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VIA EMAIL

Santa Monica Mountains Conservancy
Ramirez Canyon Park
5750 Ramirez Canyon Road
Malibu, CA 90265

Re: 1525 North Palisades Drive, Pacific Palisades ("Property")

Dear Conservancy Members:

I reside at 1516 Michael Lane, Pacific Palisades, in the Palisades Highlands and proximate to Topanga State Park. The above-referenced Property, which is situated on a bluff, comprises just under one acre, abuts the City of Los Angeles Santa Ynez Park and is located immediately proximate to Topanga State Park, has been proposed for development with a six-story (two partially subterranean), 64,646 square-foot, 82 unit, 96 resident dementia care and assisted living facility ("the Project"). Along with many other owners, residents and stakeholders in the community, I oppose the Project due to the numerous violations of applicable California law that it presents. I am writing to seek the assistance of the Conservancy in opposing the Project as presented by the developer.

The City of Los Angeles, through its Zoning Administrator, has granted a Site Plan Approval and a Coastal Development Permit for the Project, and in connection with both approvals, the City has granted a Class 32 categorical exemption from CEQA review for the Project (the Site Plan Approval, the Coastal Development Permit and the Class 32 exemption are collectively referred to as the "Permits").

I appealed the City approvals of the Permits to the West LA Area Planning Commission, which denied my appeal in April. I currently have an appeal pending with the California Coastal Commission with respect to the Coastal Development Permit (over 170 other stakeholders have joined a parallel appeal to the Coastal Commission), and I have an appeal pending of the CEQA Class 32 exemption before the Los Angeles City Council.

The Project has the potential to impose serious adverse impacts on the portions of the Santa Monica Mountains that are near the Property. I would ask for the Conservancy to engage in the process, particularly with the Coastal Commission, to oppose the Project as presented. There follows a description of numerous provisions of applicable law that would be violated by the Project. The description is organized with respect to required findings of fact contained in the City's approval of the Permits that were not, in my view, supported by the actual factual circumstances of the Project and

its environs. References to the “ZA Letter” concern the Letter of Determination issued by the City of Los Angeles Zoning Administrator approving the Permits.

A. REQUIRED BUT UNSUPPORTED FINDINGS FOR COMPLETE CEQA REVIEW EXEMPTION

The ZA Letter contains two findings that are required for the issuance of the Coastal Development Plan and the Site Plan Approval:

- Finding No. 6 -- An appropriate environmental clearance under the California Environmental Quality Act has been granted.
- Finding No. 11 -- The proposed project has been determined not to have a significant impact on the environment and the proposed project will not require mitigation or monitoring measures.

The foregoing findings were based, in turn on a finding that “The project qualifies for a categorical exemption under CEQA Guidelines Section 15332(b) since the project is an infill development project identified as ‘development that occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses’.” The exemption relied upon in the ZA Letter is referred to in the statute as a “Class 32 Exemption”.

All of the foregoing findings were adopted by the ZA without substantial evidence and in the face of substantial contrary evidence.

1. The Project does not qualify for a complete exemption from CEQA Review. Under California Code of Regulations Section 15532, the Project must to fit within a Class 32 exemption, the Project (a) must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) must occur within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) must have no value as habitat for endangered, rare or threatened species; (d) not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) be adequately served by all required utilities and public services. As discussed below, the Project does not meet the requirements of parts (a), (b), (c) or (d). In addition, the Project falls within certain categorical exceptions to the permitted use of a Class 32 exemption.

a. **NO COMPLIANCE WITH COMMUNITY PLAN OR ZONING ORDINANCE.** As discussed under Section C below, Findings for Site Plan Approval, the Project does not comply with many aspects of the Brentwood-Pacific Palisades Community Plan, which the ZA Letter acknowledges as constituting part of the applicable general plan policies. In addition, as stated in Section C, it is questionable whether the Project as presented complies with all City of Los Angeles zoning ordinance requirements.

b. **PROPERTY IS NOT “SUBSTANTIALLY SURROUNDED BY URBAN USES”.** Substantial evidence exists that the Property is not substantially surrounded by urban uses.

(i) The Property is located in the Santa Monica Mountains and substantially surrounded by park land and open space, with pockets of suburban, not urban, uses, located nearby. The Project site and the two immediately adjacent parcels together comprise

approximately 27 acres. Approximately 92% of the aggregate area of the three contiguous parcels is City-owned, Open Space parkland. Those parcels are in turn substantially surrounded by Topanga State Park. In addition, the closest area that could be remotely characterized as an “urban” use is the main business district of Pacific Palisades, more than 5 miles away.

