

CALIFORNIA COASTAL COMMISSION

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**ADDENDUM****W15c**

July 10, 2018

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP), FOR THE COMMISSION MEETING OF
July 11, 2018.

I. CORRESPONDENCE WITH APPELLANT

On July 2, 2018, an appellant (Tom Donovan) submitted an email (**Exhibit 1**) alerting staff that some correspondences were not included with the correspondences included in Exhibit 8 of the staff report. In response to the email, staff is attaching two email correspondences from Mr. Donovan to Commission staff dated June 15, 2018 and June 18, 2018 (**Exhibit 2**) explaining why the Commission should find substantial issue with the City-approved project. However, staff reviewed the supplemental documents and found that no additional concerns arise that have not been already addressed in the staff report.

On July 3, 2018, Commission staff received correspondence from Mr. Donovan addressing additional information that has not been addressed in the staff report (**Exhibit 3**). Mr. Donovan correctly states that the brush clearance required is 200 feet instead of 100 feet. According to the LA Fire Department (L.A.M.C. 57.322), the required brush clearance is 200 feet, and the staff report should be corrected to reflect "200 feet" instead of "100 feet". At the time the original subdivision was approved in 1978, 100 feet was required, however, requirements have changed to 200 feet of brush clearance or thinning from structures. The 200 feet of brush clearance is still within the urban limit line, described in the staff report as a boundary limiting the land's developability. The findings, however, do not change because the site is located approximately 800 to 1,270 linear feet from the urban limit line (**Exhibit 4**). The required brush clearance does not encroach outside the urban limit line. In addition, based on historic photos, the slope has been graded in the past for placement of the drain ditches and landscaped to be consistent with conditions of the underlying subdivision permit. The slope occurs within a City-owned property that was required to be used as City park space. The park is unimproved and is not known to support any official public recreational trails.

The biological survey provided by the applicant, in which the staff report refers to as Exhibit 7, shows that the survey area was conducted out to approximately 200 feet from the property boundaries (**Exhibit 5**). The 200 foot area has been surveyed and does not support plant or animal life that is listed as rare or especially valuable. Thus, the 200 feet of brush clearance required for the proposed development will not adversely impact environmentally sensitive habitat as defined in the Coastal Act.

The trail located approximately 150 feet from the site that the appellant refers to is an unimproved trail that diverges from the Santa Ynez reservoir maintenance road and extends approximately 1,900 linear feet from the maintenance road to the area below the proposed project site. The unimproved trail does not connect to any other trail system. The unimproved trail is not an official trail recognized by the City of Los Angeles. However, the proposed project will not have any significant view impacts from this unimproved trail due to the existing graded slope, setback and transitional height design of the proposed development.

The Commission, at the time, approved 25 acres of open space to be dedicated to the City to be operated as a park, although the City's total acreage may be 393.6 acres as stated by the appellant. The appellant correctly states that there are trails that are not within the natural bowl shape of the canyon. This is because, as stated in page 12 of the staff report, the surrounding trails at Topanga State Park, Trailer Canyon and Temescal Ridge (located outside the urban limit line) are at a significantly higher elevation than the project site which is surrounded by existing residential and commercial development. Thus, the project will not significantly impact public views.

The appellant also claim that the "staff report specifically omitted a finding relating to traffic". The appellant additionally claims that staff did not address why the 25,000 sq. ft. commercial plaza, approved by the subdivision permit, required 1 parking space per 250 sq. ft. of leasable space consistent with California Coastal Commission Regional Interpretive Guidelines (hereby referred to as "Guidelines"). Staff did not "specifically omit" any findings from the second amendment to Permit A-381-78. The Permit A-381-78 and subsequent amendments analyzed traffic impacts for the entire subdivision. The staff report for appeal no. A-5-PPL-18-0035 also addressed traffic impacts for the City-approved project and concluded that traffic is not expected to have a significant impact on the roadways in the area. In addition, staff notes that the 25,000 sq. ft. commercial space requiring 120 parking spaces to conform to the Guidelines do not apply to the current City-approved project. Instead of utilizing the Guidelines parking requirements, applicants provided traffic analyses and parking studies that are more site-specific, and therefore, more appropriate, whereas the Guidelines provide a more general number of parking required for various uses. The City-approved project is a unique use – commercial with residential components – and thus, it is more appropriate to utilize the City's parking requirements and the applicant's traffic analysis that are more specific to this use and this location. In this case, the traffic analyses provide sufficient evidence to conclude that although the facility would undoubtedly generate additional traffic, the additional traffic is not expected to have a significant impact on the roadways in the area. The appellant also claims that the City based its parking requirement on 166 trips instead of 270 trips per day as otherwise stated in the staff report. The staff report states that 260 trips are expected to be generated. In addition, the City approved the project's parking requirement of 66 total spaces based on the number of memory care guest beds and assisted living guest rooms, not on the number of trips. The appellant's claim raises no substantial issue.

The appellants also claim that "staff report incorrectly finds...the Permit and amendments allowed [traffic/ parking] impacts because they were mitigated by the dedication of 1,000 acres of open space". Staff notes that the dedication of 1,000 acres outside the urban limit line was a condition of approval for the 740 unit and commercial development subdivision at the time, and does not find any reference in the staff report in which a correlation was made between traffic/ parking impacts and the dedication of 1,000 acres for open space.

II. REGIONAL INTERPRETIVE GUIDELINES

In addition, the appellants assert that the project has not been adequately applied, reviewed, analyzed, and considered for consistency with the Guidelines for the Los Angeles County, South Coast Region. Although the staff report notes that the Guidelines are not a standard of review, the addendum shall address the assertions brought up in the appeal.

The appellants claim that the project does not support “coastal related” recreation (Section B(1)), that views from public roads to the Santa Monica Mountains will be blocked (Sections C(1) and C(2)), that the new commercial project of 10 or more units should dedicate access trails and parking areas to Topanga State Park (Section A(2)(g)), that the project does not conform to density requirements of new residential development (Section A(2)(i)), and that the project does not minimize landform alteration (Appendix- Alteration of landforms). Furthermore, the appellants assert that the City approval only acknowledged that the project complies with Guidelines but did not analyze consistency with the Guidelines.

The City-approved project is a commercial use with residential components. The appellants’ reference to Section A of the Guidelines are for residential use, not commercial use, and thus, does not raise a substantial issue. In addition, Section B relates to commercial use cited under Sections 30222 and 30255 of the Coastal Act. According to the City’s zoning code, the site is zoned C1-1-H as limited commercial and includes “eldercare facility” and “Alzheimer’s/ Dementia care housing”. As stated on Page 9 of the staff report, the commercial use will not significantly take away opportunities for visitor-serving commercial recreational facilities which have been provided in other commercially designated lots. Moreover, when the Commission considered and approved the underlying subdivision (Permit A-381-78), which included the subject commercial lot, area was set aside for general public recreation, including public trails and open space, and for community recreation to support the residential and commercial development.

Section C relates to public views and access to trail systems in the Santa Monica Mountains cited under Sections 30251, 30211, and 30210 of the Coastal Act. As stated in Page 11 of the staff report, the City-approved project will not have a significant adverse impact on coastal scenic resources from the Santa Monica Mountain trails due to the site’s location within a natural canyon and in an area highly developed with residential and commercial uses. Additionally, maximum access to trail systems and park access was considered in the Permit A-381-78 when 1,000 acres of open space was dedicated to State Parks for preservation of access to recreational trails in the Santa Monica Mountain area. Also, the Alteration of Landform guidelines cite Sections 30251 and 30253 of the Coastal Act. The majority of the grading is for the proposed two-level garage and will not be visible. In addition, the amount of landform alteration is necessary as the City does not allow any foundation to be supported on uncertified fill. Thus, staff would like to emphasize that the Guidelines are utilized by the City as guidance for the general Palisades area within the coastal zone but the standard of review is the Chapter 3 policies of the California Coastal Act. In this case, the City found the project consistent with the Coastal Act. Therefore, the appellants’ grounds as to the City-approved project’s conformity with Coastal Commission Guidelines raise no substantial issue.

III. LETTERS FROM AN INTERESTED PARTY & APPLICANT’S REPRESENTATIVE

On July 6, 2018, Commission staff received additional information from Jack Allen, an interested member of the public and not listed as an appellant (**Exhibit 6**). Jack Allen submitted information regarding the fire history of the Santa Monica Mountains area, maps showing location of fires from 1925-2008 from the National Park Service and California Department of Forestry, and a personal testimony. The personal testimony opposes the staff recommendation of No Substantial Issue and argues that the development will not minimize risks to life and property by not being able to evacuate its participants pursuant to Section 30253 of the Coastal Act. The testimony further argues that facility participants will need to rely on facility operators to evacuate residents on a timely manner, which will exacerbate the issue that there is one main road, Palisades Drive, in which all residents of the Highlands will need to utilize to evacuate the area from a fire hazard. The testimony also included a personal experience of Mr. Allen's comments of quick spreading fire in the Palisades highlands due to heavy Santa Ana winds. As stated in Page 13 of the staff report, mobility of facility participants during an emergency does not raise a Coastal Act issue; however, the applicant has noted that an emergency evacuation plan has been drafted, pending approval from the Los Angeles Fire Department (LAFD). In addition, during approval of Permit A-381-78, the Commission found that the subdivision would improve emergency access and water supply in a once undeveloped area, thus improving fire safety conditions for residents and recreational trail users within the Palisades highland. The Commission was satisfied that the subdivision and siting of development would minimize risk to life and property, and thus, the concern regarding fire safety raises no additional concerns.

On July 6, 2018, the applicant's representative, Anne Blemker, submitted additional information regarding the degree of fire safety of the proposed eldercare facility (**Exhibit 7**). A letter from Don Oaks, a retired fire chief, analyzes the siting of the proposed facility. Mr. Oaks argues that the drainage and steep slopes adjacent to the property will direct flames away and that the building is not particularly susceptible to radiant heat and flying embers than other buildings in the area. Mr. Oaks further argues that proper evacuation procedures by trained staff should be planned, and that communication between trained staff and fire officials will be able to properly relocate participants before a fire reaches the structure's vicinity. In addition, a letter of support was submitted by the City of Los Angeles district councilmember, Mike Bonin (**Exhibit 8**).

IV. LETTERS FROM APPELLANTS FOR POSTPONEMENT

Staff notes that an initial error occurred with regard to noticing but that this initial error was subsequently corrected in a timely manner. On Monday, June 25, 2018, appropriately addressed envelopes were inadvertently mailed without the actual notice to the list of known interested parties that was provided by the appellants. The following day on Tuesday, June 26, administrative staff realized the error and immediately re-sent notices within the allowable time period appellants. Not all claim that they did not receive the second notice in the mail. The appellants requested postponement of the hearing to determine substantial issue. In response to this, staff had a phone conversation on July 6, 2018 with Marc Jackson, a listed appellant, who claims that a number of individuals did not receive notice and that the groups of appellants are very aware of the scheduled Commission hearing and issues. As a result, Mr. Jackson informed individuals who did not receive notices to email staff. Staff received emails from 20 individuals, who are also listed as appellants, asserting that they did not receive a public hearing notice in the mail (**Exhibit 9**). However, the Coastal Act requires that the substantial issue phase of the hearing on an appeal be heard by the Commission within 49-working days, which would not allow for this matter to be rescheduled to the Commission's next hearing in August. The applicant may waive the 49-working day time limit for Commission action, however, the applicant has decided that they do not agree to do so. Regardless,

the appellants who have raised noticing issues are fully aware that the hearing would be scheduled for the Commission's July hearing, and have previously indicated their issues with the project as part of their submitted grounds for appeal which were fully addressed in the staff report. Thus, the hearing on this item has been adequately noticed and the views of all appellants have been provided to the Commission.

Truong, Denise@Coastal

From: Tom Donovan <donovantm@gmail.com>
Sent: Monday, July 02, 2018 4:51 PM
To: Truong, Denise@Coastal
Cc: 'Sara Wan'
Subject: In re 1525 Palisades Drive - Addit. Submissions not attached to Staff Report

California Coastal Commission
South Coast District Office

Attn.: Denise Truong, Coastal Program Analyst

Re: Commission Appeal No. A-5-PPL-18-0035
In re 1525 Palisades Drive / Our File No.: 7-1525-001

Dear Denise.

I was able to access the Staff Report on this matter from the CCC website. I note that you attached documents as "Exhibit 8 – Additional submittal from appellants", which should include all the submissions by Appellant.

However, I am puzzled as to why you did not attach all the submissions we provided to you. In our meeting on 6/14/18, you assured us that we could make additional submissions and that these submissions would be made part of our Appeal and provided to the Commissioners. In a telephone conversation on 6/19/18, you again assured me that all our submissions would be reviewed, considered and provided to the Commissioners.

On 6/15/18, I emailed you an additional submission entitled "Determination That the Appeal Raises a Substantial Issue." On 6/18/18, I emailed you an additional submission entitled "The Commission Should Find a Substantial Issue for the Following Reasons." Neither of these submissions were attached to the Staff Report. These submissions are extremely important to our Appeal. Further, as much of the content of these submissions was not discussed in the Staff Report, we are concerned that they were not considered at all by Commission Staff in making the Staff Report recommendations.

On behalf of Appellants, we request that the Staff Report be immediately supplemented with our submissions, posted online and also sent to the Commissioners.

Finally, we note the Staff Report refers to and apparently takes into consideration correspondence from the Applicant's Agent which provides facts related to the number of the Project's residents who will be driving, among other things. This was not attached to the Staff Report and we have never seen this. In our conversation on 6/19/18 you indicated that you had not received anything from the Applicant, but that you would provide me with any submissions that might be received from them.

On behalf of Appellants, we request that you immediately provide us with the correspondence referenced above and also any other submissions, including correspondence and emails, received by staff from the Applicant.

Thank you.

Very truly yours,

Tom Donovan - (310) 415-6575 (Cell)
Tom

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

JUN 15 2018

Local Application No. ZA-2017-2170-ELD-CDP-SPR-1A // CCC Appeal No. A-5-PPL-18-0035
Appellants: Pacific Palisades Residents Assoc., Inc., et. al. - Represented by Thomas M. Donovan

THE COMMISSION SHOULD FIND SUBSTANTIAL ISSUE FOR THE FOLLOWING REASONS

The Project is a 4-story, 45 ft. in height, Eldercare Facility (Assisted Living/Alzheimer's/Dementia Care) with 82 guest rooms and 96 residents at 1525-1533 North Palisades Drive and 17310-17320 West Vereda De La Montura. The Project is located in a highly scenic area bordering Santa Ynez Canyon City Park and within 200 ft. from Topanga State Park. The City of Los Angeles approved the Project.

- 1. A Substantial Issue exists due to the City's incorrect conclusion that only ocean views are protected by the Coastal Act and no other coastal resources are protected. Under the Coastal Act, public views of adjacent coastal hills and parks are protected. If the Project is approved this would set a Statewide precedent for protection of ocean and coastal views.**

The Project will adversely impact views of the coastal hills from hiking trails from the nearby (within 200 ft.) Topanga State Park, the adjacent Santa Ynez Canyon City Park and also from viewpoints to the west. The City refused to consider and evaluate scenic public views from nearby trails in the adjacent solely because the Project is 2½ miles from the ocean.

However, the Coastal Act applies to the entire Coastal Zone and not just to areas adjacent to the ocean. There is no factual or legal support to contend that a Coastal Zone area contains no coastal resources just because it is located 2½ miles from the ocean. In addition, the City failed to evaluate the potential that retaining walls will be needed for the Project and these walls will also affect scenic views from the adjacent parkland. Municipalities should not be allowed permit development with a finding that a Coastal Zone area contains no coastal resources just because it is located 2½ miles from the ocean.

The Commission should find the existence of a Substantial issue in order to determine the impact of the Project on public views from the adjacent park, nearby trails and public streets. Failure to do so would set a Statewide precedent.

- 2. A Substantial Issue exists regarding the traffic and lack of sufficient parking and its impact on the ability of the public to access the parks adjacent to and nearby the Project.**

The Project failed to specify the number of employees, independent care givers, delivery vehicles, medical care providers and visitors to the eldercare facility. There was no traffic study. The City had insufficient information to determine that the Project will not result in any significant effects relating to traffic. Without a traffic study, the traffic generation was underestimated, thereby making the proposed parking insufficient. This will be a 24/7 facility with three shifts of employees, outside medical providers and numerous visitors. All of this traffic will be non-recreational traffic. The City therefore could not make the required findings that there is no impact on public access to the parks.

