan Project Draft EIR, (2015), which was accessed online at <http://www.culvercity.org/home/showdocument?id=9697> on February 9, 2018, and alternatively a copy will be provided to the City if requested.

shielded from direct noise paths during drilling. Calculations can provide relatively accurate estimations of noise exposure when such direct views exist unblocked by topography or intervening structures. Photographs included in this review help explain the unusual circumstance proposed structures on such a steep hillside above nearby homes to the south.



The distance from the noise source to a receptor is a primary consideration in determining the actual noise level experienced at the receptor. Most reference noise levels are specified at a distance of 50 feet from the source. The calculation of noise from a point source, such as construction equipment, at other distances uses the equation:

$$L_D = L_{ref} - 20 \log (D/ref), \text{ where}$$

L_D is the noise level at a distance D from the noise source,

L_{ref} is the noise level at a reference distance from the source, and

ref is the reference distance of the noise source.

The equation is the mathematical expression for a noise level being reduced by 6 dBA for each doubling of distance from the source.

Construction equipment can be considered to operate in two modes: stationary and mobile. Noise impacts from stationary equipment are assessed from the center of the equipment, while noise impacts for mobile construction equipment are assessed as emanating from the center of the equipment activity or construction site. (In the circumstance of this Project with its deep caisson hole drilling, the auger drill rig equipment will remain relatively stationary for long hours as deep holes are slowly drilled.) For construction equipment, the average noise level, L_{eq} , is related to the maximum noise level, L_{max} , by the following equation:

$$L_{eq} = L_{max} + 10 \log (AUF), \text{ where,}$$

L_{eq} is the average noise level from a piece of construction equipment at 50 feet,

L_{max} is the maximum noise level from a piece of construction equipment at 50 feet, and

AUF is the acoustic utilization factor, which is the fraction of time that a piece of construction equipment is typically at full power.

The L_{max} and AUF data for construction equipment noise from operation of the auger drill rig are tabulated in the impact analysis calculations below in this table on the next page.

The maximum standard or threshold of significance under the circumstance that the Project's foundation caisson construction occurs for more than 10 days is 55 dBA L_{eq} . This table shows that the City's maximum drilling noise standard is exceeded at distances up to about 400 feet from drilling locations. That is true even when a muffler is used on an auger drill rig to reduce its noise by 5 dBA as the applicant's engineer suggests.

The unusually steep lot and size of this house adds to the severity of those noise impacts.

CALCULATION OF AUGER DRILL NOISE LEVELS AT DIFFERENT DISTANCES

where $L_d = L_{ref} - 20 \log (d/ref)$

where $Leq = L_{max} + 10 \log (AUF)$

Max. Auger Noise Level: (dBA L_{max})	AUF% use factor	Average Auger Noise Level: (dBA Leq)	Distance in feet from noise source							
			50	100	150	200	250	300	350	400
			Loudness at specified distance in dBA Leq							
85	20%	78.0	78.0	72.0	68.5	66.0	64.0	62.4	61.1	59.9
85	40%	81.0	81.0	75.0	71.5	69.0	67.0	65.5	64.1	63.0
85	60%	82.8	82.8	76.8	73.2	70.7	68.8	67.2	65.9	64.7
85	80%	84.0	84.0	78.0	74.5	72.0	70.1	68.5	67.1	66.0
85	100%	85.0	85.0	79.0	75.5	73.0	71.0	69.4	68.1	66.9

ADD 5 db MUFFLER

80	20%	73.0	73.0	67.0	63.5	61.0	59.0	57.4	56.1	54.9
80	40%	76.0	76.0	70.0	66.5	64.0	62.0	60.5	59.1	58.0
80	60%	77.8	77.8	71.8	68.2	65.7	63.8	62.2	60.9	59.7
80	80%	79.0	79.0	73.0	69.5	67.0	65.1	63.5	62.1	61.0
80	100%	80.0	80.0	74.0	70.5	68.0	66.0	64.4	63.1	61.9

55 dBA Leq threshold of significance

Note: these calculations show that Project drilling noise levels will exceed City standards of a 5 dB maximum increase above presumed ambient noise levels at all distances of up to 400 feet from source of drilling, not taking into account either decreases in loudness due to shielding of other structures or increases in loudness due to reflections of noise from steep hillside surfaces or other structures.



Project site development includes the house, pool and deck, an accessory building and a retaining wall at the bottom:



Low Frequency Noise Impacts May Also Be Significant

An added concern that is not addressed in this review is that of the impact of loud, low frequency noise (< 200 Hz) from this Project's heavy equipment operations especially inside neighboring residential properties. The traditional methods of using L_{eq} and L_{max} are not appropriate for such situations. They do not adequately characterize the true disturbance caused to neighbors from construction noise with heavy equipment. Low frequency sound more readily penetrates lightweight, wood-framed homes and also sometimes causes surfaces to annoyingly vibrate. The City should require a noise study to assess the impact of low frequency noise from this proposed Project operations with its earthmoving, crane and auger drill rig equipment.

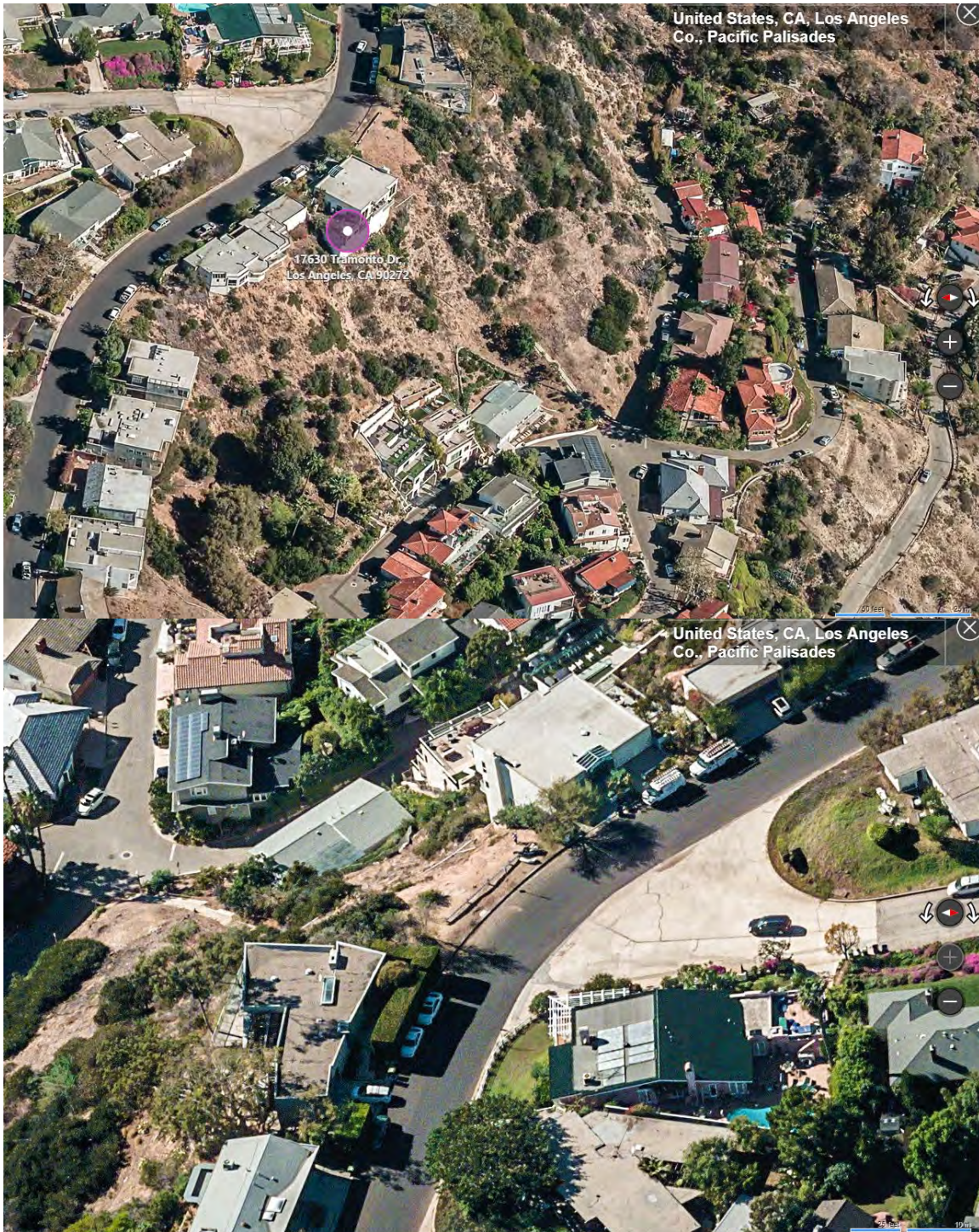


Illustration above shows where lower retaining wall is proposed at the bottom of the site's steep hillside.

This Project lot has no flat or readily buildable square footage for even a small house. (See panoramic photo from street curb of 17642 Tramonto Drive):



The fact that this lot has remained undeveloped until now in a crowded desirable neighborhood with wide-open ocean views is further evidence that its steepness and soil conditions presents a highly unusual circumstance of severe building constraints.



Noise from construction on steep hillside lot would impact homes below that are unblocked from direct sound transmission by elevated prominence of Project site.

Error in Applicant's Noise Impact Assessment

The applicant's December 18, 2017 *Noise Impact Assessment for Caisson Installation* underestimates this Project's noise impacts by making a critical error.

1) Error of Confusing $L_{\max}$ and L_{eq} Noise Level Descriptors Results in Failure to Recognize Significant Exceedance of City's Noise Standards

The Noise Impact Assessment correctly cites the City's **maximum**-allowed equipment noise limit for auger drill rigs of 75 dBA $L_{\max}$ at a 50-foot distance. But then it erroneously claims the Project's auger drill rig, (while generating 84 dBA $L_{\max}$ at 50 feet or 9 dB louder than City's limit), will not exceed the City's threshold. Even with a 5 dB muffler added to the auger drill rig, its noise level would still exceed the City's limit.