(ii) PRC Section 21061.3 defines an urban infill site as one that has been previously development for urban uses (not applicable here) or one that has a perimeter of which at least 75% adjoins parcels that are developed with qualified urban uses. In this case, the common boundary of the Property with the small commercial project located immediately to the south comprises only approximately 170 feet, while the remaining perimeter boundary of the Property, which abuts City park land and public streets, including scenic highway Palisades Drive, comprises approximately 715 feet, so the portion of the Property perimeter abutting qualified urban uses is only approximately 19% of the total Property perimeter of approximately 885 feet, far below the required threshold.

c. THE PROPERTY DOES HAVE VALUE AS HABITAT FOR ENDANGERED, RARE OR THREATENED SPECIES

A report prepared by Cooper Ecological Monitoring, Inc. dated April 9, 2018 concerning the Project (“Cooper Report”) describes in substantial detail the value that the Property has as habitat for state-identified rare species, such as Southern Sycamore Alder Rare Woodland and two-striped garter snake. Also, the Cooper Report points out that Santa Ynez Canyon is a wetland (i.e., a blue line stream) that may be subject to Federal regulation, which was not discussed in the report provided by developer.

The Cooper report goes on to identify other deficiencies in the report prepared by Meridian Consultants on which developer, and thus the ZA, relied in approving the Class 32 exemption.

Per the Cooper Report, the Meridian report provides no information on the USGS quad that was searched for the few results reported by Meridian, rendering it a wholly inappropriate sensitive species analysis, which are generally (e.g., those before the County of Los Angeles Department of Regional Planning) required to include the California Natural Diversity Data Base (“CNDDDB”) results for the 9 USGS quads surrounding the project site, as well as information from other relevant databases (e.g., eBird, iNaturalist), with (brief) explanations of why a species would or would not be expected at a given site.

The Cooper Report goes on to provide that in this case, an “industry standard” search of the Topanga USGS quad would have revealed that several additional sensitive species are either known to occur along Santa Ynez Canyon in the vicinity of the proposed project, or would likely occur based on habitat present (based on the search conducted by Cooper on April 2, 2018), such as Coast Range newt (*Taricha torosa*), San Bernardino ringneck snake (*Diadophis punctatus modestus*), California mountain kingsnake (*Lampropeltis zonata*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), fragrant pitcher sage (*Lepechinia fragrans*), white-veined monardella (*Monardella hypoleuca* ssp. *hypoleuca*), and Sonoran maiden-fern (*Thelypteris puberula* var. *sonorensis*).

Also, as not all sensitive species are listed in CNDDDB, which requires voluntary submissions from consultants and other professional biologists, Meridian failed to consult other readily-available

databases for records of sensitive species. For example, eBird lists two yellow warbler (*Setophaga petechia*), a California Species of Special Concern, recorded along Santa Ynez Canyon on June 17, 2017 (when undoubtedly nesting). eBird also lists a breeding-season record of Yellow-breasted chat (*Icteria virens*), another CSSC, along Santa Ynez Canyon (June 20, 1982), and another chat record from 2017 in nearby Los Liones Canyon, also west of Palisades Dr. south of the project area, and which also supports oak-sycamore riparian habitat (which is, if anything, more limited than that of Santa Ynez Canyon). Several breeding-season records of Cooper's hawk (*Accipiter cooperii*), a California WatchList species, are listed in eBird from Los Liones Canyon. Each of these species almost certainly nests directly adjacent to the project area, yet were not mentioned by Meridian.

Based on all of the foregoing, it is clear that the required element of the Property lacking habitat value has not been demonstrated by substantial evidence.

d. NO SUBSTANTIAL EVIDENCE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT RELATING TO TRAFFIC, NOISE AND WATER QUALITY

No substantial evidence was presented to support a conclusion that the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality, and substantial evidence exists to allow a contrary conclusion to be reached.

(i) **Traffic.** The current Project plans allow both ingress and egress from an underground parking garage directly onto Palisades Drive, which would create a chronic danger for vehicles and pedestrians. Also, persons arriving at the Project will need to either make a left turn or U-turn in front of traffic traveling downhill on Palisades Drive at speeds that frequently exceed 50 miles per hour. Finally, street parking in the vicinity of the Project is already overburdened, and although developer asserts that van service and subterranean parking will be provided, it is inevitable that some staff and visitors will elect the more convenient street parking. The developer's cursory reliance on "stock" trip generation statistics fails to take into account the unique location of the Property and the real world problematic adverse traffic consequences it would present.

In addition, the Applicant's focus on the fact that residents of the Project will not create or add to peak hour traffic is misplaced. The proposed Project will generate significant traffic impacts from staff, vendors, service providers, guests and medical professionals to serve the needs of its residents. Although shuttles are proposed to transport residents to public transportation, the nearest bus stop is over two miles away. These impacts will be disproportionate to the existing emergency responder impacts in the neighborhood and must be taken into account when considering impact on street access or circulation in the surrounding neighborhood.

Finally, the Applicant's information provided to the City, and thus the City's finding, did not evaluate the extremely limited public parking that is available to persons wishing to use the trailhead to Topanga State Park that is located at the foot of Vereda de la Montura, approximately 200 feet from the Project.