There is no public transportation within two miles, so all persons will have to drive to and from the Project. As the proposed parking for the Project will be insufficient, visitors/employees will then park on the adjacent streets. The City incorrectly found that Palisades Drive and West Vereda De La Montura do not provide direct access to any recreational facilities. Access to the adjacent Santa Ynez Canyon City Park and the nearby Topanga State Park is from these streets. There is no separate parking for these parks. Visitors to these parks must park on Palisades Drive and West Vereda De La Montura, which is

where the entrance to the Project will be. Overflow visitors to the Project will therefore interfere with park access.

Without a formal traffic study, the City had insufficient information to determine that the Project will have sufficient parking so that employees, visitors, etc. will not park on nearby streets and affect public access to the parks.

The Commission should find the existence of a Substantial issue in order to determine the impact of the lack of parking and underestimation of the traffic on the ability of the public to get to the parks. Failure to do so would set a Statewide precedent.

3. A Substantial Issue exists regarding permitting a residential Assisted Living facility in a commercial zone.

The applicant contends that the Project is consistent with the commercial zoning for the property. However, the nature of the Project is residential. Its purpose is to house 96 residents who require 24/7 assisted care. A residential assisted care facility is not commercial any more than an apartment building is commercial. To allow a residential facility on a commercially zoned site would set a Statewide precedent and is a basis for the finding of Substantial Issue.

The Commission should find the existence of a Substantial issue regarding permitting a residential Assisted Living facility in a commercial zone. Failure to do so would set a Statewide precedent.

4. A Substantial Issue exists regarding the Project's effect on the adjacent parkland.

The Project is in a Very High Fire Hazard Severity Zone. The Applicant has stated that the "Project will be required to create appropriate fire buffer zones, particularly to the west where the Santa Ynez Canyon runs." This fire suppression will destroy the natural habitat surrounding the project, exposing the Project structure to nearby parklands and trails and adversely impacting scenic views. The City conducted no study regarding the impact of fire suppression on the adjacent parkland and no specific conditions regarding it were imposed, in violation of PRC §30240 (b).

The Commission should find the existence of a Substantial issue in order to determine the impact of the proposed fire suppression on the nearby parklands and trails and the scenic views from these public areas. Failure to do so would set a Statewide precedent and prejudice the City's ability to prepare a Local Coastal Program (LCP).

5. A Substantial Issue exists regarding the Project's lack of conformity with the Interpretive Guidelines.

The City simply acknowledged the existence of the Interpretive Guidelines and then concluded that the Project complied with them. No specific review, indicating analysis and consideration, was performed and therefore no findings were made to justify the Project's conformity with the Guidelines

Municipalities should not be allowed to simply acknowledge the existence of the Interpretive Guidelines and then completely ignore them. Just acknowledging the Guidelines should not be seen as equivalent to reviewing them, analyzing them and considering them in light of an individual project. Any decision should specify each applicable Guideline and explain whether it has been followed and if not, why it was not followed. If municipalities are allowed to ignore the Interpretive Guidelines, then they will lose all practical effect.

The Commission should find the existence of a Substantial issue in order to determine whether the Interpretive Guidelines were fully reviewed, analyzed and considered. Failure to do so would set a Statewide precedent.

6. A Substantial Issue exists regarding the Project's lack of conformity with the character and scale of the surrounding community.

The City erred by approving a project of mass and scale that is out of character with the surrounding neighborhood. This 4-story Project is to be proposed to be built in a neighborhood of predominantly 2-story structures. The City also erred in not fully considering the precedential and cumulative effect that this Project may have on future development.

The Commission should find the existence of a Substantial issue regarding the Project's conformity with the character and scale of the surrounding community.

7. A Substantial Issue exists regarding whether the Project, as proposed and conditioned, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

The City does not have a certified Local Coastal Program (LCP). The Project will have a precedential effect on the City's interpretation of any future LCP. Aside from observing that the Project is located 2½ miles from the ocean, the City failed to make findings regarding the Project's effect on scenic views. The City failed to make sufficient findings based on facts regarding the Project's traffic and parking.

The City failed to determine the impact of the proposed fire suppression on the nearby parklands and trails and the scenic views from these public areas. The City failed to adequately review, analyze and consider the Interpretive Guidelines. The City failed to adequately analyze the permitting of a residential Assisted Living facility in a commercial zone.

The Commission should find the existence of a Substantial issue as to whether the Project, as proposed and conditioned, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Local Application No. ZA-2017-2170-ELD-CDP-SPR-1A // CCC Appeal No. A-5-PPL-18-0035
Appellants: Pacific Palisades Residents Assoc., Inc., et. al. - Represented by Thomas M. Donovan

DETERMINATION THAT THE APPEAL RAISES A SUBSTANTIAL ISSUE

Factors

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the public access policies of the Coastal Act.

L.A. City Planning continues to refuse to accept that the Coastal Act applies to the entire Coastal Zone and not just to areas adjacent to the ocean. There is no factual or legal support to contend that a Coastal Zone area contains no coastal resources just because it is located 2½ miles from the ocean.

- The 1/26/18 Determination Letter: City Zoning Administrator (Henry Chu) repeatedly emphasizes that the Project site is 2½ miles from the ocean, as if this matters with regard to scenic views and coastal recreational opportunities.
 - Determination Letter [P.3]: "The project will not interfere with coastal recreational opportunities because the site is located two and one-half miles from the coast."
 - Determination Letter [P.15] - re PRC §30251: "The proposed project is located two and one-half miles from the coast. Scenic and visual qualities of coastal areas will not be impacted."
 - Determination Letter [P.24]: "The subject site is located two and one-miles from the coastline and does not contain coastal resources."
- 4/18/18 WLA APC hearing: Mr. Chu stated that the Project was not affecting views of the ocean and therefore views would not be an issue. (See online audio tape of proceedings at 12:30)
- The 4/25/18 WLA APC Determination Letter:
 - Finding No. 1 [F-1]: "The project will not interfere with coastal recreational opportunities because the site is located two and one-half miles from the coast."
 - Finding No. 1 [F-2]: (*re PRC §30250 re whether the development will have significant adverse impacts on coastal resources*): "The proposed project is located two and one-half miles from the coast."
 - Finding No. 1 [F-3]: (*re PRC §30251 re whether the development will have significant adverse impacts on coastal resources*): "The proposed project is located two and one-half miles from the coast. Scenic and visual qualities of coastal areas will not be impacted."
 - Finding No. 7 [F-12]: "The subject site is located two and one-miles from the coastline and does not contain coastal resources."
 - Finding No. 5 [F-6]: This Finding incorrectly states that Vereda De La Montura does not provide direct access to "any visitor or recreational facilities." In fact, access to Topanga State Park is from Vereda De La Montura.

The City's Determinations failed to provide factual support for its finding that the traffic generated by the Project will have no effect on Coastal resources and that no traffic study is needed.

- Evidence of the projected number of the Project's employees, visitors, vendors, medical care providers, etc. was never provided to the City or relied upon by it. Although the Project calls for 82 guest rooms, Applicant indicated that there will be up to 96 residents. The City ignored this and based all its determinations solely on 82 guest rooms and without regard to the number of the Project's employees, visitors, etc.
- The City found that the project does not exceed the threshold criteria for preparing a traffic study by citing a Dept. of Transportation review. This review determined that the Project would generate 166 daily trips, by only using the Institute of Transportation Engineers (ITE) general trip rates. However, the Applicant's consultant, Meridian, estimated 260 daily trips, using the same ITE rates, which are not specific to this Project and its location. Both of these unsubstantiated projections underestimate the amount of traffic to be generated by the site.
- These traffic projections fail to anticipate the traffic to and from the Project site which will have 96 elderly and disabled residents. The Project will be accessed daily by administrators, doctors, nurses, outside medical providers, outside caregivers, food preparation employees, physical therapists, housekeepers, custodial staff, volunteers, vendors with supplies, gardeners, spa & massage therapists, security personnel, other miscellaneous employees and resident visitors. This is a 24/7 facility so three shifts of employees will be going to the site each day. Some residents will leave the site each day to receive medical treatment and for other reasons. There is no public transportation within two miles, so all persons will have to drive to and from the site. There is only one road to the site and this road transverses Coastal recreation areas.
- With only 66 parking spaces, parking for the Project will be insufficient. Visitors/employees will then park on the adjacent streets. There is no separate parking for the nearby Topanga State Park and visitors must park on West Vereda De La Montura, which is where the entrance to the Project will be. Overflow visitors to the Project will interfere with park access.

To make the decision that traffic will not adversely impact Coastal resources, a formal traffic study is needed. Without such a study, there is no factual support for the City's findings & its decision.

In addition, the City failed to evaluate the potential that retaining walls will be needed for the Project and these walls will also affect scenic views from the adjacent parkland.

2. The extent and scope of the development as approved or denied by the local government.

This 4-story Project calls for 82 guest rooms. Applicant indicated that there will be up to 96 residents. This will be a 24/7 facility. The number of employees, visitors, etc. was not disclosed. Even at Applicant's underestimated 260 trip level, there could easily be 200 persons on this relatively small site at certain times. This will make the parking inadequate and visitors/employees will park on the adjacent streets. There is no separate parking for the nearby Topanga State Park and visitors must park on West Vereda De La Montura, which is where the entrance to the Project will be. Overflow visitors, etc. to the Project will interfere with park access.

There is nothing like this Project in this area, especially given its 4-story height, mass and use. The height, mass, extent and scope of this Project exceeds all other developments in the area.

3. The significance of the coastal resources affected by the decision.

The Project is located in a highly scenic area adjacent to a City Park and within 200 ft. from a State Park. There is only one road to the Project and this road travels through parkland and open space. These are without a doubt significant coastal resources, which is why the Coastal Zone extends this far inland. It is further located in a Very High Fire Hazard zone. A project of this magnitude will have a significant effect on these coastal resources.

4. The precedential value of the local government's decision for the future.

Municipalities should not be allowed permit development with a finding that a Coastal Zone area contains no coastal resources just because it is located 2½ miles from the ocean.

If municipalities are allowed to permit projects not in conformity with the Coastal Act in certain areas, then other similar projects will be built, with projects like this serving as precedent throughout California. Adjacent to the Project is another commercial parcel with a structure that is only 2-stories. If the Project is approved, then the next door parcel owner will be incentivized to build a similar 4-story project. If municipalities are allowed to ignore the Coastal Act in areas not immediately at the ocean, then a multitude of Coastal Zone properties could be affected. The Coastal Act applies to all the properties in the Coastal Zone and not just those next to the ocean.

If municipalities are allowed to ignore the Interpretive Guidelines, then they will lose all practical effect. Municipalities should not be allowed to simply acknowledge the existence of the Interpretive Guidelines and then completely ignore them. Just acknowledging the Guidelines should not be seen as equivalent to reviewing them, analyzing them and considering them in light of an individual project. Any decision should specify each applicable Guideline and explain whether it has been followed and if not, why it was not followed. The City's decisions regarding the Project did not address the need to protect scenic views in any way, except to observe that the site is 2½ miles from the ocean.

The City does not have a certified Local Coastal Program (LCP). The Project will have a precedential effect on the City's interpretation of any future LCP. Aside from observing that the Project is located 2½ miles from the ocean, the City failed to make findings regarding the Project's effect on scenic views. The Project, as proposed and conditioned, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

The City erred by approving a project of mass and scale that is out of character with the surrounding neighborhood. This 4-story Project is to be proposed to be built in a neighborhood of predominantly 2-story structures. The City also erred in not fully considering the precedential and cumulative effect that this Project may have on future development.

5. Whether the appeal raises only local issues, or those of regional or statewide significance.

This Appeal raises issues of regional or statewide significance, especially in the area of precedence. If municipalities are allowed to permit projects not in conformity with the Coastal Act in certain areas, then other similar projects will be built, with projects like this serving as precedent. If municipalities are allowed to ignore the Interpretive Guidelines, then they will lose all practical effect. Municipalities should not be allowed to simply acknowledge the existence of the Interpretive Guidelines and then completely ignore them.



Commissioners: Please accept our comments on this matter.
Below is a revised Summary letter asking for you to find Substantial Issue

APPEAL FROM COASTAL PERMIT DECISION BY THE CITY OF LOS ANGELES

Local Application No. ZA-2017-2170-ELD-CDP-SPR-1A // CCC Appeal No. A-5-PPL-18-0035
Appellants: Pacific Palisades Residents Assoc., Inc., et al. - Represented by Thomas M. Donovan

SUMMARY *[This Summary has been provided to California Coastal Commission Staff]*

We ask that the Commission find Substantial Issue on this matter, not because we oppose an Eldercare Facility at this site, but because there are too many unanswered questions about the impacts on very important coastal resources in the adjoining parks – Santa Ynez Canyon City Park (352 acres) and Topanga State Park (17.2sq. miles) – beautiful natural wilderness areas that are a State treasure and increasingly rare, particularly in Los Angeles. The City specifically did not look at any impacts to coastal resources, views from the trails, traffic, parking and public access to the trails because it said the only coastal resource is an ocean view. Finding Substantial Issue is the only way the Commission can fully analyze the possible impacts to determine what they are and then, if they can be mitigated.

The Project is a 4-story, 45 ft. high, residential Eldercare Facility (Assisted Living/Dementia Care) with 82 dwelling units and 96 residents, sited in a highly scenic area bordering Santa Ynez Canyon City Park and within 200 ft. from Topanga State Park. Commercial zoning for the site was designated by a Master Development Permit which withheld approval for specific projects until it was shown that these projects were not overly intrusive or caused adverse coastal impacts. The City of Los Angeles approved a Coastal Development Permit (CDP) for the Project.

The City incorrectly concluded that only ocean views are protected by the Coastal Act and that other coastal resources, such as public views of the coastal hills/mountains or views from hiking trails, are not protected. The City refused to consider and evaluate scenic public views from nearby trails in the adjacent parkland solely because the Project is 2½ miles from the ocean, despite substantial evidence that these views will be adversely impacted. The site is in a Very High Fire Hazard Severity Zone which requires fire buffer zones next to the adjacent park. This fire suppression will destroy the natural habitat surrounding the Project, exposing the structure to nearby parkland and trails. The City conducted no study (with "story poles", view simulations from trails, etc.), thus failing to provide the Commission with any information regarding impacts to trail users and creating a Substantial Issue regarding the impact on public scenic views by failing to provide the factual/legal support for its decision.

The Project failed to specify the number of visitors, (employees, independent medical care providers, delivery vehicles and other visitors) to this 24/7 facility with 3 employee shifts. There is no public transportation within 2 miles. All persons must drive to and from the Project. There was no traffic study and therefore, the City had insufficient information to conclude that there will be no significant effects relating to traffic, parking and park access. Absent a traffic study, traffic generation was underestimated (only 166 trips), thereby making the proposed parking (only 66 spaces) insufficient for a facility over 64,000 sf. The City also incorrectly found that there is no parkland access from the adjacent street, despite a trailhead within 150 ft. of the Project. There is no separate parking for the nearby parks and overflow employee/visitors to the Project will park on the adjacent streets and interfere with park access by using up the parking. A Substantial issue exists regarding public access to nearby parkland and the failure of the City to provide the factual and legal support for their decision. Parking, traffic and view impacts can be mitigated, but only if the Commission finds Substantial Issue and directs staff to look at this and provide sufficient information not required by the City.

The City simply acknowledged the Interpretive Guidelines and concluded compliance solely because they did not deviate from the zoning requirements and there was no alteration of natural landforms. It failed to adequately review, analyze and consider the Guidelines. Referring to Los Angeles Municipal Code §12.20.2 G, Chuck Posner (Long Beach CCC staff) stated in his email of 2/16/18:

"The guidelines are guidelines, but lack of adherence to those guidelines can result in a finding of "Substantial Issue" on an appeal. I believe the City of Los Angeles coastal development permit-issuing ordinance requires a finding of consistency with the Commission's Interpretive Guidelines."

At 4-stories, the Project's mass and scale is out of character with the surrounding neighborhood of predominantly 2-story structures. Although characterized as a commercial development, the Project is residential. Failing to follow or analyze the consistency with Interpretive Guidelines creates a Substantial Issue because it prejudices the ability of the City to prepare its LCP.

The Staff Report made incorrect assumptions relating to the impact on views from trails (omitting the Santa Ynez Canyon trail, only 150 ft. from the site; stating that the Santa Ynez City Park is only 25 acres, when it is actually 393.6 acres; stating that because the trails are in a bowl, there would be no view impacts, despite that there are many trails in the parks that are not in a bowl; and incorrectly stating that 100 ft. of brush clearance is required when it is actually 200 ft.