The Noise Impact Assessment's Table 1, on page 2, mistakenly claims the City's significance threshold is 75 dBA L_{eq} at 50 feet¹⁴ when in fact the City's Municipal Code section 112.05 states it to be a **maximum** of 75 dBA $L_{\max}$ at 50 feet. L_{eq} values are averages; $L_{\max}$ values are maximum noise levels. That mistake in the Noise Impact Assessment results in a significant difference where the Noise Impact Assessment underestimates the severity of the significant noise impact by about 7 dBA, the difference between $L_{\max}$ and L_{eq} noise levels of the same numeric value.

In a related vein, the 2006 *L.A. CEQA Thresholds Guide* states that noise levels during foundation construction are 77 dBA @ 50 feet with mufflers.¹⁵ That is 5 dBA louder than the applicant's Noise Impact Assessment calculation claims. (77 – 72 = 5 dB difference). The applicant's Noise Impact Assessment assumes during caisson drilling by an auger drill rig and a crane that the noise generated will be 72 dBA L_{eq} at 50 feet.¹⁶ That implies that the applicant's Noise Impact Assessment seriously underestimates how much noise such drilling will create.

Noise Impacts of Heavy Equipment Warning BEEPERS

The applicant's Noise Impact Assessment fails to disclose that noise from heavy equipment backup warning beepers would be very audible at some sensitive receptors near this Project site. Backup warning beepers are a commonly complained-about noise source from heavy equipment operations.

Backup alarms or beepers are a frequent source of complaints from neighbors, whether they are used during the daytime or nighttime. Backup alarms must generate a noise level at least 5 to 10 dBA above the background noise in the vicinity of the rear of the machine where a person would be warned by the alarm. Thus, they are significantly louder than

¹⁴ That's an "Equivalent Noise Level" (L_{eq}) descriptor. L_{eq} is the **average** A-weighted sound level measured over a given time interval and is always lower in loudness than a "maximum noise level" of the same numeric value.

¹⁵ See p. I-1.8, 2006 L.A. CEQA Threshold Guide

¹⁶ See Noise Impact Assessment, "Caisson Installation Equipment Noise Calculations," where noise from the auger drill rig is assumed to be 84 dBA $L_{\max}$ at 50-feet, where the drill rig has an "usage factor of 20%" meaning that is the time during the work period that the equipment is operating under full load or near full power", has a calculated L_{eq} noise level of 77 dBA L_{eq} at 50-feet, will have additional mufflers reducing the noise by 5 dBA, and will result in a calculated noise level for this Project of **72 dBA L_{eq} at 50-feet**.

the drilling equipment and site grading equipment's noise. Yet the applicant's noise study fails to describe their decibel rating or agree to placing limits on their loudness. Backup alarms typically produce from 97 to 112 decibels at four feet,¹⁷ which attenuates to about 75 to 91 dBA at 50 feet,¹⁸ and can even be heard at the distances where the nearest neighbors live. At those noise levels, their use would exceed the City's maximum limit of 75 dBA L_{max} at 50 feet.¹⁹ These backup alarms beep about once per second at a penetrating frequency of about 1,100 Hertz designed to be easily heard by most people.

A single backup warning beeper emitting 91 dBA at 50 feet could be as loud as 72 dBA at homes 400 feet away. (Calculated being 6 dB quieter for each doubling of distance.) Noise levels of 72 dBA L_{max} which could be 22 dBA greater than ambient noise levels would exceed the City's maximum 5 or 10 dB increase standard in its CEQA Thresholds Guide as discussed above.

Project Will Result in Neighboring Homes Being Exposed to Significant and Excessive Interior Noise Levels During Drilling Operations

The Los Angeles General Plan's Noise Element identifies a maximum residential noise standard of 45 dBA L_{dn} in any habitable room, averaged over a 24-hour period. This standard protects against sleep disturbance impacts at nighttime, and more pertinent here to actual construction noise, against unreasonable annoyance impacts during the daytime. While the City does not enforce this 45 dBA L_{dn} standard for single-family homes during applications for a building permit, this standard nonetheless remains as an identified threshold of significance for purposes of determining significant impacts under CEQA.

For example, if this Project's caisson drilling operations with a 60% *acoustic utilization factor* (AUF) generate muffled noise levels of 77.8 dBA L_{eq} at 50 feet, then at a 200-foot distance such noise levels would be about 65.7 dBA L_{eq} . (See tabular calculations above). There are about 21 homes within 200 feet of this Project's drilling locations. (See Exhibit C, aerial photo with line marking 200 foot distances from site drilling locations.) During a long work day of 10 hours, a 60% AUF would mean that drilling continued for 6 of those hours. The use of the auger drill rig would generate a calculated "day-night average" noise level of 60 dBA L_{dn} at that 200-foot distance.²⁰ For neighbors at that 200-foot distance from 17642's foundation hole drilling locations who had their windows open on such days, their homes would attenuate (reduce) that exterior noise level by as

¹⁷ Source of back-up alarm noise levels from alarm manufactured by Pollak, #41-761, "Manually adjustable Back-up Alarm," rated at 112, 107, 97 dB.

¹⁸ Noise level attenuation due to distance is calculated as reduced by about 6 dB for each doubling of distance, and 7.5 dB for each doubling of distance beyond 1,000 feet from the noise source due to atmospheric attenuation.

¹⁹ See LAMC section 112.05(a).

²⁰ This calculation of a day-night averaged noise level given an 'AUF' of 60% and the L_{eq} noise level of 65.7 dBA L_{eq} results from considering that noise levels for 6 daytime hours are 65.7 dBA L_{eq} , for another 9 daylight hours are presumed to be at least 50 dBA L_{eq} , and the remaining 9 nighttime hours in a 24-hour day are presumed to be at least 40 dBA L_{eq} . The logarithmic averaging of those 24 hours results in that 60.0 dBA L_{dn} day-night weighted average noise level.

much as 15 dBA.²¹ Thus their homes' interior noise levels in rooms facing this Project would be approximately 45 dBA L_{dn}. (60 – 15 = 45) While that value is right at the limit of the threshold of significance, any increase in noise there due to either a day with full-scale drilling operations longer than 6 hours or a home's location that is closer than 200 feet to the Project's drilling could result in interior noise levels greater than this standard of 45 dBA L_{dn}.

For example, if 8 hours of drilling occurred during an allowable 7:00 a.m. – 9:00 p.m. (14 hour) daytime construction period, that would create a 80% AUF and result in an exterior noise level at 200 feet away of 61.2 dBA L_{dn}. Then interior noise levels at a home 200 feet distant could be 46.2 dBA L_{dn}, above the thresholds of significance for such interior noise impacts.

Moreover, this Project location presents that unusual circumstance of being perched on a very **steep** hillside. That steepness of slope of over 80% (5 feet horizontal to each 4 feet vertical) necessitates additional noisy, time-consuming caisson foundation work. The steep hillside increases the construction work's noise impacts as it reflects more noise towards homes that are at a lower elevation, unblocked by intervening homes, and situated to the south. Those homes to the south expose more of their roofs than walls to direct view from this Project site. Roofs do not block sound transmission as well as exterior walls because roofs have typically have some unblocked ventilation openings and roofs are often less dense than exterior walls.

Other Claims for Categorical Exemption Fail to Consider this Substantial Evidence to the Contrary

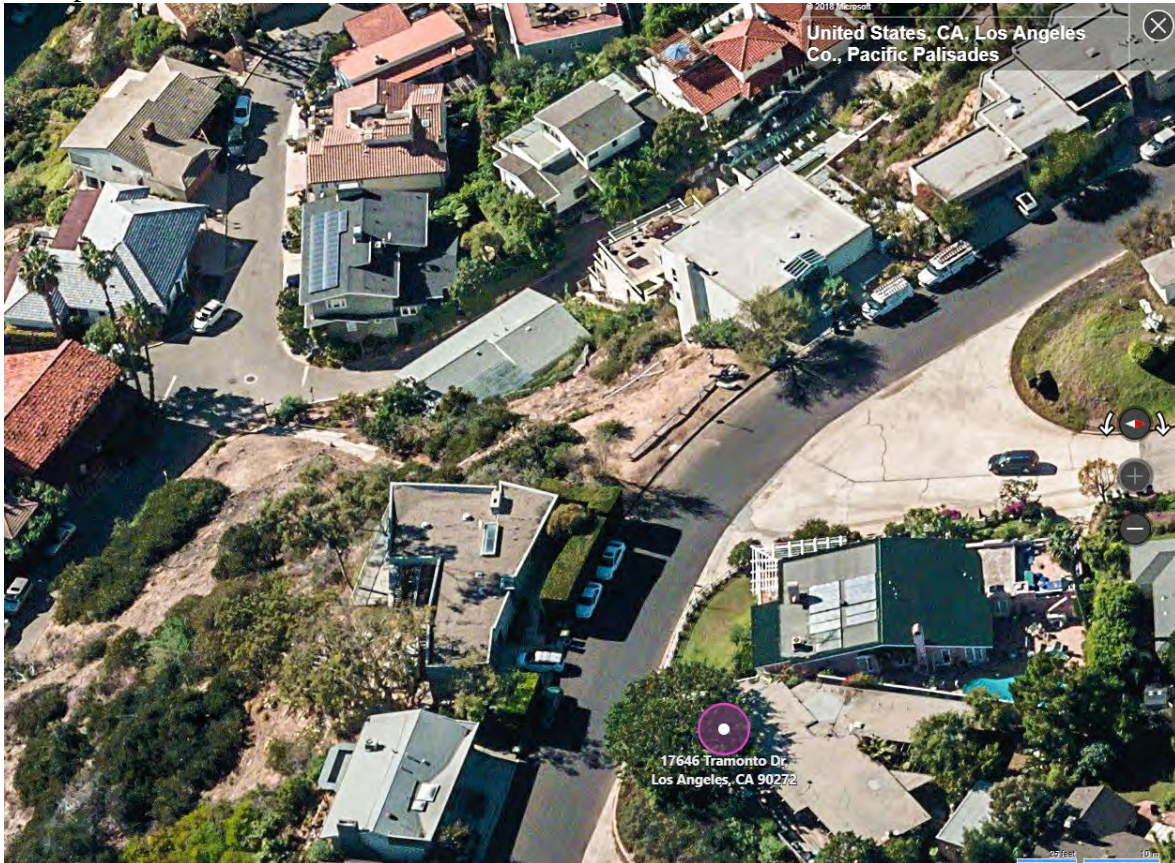
The City states that this Project qualifies for a Class 32 Categorical Exemption if it meets certain criteria including not resulting in any significant effects of noise impacts in the neighborhood. In light of the evidence about significant noise impacts above, a Class 32 exemption does not apply here.