The Staff Report states that the Project is taller and denser than structures in the surrounding area and then contradicts this by saying it is compatible. Traffic/parking impacts and the lack of sufficient local street parking for public park access were not sufficiently analyzed. The Staff Report incorrectly finds that the original Master Permit and amendments allowed these impacts because they were mitigated by the dedication of 1000 acres of open space. This is contradicted in the Staff Report, as follows:

"Permit No. A-381-78 was subsequently amended . . . However, the Commission did not approve any structures on the vacant commercial site on Tract 31070, otherwise known as the subject site, due to the lack of design information. The amendment noted that the intensity of proposed uses and the size of structures may raise issues regarding conformity of specific projects with policies of the Coastal Act, therefore withholding approval of specific projects until adequate design information has been provided." [Staff Rpt. P.7]

"The second amendment [Permit No. A-381-78] noted that the intensity of proposed uses and the size of structures may raise issues regarding conformity of specific projects with policies of the Coastal Act, therefore withholding approval of specific projects until adequate design information has been provided." [Staff Rpt. P.11]

The Staff Report specifically omitted a finding relating to traffic from of the Second Amendment:

"The applicant has not yet provided design information regarding . . . the 1 acre commercial site in Tract 31070 . . . sufficient to define the intensity of the proposed uses and the size of the structures. Because these factors may raise issues regarding the conformity of the specific projects with the policies of the Coastal Act, the Commission must withhold approval of specific projects until adequate design information has been provided. The Commission recognized that both of these sites are appropriate for the intended church, school and commercial uses, provided that the specific projects are not overly intrusive or cause adverse impacts (ie. on traffic) from an excessively intensive use of the sites." [Second Amendment to Permit No. 381-78 III. Findings and Declarations]

On 6/21/18 Appellants emailed Staff to note that the Second Amendment specified that the Interpretive Guidelines specified the parking for commercial developments. Yet this was not addressed in the Staff Report. The Second Amendment, referring to the nearby Gateway tract north of Sunset Blvd., states:

"As limited to 25,000 sq.ft. of commercial space the project requires 120 parking spaces to conform to the South Coast Regional Interpretive Guidelines (1 space for each 250 sq.ft. of leasable space)"

Staff did not address why the Master Permit interprets the Interpretive Guidelines to require one commercial site to provide 1 space per 250 sf. of leasable space, but not the only other commercial site, where the Project is sited. Also, the City based its parking requirement on 166 trips, not 270 trips as the Staff Report incorrectly stated.

All of these issues and others each raise support the finding of Substantial Issue so that Staff may adequately analyze them and the Commission can review and determine the actual impact of the project on sensitive coastal resources.

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SPECIFIC SUBSTANTIAL ISSUES

- 1. A Substantial Issue exists due to the City's incorrect conclusion that only ocean views are protected by the Coastal Act and no other coastal resources are protected. Under the Coastal Act, public views of adjacent coastal hills and parks are protected, including views from public trails. [See PRC §30251] If the Project is approved, this would set a Statewide precedent for protection of ocean and coastal views. There is also a Substantial Issue because the City failed to provide the factual and legal support for their decision that no impact on public views exists.**

The Project will adversely impact views of the coastal hills/mountains from hiking trails from the nearby (within 200 ft.) Topanga State Park, the adjacent Santa Ynez Canyon City Park and also from viewpoints to the west. The City refused to consider and evaluate scenic public views from nearby trails in the adjacent parklands solely because the Project is 2½ miles from the ocean.

However, the Coastal Act applies to the entire Coastal Zone and not just to areas adjacent to the ocean. There is no factual or legal support to contend that a Coastal Zone area contains no coastal resources just because it is located 2½ miles from the ocean. In addition, the City failed to evaluate the potential that retaining walls will be needed for the Project and these walls will also affect scenic views from the adjacent trails. Municipalities should not be allowed permit development with a finding that a Coastal Zone area contains no coastal resources just because it is located 2½ miles from the ocean.

By failing to review and analyze the impact on views from the trails within the adjacent park, even failing to erect story poles so that such views could be understood, the City prevented the Commission from being able to fully understand the impact on public views. A failing to provide the factual support for whether or not impacts to public views from public trails exists prevents the Commission from being able to understand the extent of those impacts and constitutes a basis for Substantial Issue.

The Commission should find the existence of a Substantial issue in order to determine the impact of the Project on public views from the adjacent park, nearby trails and public streets. Failure to do so would set a Statewide precedent that it is not necessary to review view impacts.

2. A Substantial Issue exists regarding the traffic and lack of sufficient parking and its impact on the ability of the public to access the parks adjacent to and nearby the Project. Applicable Coastal Act provisions regarding Public Access include PRC §30212 & 30252 (4).

The Project failed to specify the number of employees, independent care givers, delivery vehicles, medical care providers and other visitors to the eldercare facility. There was no traffic study. The City had insufficient information to determine that the Project will not result in any significant effects relating to traffic. Without a traffic study, the traffic generation was underestimated, thereby making the proposed parking insufficient. This will be a 24/7 facility with three shifts of employees, outside medical providers and numerous visitors. All of this traffic will be non-recreational traffic.

There is no public transportation within two miles, so all persons will have to drive to and from the Project. As the proposed parking for the Project will be insufficient, visitors/employees will then park on the adjacent streets. The City incorrectly found that Palisades Drive and West Vereda De La Montura do not provide direct access to any recreational facilities. Access to the adjacent Santa Ynez Canyon City Park and the nearby Topanga State Park is from these adjacent streets. There is no separate parking for these parks. Visitors to these parks must park on Palisades Drive and West Vereda De La Montura, which is where the entrance to the Project will be. Overflow visitors to the Project will therefore interfere with park access.

Without a formal traffic study, the City had insufficient information to determine that the Project will have sufficient parking so that employees, visitors, etc. will not park on nearby streets and affect public access to the parks. The City therefore could not make the required findings that there is no impact on public access to the parks.

The Commission should find the existence of a Substantial issue in order to determine the impact of the lack of parking and underestimation of the traffic on the ability of the public to get to the parks. Failure to do so would set a Statewide precedent.

3. A Substantial Issue exists regarding permitting a residential Assisted Living facility in a commercial zone.

The applicant contends that the Project is consistent with the commercial zoning for the property. However, the nature of the Project is residential. Its purpose is to house 96 residents who require 24/7 assisted care. A residential assisted care facility is not commercial any more than an apartment building is commercial. To allow a residential facility on a commercially zoned site would set a Statewide precedent and is a basis for the finding of Substantial Issue.

The Commission should find the existence of a Substantial issue regarding permitting a residential Assisted Living facility in a commercial zone. Failure to do so would set a Statewide precedent.

4. A Substantial Issue exists regarding the Project's effect on adjacent parkland habitat - PRC §30240.

The Project is in a Very High Fire Hazard Severity Zone. The Applicant has stated that the "Project will be required to create appropriate fire buffer zones, particularly to the west where the Santa Ynez Canyon runs." This fire suppression will destroy the natural habitat surrounding the project, exposing the Project

structure to nearby parklands and trails and adversely impacting scenic views. The City conducted no study regarding the impact of fire suppression on the adjacent parkland and no specific conditions regarding it were imposed, in violation of PRC §30240 (b) and thus, again failed to provide the factual and legal basis for their decision. and the impact on significant coastal habitat pursuant to Section 30240 of the Coastal Act.

The Commission should find the existence of a Substantial issue in order to determine the impact of the proposed fire suppression on the nearby parklands and trails and the scenic views from these public areas. Failure to do so would set a Statewide precedent and will prejudice the City's ability to prepare a Local Coastal Program (LCP).

5. A Substantial Issue exists regarding the Project's lack of conformity with the Regional Interpretive Guidelines - PRC §30620 (3) & 30630.5 (a).

The City simply acknowledged the existence of the Regional Interpretive Guidelines and then concluded that the Project complied with them. No specific review, indicating analysis and consideration, was performed and therefore no findings were made to justify the Project's conformity with the Guidelines

Cities should not be allowed to simply acknowledge the existence of the Interpretive Guidelines and then completely ignore them. Merely acknowledging the Guidelines should not be seen as equivalent to reviewing them, analyzing them and considering them in light of an individual project. A decision should specify each applicable Guideline and explain whether it has been followed and if not, why it was not followed. If municipalities are allowed to ignore the Interpretive Guidelines, then they will lose all practical effect.

The Commission should find the existence of a Substantial issue as to whether the Interpretive Guidelines were fully reviewed, analyzed and considered. Failure to do so would set a Statewide precedent.

6. A Substantial Issue exists regarding the Project's lack of conformity with the character and scale of the surrounding community - PRC §30251.

The City erred by approving a project of mass and scale that is out of character with the surrounding neighborhood. This 4-story Project is to be proposed to be built in a neighborhood of predominantly 2-story structures. The City also erred in not fully considering the precedential and cumulative effect that this Project may have on future development.

The Commission should find the existence of a Substantial issue regarding the Project's conformity with the character and scale of the surrounding community since the City failed to consider the impacts and provide the factual and legal basis for their decision.

7. A Substantial Issue exists regarding whether the Project, as proposed and conditioned, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act - PRC §30604 (a).

The City does not have a certified Local Coastal Program (LCP). The Project will have a precedential effect on the City's interpretation of any future LCP. Aside from observing that the Project is located 2½ miles from the ocean, the City failed to make findings regarding the Project's effect on scenic views. The City failed to make sufficient findings based on facts regarding the Project's traffic and parking. Approval of the development will set a precedent that the City does not have to review the impacts on any coastal resources as long as the development is over 2 miles from the ocean and does not have ocean views.

The City failed to determine the impact of the proposed fire suppression on the nearby parklands and trails and the scenic views from these public areas. The City failed to adequately review, analyze and consider the Interpretive Guidelines. The City failed to adequately analyze the permitting of a residential Assisted Living facility in a commercial zone.

The Commission should find the existence of a Substantial Issue as to whether the Project, as proposed and conditioned, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

FACTORS SUPPORTING A DETERMINATION THAT THE APPEAL RAISES A SUBSTANTIAL ISSUE

Factors

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the public access policies of the Coastal Act.

L.A. City Planning continues to refuse to accept that the Coastal Act applies to the entire Coastal Zone and not just to areas adjacent to the ocean. There is no factual or legal support to contend that a Coastal Zone area contains no coastal resources just because it is located 2½ miles from the ocean.

- **The 1/26/18 Determination Letter:** City Zoning Administrator (Henry Chu) repeatedly emphasizes that the Project site is 2½ miles from the ocean, as if this matters with regard to scenic views and coastal recreational opportunities.
 - Determination Letter [P.3]: "The project will not interfere with coastal recreational opportunities because the site is located two and one-half miles from the coast."
 - Determination Letter [P.15] - re PRC §30251: "The proposed project is located two and one-half miles from the coast. Scenic and visual qualities of coastal areas will not be impacted."
 - Determination Letter [P.24]: "The subject site is located two and one-miles from the coastline and does not contain coastal resources."
- **4/18/18 WLA APC hearing:** Mr. Chu stated that the Project was not affecting views of the ocean and therefore views would not be an issue. (See online audio tape of proceedings at 12:30)
- **The 4/25/18 WLA APC Determination Letter:**
 - Finding No. 1 [F-1]: "The project will not interfere with coastal recreational opportunities because the site is located two and one-half miles from the coast."
 - Finding No. 1 [F-2]: *(re PRC §30250 re whether the development will have significant adverse impacts on coastal resources):* "The proposed project is located two and one-half miles from the coast."
 - Finding No. 1 [F-3]: *(re PRC §30251 re whether the development will have significant adverse impacts on coastal resources):* "The proposed project is located two and one-half miles from the coast. Scenic and visual qualities of coastal areas will not be impacted."

- Finding No. 7 [F-12]: "The subject site is located two and one-miles from the coastline and does not contain coastal resources."
- Finding No. 5 [F-6]: This Finding incorrectly states that Vereda De La Montura does not provide direct access to "any visitor or recreational facilities." In fact, access to Topanga State Park is from Vereda De La Montura.

The City failed to provide factual support for finding that the traffic generated by the Project will have no effect on Coastal resources and that no traffic study is needed.

- Evidence of the projected number of the Project's employees, visitors, vendors, medical care providers, etc. was never provided to the City or relied upon by it. Although the Project calls for 82 guest rooms, Applicant indicated that there will be up to 96 residents. The City ignored this and based all its determinations solely on 82 guest rooms and without regard to the number of the Project's employees, visitors, etc.
- The City found that the project does not exceed the threshold criteria for preparing a traffic study by citing a Dept. of Transportation review. This review determined that the Project would generate 166 daily trips, by only using the Institute of Transportation Engineers (ITE) general trip rates. However, the Applicant's consultant, Meridian, estimated 260 daily trips, using the same ITE rates, which are not specific to this Project and its location. Both of these unsubstantiated projections underestimate the amount of traffic to be generated by the site.
- These traffic projections fail to anticipate the traffic to and from the Project site which will have 96 elderly and disabled residents. The Project will be accessed daily by administrators, doctors, nurses, outside medical providers, outside caregivers, food preparation employees, physical therapists, housekeepers, custodial staff, volunteers, vendors with supplies, gardeners, spa & massage therapists, security personnel, other miscellaneous employees and resident visitors. This is a 24/7 facility so three shifts of employees will be going to the site each day. Some residents will leave the site each day to receive medical treatment and for other reasons. There is no public transportation within two miles, so all persons will have to drive to and from the site. There is only one road to the site and this road transverses Coastal recreation areas.
- With only 66 parking spaces, parking for the Project will be insufficient. Visitors/employees will then park on the adjacent streets. There is no separate parking for the nearby Topanga State Park and visitors must park on West Vereda De La Montura, which is where the entrance to the Project will be. Overflow visitors to the Project will interfere with park access.

To make the decision that traffic will not adversely impact Coastal resources, a formal traffic study is needed. Without such a study, there is no factual support for the City's findings and its decision.

In addition, the City failed to evaluate the potential that retaining walls will be needed for the Project and these walls will also affect scenic views from the adjacent parkland.

2. The extent and scope of the development as approved or denied by the local government.

This 4-story Project calls for 82 guest rooms. Applicant indicated that there will be up to 96 residents. This will be a 24/7 facility. The number of employees, visitors, etc. was not disclosed.

Even at Applicant's underestimated 260 trip level, there could easily be 200 persons on this relatively small site at certain times. This will make the parking inadequate and visitors/employees will park on the adjacent streets. There is no separate parking for the nearby Topanga State Park and visitors must park on West Vereda De La Montura, which is where the entrance to the Project will be. Overflow visitors, etc. to the Project will interfere with park access.

There is nothing like this Project in this area, especially given its 4-story height, mass and use. The height, mass, extent and scope of this Project exceeds all other developments in the area.

3. The significance of the coastal resources affected by the decision.

The Project is located in a highly scenic area adjacent to a City Park and within 200 ft. from a State Park. There is only one road to the Project and this road travels through parkland and open space. These are without a doubt significant coastal resources, which is why the Coastal Zone extends this far inland. It is further located in a Very High Fire Hazard zone. A project of this magnitude will have a significant effect on these coastal resources.

4. The precedential value of the local government's decision for the future.

Municipalities should not be allowed permit development with a finding that a Coastal Zone area contains no coastal resources just because it is located 2½ miles from the ocean.

If municipalities are allowed to permit projects not in conformity with the Coastal Act in certain areas, then other similar projects will be built, with projects like this serving as precedent throughout California. Adjacent to the Project is another commercial parcel with a structure that is only 2-stories. If the Project is approved, then the next door parcel owner will be incentivized to build a similar 4-story project. If municipalities are allowed to ignore the Coastal Act in areas not immediately at the ocean, then a multitude of Coastal Zone properties could be affected. The Coastal Act applies to all the properties in the Coastal Zone and not just those next to the ocean.

If municipalities are allowed to ignore the Interpretive Guidelines, then they will lose all practical effect. Municipalities should not be allowed to simply acknowledge the existence of the Interpretive Guidelines and then completely ignore them. Just acknowledging the Guidelines should not be seen as equivalent to reviewing them, analyzing them and considering them in light of an individual project. Any decision should specify each applicable Guideline and explain whether it has been followed and if not, why it was not followed. The City's decisions regarding the Project did not address the need to protect scenic views in any way, except to observe that the site is 2½ miles from the ocean.

The City does not have a certified Local Coastal Program (LCP). The Project will have a precedential effect on the City's interpretation of any future LCP. Aside from observing that the Project is located 2½ miles from the ocean, the City failed to make findings regarding the Project's effect on scenic views. The Project, as proposed and conditioned, may prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act.

The City erred by approving a project of mass and scale that is out of character with the surrounding neighborhood. This 4-story Project is to be proposed to be built in a neighborhood of predominantly 2-story structures. The City also erred in not fully considering the precedential and cumulative effect that this Project may have on future development.

5. Whether the appeal raises only local issues, or those of regional or statewide significance.

This Appeal raises issues of regional or statewide significance, especially in the area of precedence. If municipalities are allowed to permit projects not in conformity with the Coastal Act in certain areas, then other similar projects will be built, with projects like this serving as precedent. If municipalities are allowed to ignore the Interpretive Guidelines, then they will lose all practical effect. Municipalities should not be allowed to simply acknowledge the existence of the Interpretive Guidelines and then completely ignore them.

COASTAL ACT VIOLATIONS

The Project is not in conformity with the following Coastal Act provisions – California Public Resources Code ("PRC").

PRC §30240 Environmentally sensitive habitat areas protected; development adjacent to areas

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Project violates PRC §30240

The Project site is in an environmentally sensitive habitat and recreational area, which will be left unprotected from disruptions caused by the Project. The Project is incompatible with this area and the adjacent and nearby parks and it will significantly degrade them.

Evidence of PRC §30240 Non-compliance

- 1. The Project is located in a popular recreation area. It is adjacent to Santa Ynez Canyon City Park and within 200 ft. from Topanga State Park. There are several recreational trails in the immediate area. The Project's location, height, mass and design will substantially impair scenic views from nearby trails and also from the adjacent streets and nearby residential properties.
- 2. Meridian Consultants (The Project consultant) admitted that the site is in a Very High Fire Hazard Severity Zone and that the "Project will be required to create appropriate fire buffer zones, particularly to the west where the Santa Ynez Canyon runs." This fire suppression will destroy the natural habitat surrounding the project, exposing the Project structure to nearby parklands and trails and adversely impacting scenic views.
- 3. The Project is not located near public transportation (the nearest bus line is over 2 miles away) and it is many miles away from any medical care providers needed for the Project's residents. The Project's numerous staff members, along with the vendors needed to service the facility will have no way to get to the project other than by automobile.
- 4. The Project failed to specify the number of employees, independent care givers, delivery vehicles, medical care providers and visitors to the eldercare facility. The City had insufficient information to determine that the Project will not result in any significant effects relating to traffic. Meridian

Consultants underestimates the traffic generation, indicating that this 82 guest room Eldercare Facility will generate only 260 automobile trips per day. All of this traffic will be non-recreational traffic. The City also had insufficient information to determine that the Project will have sufficient parking so that employees, etc. will not park on nearby streets.

5. The Project is a 4-story commercial structure, which due to its height, mass and design, is not subordinate to its setting, which is surrounded by parks and predominantly 2-story residences. It will require fire buffer zones, thereby destroying the natural habitat surrounding the project.
6. At 4-stories, the Project will not be visually compatible with the character of the surrounding area which is primarily composed of 1 and 2-story structures.

PRC §30251 Scenic and visual qualities of coastal areas protected

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Project violates PRC §30251

The Project's location, height, mass and design will block and substantially impair scenic views. The Project will not be visually compatible with the character of the surrounding area and it is not subordinate to its setting.

Evidence of PRC §30251 Non-compliance

1. The Project will adversely impact views from the adjacent Santa Ynez Canyon City Park, the nearby (within 200 ft.) Topanga State Park and also from the adjacent streets and nearby residential properties. It will loom over the hillside, blocking views of the coastal hills from the street nearby hiking trails and from viewpoints from the west. The City incorrectly determined that only views of the ocean are protected by the Coastal Act, while ignoring the views of the coastal hills.
2. At 4-stories, the Project will not be visually compatible with the character of the surrounding area which is primarily composed of 1 and 2-story structures.
3. The Project is a 4-story commercial structure, which due to its height, mass and design, is not subordinate to its setting, which is surrounded by parks and predominantly 2-story residences. It will require fire buffer zones, thereby destroying the natural habitat surrounding the project.

PRC §30222 Private lands suitable for visitor-serving commercial recreational facilities

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The Project violates PRC §30222

The Project is not a visitor-serving commercial recreational facility and it will not enhance public opportunities for recreation. Due to its proximity to nearby trailheads, it will impair recreational opportunities. Necessary fire suppression surrounding the Project will harm hiking near the site by destroying the natural habitat surrounding these hiking trails. It will also mar scenic views from the hiking trails. Further, the Project will unnecessarily and dramatically increase non-recreational traffic to the site, reducing the outdoor recreational aesthetic in the park lands surrounding it.

Evidence of PRC §30222 Non-compliance

1. Meridian Consultants (The Project consultant) admitted that the site is in a Very High Fire Hazard Severity Zone and that the "Project will be required to create appropriate fire buffer zones, particularly to the west where the Santa Ynez Canyon runs." This fire suppression will destroy the natural habitat surrounding the project, exposing the Project structure to nearby parklands and trails and adversely impacting scenic views.
2. At 4-stories, the Project will loom over the hillside, blocking views of the coastal hills from the street nearby hiking trails and from viewpoints from the west. The City determined that views would not be impacted solely because the site is 2 ½ miles from the ocean. The City incorrectly determined that only views of the ocean are protected by the Coastal Act, while ignoring the views of the coastal hills.
3. The Project failed to specify the number of employees, independent care givers, delivery vehicles, medical care providers and visitors to the eldercare facility. Therefore, the City had insufficient information to determine that the Project will not result in any significant effects relating to traffic. Meridian Consultants underestimates the traffic generation, indicating that this 82 guest room Eldercare Facility will generate only 260 automobile trips per day. All of this traffic will be non-recreational traffic. The City also had insufficient information to determine that the Project will have sufficient parking so that employees, etc. will not park on nearby streets.
4. The Project is not located near public transportation (the nearest bus line is over 2 miles away) and it is many miles away from any medical care providers needed for the Project's residents. The Project's numerous staff members, along with the vendors needed to service the facility will have no way to get to the project other than by automobile.

PRC §30253 Duties of new development

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.

- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

The Project violates PRC §30253

The Project does not minimize risks to life in a Very High Fire Hazard Severity Zone. It does not minimize energy consumption and vehicle miles traveled. The Project site is in an environmentally sensitive habitat and recreational area, which will be left unprotected from disruptions caused by the Project.

Evidence of PRC §30253 Non-compliance

1. Meridian Consultants (The Project consultant) admitted that the site is in a Very High Fire Hazard Severity Zone with extremely limited access, thus posing a high risk to its elderly and disabled residents. The "Project will be required to create appropriate fire buffer zones, particularly to the west where the Santa Ynez Canyon runs." This fire suppression will destroy the natural habitat surrounding the project, exposing the Project structure to nearby parklands and trails and adversely impacting scenic views.
2. The Project is not located near public transportation (the nearest bus line is over 2 miles away) and it is many miles away from any medical care providers needed for the Project's residents. The Project's numerous staff members, along with the vendors needed to service the facility will have no way to get to the project other than by automobile.
3. The Project failed to specify the number of employees, independent care givers, delivery vehicles, medical care providers and visitors to the eldercare facility. The City had insufficient information to determine that the Project will not result in any significant effects relating to traffic. Meridian Consultants underestimates the traffic generation, indicating that this 82 guest room Eldercare Facility will generate only 260 automobile trips per day. All of this traffic will be non-recreational traffic. The City also had insufficient information to determine that the Project will have sufficient parking so that employees, etc. will not park on nearby streets.
4. The Project is located in a popular recreation area. It is adjacent to Santa Ynez Canyon City Park and within 200 ft. from Topanga State Park. There are several recreational trails in the immediate area. The Project's location, height, mass and design will substantially impair scenic views from nearby trails and also from the adjacent streets and nearby residential properties.

THE FOLLOWING REGIONAL INTERPRETIVE GUIDELINES (RIGS) FOR THE PACIFIC PALISADES HAVE NOT BEEN ADEQUATELY APPLIED AND CONSIDERED.

RIG §B (1) **Commercial establishments should be public recreation and recreation supportive or otherwise coastally related facilities.**

Nothing about the Project is recreation supportive or coastally related. In fact, the Project harms coastal recreation.

RIG §C (1) **Views to the shoreline and the Santa Monica Mountains from public roads should be preserved and protected.**

Not only will the Project not protect views from public roads, its location, height, mass and design will substantially block and otherwise adversely impact such views.

RIG §C (2) **Development adjacent to Santa Monica Mountain Park should protect views from trails and be consistent with access to the trail system and park access.**

Not only will the Project not protect views from trails, its location, height, mass and design will substantially block and otherwise adversely impact such views.

RIG §A (2) (g) **New commercial, recreational, institutional and residential developments of 10 units or more in the Santa Monica Mountains should be required, as a condition of approval, to dedicate access trails and parking areas for Topanga State Park.**

The approved CDP permits 82 units. No access trails and parking areas for Topanga State Park have been designated.

RIG §A (2) (i) **The density of new residential development should be limited to a maximum of 24 units per acre gross.**

While the Project is technically a commercial development, its purpose is to provide units where persons will reside. The approved CDP permits 82 units and thereby violates the purpose, spirit and intent of RIG §A (2) (i).

TOPANGA

STATE

PARK

Subject Site

Urban
Limit Line

LEGEND

-  Single Family Residential
(RE 20, RE 15, RE 9, RS, R1)
-  Condominium (RD)
-  Commercial
-  Institutional
-  Rec. Site
-  D.W.P./L.A. Fire Dept.
-  L.A. City Park
-  Slope Areas
-  Future Park Land Open Space Dedication
For Public Purposes

This Plan in Conformance To Coastal Permit A-381-73
(Exhibits A-1, A-2)



MASTER PLAN

PALISADES HIGHLANDS - GATEWAY

A Planned Community of Land Resources Corp.

LAND RESOURCES CORP.

TRACT	TYPE OF LAND USE AND COUNT					UNITS
	RE 20	RE 15	R1	RD	OTHER	
31090						
31091			155	80	Res. Site	277
31092						
31093	50			181		181
31094			115		Res. Site	115
31095				28		28
31096			14		Res. Site	14
31097	50					50
31098				80		80
31099						
31100						16
31101			18	80		80
31102						
31103					Res. Site	10
31104			11			11
31105				47	35	82
31106						



SOURCE: Meridian Consultants, LLC - June 2018

FIGURE 3

Fire History of the Santa Monica Mountains¹

Klaus W-H Radtke, Arthur M. Arndt, and Ronald H. Wakimoto²

DESCRIPTION OF THE AREA

The Santa Monica Mountain range parallels the Pacific Coast of southern California in Ventura and Los Angeles Counties at 34°05'N latitude. It stretches for a distance of about 70 km from Ventura County into the heart of the City of Los Angeles to the east (Figure 1) and thus provides an ideal recreational setting for over 10 million people in this region. At its western extent it measures 15 km in width, narrowing to about 4 km at its eastern boundary. The southern boundary is the Pacific Ocean; the eastern boundary consists of the cities of Santa Monica and Beverly Hills and the West Hollywood section of the City of Los Angeles. The northern boundary is the Ventura Freeway (Highway 101). The mountains encompass approximately 97,000 ha or 240,000 acres (USDI, 1980).

The topography of the mountains is characterized by rugged terrain in its western and central section. In the west, Sherwood Peak rises to 1175 m within 10 km of the coast and in its central section, Saddle Peak rises to 885 m within 4 km of the coast. Almost half the mountain range has slopes exceeding 35 percent. The coastal slopes are characterized by steep hillsides that descend suddenly into many narrow north-south running canyons.

The area has a Mediterranean climate characterized by warm, dry summers and cool winters with approximately 80 percent of the precipitation falling from October through March. The 90-year mean annual precipitation ranges from 380 mm to 400 mm at the coastline to approximately 625 mm at the crest, and back down to 400 mm at the inland boundary along the Ventura Freeway (Los Angeles County Flood Control, 1976). Climatic averages are of limited value as the rainfall is often concentrated into a few heavy winter storms with intervening periods of high temperatures. Thus the fire season may extend into January during drought years.

¹Presented at the Symposium on Dynamics and Management of Mediterranean-type Ecosystems, June 22-26, 1981, San Diego, California.

²Wildland Resource Scientist, Head Deputy Forester respectively, Los Angeles County Fire Department, Los Angeles, California; Assistant Professor of Wildland Fire Management, University of California, Berkeley.

Abstract: The Santa Monica Mountain Range in Los Angeles County is the only major mountain range in the United States of America that divides a large city. Wildland fire history of the area was investigated to help in the decision making process for fire and vegetation management. Specifically the fire records for fires over 40.5 ha (100 acres) were analyzed for the fire exclusion period 1919-1980. Selected fires were used to demonstrate the predictive effect of land use, climate, vegetation, topography, fuel loading and fire suppression activities on fire patterns and fire behavior.

The natural airflow for most of the year creates night and morning downward flows of air from the seaward side of the mountains over the Santa Monica Bay. In the afternoon this flow is carried inland by the seabreeze (USEPA(1977)). During the summer the Catalina eddy penetrates the mountain canyons to a considerable distance with cool, moist marine air. The summer fog line extends up to the coastal ridges and to a considerable distance into the canyons. FLUiml late September through December and occasionally even into January and February the area is characterized by strong (north to northeasterly foehn winds, locally known as Santa Ana winds. These winds are born as high pressure areas in high desert, great basins of Utah and surrounding areas. As they descend to lower elevations they become hot, dry (and gusty and may create erratic wind patterns when meeting the local mountain winds.

Major vegetation types found in the Santa Monica Mountains include a) coastal sage scrub(which is found below 300 m along the drier coastal slopes and as a band surrounding the higher mountains; b) oak woodland on some northern slopes with deep soils and areas relatively protected f.0 fire; c) riparian woodland along stream channels in areas where moisture is found at or near the surface throughout the year; d) grasslands of primarily introduced grasses on finer textured clay soils that may be saturated during the rainy season; and e) the woody, evergreen chaparral which is the most common vegetation type.

The early fire history of California as well as the Santa Monica Mountains is obscure. Sampson (.1944), after surveying historic documents dating back to the 15th Century, concluded that in areas away from the coast, burning by Indians had little influence on chaparral distribution. Drucker (1937) stated that when the Spaniards arrived, they found a hunting and gathering society of Indians who probably used fire only sparingly to increase hunting success. Once a fire started it was not controlled but was allowed to run its course. Other authors maintain that Indians practiced primarily spring burning to maintain grasslands (Lewis, 1973). Such fires would be of limited extent. Brown (1978) cited Dana as reporting extensive fires in the coastal ranges of southern California in the 1830's.

Burning by Indians and settlers often endangered settlements as well as livestock ranges. In 1793 Governor Jose de Arilleja issued California's

Gen. Tech. Rep. PSW-58. Berkeley, CA: Pacific Southwest Forest and Range Experiment Station, Forest Service, U.S. Department of Agriculture; 1982.

Exhibit 6

Page 1 of 12



California Coastal
Commission

first fire control law prohibiting any kind of burning that may be detrimental to someone else (Lee and Bornicksen, 1978). With California statehood in 1850, fire control became the responsibility of the individual landowners. Deliberately set fires increased as they served as a cost-effective way of opening up chaparral for access, development, grazing, ranching and mining. However, it is unlikely that this period greatly affected the fire history of the Santa Monica Mountains until 1900.

The period 1900 to 1918 was characterized by many large fires that burned the area on an average of at least two times (Santa Monica Evening Outlook 1900-1918). In 1919, the Forestry Department was established as fire suppression agency for the unincorporated areas of Los Angeles County and began maintaining records of all fires. Figure 1 illustrates these records as frequency of fires over 40.5 ha (100 acres) for the fire exclusion period 1919-1980 and shows that the highest fire frequency was historically located in the coastal zone. The coastal zone from about Las Flores Canyon to beyond the Ventura County line was burned 3-5 times giving an average burn frequency of from 12.4 to 20.7 years. Smaller areas not identified on the map burned up to 7 times. Mountainous areas inland of the ridge line, for the most part, burned only once. The 3-fire frequency corridor shown in the Las Virgenes-Mulholland block was created by fires that got an upslope running start along the Ventura Freeway on north slope range land consisting of flash fuel annual grasses and coastal sage. These fires occurred during strong Santa Ana wind conditions in 1958, 1970 and 1980.

FIRE FACTORS

An evaluation of the factors that determine fire patterns in the Santa Monica Mountains is necessary to understand the recorded fire history, speculate back from it to natural fire history and predict future fire patterns. The four most important factors that influenced the fire history in the Santa Monica Mountains are land use, vegetation, fire topography and climate (fire winds). They will be reviewed in this order.