The City's November 15, 2017 Director's Determination for a coastal development permit letter for 17642 Tramonto Drive is also misleading regarding this Project's noise impacts. The City on page 22 states it will require Project compliance with the L.A. Noise Ordinance. But mere compliance with that ordinance does not eliminate some of the Project's significant noise impacts discussed above. For example, the Noise Ordinance does not require partial noise mitigation if the City finds complete noise mitigation to be infeasible. Moreover, the Noise Ordinance does not include some of the standards and thresholds of significance found in the City's *CEQA Threshold Guide*.

This proposed Determination also concludes there are no unusual circumstances which may lead to a significant effect on the environment. Actually, when a project will generate significantly loud noise levels that exceed the agency's noise standards, that is

²¹ Residential rooms with open windows typically attenuate exterior noise levels by between 10 to 15 dBA as most of the acoustic energy of exterior noise is blocked by the more solid wall and roof surfaces.

defined as an unusual circumstance. This comment letter provides evidence that the project will have a significant noise impact despite otherwise being included in an exempt class.



Vacant Project site in middle overlooks homes below that will be plainly exposed to Project noise.

CONCLUSION

Based on these comments in this review letter, it should be abundantly clear that this Project's noise impacts will be significant in this location. That severity is in part due to the unusual circumstances presented by this very steep hillside lot and its landform shape that will tend to amplify reflected noise during construction toward nearby downhill homes. The Project's construction noise levels will also significantly exceed the City of Los Angeles' and California's maximum allowed noise standards. Accordingly, this Project is not eligible for a categorical exemption from CEQA environmental review. Thank you for considering these comments. Please notify me of any additional opportunities there may be to review this Project.

Dale La Forest

Professional Planner, Designer, INCE Associate (Institute of Noise Control Engineering)
Dale La Forest & Associates

EDUCATION AND EXPERIENCE

I received a Bachelor of Architecture Degree with Master of Architecture studies in architecture and planning from the University of Michigan (1966 – 1973). My university education included architectural acoustics and the math and physics related to analysis of sound transmission. In the last 43 years, I have designed hundreds of homes in California. During the last 20 years, I have also prepared expert acoustical studies for various development projects and reviewed and commented upon dozens of noise studies prepared by others. My expertise in environmental noise analysis comes from this formal educational training in architecture and planning, and from many years of evaluation of acoustics as relates to environmental analysis and challenging flawed project applications prepared by less-than-professional, industry-biased acousticians. I regularly measure and calculate noise propagation and the effects of noise barriers and building acoustics as they apply to single-family homes near projects and their vehicular travel routes. I have also prepared initial environmental studies for noise-sensitive development projects including hotel and campground projects along major highways. I have reviewed dozens of quarry project and batch plant project environmental documents. I have designed highway noise walls, recommended noise mitigations, and have designed residential and commercial structures to limit their occupants' exposure to excessive exterior noise levels throughout California.

Dale La Forest

REBUTTAL SUBMISSIONS



Planning APCWestLA <apcwestla@lacity.org>

Fwd: Case No. DIR-2017-3549-CDP-SPP-1A; ZA-2017-3550-CUB-1A; ENV-2017-3551-CE

1 message

Stephen Freedman <sfcpa.1980@gmail.com>
To: apcwestla@lacity.org

Wed, Jul 11, 2018 at 10:16 AM

----- Forwarded message -----

From: **Stephen Freedman** <sfcpa.1980@gmail.com>

Date: Wed, Jul 11, 2018 at 10:13 AM

Subject: Case No. DIR-2017-3549-CDP-SPP-1A; ZA-2017-3550-CUB-1A; ENV-2017-3551-CE

To: Jeff Khau <jeff.khau@lacity.org>, apcwla@lacity.org

Mr. Khau-

I am a long-time resident on Howard Street in the Oxford Triangle. Howard Street residents have suffered impacts from the Scopa operation since the restaurant opened in 2014. This application/case presents serious quality of life issues for nearby residents.

Attached is my letter in support of the appeal filed to rescind both the expanded restaurant square footage and operating hours. Please consider our concerns and the related impacts of the previous approvals. Thank you for your consideration.

Please make sure this letter is circulated to the Commissioners' files.

Sincerely,

Steve Freedman

**Scopa appeal hearing letter.docx**

16K

STEPHEN FREEDMAN, C.P.A.
732 Howard Street
Marina del Rey, CA 90292

July 10, 2018

Jeff Khau, LA DCP Planning Assistant
200 North Spring Street, Room 720
Los Angeles, CA 90012

Re: DIR-2017-3549-CDP-SPP-1A; ZA-2017-3550-CUB-1A; ENV-2017-3551-CE
2905-2921 North Washington Blvd. & 812-816 East Washington Blvd.

We write to support the appeal referenced above. We live on the Howard Street which is just south of and parallel to Washington Blvd. Scopa management has operated with flagrant disregard to the conditions in their original permits since they opened in 2014. Scopa has been a problematic neighbor since it opened.

This change of use application is an effort to obtain permits to allow restaurant use of areas that have been used in the operation of the restaurant in violation of their existing permits since Scopa opened. Expanded hours would only increase the pressures on nearby residents.

Scopa parking has had a severe impact on residential street parking on Howard Street from the day it opened. Scopa employees occupy a significant amount of our much needed street parking day and night. The Scopa parking lot on East Washington Blvd. has been clearly marked for Scopa Employees since Day 1 but is generally chained shut and empty. Scopa employees who park on Howard Street have said that management does not allow them to park in the lot clearly designated for that purpose. As a result, they park around the block in our residential neighborhood.

That problem is compounded in the evenings and during weekend brunch hours by customer parking. Scopa offers valet parking for customers but for a charges a steep fee despite the high cost of dining. As a result, so many customers seek free parking on our residential streets that it's often very hard for residents to find a place to park when we come home in the evening.

Scopa managers have been very self-serving and disingenuous about their parking situation. They have made false claims about efforts to address residents' concerns with respect to parking. Bike racks and scooter rentals offer little, if any, relief.

This is a quality of life issue for residential neighbors. We urge you to take the issues raised by this appeal seriously and rescind the decision with respect to change of use and expanded hours of operation which only exacerbate the longstanding problems Scopa presents for residents of Howard Street and Marr.

Thank you for your consideration. Please circulate this letter to the Commissioners' files.

Sincerely;

JOHN A. HENNING, JR.
ATTORNEY AT LAW
125 N. SWEETZER AVENUE
LOS ANGELES, CALIFORNIA 90048

TELEPHONE: (323) 655-6171
E-MAIL: jhenning@planninglawgroup.com

July 16, 2018

**NEIGHBOR'S REBUTTAL TO
STAFF'S RECOMMENDATION REPORT
AND APPLICANT'S LETTERS IN AGENDA PACKET**

VIA ELECTRONIC MAIL

West Los Angeles Area Planning Commission
c/o Commission Executive Assistant
City of Los Angeles
200 North Spring Street, Room 532
Los Angeles, CA 90012

Re: Case No. DIR-2017-2670-CDP-MEL-1A / ENV 2017-4279 (17642 Tramonto Drive) (hearing date: July 18, 2018)

Honorable Commissioners:

This letter will respond to the Recommendation Report prepared by City staff and various memoranda prepared by the applicant, Saied Kashani, and addressed to City staff, which communications are attached as Exhibit E to the Recommendation Report.

A. Rebuttal to City Planning Staff's Recommendation Report.

The Recommendation Report prepared by City Planning staff and included with the agenda packet lacks any substance whatsoever. In response to each of the contentions in the appeal, staff repeats boilerplate such as "The appellant does not provide any substantial evidence to support the claim," or "The appellant has not provided any evidence or justification as to how the findings in support of the approval of the project are not supported by substantial evidence."

Honorable Commissioners
July 16, 2018
Page 2

In fact, the appellant submitted a 31-page letter, plus 167 pages of exhibits in advance of the July 9, 2018, deadline for “Regular Submissions” in support of the appeal. The appellant submitted seven copies of this letter and its exhibits, and presumably the Commission secretary circulated these copies to both staff and the Commission members.

Staff may believe that an appellant should make his entire appeal presentation many weeks before the Commission meets, so that staff can take its time preparing a staff report that responds to that presentation. However, there is no requirement that the appellant do this, either in the City’s ordinance or in any rule of the Commission. To the contrary, as the Hearing Notice states at page 2, the Commission merely requires that the appellant (and any other person) submit “Regular Submissions,” defined as “written materials not limited as to volume,” nine days before the hearing. (See Hearing Notice.) Further provision is made for “Rebuttal Submissions” just two days before the hearing, and for “Day of Hearing Submissions”.

Appellant made his entire submittal in support of the appeal as a “Regular Submission” well before the July 9 deadline. The fact that staff chose to prepare a staff report at about the same time does not preclude the consideration of appellant’s 198-page submittal. Staff is welcome to prepare a response to the appellant’s letter if it wishes, and it has had nine days to do so. Staff can also respond to the appeal at the Commission hearing.

Moreover, staff’s bare-bones Recommendation Report simply ignores the fact that virtually all of the points raised in appellant’s appeal, and made in appellant’s letter, were raised during the proceedings before the City’s hearing officer. In fact, appellant submitted letters on November 20, 2017 (22 pages); December 18, 2017 (8 pages); February 12, 2018 (24 pages). All of these letters were barely even acknowledged in the Director’s Determination dated April 3, 2018.

Nor did City staff ever ask the appellant to provide further grounds for its appeal during the three months leading up to the Commission hearing. Instead, staff remained silent and finally produced a Notice of Public Hearing on about June 28, only 20 days before the hearing. In that Notice, staff specifically spelled out the deadline for “Regular Submissions.” Then, it prepared a staff report that essentially said “gotcha” to the appellant.