Land Use

Almost every fire in recorded history was accidentally or deliberately set by man. In the Santa Monica Mountains, lightning fires are an almost unknown ignition source since they start primarily in the wet season and are out of phase with the foehn winds. Before 1900 most fires were started by local ranchers and homesteaders during weather conditions that prevented the development of large-scale fires. However, after 1900 the increasing population base at the southeastern end of the mountain range and the hunting season, which coincided with the fire season, served as ignition sources of carelessly set fires. Some of these fires burned uncontrolled for several weeks and caused extensive damage to ranchers while creating a better hunting season through brush regrowth. The establishment of an organized fire fighting force in 1919 put an end to such fires. Since then most fire starts have occurred along access routes leading into or through the mountains.

Vegetation

Many of the coastal slopes are covered by coastal sage. This plant community is characterized by

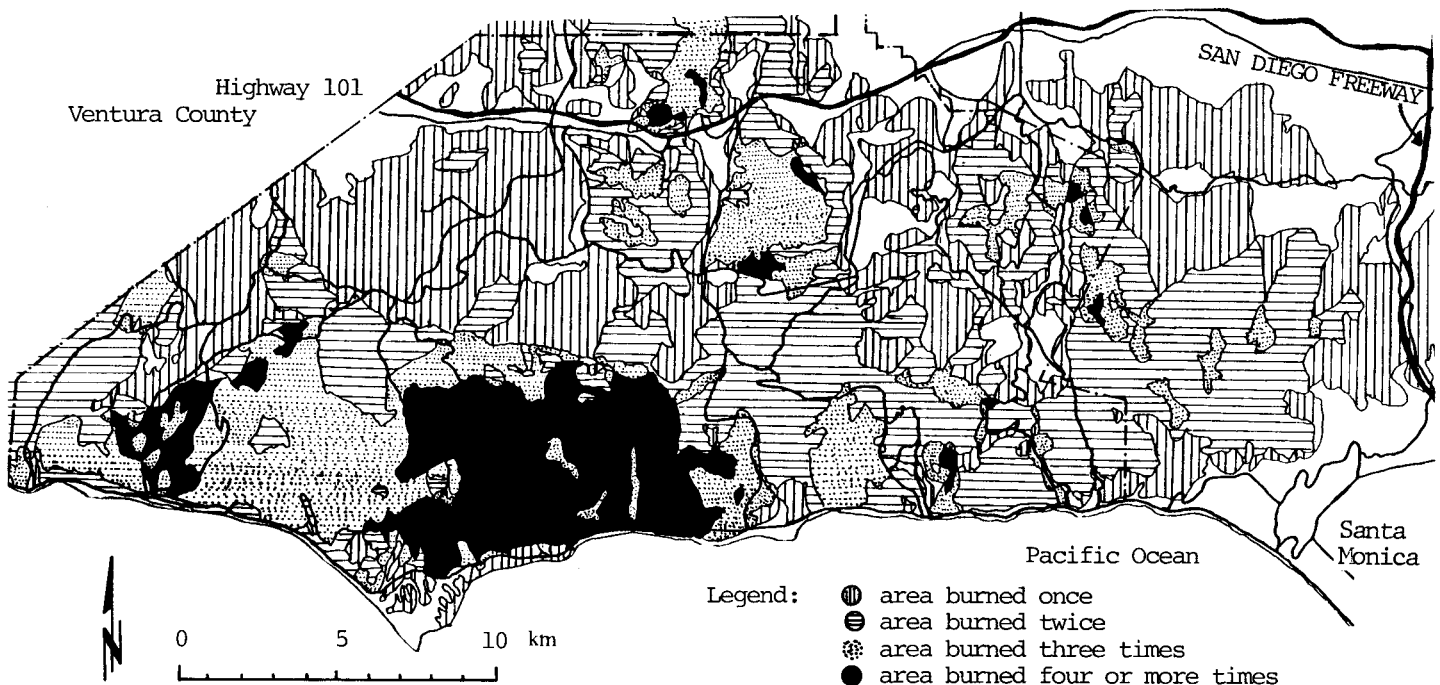


Figure 1--Fire frequency for fires over 40.5 ha for 1919-1980 (Ventura County to San Diego Freeway)

drought deciduous, short-lived shrubs that readily carry a fire within 7-10 years after a previous burn. Chaparral is found in a belt above the coastal sage slopes and becomes highly flammable on south slopes within 15-20 years. This is due to the preponderance of highly flammable chamise (*Adenostoma fasciculatum*), floristic components of coastal sage, and the low fuel moisture of these plants. The flammability of chaparral is high until the third to fifth season after a fire because the short-lived herbaceous postfire flora carries the fire (Rothermel and Philpot, 1973). Chaparral is quite fire-resistant from 5-15 or 20 years or until the dead to live fuel ratio increases such that hot fires can again be supported. North slope chaparral consists of a mixture of more mesic species. Except in periods of extreme drought or dry foehn winds, this community does not become highly flammable unless the shorter-lived perennial species, such as *Ceanothus*, die, increasing the proportion of dead fuel. This generally does not occur for at least 20-25 years. Thus coastal chaparral can be considered relatively fire-resistant for the first 5-15 years or more whereas coastal sage may be highly flammable after 7-10 years.

The flammability of individual sites depends on a variety of site specific factors. However, during intense fire conditions fuel moisture is lowered because of low relative humidity, drying of fuels by the wind and, once a fire has started, the preheating of vegetation ahead of the fire. Thus the more flammable coastal sage can reduce the greater fire resistance of south slope chamise chaparral by carrying flames upslope into the chaparral. Similarly south slope chaparral can reduce the fire resistance of north slope communities.

Fire Topography

The coastal mountains extend east to west with all major canyons running north and south. Weide (1968) stated that in the eastern part of the Santa Monica Mountains, the canyons run south to southwesterly or parallel with the fire winds so that fires will be channeled up the canyon, spread out as they meet the ridges, contract again as they are funneled downhill through the canyons and may fan out in either direction as they reach the beaches. Weide also stated that this close linearity of fire winds and canyons is not present in the western section. Here the fires are more controlled by the direction of the wind and are thus more irregular in shape. However, a closer analysis shows that these generalities need to be further refined. First, the central and western portions of the range have much steeper canyons than the eastern portion so that fires are difficult to control. Canyons all reach from the ocean inland whereas in the eastern portion, from Pacific Palisades and beyond, fire spread is blocked by the city. Furthermore, major canyons in the western section run primarily northeast to southwest and in the central section north to south. These directions parallel the fire winds.

Wind Patterns (Climate)

Wind and fuel moisture are the two most important elements affecting fire behavior. Wind primarily controls the direction and spread of fire. It also affects fire behavior by reducing fuel moisture, increasing the oxygen supply needs for combustion, preheating the fuels, and bending the flames closer to the unburned fuels ahead of the fire. In intense wildland fires, the upper airflow may have a different direction from the surface winds and may influence fire behavior by not only carrying fire brands ahead of the fire but also into new directions (Greenwood, 1962).

In the Santa Monica Mountains large-scale fire patterns may seem erratic but they are predictable. Airflow is guided by topography into the north-south facing canyons so that onshore winds are channeled up canyon as well as upslope and the foehn or Santa Ana winds down canyon. This is especially noticeable during strong northerly Santa Ana winds. The sharp ridge lines produce significant turbulence and wind eddies on the lee side. Eddies that are associated with the rims of steep canyons may rotate and result in moderate to strong upslope winds that are opposite to the direction of the winds blowing over the rim. In general, when strong winds blow through steep canyons, wind eddies can become localized in bends in the canyons or the mouth of tributary canyons. The compressed air in mountain passes also results in horizontal and vertical eddies that fan the fire out as it descends downslope on the leeward side.

During the Santa Ana season the local daytime wind pattern is characterized by moderately strong onshore breezes along the coast and gentle to weak upslope and up canyon winds in the adjacent mountain areas. The nighttime cooling produces downslope and offshore winds that are of lesser magnitude than the daytime winds (Schroeder and Buck, 1970). This air circulation is predominant at the coastal side of the mountains, especially at lower elevations. Strong Santa Ana winds eliminate the local wind patterns so that little difference in day and night patterns exist in the initial stages. As the Santa Ana wind weakens, it shows diurnal patterns. During the daytime a light onshore sea-breeze is often observable along the coast and light upslope winds along the coastal slopes. Such weak Santa Ana winds are held aloft along the coastal slopes so that the turbulence and strong up and down drafts found on the lee side when strong winds blew perpendicular to mountain ranges are not found. Furthermore, the air in the sea-breeze may be returning Santa Ana wind which is not as moist as the marine air. After sunset, surface winds reverse and became offshore downslope winds. Increasing air stability may then allow the weaker lee turbulence aloft to produce the familiar mountain airwaves that hit the surface of leeward slopes and produce strong downslope winds. As the Santa Ana winds weaken further, normal seasonal and diurnal wind patterns return.

Strong Santa Ana surface winds that push the

fire in a southwestern direction up the inland mountain slopes often change their direction to south and east as the winds are funneled into the coastal canyons. Thus the fire is fanned east up the canyon walls at the same time it continues up and down canyon in a southwesterly direction across the canyons. This is especially noticeable in steep terrain and areas of heavy fuel loading.

ANALYSIS OF FIRE PATTERNS

When an organized fire department was established in 1919 for the unincorporated areas of Los Angeles County, fuel loading in the Santa Monica Mountains was at a low level. Large-scale fires had burned the mountain range several times between 1900 and 1919. Principally among the many fires were the 1903 Rindge Fire, the 1909 Malibu Fire, the 1910 Las Flores-Temescal Fires, the 1911 Santa Monica-Ventura Fires, and the 1913 Topanga-Escondido Fires. The 1911 fire was the largest. It burned the mountain range for several weeks and extended from Santa Monica into Ventura County.

The most complete fire records since 1919 are available for an area of 54,000 ha extending from Ventura County to San Diego Freeway to the east. Further discussions will pertain to this area. When fires over 40.5 ha are analyzed for the active fire suppression period 1919-1980 their cyclic periodicity is readily noticed. Figure 2 shows the total area burned per decade as well as the cumulative area burned, and illustrates that the overall burn cycle averages 20 years. As the fuel loading of the inland chaparral increased, more and more of its vegetation was incorporated into the burn cycle. This resulted in the steadily increasing peaks of hectares burned as listed in table 1.

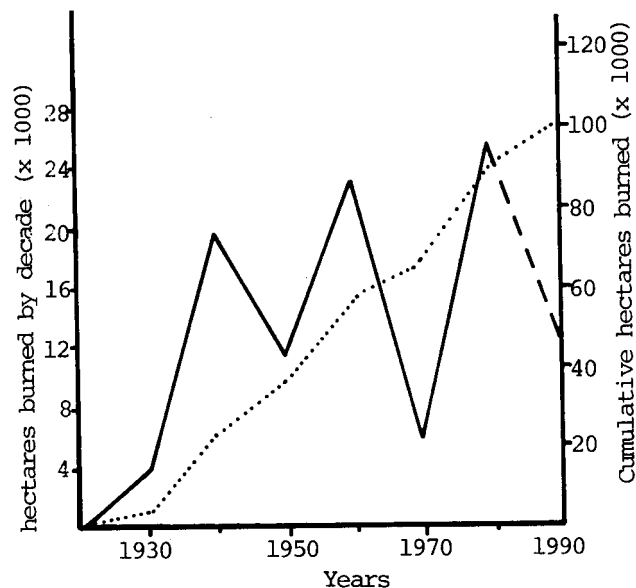


Figure 2--10 year periods and cumulative area burned by fires over 40 ha (1919-1980)

Table 1 - Fire Size By Decade (in ha)

Time Period	Size of Fire			Area Burned (in ha)
	40-200	200-400	400+	
1920-29	8	1	2	4,000
1930-39	3	0	5	20,000
1940-49	6	0	4	12,000
1950-59	8	2	6	23,500
1960-69	1	1	3	5,800
1970-79	4	0	6	26,500
1980	<u>1</u>	<u>0</u>	<u>1</u>	<u>1,122</u>
	31	4	27	92,922

Table 1 shows that 8 of the 11 fires (73 percent) for the decade 1920-29 ranged in size from 40 to less than 200 ha. Figures for 1930-39, 1950-59 and 1970-79 are 60, 50 and 40 percent respectively. Thus, as fuel loading increased, the number of small fires decreased and large fires increased. With the present land use pattern and level of fire protection, it is predicted that the area burned per year for the period 1980-89 will average 800 to 1,200 ha; a yearly reduction of at least 1,400 ha burned per year over the previous decade.

Next, the fires were analyzed for the time of year of burning. Figure 3 shows that the total area burned prior to August was insignificant, that it was relatively low in August (2,500 ha), but that it increased sharply thereafter. It tripled in September and again more than doubled in October (29,000 ha) before finally declining for the rest of the year. Table 2 shows that of the 25 fires under 200 ha, 20 or 80 percent were encountered prior to October. Twenty-three fires or 88 percent of all fires over 400 ha were encountered after September. Fires prior to August started almost exclusively in annual grassland or degraded sage.

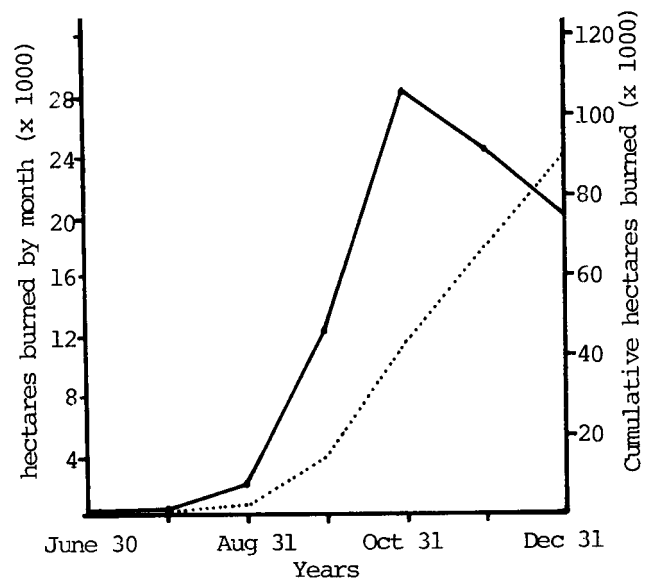


Figure 3--Monthly and cumulative area burned by fires over 40 ha (1919-1980)

Table 2 - Fire Size By Time of Year (in ha)¹

Time Period	Size of Fire			Area Burned (in ha)
	40-200	200-400	400+	
Feb-June	2	0	0	10
July	8	0	0	66
August	4	1	1	2,41
September	6	0	2	12,78
October	0	2	7	29,06
November	4	0	11	24,84
December	<u>1</u>	<u>0</u>	<u>5</u>	<u>20,68</u>
	25	3	26	90,55

¹The month of year of some of the earlier fires is not known. These have been omitted.

Individual fires seemingly show great differences in burning pattern. Some are confined to the inland regions and never reach the coast. Others are confined to the central region and never reach the coast, sate burn along the coast, others burn across the whole mountain range. A history of fire behavior of selected fires follows in an effort to support the picture of the composite fire history discussed so far. The fires discussed are shown in figure 4.

Fires in Initially Strong Northwest Wind Conditions

The 1944 Woodland Hills Fire started near the Ventura Freeway and, fanned by northwest winds, spread in a southeastern direction for about 9 km. Mulholland Highway was an effective fire barrier on its southern flank and limited the size of the fire. Large-scale fires during northwestern wind conditions have historically been effectively controlled with aggressive backfiring, hose lines and tractor work. The present use of helicopters, though not as effective as aggressive backfiring against a frontal fire, nevertheless limits these fires in size with the slightest break in fire weather.

Fires in Santa Ana and Onshore Wind Patterns

During the 1935 Latigo (Malibu) Fire light northeasterly winds allowed the local updraft mountain winds to spread the flames upslope and toward the ridge line where they were picked up by the light Santa Ana breeze and pushed toward the west. Hot spots still burning in the canyons

would lay down at night but would be whipped into flames early in the morning, making another run for the ocean. Onshore winds and local surface winds would push the fire again uphill and easterly upslope. Aggressive backfiring on a 27 km wide front finally contained the north and eastward spread of the fire. Thus Santa Ana winds coupled with local winds are responsible for spreading flames in both directions.

Santa Ana Fires from Coastal Ridges to the Coast

The 1956 Newton Fire started in the upper Newton Canyon watershed at the coastal ridge and raced to the beach while fanning out east and west. Changing wind patterns make the coastal mountain slopes vulnerable to east as well as westward fire spread, but quick aerial response and ground access make it now possible to limit the eastward spread of a coastal ridge fire.