Finally, and perhaps most importantly, staff’s dismissive and legalistic language misunderstands the function of this Commission. The Commission is not an appellate court. It is not limited to a determination whether “substantial evidence” supported the Director’s Determination or the findings within it. Instead, the Commission is legally obligated to, and rightly should, consider whether, in light of all of the evidence before it, the findings are justified. In other words, the Commission can disagree with the Director, even if it believes the Director’s findings may have been supported by “substantial evidence.” And, if the Commission does disagree with the Director, it should – and, indeed, must – make different findings and grant the appeal.

B. Rebuttal to Applicant's Three Memoranda to City Staff.

Exhibit E to the Recommendation Report ("Correspondence") is a series of three letters and memoranda from the applicant, Saied Kashani, to Alexander Truong of the Department of City Planning. Mr. Kashani happens to be a practicing attorney, but he professes no special knowledge of the ordinances or statutes that govern the actions of the City or its Area Planning Commissions. Instead, in this application he is appearing as the property owner and as a speculative developer. Yet in an attempt to avoid this Commission's jurisdiction over the appeal, Mr. Kashani makes a series of spurious legal arguments that have nothing to do with the merits of the appeal.

Mr. Kashani is wrong on every single point. The three letters and memoranda are discussed below.

1. May 14, 2018 Letter to Alexander Truong re Commission's loss of jurisdiction to hear appeal after 30 days.

In this letter, Mr. Kashani notes that Los Angeles Municipal Code section 12.20.2.H.4 provides that in the case of a Coastal Development Permit the Commission must hear and decide any appeal within 30 days of the filing of the appeal. He then argues that because of this provision, "After the last date for action (30 days), the Commission loses jurisdiction and the appeal is deemed denied." Mr. Kashani emphasizes in his letter that he refused to grant any consent for an extension of the time to act.

The Commission has faced similar claims before, and has rejected them outright. The reason is simple: There is nothing in the ordinance itself that says that the failure to act in 30 days means that the Commission "loses jurisdiction," or that the appeal is "deemed denied." Such language does appear in other ordinances, such as those which provide that the Commission must act on certain appeals within 75 days. (See LAMC section 12.24.I.4 (expressly providing that for appeal of a conditional use permit issued pursuant to section 12.24, "The appellate body shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the appellate body. The failure of the appellate body to adopt a resolution within this time period shall be deemed a denial of the appeal.") Such language is glaringly absent from section 12.20.2, which governs Coastal Development Permits.

Mr. Kashani's draconian interpretation of the ordinance would lead to absurd results, because it would deprive this and other Area Planning Commissions of jurisdiction to hear many of the appeals that are duly filed. The Commission meets only twice per month, which sometimes means that its hearings are always at least two weeks apart, and sometimes three weeks (21 days) apart. A hearing before the Commission requires a minimum notice period of 10 days. (LAMC section 12.22.2.H.4.) Depending upon when an appeal is filed, even if the item were scheduled for the next meeting and notice were mailed the day the appeal was filed – an impossibility – there would be circumstances where an appeal could not possibly be heard

within 30 days. Even in the more typical circumstance, appeals would have to be heard at lightning speed in order to meet a hard 30-day deadline. As just one example, Mr. Kashani admits that this appeal, in order to meet the 30-day deadline, would have had to be heard on May 2, 2018, which was only 19 days after the appeal was filed. Even assuming that the Commission's schedule would allow room for a hearing so soon after filing, there is barely enough time within 19 days for staff to process the appeal, prepare a staff report and get notices out 10 days in advance.

Mr. Kashani's self-serving interpretation would also wreak havoc with the calendars of this Commission and the other Area Planning Commissions. If appeals were deemed denied merely by the passage of 30 days from filing, the Commission staff would be under extreme pressure to schedule all appeals so as to avoid any loss of jurisdiction. Commission calendars would balloon to enormous size simply because of the coincidence that numerous appeals were filed on various projects at about the same time. That cannot be what the City Council intended when it required the Commission to act within 30 days.

2. Undated Memorandum to Alexander Truong re requirement to finalize Categorical Exemption without action by Commission.

In this undated memorandum, Mr. Kashani makes the remarkable assertion that the City is obligated to finalize the Categorical Exemption for the project, because the Commission is not the proper appeal body to consider whether a Categorical Exemption is properly granted in lieu of full environmental review under the California Environmental Quality Act (CEQA).

Mr. Kashani notes that California Public Resources Code § 21151(c) (part of CEQA) provides that "if a nonelected decisionmaking body of a local lead agency . . . 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." He points out that the City's elected decisionmaking body is the City Council. On that basis, he claims that the appeal to the WLAAPC cannot include the Director's decision to grant a Categorical Exemption to the project. Instead, he argues, the appeal must be directly from the Director to the City Council. Mr. Kashani attaches a staff report for a recent case before this Commission (DIR-2016-4357-CDP-MEL-1A, at 2334 South Cloy Avenue) that he contends supports this position.

There is nothing in CEQA or the City's ordinances that requires such an absurd result. The Commission is here considering an appeal of the underlying Coastal Development Permit, and part of that appeal necessarily involves whether the Director complied with CEQA by granting a Categorical Exemption. Section 21151(c), quoted by Mr. Kashani, merely states if the Commission (a nonelected decisionmaking body) acts to deny the appeal and allow the Categorical Exemption, the Kriegers have the option to further appeal the decision on the Categorical Exemption to the City Council. It does not mean that the Kriegers must file an appeal directly from the Director to the City Council, and bypass the Commission entirely.

The City does not contradict this obvious legal provision by its staff report in the recent Cloy Avenue case, attached to Mr. Kashani's letter. To the contrary, staff in that report reaffirmed that the appeal to the Commission in that case involved both a Coastal Development Permit and a Categorical Exemption. The report mentions that CEQA appeals are heard by the City Council, but it does so only after acknowledging that the appeal of the Coastal Development Permit is heard by the Commission. The report goes on to provide the rationale for the Categorical Exemption (response to Appeal Point #4), and recommends that the Commission find that the Categorical Exemption was properly granted, noting in the Conclusion "Staff also recommends the Commission find that the project is Categorically Exempt pursuant to the California Environmental Quality Act".

If Mr. Kashani's nonsensical interpretation of CEQA were followed, this would wreak havoc with the City Council, which would then be flooded with CEQA appeals on every conceivable type of project, making arguments that were never made to the Area Planning Commissions. This is precisely what the Area Planning Commissions were created to avoid.

3. April 18, 2018 Memorandum to Alexander Truong re variance to restore applicant's approval after vesting expires.

Mr. Kashani's last Memorandum essentially threatens to apply to the City for a formal variance if he does not receive a building permit from the Department of Building and Safety within 18 months after he applied for a building permit. By this memorandum, Mr. Kashani openly concedes that his objective is to avoid recent amendments to the Baseline Hillside Ordinance (BHO) that were adopted in March 2017, and which were designed to address massive, harmful projects like his.

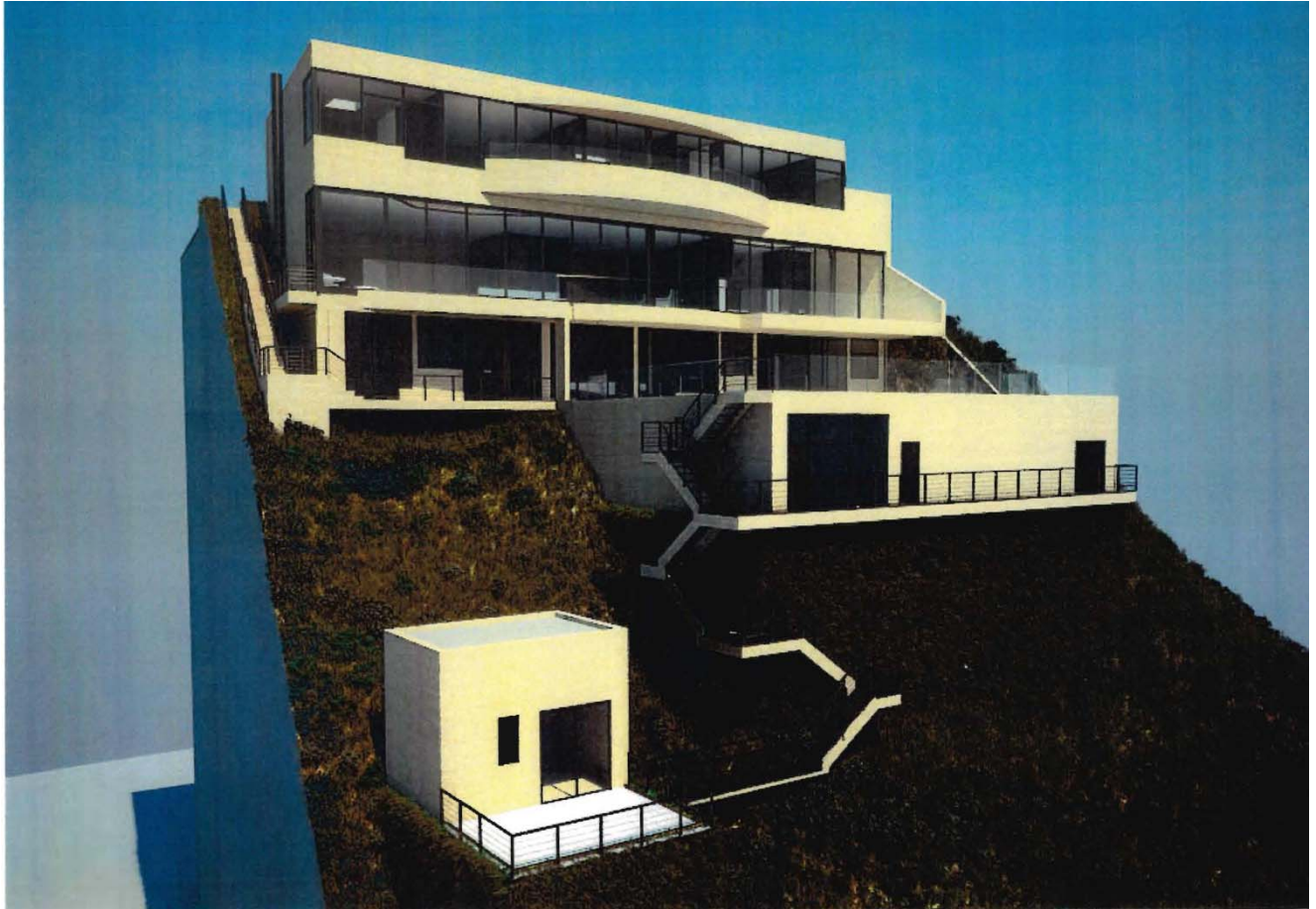
Mr. Kashani was one of the developers who flooded the City with building permit applications only days before the new BHO went into effect. The City's very liberal vesting regulations allow this, as long as the building permit is obtained within 18 months after the building permit is applied for.

Now, Mr. Kashani seems to believe that he is somehow aggrieved because he didn't move more quickly on his Coastal Development Permit, and now may not be able to make it under the strict 18-month window established by the City's ordinance. He expects sympathy because his 9,000 square foot project, with its height limit-busting 47 foot envelope height, might have to be scaled back somewhat as a result.

But it should be. While a variance is not before the Commission now, no variance would be warranted under any circumstances. A variance is granted based upon a substantial showing of hardship and other special circumstances. Mr. Kashani will never be able to show that his mammoth project qualifies for such relief. Nor should the Commission approve this Coastal Development Permit out of sympathy for Mr. Kashani's speculative ambitions. The BHO was amended for a reason, and this Commission need not, and should not, facilitate Mr. Kashani's attempts to evade it.

C. **Conclusion.**

Mr. Kashani is a speculative developer, also a lawyer, who seeks to inject an enormous new house into an ocean-facing bluff. He is trying to avoid this Commission's jurisdiction through gimmickry. Sadly, City staff is facilitating his quest. The Commission should consider the appeal on its merits, and grant it.



Very truly yours,

A handwritten signature in blue ink, appearing to read "John A. Henning, Jr.", with a stylized, cursive script.

John A. Henning, Jr.

REBUTTAL to appeal in DIR-2017-2670-CDP-MEL. West LA Planning Commission, July 18, 2018 4:30pm

A. Appeal support is misleading, misrepresentations and untimely. The appeal form requires grounds and support to be submitted with the appeal filed in April. Applnt. supplied nothing at that time. Applnt waited until the last possible day to submit supplemental material and submitted all of his "support" at that last minute. Applnt's "support" is misleading and deceptive and was submitted late to deprive City and owner of time to prove it is false, or as an excuse to delay this appeal more. For example, applnt used wrong methodology and manipulated height measurements, applnt's geology reports concern an entirely different property, and appellant's "sound expert" was fined by the State of Oregon for practicing engineering without a license. Applnt's "support" should be disregarded.

B. Precedent: Last month this Commission upheld a Coastal Development Permit *and* Categorical Exemption for 405 N. Peurto Del Mar, Pacific Palisades, **DIR-2016-2679-CDP-MEL-1A, ENV-2016-2680-CE** for a 12,418 SF house plus 3,678 SF basement, 1,671 guesthouse, 2,060 SF garage and an *indoor* swimming pool, all supported on caissons (many more than 17642 Tramonto), and involves extensive grading of the entire slope and over 4000 cubic yards soil removal. 405 N. Peurto Del Mar is on the corner edge of the bluff and much more visible and prominent than subject 17642 Tramonto.

C. Subject house is well within community character and scale.

1. The neighborhood association has fully approved the house plans after *twice* setting up "story poles" showing the full size and scale of the house and inviting comments from all the neighbors. See Tab 1. Neighborhood assn. follows strict recorded covenants on house height, setbacks, etc. and effect on views from other houses. If the house were "out of scale" or "incompatible" the association would not have approved it. Interestingly this neighborhood has a *minimum* size for houses not a maximum.

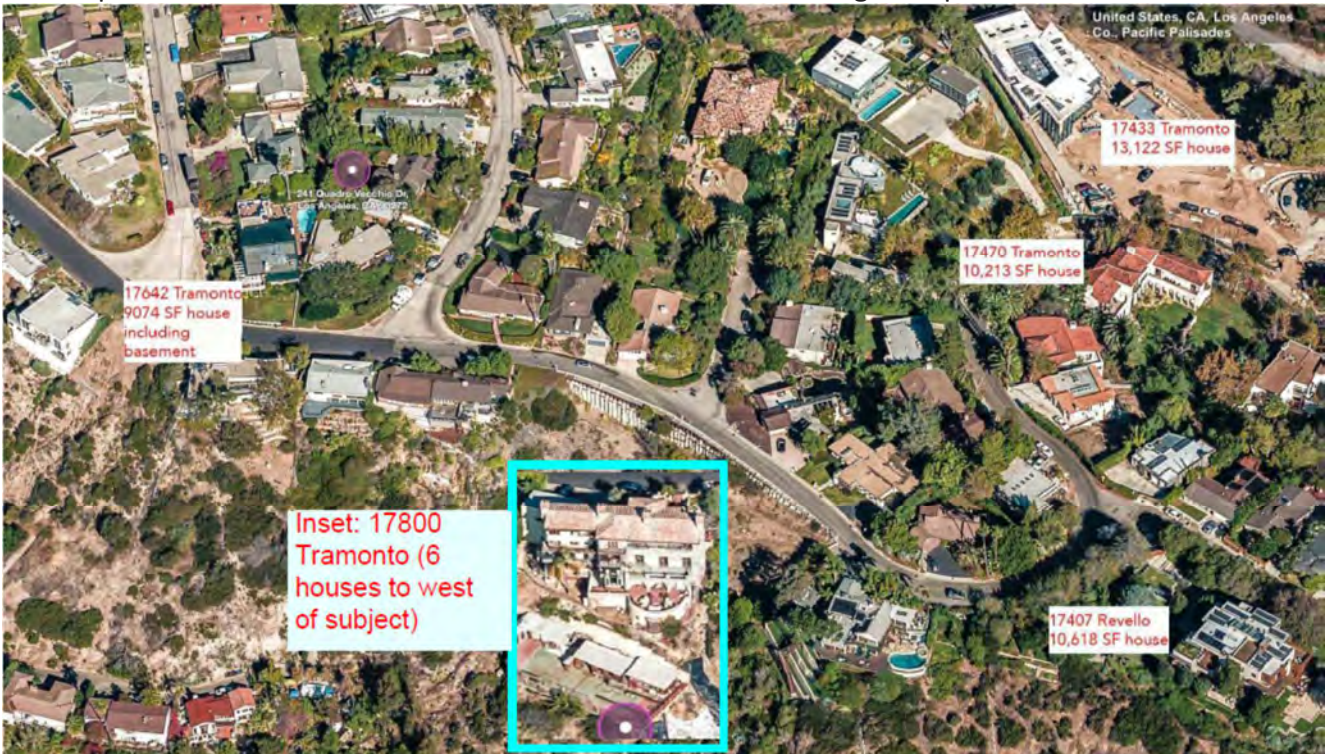


To the left are four typical houses along the bluff. Subject will be far less prominent because it will use natural color stone facing (not blank white stucco) and extensive "greenwalls" of native vegetation to cover exposed walls. Note also how steeply the houses descend down the bluff.

The project is infill on the last lot in a line of houses along the ridgeline all of which rise 1 or 2 stories above Tramonto Drive and descend 1 or more stories down the slope. Most are built "wall to wall" with minimum setbacks. Some such as 17800 Tramonto are enormous with multiple lower decks. Subject is actually much less conspicuous than the house appellant owns, 17646 Tramonto, which presents a blank white stucco wall to the beach. Subject will have "greenwalls" vegetation covering all exposed walls.



The existing houses cannot get any bigger because they are all already "wall to wall" with minimum setbacks and most well over the maximum height. Project is on a double lot and is proportional to lot. 2. Objector has "cherry-picked" a few small houses for his charts. This is not a "one-size fits all" neighborhood. There are several very large houses nearby especially 17800 Tramonto which rises two stories plus towers above the street and 4-5 levels below including multiple decks and tennis court.

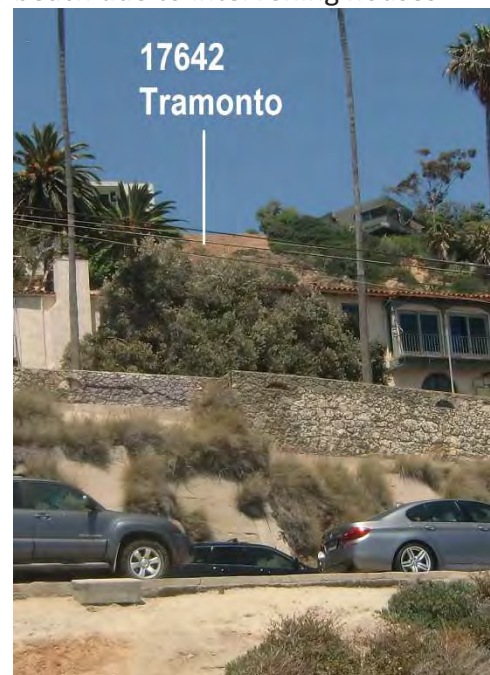


3. **No community opposition.** If the house were truly out of scale we would expect large community opposition. Out of 153 nearby homes, only 3 objected to the CDP and 3 others were in favor.

4. Unlike the objector's house and the other houses on the bluff that have huge white stucco walls facing the street, the subject will use "greenwalls" of native drought-resistant vegetation to cover exposed walls to minimize visual impact from street. Compare next door 17646 Tramonto (owned by appellant) and subject proposed house (below). Greenwalls have been successfully tested on site for 2 years. Also story-poles of lower retaining wall prove it is not visible from the beach.



Proposed retaining wall is not visible from beach due to intervening houses



D. **Prevailing height.** 1. Dept. of Building & Safety verifies height compliance. Appellant's legal case Horwitz v. City of Los Angeles confirms these measurements are a matter for LADBS not Planning

Commission. In the case, "Horwitz challenged the permits **by way of an appeal to the City's Board of Building and Safety Commissioners,**" which handles appeals from decision of LADBS.