Santa Ana Winds Fires Spreading from Highway 101 or Mulholland Highway to the Coast

Fires starting along the inland boundaries of the mountain range will normally became large if they are pushed by strong Santa Ana winds. Such fires were unknown from 1919-1935, were uncommon until 1957, but have since then occurred at least once every decade. Examples of such fires are the 1943 Woodland Hills Fire, the 1956 Sherwood Fire, the 1958 Liberty Fire, 1961 Topanga and Bel Air Fires, the 1970 Wright Fire, and finally the 1978 Kanan-Dune and Mandeville Fires. The 1978 twin fires burning through stands of chaparral in excess of 50 years old show the reliance on the north to northeasterly winds to set fire boundaries despite an army of men and a fleet of modern fire fighting equipment. Today, fire fighting personnel is geared to saving life and property during catastrophic fires. There is really no means of controlling such fires until the wind dies down or the fire runs out of fuel.

FIRE BOUNDARIES, FIRE FIGHTING TECHNIQUES

As the wind dies dawn, fire barriers such as firebreaks, roads and even previous burns as old as 20-30 years can become important fire boundaries. For example, the southwestern extent of the 1978 Kanan-Dume Fire was checked and prevented from crossing into Ventura County by the 1-year old Carlisle burn. Flames in the 1-year burn were supported by dead stands of aerially seeded annual ryegrass (*Lolium multiflorum*) and dead herbaceous annuals, but the low intensity flames were stopped on Decker Road despite winds gusting in excess of 60 km/hour. The westerly flank of the 1958 Liberty Fire was prevented from reaching the beach but not before it had crossed Latigo Canyon Road and burned several km into a 2-year burn. The southwestern extension of the 1970 Wright burn was also checked by a 3-year old burn. The 1978 Mandeville burn wedged between the 1961 Topanga and Bel Air Fires and made a run in chaparral stands in excess of 40 and 63 years. It was

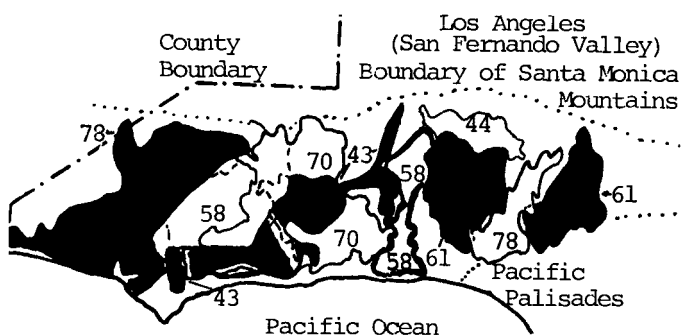


Figure 4--Fires that swept the mountain range from north to south

prevented from reaching the beach when it ran out of fuel in urban developments and the strongly gusting Santa Ana wind subsided.

The 1935 Latigo Fire is of interest in that the northern extent of the fire was slowed down when burning through a 10-year old burn. An indication that the chaparral was not highly flammable is shown by the large unburned stands along the northern boundaries of both the 1925 and 1935 burns.

The shapes of both the 1958 Warner Fire (Hourglass) and the 1943 Woodland Hills Fire indicate the successful use of aggressive backfiring and/or pinching off the flanks of fires by taking advantage of strategic fire barriers, such as firebreaks, roads and previous burns. The 1943 fire stretched like a worm from Woodland Hills to Point Dume, an aerial distance of approximately 23 km. It showed that southwesterly spreading fires, even when pushed only occasionally by Santa Ana winds, are hard to control. Prior to the use of helicopters, constant flareups when the winds picked up converted many seemingly controlled fires into uncontrolled fire disasters. The value of a helicopter thus lies in extinguishing fires through aerial water drops as soon as the wind dies down and extinguishing many spot fires before they can become major new fires.

CONCLUSION

This study showed that the coastal slopes of the Santa Monica Mountains had a higher fire frequency both in the prefire suppression period 1900-1918 as well as in the fire suppression period 1919-1980. During this latter period, the higher fire frequency was found predominantly in the coastal sage vegetation. Fire suppression was more successful in the inland chaparral regions. This resulted in a steady fuel buildup and a shift from small to large disastrous fires. The area investigated showed a cyclic periodicity in area burned of about 20 years. Coastal sage vegetation is able to carry large-scale fires within 10 years after a burn, south slope chaparral within 15 years, and north slope chaparral within 20 years.

Most large-scale fires occur during the Santa Ana fire wind conditions from mid-September through December. The probability of large-scale fires is also enhanced by the linearity of the fire winds and the canyons. When taking into account fuel type, topography and other site specific factors, it is therefore possible to predict the occurrence of large-scale fires and use fire management techniques inclusive of fire exclusion and prescribed burning more effectively to reduce high fire risks.

ACKNOWLEDGMENTS

We thank the Los Angeles County Forester and Fire Warden (Fire Department) for contributing data. This study was supported under the cooperative agreement on Chaparral Ecology and Related Ecosystems Studies between the County of Los Angeles and the U.S. Forest Service, PSW Forest and Range Exp. Stn., Berkeley.

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July 4, 2018

California Coastal Commission,
South Coast Area Office,
200 Oceangate, Suite 1000,
Long Beach, California 90802-4302

WEDS15c

Appeal No.: A-5-PPL-18-0035
Applicant: Palisades Drive, LP

Honorable Commissioners,

I OPPOSE the staff recommendation that there is No Substantial Issue and support the Appellants on one issue. In my opinion, based on long experience with this area and with the hazards of fire, that his development violates Section 30253 of the Coastal Act which in parts states that New Development shall...(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard . Based on all my knowledge and the fact that I am quite elderly and will soon need to reside in a eldercare facility, there is no way in hell would I allow myself to be placed in the proposed facility.

That is because if a fire breaks out in the surrounding brushland, it would be very difficult, if not impossible to evacuate this facility. It would be difficult enough just to evacuate the surrounding residential area. At least the other residents in the area have their own transportation available and can leave on a moments notice. But the residents of the eldercare facility do not have this option. They must wait for the operators of the eldercare facility to have transportation brought in to evacuate the residents of the facility and that will take time and that time may not be available in the event of a fast moving brushfire during high wind Santa Anas.

Making the situation worse is that the primary exit from the Highlands where the eldercare facility is located is Palisades Drive which connects to Sunset Blvd. approximately two miles to the south. Most of Palisades Drive between the eldercare facility and Sunset Blvd. is lined with heavy brush so that if a fire sweeps into the area between the facility and Sunset, the evacuation route will be blocked. The only alternative is a one lane dirt County fire road which leads from the top of the Highlands to Lachman Lane to the south. Lachman Lane is a narrow winding two lane hillside street lined with residences and which will also be clogged by residents evacuating their homes.

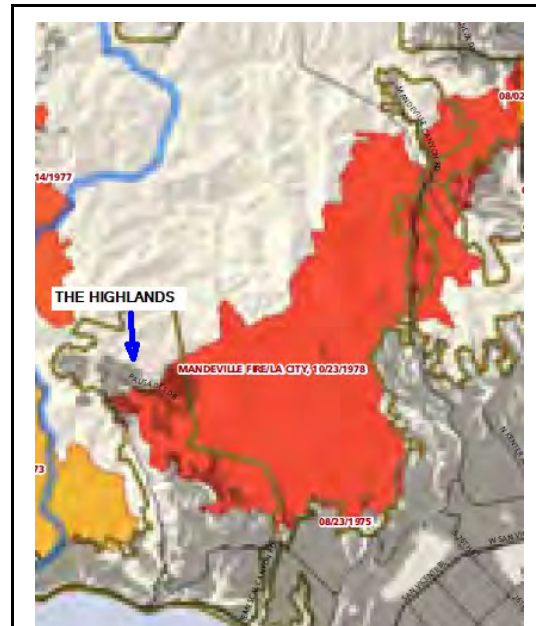
A brief history of brush fires in the Palisades demonstrates the rapidity that a fire can spread. The Palsisades has had two major brush fires since 1938. The 1938 fire started at the Trippett Ranch near Mulholland Drive. Driven by 40 mile winds, it quickly reached and burned all of Santa Ynez Canyon where the proposed eldercare facility is to be located. It also burned the upper parts of Temescal Canyon, Peace Hill which is located north of Bestor Blvd. and in Rivas Canyon. (See map on next page of the burn area



1938 Burn Area

At that time I was eating dinner with the Beverly Hills Planning Commission when a police officer came and told me I should go home immediately. When I arrived I saw flames towering in Temescal Canyon and that the fire was coming over the ridge four blocks above my home and burning the homes as it moved south. The wind was blowing hard toward the ocean and cinders were flying every

The Mandeville Canyon Fire in 1973 a fire broke out at 9:41am near Mulholland Drive and the 405 Frwy in the Santa Monica Mountains. Stoked by Santa Ana winds and very hot, dry conditions within a few minutes a large brush fire started moving westward. By 5:30PM the fire was burning in Temescal Canyon.



1973 Burn Area

where. We quickly prepared to evacuate. The fire had already burned down the hill to within two blocks of our home and it appeared that it would burn everything between it and the ocean. Then miraculously, the wind shifted from the north to blowing from the south and the fire stopped spreading.



The View as I saw it when I arrived in the Palisades

In 1993, the Palisades and in particular the Highlands was threatened by the huge Central Malibu/Old Topanga Fires came within less than two miles of the Highlands after jumping to the east side of Topanga Canyon. That fire

was a wind driven fire, the winds being so gusty that helicopters and aircraft were ineffective in fighting the fire because the high winds caused their water drops to disperse into long and wide spreads and this is common with fires driven by fierce Santa Ana winds. However, when the fire skipped across Topanga Canyon, the winds had dissipated by that time.

In 2017, the Topanga Fire was burning directly eastward toward Palisades Drive. It was not wind driven and firefighters were able to stop it before it reached Palisades Drive.



A major reason that any wild fire in the areas surrounding the Highlands is such a threat is that there have been no fires since 1938 and the fuel load is enormous. Added to that is the drought conditions that exist so that fire season is year around. The hillsides surrounding the Highlands is a disaster waiting to happen. Given the fact that too many people in California have died in the past three years because they were unable to evacuate in time is all the more reason not to place residents of an eldercare home at risk by allowing such a facility to be built in an area of such a high risk of fire.

I speak from experience in fighting wildfire. In my late teens I worked on fire crews fighting wildfires. In the Big Tujunga Fire, two members of my crew died when they were unable to get out of a ravine. In 1955, I was in charge of force of 600 firefighters on loan to the Forest Service that fought the San Marcos fire for eight days. On the last day, when we thought that the fire was fully contained, sudden wind gusts came up and it exploded on us. There was a fire crew working to clear a fire break on a ridge on the eastern flank of the fire when the winds came up trapping the crew. Fortunately, the crew chief ordered a bulldozer that was working with them to clear the top of a ridge and the men huddled in the small clearing were able to survive. But it was a close call and shows how unpredictable wildfires can be.

The City of Los Angeles should never have approved construction of housing in the

Highlands given the high risk of fire. But the approval was a major factor in energizing the movement that eventually resulted in the creation of the Topanga State Park to prevent further high risk development in the fire prone hillsides.

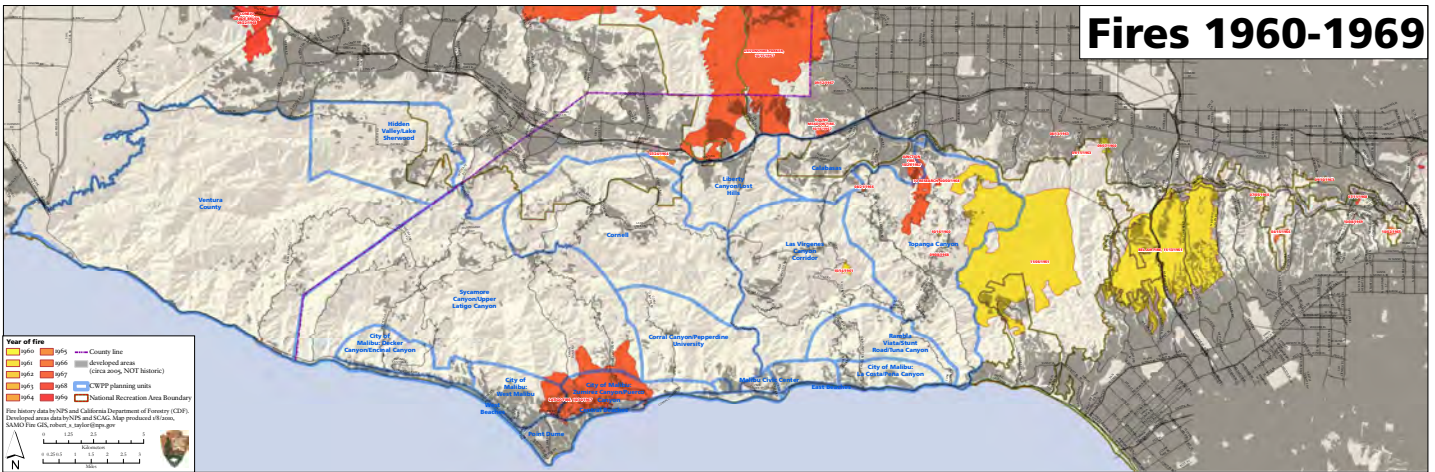
Attached hereto are maps of all the fires that have occurred in the Santa Monica Mountains and a history of the fires in these mountains Suffice it to say, the Commission has ample evidence to find that the proposed eldercare facility poses a fire hazard in that there is substantial evidence that there is a high risk of a wildfire occurring and that if a wildfire occurs, there is a substantial risk that the eldercare facility may not be able to evacuate its patients.

Respectfully submitted,

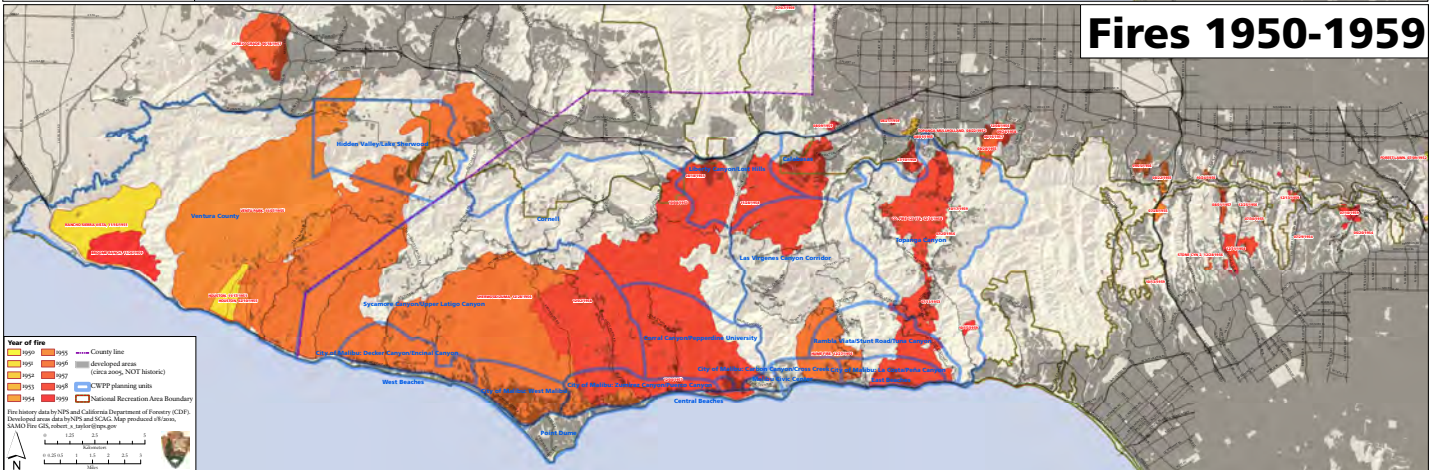
A handwritten signature in black ink, appearing to read "Jack Allen", with a long, sweeping horizontal line extending to the right.