LADBS verifies a long checklist of items during plan check and returns a form. Envelope Height verification is a specific part of LADBS's checklist and verification as shown below:

Supplemental Plan Check Corrections Sheet for BASELINE HILLSIDE Ordinance (BHO) (Ordinance No. 181,624, Effective 6/29/2008)



Plan Check: _____
PCIS Application #: _____
Job Address: 17642 TRAMONTO PR

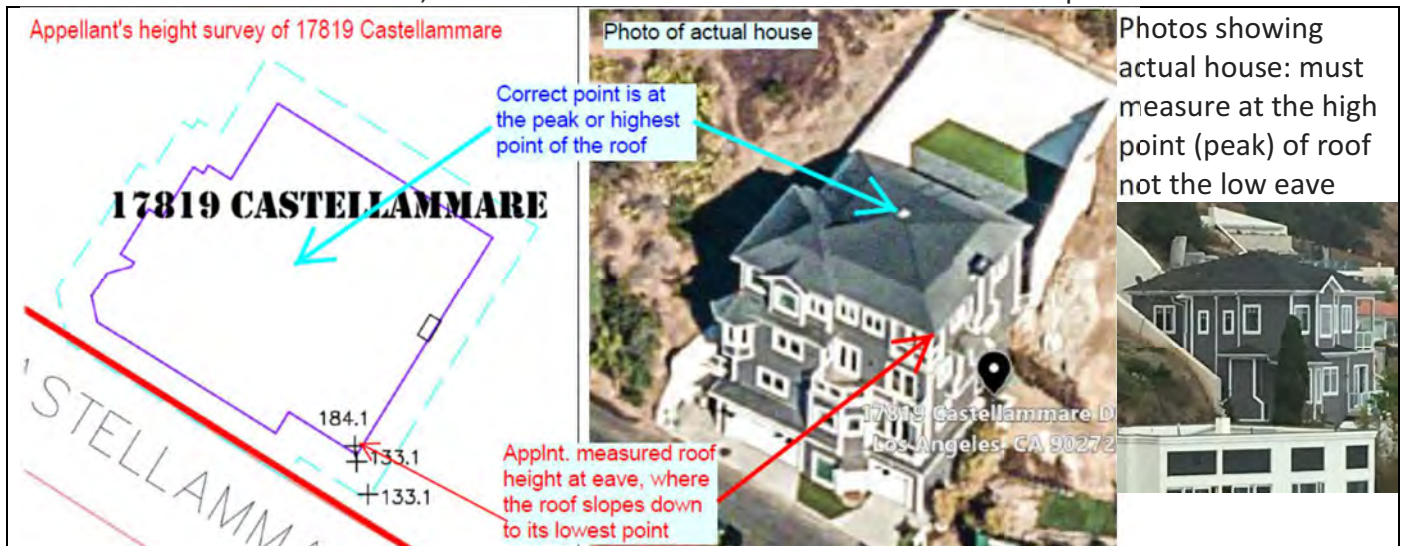
d. Height Limits

- i. ~~Building exceeds the Maximum Envelope Height of () per Table 12.21C.10-4. Show the lowest grade within 5 horizontal feet of the exterior wall of the building or structure, and maximum roof elevation, and envelope height on plot plan, elevations, and sections. (12.21C10(d)(1)) & Table 12.21.C.10.4.~~

Crossed-out items mean they have been checked and okayed. The cross-out above means the Maximum Envelope Height measurement has been reviewed and is ok. Underlining the next sentence means just to *show* the lowest grade etc. on the plans, not to change the height. In any event LADBS reviews and verifies Maximum Envelope Height as a specific part of the plan check, per the form.

2. While appellant's surveyor may or may not have taken accurate measurements, appellant's representative Henning (as he did in the ZA hearing) **made the surveyor measure the wrong points and has manipulated the results.** Just a few of the manipulations are explained below:

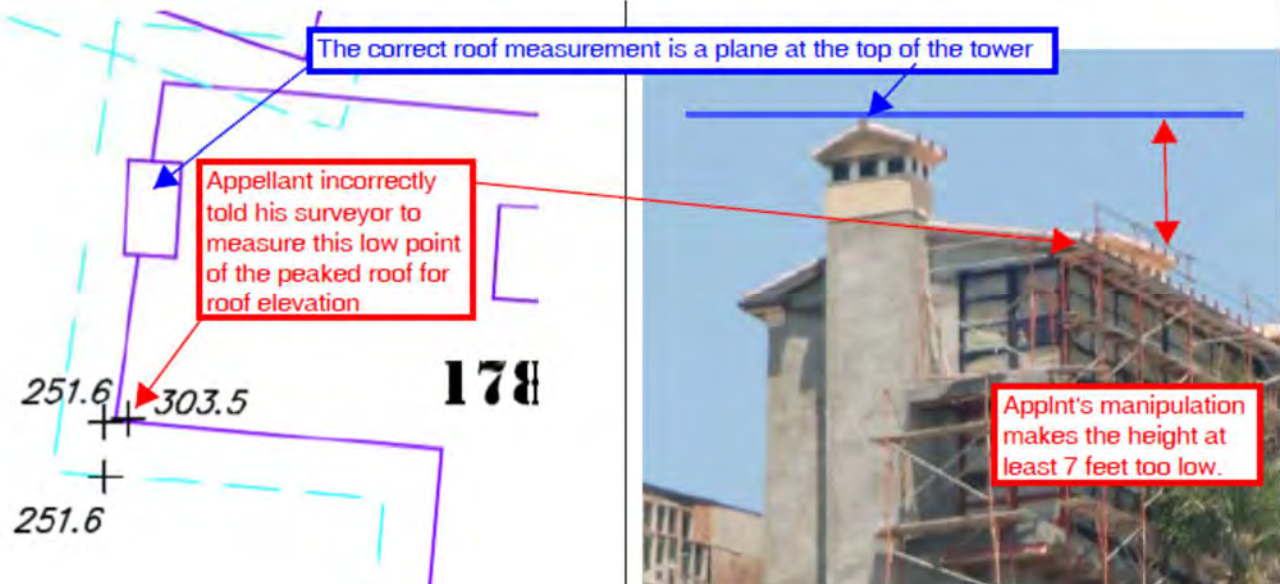
(a) Applt. had his surveyor measure the roof height *from the point closest to the alleged low grade point* and not from the high point of the roof, including projections, as required. The rule is to imagine a projected plane intersecting the roof at the high point and use that elevation, not elevation at a single low point on the roof. On several houses Henning told his surveyor to measure the sloped roof height at its lowest point where it drooped down at the eaves, instead of the peak as required. A striking example of this is 17819 Castellammare, where the difference between the eave and the peak is 8 feet or more:



In other cases applt. measured at the low eave and ignored towers above the roof. Code Table 12.21 C.10-5 states if a chimney or tower, for example, is more than 5 feet above the roof, this is an

unpermitted projection and the roof plane is measured from the top of the chimney or tower. Skylights are also included if they are at the edge of the roof. Example in applnt's survey of 17800 Tramonto: Applnt's survey with incorrect measurement points

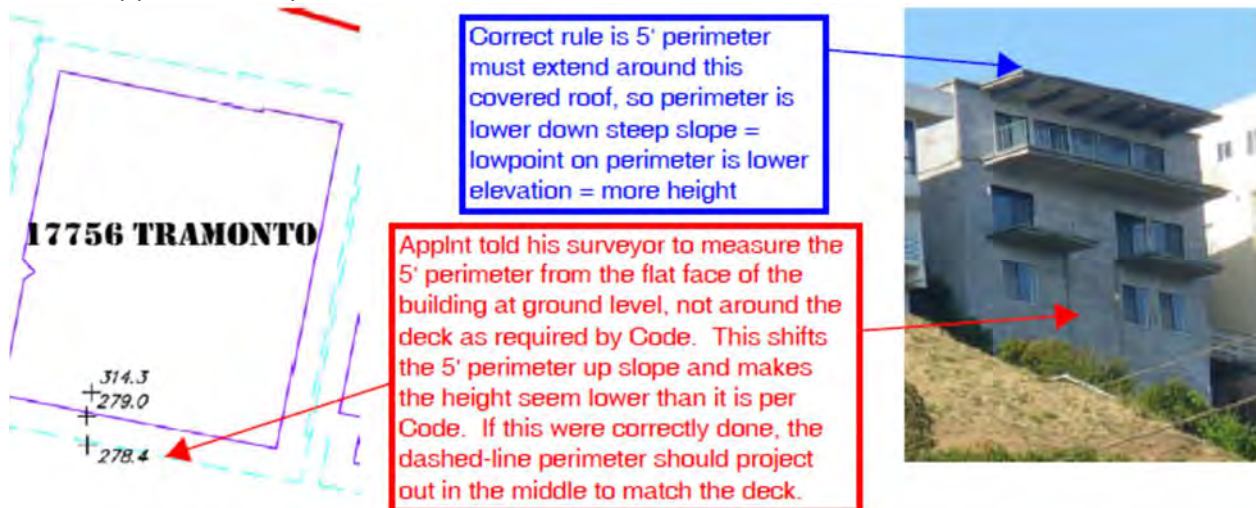
Photo of 17800 showing correct measurement points per Code.



Another error is that the low point is measured along the perimeter 5' around the building. Applnt had his surveyor measure around the building bases (footprint at ground level). But Code § 12.21 C.10(d)(6) provides that only *uncovered* decks are not counted for the building perimeter. Covered decks are always counted (whether or not enclosed), the perimeter must be 5' out from the covered deck. All of these houses are on a steep slope, so correctly measuring the perimeter 5' out from the covered deck, puts the perimeter line lower on the slope = greater envelope height. But Henning had his surveyor measure the perimeter from the base of the wall not the projection, example 17756 Tramonto:

Applnt's Survey

Actual house



Other times applnt's survey does not even match the property owner's own survey and legal documents. Applnt claims his own house, 17646 Tramonto, has an zoning height of only 47.4 or 48.9 feet. **But in the owner's own permit application, he gave a zoning height of 57'** (see below). This is under the prior Code -- the new measurement is higher.

THIS PERMIT IS FOR (Check one)
☐ NEW BLDG./STRUCTURE ☒ ADD, ALTER, REPAIR EXISTING BUILDING
☐ RELOCATE EXIST. BLDG. ☐ DEMOLITION OF ENTIRE BUILDING

CITY OF LOS ANGELES - DEPARTMENT OF BUILDING AND SAFETY
 APPLICATION FOR BUILDING PERMIT AND
 CERTIFICATE OF OCCUPANCY

INCIDENT CODE
 REF. NO.:
 PROJECT ADDRESS: 17646 TRAMONTO DR
 SUITE/UNIT NO.: CROSS STREETS: REVELLO DR/PCH
 TRACT(S) and COUNTY REF. NO. (For alpha tracts) e.g. J.G. McDonald Tract (MR 70-20) BLOCK 1 LOT(S) and ARB(S) e.g. 15, 16 (AR 31, 17, 18) DIST. MAP

DWELLING UNITS 1 (1/1)	GUEST ROOMS 1	CONSTR. TYPE 1 1/2 hr	U.C. FABRICATED REQD FOR: Gr. steel.
REQD PARKING 2	PARKING PROVIDED STD. COMP. D.A.	HEIGHT FROM 57'-0"	FLOOR AREA (ZONING) 4225 SF
LOCATION OF REQD FIRE SPRINKLERS		DATE OF INSPECTION	DISTRICT INSP. OFFICER

Below is 17646 Tramonto's own building elevation submitted and approved by the neighborhood association (who provided a copy to applicant), also showing a height of 57 feet:



Several errors are clear from applnt's survey of 17646 Tramonto: (a) measured elevation at base of building not 5' out from covered deck projection; (b) measured low point of roof not at top of skylight -- because the skylight is at the edge of the building (see plans above) must measure from top of skylight. Because these houses are so tall over a steep slope, measuring correctly from 5' from the projection (covered or enclosed deck) makes a very big difference.

Henning then took the incorrectly performed survey results and manipulated them further. For example, Henning simply did not count any heights above 57' and reduced all such heights to 57.

Henning has also been changing his surveys constantly. For example at the CDP hearing, Henning claimed 17726 Tramonto has a height of only 12 feet.

3. Henning's fundamental error is that he used the wrong Hillside ordinance. This project was filed under the 2011 ordinance which measures the "Envelope Height" from the low point of elevation on the

All these manipulations -- a few feet here, some more feet there -- added up to a very incorrect result. This is why Henning threw his papers in at the last minute, hoping no one would catch his manipulations.

Although the City and applicant gave repeated public notice of the Haul Route application, no one, especially not appellant, appeared or objected to the haul route, and no one appealed. This further proves there is no community opposition to this house.

E. Geotechnical.

17642 Tramonto Drive
sheet from Soils Report and
Soils Approval Letter

Top and middle of property is bedrock. Landslide area is at the bottom of the slope.



Applnt's own "photograph" admits 17642 Tramonto consists of bedrock at the top of the slope where the structures will be built. Everything else in applnt's papers is speculation about another property.

Applnt's "report" concerns 17800 Tramonto, a separate property and is 100% speculation as admitted in the actual report. The report never actually says anything is slide area, only that it "could be", and Johnson put question marks all over his map. The report from the well-known geotechnical engineers Ralph Stone & Co., who actually build houses not just sue people about them, prepared an extensive report refuting all of applnt's claims. See Tab 6 previously filed, December 13, 2017 Ralph Stone & Co. letter. In particular they show applnt's report is based on pure speculation and is completely uncertain. Among other problems, applnt used a single very old map that was simply not accurate enough to draw any conclusions. By contrast, Ralph Stone & Co. used the US Geological Survey of Castellammare which is based on decades of maps, surveys and, most importantly, actual site testing.

F. Noise issues

Applicant commissioned a noise study by Garrett Zuleger, P.E. of SESPE Consulting, Inc., which concluded that drilling of the caissons will not exceed City permitted noise levels for construction so long as an augur drill with a muffler is used, a standard mitigation measure. This study is in the file. The Director determination (p. 13) specifically found: **"The project will be subject to Regulatory Compliance Measures (RCMs) which require compliance with the City of Los Angeles Noise Ordinance... These RCMs will ensure the project will not have significant impacts on noise and water. The noise study, prepared by SESPE Consulting, Inc., dated December 18, 2017 concluded that the project's caisson installation activities will have less than significant impacts related to noise."** In addition, applicant agreed to a further mitigation of only using the augur between 9am and 5pm instead of 7am to 9pm.

Appellant did not present any noise information at the CDP hearing, as part of his appeal filed in April, or since, until the very last minute when he filed a "report" by one "Dale La Forest." **La Forest is at best unqualified and at worst a fraud.** La Forest goes around the West filing so-called "noise studies" that attack development projects. On August 14, 2015, the Oregon State Board of Examiners for Engineering and Land Surveying, Case No. 2697, after a lengthy investigation, cited and fined La Forest for practicing engineering without a license in filing a so-called "noise study" against a project in Oregon.

La Forest has himself admitted in an affidavit he filed in federal court in Oregon, in Case No. 3:17-cv-00652-SB, "I am not a licensed professional engineer in Oregon or elsewhere." In other words, La Forest has zero professional qualifications. The Oregon citation and affidavit are on file with the Planning Dept.

La Forest's record in California is no better. In the case of Mount Shasta Bioregional Ecology Center v. County of Siskiyou, 210 Cal. App. 4th 184 (Cal. Court of Appeal, Third Dist., 2012), La Forest also submitted another "noise study" against a project. **The Court of Appeal held Forest's conclusion about project-related trucking "has no evidentiary value." The Court held, "The County was not required to accept the veracity of LaForest's representations."**

La Forest's "report" in this case, even if considered, has glaring errors. La Forest completely ignores the mitigation measures and uses a decibel measurement for an augur without any mitigation measures whatsoever. La Forest also relies entirely on the "Los Angeles CEQA Thresholds Guide." This was error. The issue on this appeal is whether a categorical exemption is available. The Thresholds Guide has no application to this question. The Guide at p. 2 states, "The *Thresholds Guide* has no effect on the City's

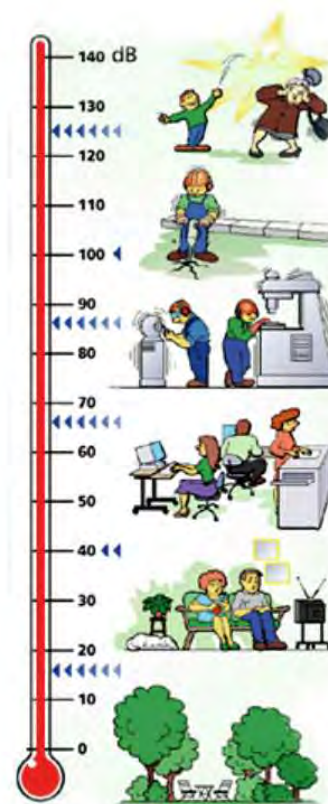
list of projects exempt from the CEQA process." This project is categorically exempt as a single-family house and La Forest's "report" has no effect on this.

The *Thresholds Guide* also provides that even if a noise threshold is reached, the solution is to use mitigation measures including "noise control devices, such as equipment mufflers..." *Thresholds Guide* p. I.1-5. That is precisely the measure to be used on this project.

La Forest also plainly does not know anything about sound or construction. La Forest claims a 5 decibel increase in sound, to 55 decibels, is a serious problem requiring a full-on environmental review. **55 decibels is less than the sound of a normal conversation.** See below chart from CalTrans:

INTENSITY AND THE DECIBEL SCALE

Source	Intensity Level
Instant Perforation of Eardrum	160 dB
Military Jet Takeoff	140 dB
Threshold of Pain	130 dB
Front Rows of Rock Concert	110 dB
Walkman at Maximum Level	100 dB
Vacuum Cleaner	80 dB
Busy Street Traffic	70 dB
Normal Conversation	60 dB
Whisper	20 dB
Rustling Leaves	10 dB
Threshold of Hearing (TOH)	0 dB



The auger drill with muffler, when actually in use, is the same as busy street traffic. This is within the legal requirements. **Also, contrary to La Forest's false statement, the auger drill will not be used continuously.** The drill is only used for a short time to drill an actual hole. Then the drill is shut off and moved to the next position, a break of an hour or more. Also, as stated in the CDP for this project, construction will be staged. Example the deck will be constructed first, then the house (moving up the hill). As each small group of caissons holes is drilled, drilling stops and concrete is poured and constructed. The break is several weeks before drilling starts again.

La Forest also completely misses the issue. The City has cleared the house for categorical exemption. To challenge this, La Forest must prove that the normal City Regulatory Compliance Measures (RCMs) (here, City sound ordinances and controls) are not sufficient for this project. There is no such evidence presented.

Dale La Forest is another of Henning's "hired guns" who prepare "rent-a-reports" attacking any project for a fee.

This Commission specifically upheld a categorical exemption for 405 N. Puerto Del Mar despite construction of many more caissons than this project. Applicant notices that the Puerto Del Mar approval includes some extra conditions as to noise control, set forth below. If the Commission wishes, applicant is happy to incorporate these conditions into his approval as well.

DIRECTOR'S DETERMINATION

June 9, 2017

Owner/Applicant

The Lovely Family Living Trust
405 N. Puerto Del Mar
Los Angeles, CA 90272

Case No. DIR-2016-3107-CDP-MEL

CEQA: ENV-2016-3108-CE

Location: 405 North Puerto Del Mar

Council District: 11 – Bonin

Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.20.2, as the designee of the Director of Planning, I hereby:

Determine, based on the whole of the administrative record, that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to the City of Los Angeles CEQA Guidelines, Section 1, Class 3, New Construction of Small Structures, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies.

10. Construction Noise:

- a. A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.
- b. All construction equipment shall be equipped with muffler devices. Grading and construction contractors shall use quieter equipment as opposed to noisier equipment such as rubber-tired equipment rather than track equipment.
- c. Temporary sound barriers, such as a sound attenuation blanket, shall be constructed such that the line of sight is blocked from active construction areas to adjacent sensitive land uses.
- d. The proposed project shall comply with the City of Los Angeles Noise Ordinance such that construction activities shall be performed in accordance with the applicable City noise standards. The construction contract shall specify that noise intensive construction or repair work shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m. the following day.

Final note: This appeal was filed on April 12, 2018 thus per Code the hearing and decision should have been made within 30 days. The hearing is going forward so applicant has to respond, but appellant waited until the last minute and is certainly not entitled to more delay.