JACK ALLEN

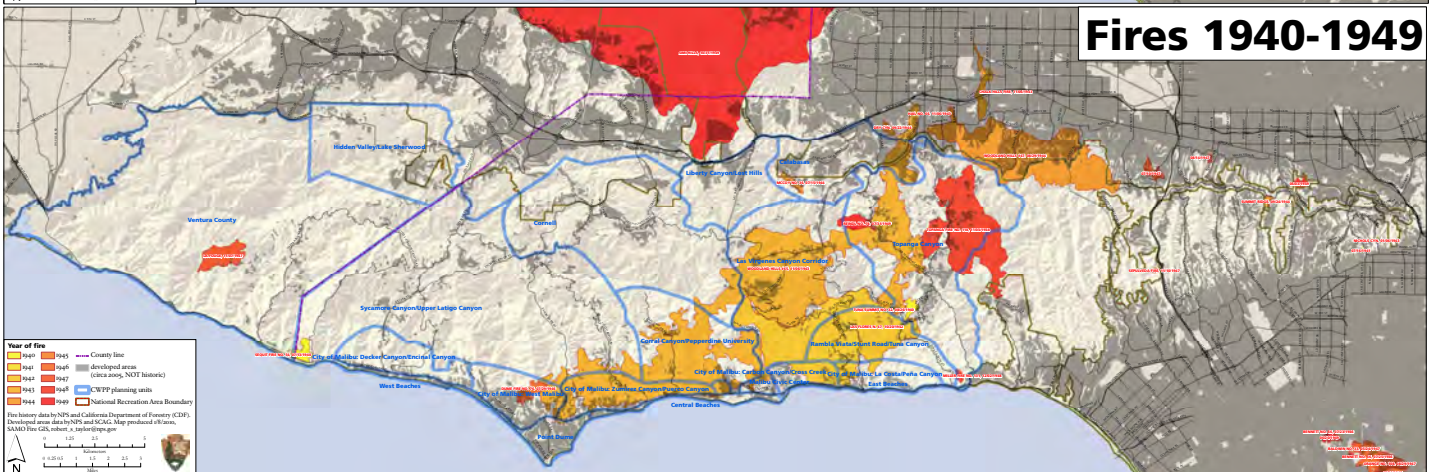
Fires 1960-1969



Fires 1950-1959

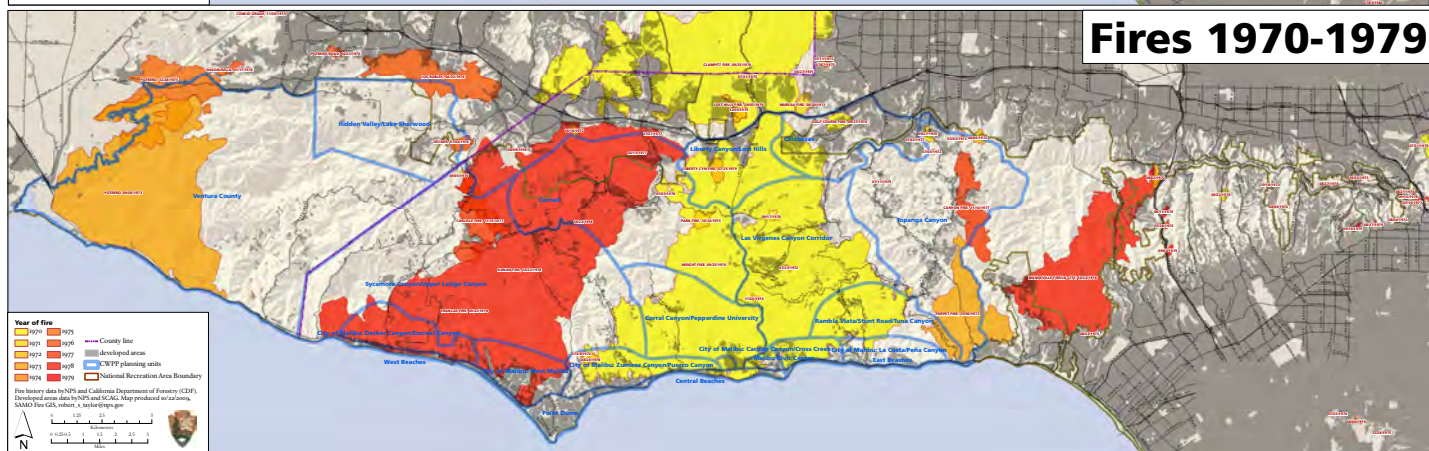
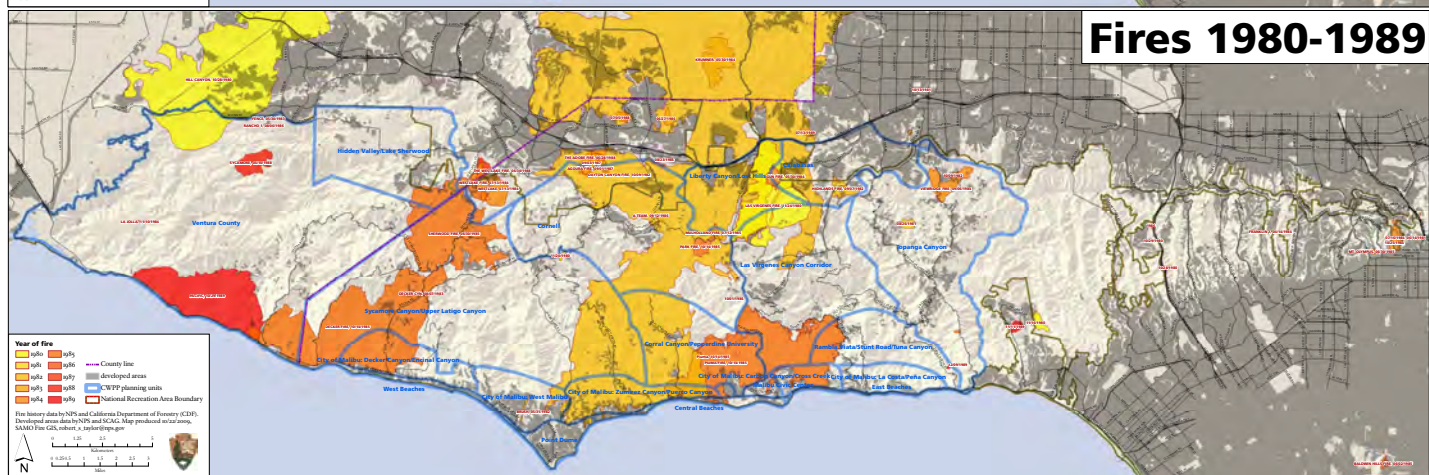
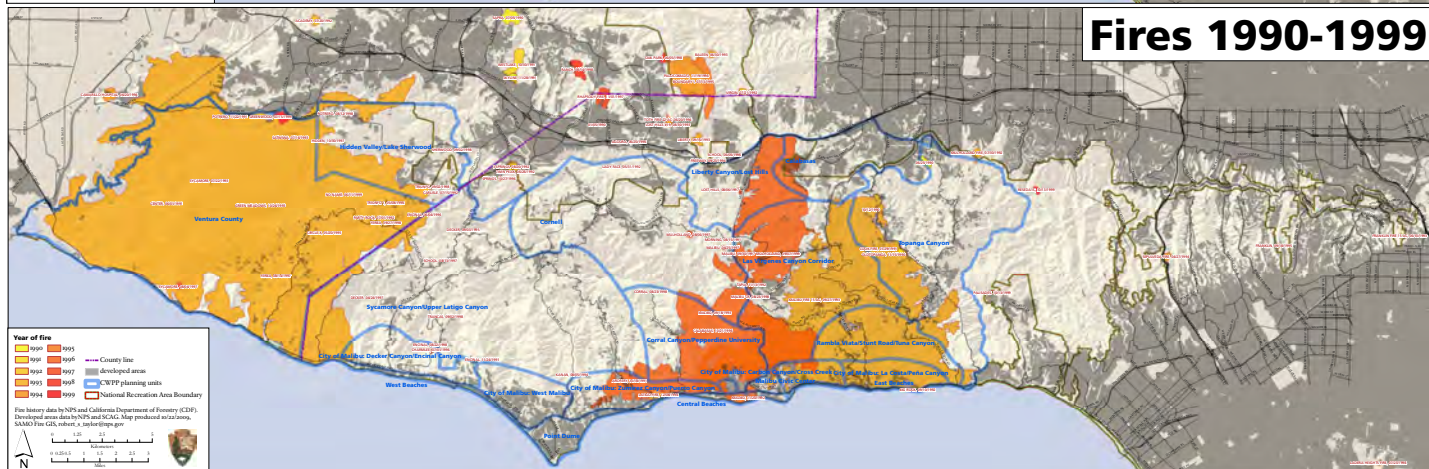
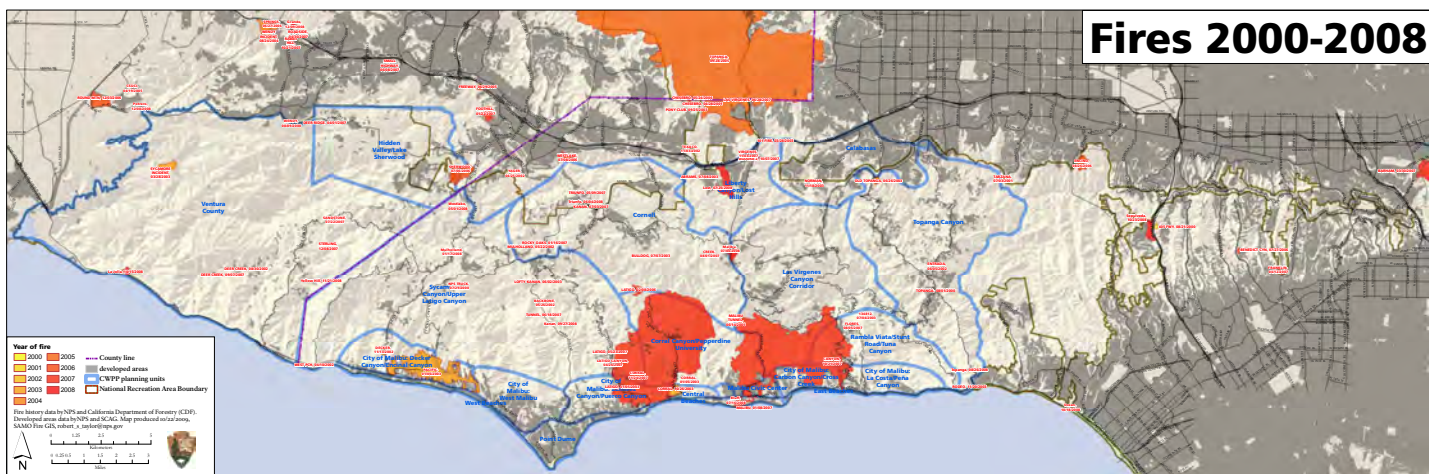


Fires 1940-1949



Fires 1925-1939





DON OAKS
2650 Latigo Dr
Solvang CA 93463
(805)680-1818
donoaks@verizon.net

July 6, 2018

Palisades Drive, LP
Rony Shram
12166 West Sunset Blvd
Los Angeles CA 90049

Re: Pacific Palisades Eldercare Facility

Mr. Shram,

You asked me to provide an opinion with respect to the fire safety and survivability of your proposed building in Pacific Palisades. I am happy to do so. I have spent five decades in the fire service and fires in the wildland-urban interface are my passion. Based on my experience and training, I can confidently state that an encroaching fire is little or no threat to your building nor to future residents. I base my opinion on a number of facts:

The site is technically in a Very High Fire Hazard Severity Zone. However, these zones were created by a "broad brush" approach that attempted to produce the intended result without the time consuming, labor intensive and expensive effort necessary to identify the risk on a parcel-by-parcel basis. Highways, municipal boundary lines and existing manmade and natural topographic features constitute the majority of zone boundary landmarks. It was a reasonable and practical approach, particularly because of the variation in the factors used to determine what constitutes such hazard. The decision to apply any or all of those mitigations, necessary to overcome the risk to the particular site, was left to the local fire authority. On this site the fire risk factors are few and the ones that remain are easily mitigated.

Buildings ignite from direct flame impingement, radiation or flying embers. Mitigations are combinations of time, distance and shielding. This site will not be subject to direct flames. In part due to the distance from combustible vegetation and placement on the site relative to the shoulder of the drop-off into the drainage to the southwest. The only arguable threat would come from this drainage. Ordinarily steep slopes are a problem as they create longer flame lengths and fast moving fires. Here, with the provided setback from the shoulder, the extraordinarily steep slope will direct the flame vertically and away from the proposed building.

Radiated heat is also not a concern. We, the fire service, understood anecdotally that radiant heat would not ignite even the most vulnerable of buildings at 100 feet or more. Over the last four to five decades we have been able to confirm that fact with computer predictions correlated to actual fire experience. Further, this building is significantly superior in its ignition resistance than the typical residence. I am proud to point out that I was a member of the California State Fire Marshal's Task Force that created Chapter 7A in the California Building Code (CBC) that further improved the ignition resistance of buildings constructed in higher fire severity zones that this building is required to meet. The current 100' requirement for vegetative fuel management is significantly more than is necessary for protection here. Further, these vegetation zones begin with little or no vegetation close to the building and graduates progressively to blend with the native vegetation at the farthest point from the building. Here the existing vegetation will require a minimum of disturbance. We should be able to simply eliminate the vertical and horizontal ladder fuels and leave the trees.

Wind-driven flaming embers entering vents or attacking untreated wood decks or other untreated wood on the external envelope of the building were a large problem in past years. However, significant improvement in vent design, that is now mandated by CBC Chapter 7A, effectively resists ember entry.

Notwithstanding the safety provided by the design, construction and placement on the site of the building, the best location for the residents during a fire is somewhere else. To that end the State of California requires an emergency plan for this type of occupancy which includes an evacuation plan. The evacuation planned here is facilitated by trained staff utilizing vehicles maintained in readiness on site in order to transport residents to offsite refuge.

I prefer to view "evacuation" as something that occurs in an exigent circumstance. That is, where it is performed at the last minute under stress. To move people to safety in a non-stressful environment should be labeled "relocation". It is probably appropriate, here, to compare the individual single-family residence such as the circumstance in last year's northern California wine country fires to the building for the elderly under discussion. In the wine country fires some of the population left early, some left late and some didn't leave at all. Most left under stress. In the proposal before you, the trained staff will make the decisions in communications with the public fire authority. There will be annual drills, much like the, "life-vest-on-and-assemble-at-your-assigned-stations" that you experience on a cruise at sea. The population with special needs will have staff assigned to that effort. All staff will be coordinated and in communication with law enforcement and fire.

A fire that starts a few minutes ago, close to the building will have insufficient heat and ember production to present a problem. Not only will the building

effectively resist ignition from such a fire, but a heavy response by fire emergency personnel will be onsite in minutes. A fire that starts yesterday will provide ample opportunity to "relocate" to locations that have been predetermined and contractually established. Fires that start along a timeline between those two examples will be acted upon according to recommendations from responding emergency resources.

I would be happy to discuss the fire protection of this proposal at your convenience. Contact information and a bio are attached.

Yours in the interest of life and fire safety,

A handwritten signature in dark ink, appearing to read "Don Oaks", with a stylized, cursive script.

Don Oaks
Bio attached

Don Oaks joined the El Segundo Fire Department in 1962. During his 13 years with that organization he spent time on engines, truck and transport rescue. He was the primary arson investigator for 11 years. He worked fire prevention as an inspector and a Captain until taking a Division Chief/Fire Marshal position with the County of Santa Barbara in 1975. He was promoted to Assistant Chief, retaining the Fire Marshal responsibility in 1978. He served as the Fire Chief for the City of Buellton from its incorporation in 1992 until his retirement in 2001. He was President of the California Fire Chief's, Southern Section, Fire Prevention Officers Association in the early 1980's. He holds a bachelor's degree in public administration from California State University at Long Beach (1973), with post-graduate work in political science/public policy at UCLA and USC, and a doctorate in law from the California Law Institute at Santa Barbara (1978). Don is a member of the California Bar.



Don is a past chair of the FIREScope Hazardous Materials Committee. He is a past member of the Flammable Liquids Committee, Explosives Committee, Building Committee, and Fire Code Committee for the California Fire Chief's Association. He is a past member of the Wildland-Urban Interface committee of the Western Fire Chief's Association. He is a past member of the International Code Council (ICC) Fire Code development committee. He has qualified and testified in municipal and superior courts as an expert witness. He has authored ordinances for various communities including those relating to special protection, high rise building systems, toxic and hazardous materials, automatic fire sprinklers, wildland-urban interface, and land use controls. In the mid-1970's he originated the WUI Fire Protection Plan (FPP) and introduced it to other jurisdictions through California State Fire Training at Asilomar and the National Fire Academy. In later years he was successful in getting the concept adopted into the Uniform Fire Code (Article 86), the ICC (IWUIC), and California Fire (Chapter 49) and Building Codes (Chapter 7a). In 2014 he was presented the William R. Goss, Fire and Life Safety Award by the California State Firefighters Association (CSFA). In 2015 he was presented with the Mary Eriksen-Rattan Award by the Fire Prevention Officers of the California Fire Chief's Association (CFCA).

Don holds a California teaching credential and various professional certifications and designations including Hazardous Materials Management; NBC Weapons of Mass Destruction; and Incident Command System (Red Card Incident Commander, Plans Section Chief, and Command Staff). He has lectured in several California colleges and universities. He is a member of the adjunct faculty of the National Fire Academy and has lectured for state academies of California, Arizona, Washington, Nevada, Wyoming, Hawaii, and Alaska.