DAY OF HEARING SUBMISSIONS

MARUANET mdlay

Appeal of DIR-2017-3459-CDP-SPP and ZA-2017-3550-CUB- July 18, 2018

THRILLIST
LOS ANGELES

FOOD & DRINK TRAVEL ENTERTAINMENT GRILLIST ALL SECTIONS CITIES VIDEO

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EMBRACE YOUR UNCOMPROMISING TASTE



LOS ANGELES

OLD LIGHTNING

LIVIGNI • MOIX

By THRILLIST

To gain access to this tiny, secret cocktail bar in Venice, you'll either need to email for reservations or inquire with your server at Scopa Italian Roots, the restaurant Old Lightning is hidden behind. With just enough room for 25 people, this clandestine spot is like a mid-century bachelor pad with some Tiki decor and about two dozen variations on classic cocktails. Owners Steve Livigni and Pablo Moix have curated a collection of rare liquors from estate sales, global travels, and generous friends to create killer drinks that don't get caught up in fancy foams or infusions. The pair are happy to give you some history behind these liquors, most of which are whiskies, rums, and tequilas (and often no longer being made), and craft a customized cocktail for you. You'll need to dress up for the occasion (or at least avoid shorts and flip-flops) and forgo your phone at the door.

f t p

VENUE INFO

2905 Washington Blvd, Los Angeles...

Website

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Old Lightning

Claimed

42 reviews Details

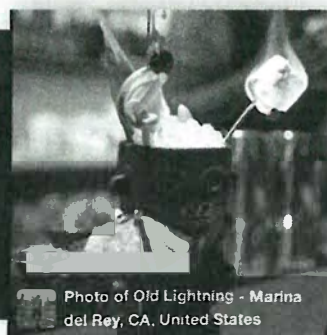
\$\$\$ American (New), Cocktail Bars Edit

Write a Review

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Add Photos

MARGARET Malley

Appeal of DIR-2017-3459-CDP-SPP and ZA-2017-3550-CUB- July 18, 2018



LADDIE WILLIAMS

Old Lightning, the hidden bar.

Old Lightning: A Los Angeles, CA Bar. - Thrillist
<https://www.thrillist.com/venues/drink/los-angeles/bars/old-lightning>
 To gain access to this tiny, secret cocktail bar in Venice, you'll either need to email for reservations or inquire with your server at Scopa Italian Roots, the ...

People also search for

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LA's Best Secret Bars, and How to Get Into All of Them - Thrillist
<https://www.thrillist.com/drink/los-angeles/hidden-speakeasy-bars-los-angeles>
 Oct 10, 2017 - Old Lightning: Venice From the team behind Scopa Italian Roots comes a bar... behind Scopa Italian Roots. Without giving away too many of ...

Old Lightning - Never Lose
oldlightning.com/
 Book your Old Lightning reservation on Resy -

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Old Lightning - 42 Reviews - American (New) - 2905 Washington Blvd ...
<https://www.yelp.com/restaurants/american/new>
 ★★★★★ Rating: 4.5 - 42 reviews - Price range: Above \$61
 42 reviews of Old Lightning "Bar! I was tempted to just ... This small speakeasy is definitely one of the best bars in la, if not California. The place is designed to ..."

PUNCH | How One Bar Built the World's Greatest Stockpile of Rare ...
<https://punchdrink.com/old-lightning-bar-venice-built-greatest-rare-spirits-collection>
 Mar 26, 2017 - The only text you'll find on Old Lightning's website is a Biggie quote: ... Everything else about the Venice Beach cocktail bar, hidden behind an ...

Old Lightning, Cocktail bar restaurant in Marina del Rey - Airbnb
<https://www.airbnb.com/restaurants/old-lightning-cocktail-bar-restaurant-in-1531>
 ★★★★★ Rating: 5 - 983 reviews
 Old Lightning is super cool...there's limited seating or spots, but once you're inside ... Really cool new speakeasy that opened up on the west side - the most ...

Old Lightning

Website Directions Save

13 Google reviews

Address: 2905 Washington Blvd, Marina Del Rey, CA 90292

Reservations: resy.com

Suggest an edit - Own this business?

Add missing information

Add phone number

Add business hours

Know this place? Answer quick questions

Questions & answers

Be the first to ask a question

Ask a question

Reviews from the web

Airbnb 5/5

Foursquare 8.3/10

Send to your phone

Send

Reviews

Write a review

Add a photo

Appeal of DIR-2017-3459-CDP-SPP and ZA-2017-3550-CUB- July 18, 2018

yelp.com

Old Lightning - 42 Reviews - American (New) - 2905 Washington Blvd, Venic

Peter A.
 Los Angeles, CA
 117 friends
 7 reviews
 3 photos

★★★★★ 6/28/2017

Loved the hidden speakeasy vibe and insanely curated drink menu. One of the best bar experiences I've had. And...they have a \$1,400 glass (yes, a GLASS) of whiskey.

Show reviews

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Old Lightning - 42 Reviews - American (New) - 2905 Washington Blvd, Venice



Heather M.
Los Angeles, CA

95 friends

72 reviews

14 photos

★★★★★ 7/18/2017

Pretty cool. Enter through the all black wall and fork over your phone for a playing card. I was hoping for the ace of spades but just got an old faded one. We sat at the bar and were handed a book with over 90+ cocktails. Good mints in the bathroom, but the small room wasn't that interesting or dark enough for my kind of speak easy.



Paul B.
Santa Monica, CA

0 friends

16 reviews

1 photo

★★★★★ 9/14/2017

The first rule of Old Lightning is... don't talk about Old Lightning. The second rule... d'oh!



Rusty P.
Edwards, CO

13 friends

5 reviews

30 photos

★★★★★ 9/27/2017

Maybe one of the most unique speakeasy bars I've encountered. We were lucky enough to gain entry from the tall Frenchman at the host station after a fabulous early dinner on a Wednesday evening. It lives up to the hype with a no cellphone policy, trade in your phone for a playing card. I couldn't imagine gaining access on a prime time without a reservation or special connection. A wonderful breadth and depth of libations offered in this throwback setting with some of the best selections of rum, tequila and whiskey dating from early 1900's to recent releases. Good luck and if you make it in, it surely won't disappoint!

Appeal of DIR-2017-3459-CDP-SPP and ZA-2017-3550-CUB- July 18, 2018

Alexander C.
Marina Del Rey, CA

15 friends
8 reviews
2 photos

★★★★★ 4/18/2018

There are a lot of great cocktail bars, speakeasies and "secret" bars in LA. Old Lighting takes them all. It is true you have to give up your phone; however, the drinks are so perfect, Instagram would be a downgrade to the beauty of the drinks themselves. Master bartenders and some of the rarest whiskeys, bourbons, tequila, mezcal probably in the Western Hemisphere. The vintage nature of the glassware and the environment is worth every month you have to wait to try and get reservations just for a Wednesday. In addition to amazing drinks and variety of liquors, the flight options have no match. From \$40 to \$4,000+, options are limitless, even if your wallet may not be.



cynthia c.
Los Angeles, CA

187 friends
28 reviews
8 photos

★★★★★ 11/7/2017

Not sure why I haven't posted before but this is a favorite hidden gem. I LOVE the no phone policy. Let's talk to one another while we sip deliciously crafted cocktails in a gorgeous intimate setting, shall we?

Steve, Pablo and their staff love what they do and it shows. They want you to feel welcome and enjoy yourself and that you shall!

Looking forward to sharing this gem with a few more discreet friends. . So have a delicious meal next door at Scopa and pop on in for dessert!



Dave K.
Los Angeles, CA

123 friends
46 reviews
2 photos

★★★★★ 2/27/2018

One of the best bars in Los Angeles. Your phone will be confiscated to ensure that it maintains mystique, as well so that you focus on the company around you. It feels like grandpa's very comfortable drinking den from the 1960s, but the drinks are out of this world. They have an enormous collection and the bartenders are incredibly knowledgeable.

I recommend making reservations. Go in knowing that it is pricey and you won't be disappointed.

PS

Ask the staff about tiki mugs. What a history!

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Appeal of DIR-2017-3459-CDP-SPP and ZA-2017-3550-CUB- July 18, 2018

ZA-2017-3550-WB yelp.com



Adam S.
Huntington Beach, CA

251 friends

25 reviews

1 photo

★★★★★ 1/17/2018

We were escorted from the echoing chatter of Scopa Italian Roots restaurant by our maître d' -- a tall bearded man dressed in a navy sports jacket and a thick French accent. He asked, "May I have your phones?"

We looked at each other and obliged. In exchange, we were given a playing card and entrance to the mysterious Old Lightning bar. It's, in essence, a doorway to a carefree era. The rectangular room resembles the parlor of a gentlemen's house, filled with golden-light and golden-age melodies. The Cubano-Caribe theme couples well with the library of liquor options, including the fabled Pappy Van Winkle.

The other-worldly vibe is palpable, from the fruity mezcal cocktail with swirly straw to the bartender meeting and greeting each patron in the back of the room.

With such close company, twenty-or-so guests, I get the feeling that this could be elusive house party where you know no one and want to meet everyone. Round two, coming up.

yelp.com



Leslie L.
New Orleans, LA

45 friends

116 reviews

44 photos

Elite '18

★★★★★ 11/30/2017

Old Lightning is super cool...there's limited seating or spots, but once you're inside there's this mid-century vibe. It's not only the decor or music that sets the mood, but the "no phones" policy actually makes you talk with the person next to you! No instagramming, no Yelping, nada. Being a Yelper it was pretty tough, but I actually left my phone at home since it was dead from all day usage anyways. It was actually pretty freeing! If you have your phone, you hand over your phone to the host and he'll give you a playing card to match your phone. They'll return it to you afterwards. Once inside there's an extensive list of rare alcohols and cocktails...what happens next is an experience you cannot get any place else!

TIP:

1. Ask the hostess in Scopa Italian Roots about Old Lightning to get in.
2. Guys, no shorts!

yelp.com



Dave K.
Los Angeles, CA

123 friends

46 reviews

2 photos

★★★★★ 2/27/2018

One of the best bars in Los Angeles. Your phone will be confiscated to ensure that it maintains mystique, as well so that you focus on the company around you. It feels like grandpa's very comfortable drinking den from the 1960s, but the drinks are out of this world. They have an enormous collection and the bartenders are incredibly knowledgeable.

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