Don has authored a variety of fire protection, emergency procedure, and organizational management books and professional journal articles, including the "Project Management" section of Managing Fire Services ICMA, (1988), and contributed to, Development

Strategies in the Wildland/Urban Interface, Western Fire Chief's Association (1991, 1997). He authored the chapter, "Mitigation or Litigation", for a book edited by Rodney Slaughter titled, The I-Zone: California's Mitigation Strategies, (1995). He authored a section in the 2000 edition of the Uniform Fire Code, "Article 86, Development in Wildland-Urban Interface Areas". He authored an article in Fire Chief Magazine titled "Fight or Flight", an argument for more creative regulation of active and passive fire protection systems in wildland-urban interface development. He continues the argument for building standards consistent with "Sheltering in Place", in a subsequent issue of Building Standards, published by the International Conference of Building Officials (ICBO). He was active in the 2005 creation of a new chapter (Chapter 7a) in the California Building Code focused on development in the wildland-urban interface, and the subsequent rewrite and update in 2009. He was a member of the fire technical committee that produced the original Guidelines for Determining Significance (Wildland Fire and Fire Protection), for San Diego County in 2006, and the subsequent revision in 2010. He is a past member of the International Association of Wildland Fire, Wildfire Magazine Editorial Advisory Board.

Don currently is a member of the International Code Council (ICC), the Society of Fire Protection Engineers, and the National Fire Protection Association (NFPA), serving on their Wildland and Rural Fire Protection Technical Committee and the Project Technical Panel for the Fire Protection Research Foundation. He is an Advisory Board member for the WUI Module of the California Fire Science Consortium. He is a member of ASTM, serving on the External Exposures (EO5.14) committee, Vice Chair of the Fire Appeals Board for the County of Santa Barbara, co-chairs the Wildland-Urban Interface Committee for the Fire Prevention Officers Section of the California Fire Chief's Association, and provides Fire Protection Plan peer review services for California cities, counties and special districts.

donoaks@verizon.net phone: 805.680.1818



MIKE BONIN

City of Los Angeles
Councilmember, Eleventh District

July 6, 2018

Jack Ainsworth
Executive Director
California Coastal Commission
% South Coast Area Commission Staff
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

Dear Commissioners:

I write today in support of the proposed eldercare project at 1525 & 1533 N. Palisades Drive located in Pacific Palisades and respectfully request denial of appeal A-5-PPL-18-0035 of City of Los Angeles local decision ZA-2017-2710-ELD-CDP-SPR-1A before you.

The proposed project will provide a much-needed community benefit with convenient, local residential care for seniors, allowing them to stay in the neighborhood and close to family. The project has been thoughtfully designed in conformance with the California Coastal Act. Its density and scale is comparable with the existing development in the surrounding neighborhood and the Commission has consistently determined that senior care facilities are an approved use on commercially zoned land in the Coastal Zone. Additionally, the project conforms with the Brentwood-Pacific Palisades Community Plan by providing a transition between commercial and adjacent residential uses that surround the property on three of four sides. I concur with Coastal Commission staff's recommendation that "no substantial issue" exists regarding the proposed eldercare project.

Please contact my Planning Deputy Len Nguyen at (213) 473-7011 or len.nguyen@lacity.org if you have any questions regarding this request. Thank you for your consideration.

Regards,

MIKE BONIN
Councilmember, 11th District

MB: ln

Exhibit 8

Page 1 of 1



California Coastal
Commission

Westchester Office

7166 W. Manchester Boulevard
Los Angeles, CA 90045
(310) 568-8772
(310) 410-3946 Fax

City Hall

200 N. Spring Street, Room 475
Los Angeles, CA 90012
(213) 473-7011
(213) 473-6926 Fax

West Los Angeles Office

1645 Corinth Avenue, Room 201
Los Angeles, CA 90025
(310) 575-8461
(310) 575-8305 Fax

Truong, Denise@Coastal

From: Marc Jackson <marc@seahorn.net>
Sent: Sunday, July 08, 2018 3:31 PM
To: Truong, Denise@Coastal
Cc: SouthCoast@Coastal; Ainsworth, John@Coastal
Subject: Re: REQUEST FOR IMMEDIATE POSTPONEMENT DUE TO DEFECTIVE NOTICES

Ref: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms Truong,

Thank you for your call on Friday. This confirms that I stated to you on that the fact that I only received an envelope from the CCC (empty and unsealed), and that I did not receive any notice documentation from the CCC. Therefore, adequate notice of an upcoming appeals hearing for which I am an appellant has not been made to me by the CCC.

I understood from you on our call (as well as from several other appellants who have contacted me) that this is not an isolated incident, and that several appellants were not adequately given notice by the CCC.

I hereby reiterate my request that any pending hearing be postponed until such time as proper notice is provided to me.

With kind regards,

John Marcus Jackson
1520 Michael Lane, Pacific Palisades, CA

On Fri, Jul 6, 2018 at 7:17 AM Marc Jackson <marc@seahorn.net> wrote:

Ref: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms Truong and staff leadership at the Coastal Commission,

I am an appellant in the above-referenced issue before the Commission.

Myself, my family and several other co-appellants received defective (empty) notice envelopes or no notices at all, in relation to the above-referenced issue before the Commission. Now many co-appellants are confused or unaware of the pending July appeal date, because they did not receive timely or accurate notice.

I hereby formally request that the Commission delay the hearing date to the next August session, and that the Commission provide timely, accurate and adequate notice to all appellants for that future session.

Please treat this request for relief with urgency.

With kind regards,

John Marcus Jackson
1520 Michael Lane, Pacific Palisades, CA

Exhibit 9

Page 1 of 20



California Coastal
Commission

--

Marc Jackson
Seahorn Capital Group
Los Angeles | San Francisco
+1 (310) 980-2600
marc@seahorn.net

This message and any files transmitted with it are confidential and for the sole use of the intended recipients. Any unauthorized use, disclosure, distribution or copying of this message is strictly prohibited.

--

Marc Jackson
Seahorn Capital Group
Los Angeles | San Francisco
+1 (310) 980-2600
marc@seahorn.net

This message and any files transmitted with it are confidential and for the sole use of the intended recipients. Any unauthorized use, disclosure, distribution or copying of this message is strictly prohibited.

Truong, Denise@Coastal

From: Barry DuRon <b.duron@verizon.net>
Sent: Friday, July 06, 2018 2:49 PM
To: Truong, Denise@Coastal
Subject: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Re: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong

I am a confirmed signed appellant on the above reference case.

I DID NOT receive a 'pink notice slip' notifying the hearing on the above case.

Please confirm receipt of this email.

Thank you

Barry DuRon
b.duron@verizon.net
1455 Palisades drive
Pacific Palisades, CA 90272
(310) 459-3441

Truong, Denise@Coastal

From: D GASKIN <sellrt@hotmail.com>
Sent: Friday, July 06, 2018 3:12 PM
To: Truong, Denise@Coastal
Subject: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Subject : Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong

I am a confirmed signed appellant on the above reference case.

I DID NOT receive a ‘pink notice slip’ noticing the hearing on the above case.

Please confirm receipt of this email.

Dennis Gaskin
1437 Calle del Jonella
Pacific Palisades, Ca. 90272

*Regards,
Dennis C. Gaskin*

NOTE:

This email correspondence is confidential, is intended only for the named recipient(s), and may contain information that is privileged, attorney work-product, or otherwise exempt from disclosure under applicable law. If you have received this correspondence in error, or are not the named recipient, you are hereby notified that any dissemination, distribution or copying of this email or its content is strictly prohibited. If you have received this email in error, please immediately notify the sender by reply email and delete this email correspondence from your computer. Thank you.

Truong, Denise@Coastal

From: Gordon Gerson <gordgerson@aol.com>
Sent: Friday, July 06, 2018 5:55 PM
To: Truong, Denise@Coastal
Subject: Ref: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong

Ref: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

We are confirmed signed appellants on the above reference case.

We DID NOT receive a 'pink notice slip' or any other communication from the California Coastal Commission announcing the hearing on the above case.

Please confirm receipt of this email.

Thank you.

Gordon Gerson
Shannon Colmenares
1567 Palisades Dr.
Pacific Palisades, CA 90272

Truong, Denise@Coastal

From: Jeff Grossman <jeffrygr@icloud.com>
Sent: Saturday, July 07, 2018 8:38 AM
To: Truong, Denise@Coastal
Subject: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong

I am a confirmed signed appellant on the above reference case.

I DID NOT receive a 'pink notice slip' noticing the hearing on the above case.

Please confirm receipt of this email.

Thank you

Jeff Grossman
jeffrygr@icloud.com
424-237-4130
www.workoutgarage.com

Truong, Denise@Coastal

From: Karen Gidwitz <karengidwitz@gmail.com>
Sent: Friday, July 06, 2018 5:18 PM
To: Truong, Denise@Coastal
Subject: Re: Ref: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades) - Did you receive your Pink Notice Slip?

Sent from my

Subject : Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong

I am a confirmed signed appellant on the above reference case.

I DID NOT receive a 'pink notice slip" noticing the hearing on the above case.

Please confirm receipt of this email.

Thank you
Karen Gidwitz

1626 Michael lane
Pacific palisades ca 90272

Truong, Denise@Coastal

From: Michelle Harwin <michelleharwin@hotmail.com>
Sent: Friday, July 06, 2018 3:32 PM
To: Truong, Denise@Coastal
Subject: Fw: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades) - Did you receive your Pink Notice Slip?

Hi Ms. Truong,

Both my husband, Brett Harwin and I are confirmed signed appellants on the above reference case. We did not receive our "Pink Notice Slip" regarding the hearing on the above case. My husband's email address is: brett@frame2finish.biz.

Please confirm receipt of this email.

Thank you,

Michelle Harwin

From: Veronique Jackson <veronique@seahorn.net>
Sent: Friday, July 6, 2018 2:39 PM
Subject: Ref: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades) - Did you receive your Pink Notice Slip?

Dear Appellants,

Have you received your Appeal notification for next week CA Coastal Commission Hearing?

If not, please take a minute to send an email to Ms Truong : denise.truong@coastal.ca.gov

Subject : Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)
Simple email as follow :

[Dear Ms. Truong](#)

[I am a confirmed signed appellant on the above reference case.](#)

[I DID NOT receive a 'pink notice slip' noticing the hearing on the above case.](#)

[Please confirm receipt of this email.](#)

[Thank you](#)
["your name"](#)
["your address"](#)

We are trying to push the hearing to end of August as many appellants have not received their notice in the mail.

Thanks a lot,

Best,

The PPRA and HUG Team

Truong, Denise@Coastal

From: Roberta Hollander <robertahollander@gmail.com>
Sent: Friday, July 06, 2018 9:28 PM
To: Truong, Denise@Coastal
Subject: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Ms. Truong,

I'm a confirmed signed appellant in the above-referenced case.

I haven't received the pink notice slip regarding the hearing on this case.

Please send me one.

And please acknowledge you received this email.

Thanks so much.

Roberta Hollander
1536 Michael Lane
Pacific Palisades CA 90272

Truong, Denise@Coastal

From: Janis Gallo <janismgallo@gmail.com>
Sent: Friday, July 06, 2018 3:28 PM
To: Truong, Denise@Coastal
Subject: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong,

I am a confirmed signed appellant on the above reference case.

I DID NOT receive a 'pink notice slip' noticing the hearing on the above case. I feel that the appeal hearing should be postponed as I know of many of us appellants have not received notice officially of the hearing or the location.

Please confirm receipt of this email.

Thank you
Janis M. Gallo
1545 Palisades Drive
Pacific Palisades, California 90272

Janis Gallo
janismgallo@gmail.com
jgallo@worthnewyork.com

Truong, Denise@Coastal

From: John Jenkins <jocajenkins@gmail.com>
Sent: Friday, July 06, 2018 4:35 PM
To: Truong, Denise@Coastal
Subject: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong,

I'm a confirmed signed appellant on the above reference case.

I have not received a "pink notice slip" noticing the hearing on the above case.

Please confirm receipt of this email.

Thank you,

John and Anita Jenkins
1559 Palisades Drive
Pacific Palisades, CA 90272

Truong, Denise@Coastal

From: homes90272@aol.com
Sent: Friday, July 06, 2018 3:51 PM
To: Truong, Denise@Coastal
Cc: homes90272@aol.com; veronique@seahorn.net
Subject: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong,

I am a confirmed signed appellant on the above reference case.

I DID NOT receive a "pink notice slip" noticing the hearing on the above case.

Please confirm receipt of this email.

Thank you,

John Wild
1452 Palisades Drive
Pacific Palisades, CA 90272
John Wild
CalBRE # 00856902
(310) 573-7737
Coldwell Banker - Pacific Palisades
International President's Elite
www.PALISADESHOMES.com

Truong, Denise@Coastal

From: Kerner, Lucy <LKerner@international.ucla.edu>
Sent: Friday, July 06, 2018 5:29 PM
To: Truong, Denise@Coastal
Subject: Ref: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong,

This is in regard of Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades).

I am a confirmed signed appellant on the above reference case.

I DID NOT receive a ‘pink notice slip’ noticing the hearing on the above case.

Please confirm receipt of this email.

Thank you

Regards,

Dr. Lucy A. Kerner

Editor-in-Chief

Communist and Post-Communist Studies

University of California, Los Angeles

Center for European and Eurasian Studies

405 Hilgard Avenue

Los Angeles, CA 90095-1446

Fax: 310-206-3555

E-mail: lkerner@international.ucla.edu

Resident at:

16887 Avenida De Santa Ynez

Pacific Palisades, CA 90272

Truong, Denise@Coastal

From: Hannah Kim <kimhnh@yahoo.com>
Sent: Friday, July 06, 2018 3:38 PM
To: Truong, Denise@Coastal
Subject: Subject : Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong

I am a confirmed signed appellant on the above reference case.

I DID NOT receive a 'pink notice slip" noticing the hearing on the above case.

Please confirm receipt of this email.

Hannah Kim

1435 avenida de cortez
Pacific Palisades
ca 90272

Truong, Denise@Coastal

From: Edith Kinloch <sunstars@gmail.com>
Sent: Friday, July 06, 2018 1:33 PM
To: Truong, Denise@Coastal
Subject: Ref: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong

I and my husband, James Kinloch, are confirmed signed appellants on the case referenced above.

We are writing to inform you that neither of us received a notice of the hearing on the above case.

Please confirm receipt of this email and send us a notice of the hearing.

Thank you.

Edith Kinloch, Ph.D.
James Kinloch

Truong, Denise@Coastal

From: Barbara Kohn <barbara@kohn.com>
Sent: Friday, July 06, 2018 1:06 PM
To: Truong, Denise@Coastal
Cc: Barbara Kohn
Subject: Ref: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong

I am a confirmed signed appellant on the above reference case.

I DID NOT receive a 'pink notice slip' noticing the hearing on the above case.

Please confirm receipt of this email.

Thank you
barbara kohn
pacific palisades, california 90272

partial list:
president emeritus, pacific palisades residents association
former chair, pacific palisades community council
current chair, pacific palisades design review board

Truong, Denise@Coastal

From: Peter Shakarian <bedros63@gmail.com>
Sent: Saturday, July 07, 2018 10:23 PM
To: Truong, Denise@Coastal
Subject: Appeal # A-5-PPL-18-0035 Palisades Drive, LP, Pacific Palisades

I am a confirmed signed appellant and I DID NOT recieve a "pink notice slip" regarding the hearing. Please confirm this email and send it to,

Peter Shakarian
1111 Lincoln Blvd, suite #3
Santa Monica, Ca. 90403

Thank you

Truong, Denise@Coastal

From: Riccardo Gallo <dadogallo@gmail.com>
Sent: Friday, July 06, 2018 3:37 PM
To: Truong, Denise@Coastal
Subject: Appeal# A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong,
I am a confirmed signed appellant on the above reference case.
I DID NOT receive a "pink notice slip" noticing the hearing on the above case.
Please confirm receipt of this email.
Thanks you.

Riccardo Gallo
1545 Palisades Drive
Pacific Palisades, CA 90272

Truong, Denise@Coastal

From: Benjamin Wallfisch <bwallfisch@mac.com>
Sent: Friday, July 06, 2018 3:10 PM
To: Truong, Denise@Coastal
Subject: Appeal No. A-5-PPL-18-0035 (Palisades Drive, LP, Pacific Palisades)

Dear Ms. Truong

I am a confirmed signed appellant on the above reference case.

I DID NOT receive a 'pink notice slip" noticing the hearing on the above case.

Please confirm receipt of this email.

Thank you

Benjamin Wallfisch

1522 Michael Lane
Pacific Palisades
CA 90272