(ii) **Noise.** The noise "analysis" provided by developer contains nothing more than a one-time measurement and does not reference the time of day the measurements were taken, or the weather conditions. Ambient sound in the vicinity of the Property, which includes a

natural amphitheater effect due to the proximate mountains, varies substantially with the time of day, wind and humidity. Particularly at night, the area is very quiet, and any additional equipment operation, traffic trips, emergency vehicle trips, and even people talking, yelling and playing music on the proposed huge outdoor deck would resonate through the neighborhood. Finally, commercial HVAC equipment will run 24/7, serving the equivalent of a medium size hotel. Developer justifies it by saying, effectively, that other properties in the area have HVAC, so no one will notice. In fact, some homes do not have HVAC, and most do not operate their units most of the year, preferring to use fresh air ventilation through open windows.

e. EXCEPTIONS TO CLASS 32 EXEMPTIONS APPLY THAT PROHIBIT THE USE OF THE EXEMPTION FROM CEQA REVIEW

In *McQueen v. Mid-Peninsula Regional Open Space* (1988) 202 Cal. App. 3d 1136, the court reiterated that categorical exemptions (such as the Class 32 exemption) are to be construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. CCR Section 15300.2 identifies specific situations where exemptions are not appropriate, due to presumed significant impacts that must be evaluated, including the following:

(i) CCR 15300.2(b) states “**Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**”

No evidence was presented to support the “no cumulative impact” conclusion.

(ii) CCR 15300.2(c) states “**Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**”

- As clearly indicated in the CALFIRE map of Very High Fire Hazard Severity Zones (“Very High Fire Risk Zone”) in Los Angeles County, the Property is within a Very High Fire Risk Zone. In addition to the risk to residents, the Project would greatly increase the risk of fire in the area, due to the anticipated outdoor activities (including smoking) by staff, visitors and residents of the Project.
- An analysis prepared by Wilson Geosciences Inc. and Geo-Dynamics, Inc. (“Geosoils Analysis”) states that “our general findings indicate that there are unique circumstances affecting the proposed development”, and goes on to identify 6 such circumstances.
- The Cooper Report describes the Property as abutting “one of the largest and most significant remaining sycamore-oak canyon habitats within the city of Los Angeles (Santa Ynez Canyon), which borders (and in other areas includes) Topanga Canyon State Park” after which the report author comments “I know of no similar natural environment within the city limits”.

(iii) CCR 15300.2(d) states “**Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources,**

including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.”

Drive is a City of Los Angeles Scenic Highway. The Palisades Drive location and environment is sufficiently special and scenic so that a Class 32 exemption should not be applied.

(iv) CCR 15300.2(f) states **“Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.”**

The Commission should be aware that the City’s review of a prior project proposed for this same site in 1988 included a finding that the Property is located in an area likely to yield unrecorded archaeological sites. It is well known that Native Americans lived in the Palisades area for thousands of years, and there is a distinct possibility that the Property contains historically significant artifacts which cannot be ignored.

For all of these reasons, a Class 32 Categorical Exemption is wholly and completely inappropriate. The Commission should not allow the use of a Categorical Exemption and should instead require environmental review of all the impacts identified above.

B. REQUIRED BUT UNSUPPORTED COASTAL DEVELOPMENT PERMIT FINDINGS

1. **The Project is not in conformity with Chapter 3 of the Coastal Act, due to violation of numerous Coastal Act provisions (“PRC” refers to the California Public Resources Code).**

a. **RISKS NOT MINIMIZED.** There is substantial evidence that the Project does not comply with PRC 30253, which states, in part **“New development shall do all of the following: (a) minimize risks to life and property in areas of high geologic, flood and fire hazard”**.

(i). High Geologic Hazard. The attached Geosols Analysis finds that the geosols risks of the Property have not been adequately evaluated, because:

- **“there is credible geologic evidence for potential slope instability within and adjacent to the proposed development site that have not been considered or addressed”;**
- **“the reported shear strength parameters of some of the existing fill indicates the potential for surficial and deeper slope instability” and**
- **“previous indications of landslide features identified by Slosson (a prior consultant evaluating property in the area) may have been within the site and no discussion in present [in the geosols reports prepared for the Project, or previously]”**

Accordingly, the Property, which is located on a steep hillside as indicated by the “H” code in its zoning classification, must be considered to be in an area of high geologic hazard, and the Project presents risks that have not been demonstrably minimized.

(ii) Very High Fire Hazard Risk. As clearly indicated in the CALFIRE map of Very High Fire Hazard Severity Zones (“Very High Fire Risk Zone”) in Los Angeles County, the Property is within a Very High Fire Risk Zone.

Although the structure of the Property may be designed to reduce the risk of injury or death due to fire, the mere location of the Project in a Very High Fire Risk Zone presents risk that cannot be properly minimized.

Note that the City of Los Angeles has, by its own ordinance, shown its strong disapproval for locating eldercare facilities in a Very High Fire Risk Zone. Los Angeles Municipal Code Section 12.22.A.25(e)(2)(iv) states with respect to affordable senior housing covered by the code section: **“The Housing Development Project shall not be located . . . in a Very High Fire Hazard Severity Zone”**.

b. **SCENIC QUALITIES NOT PRESERVED.** There is substantial evidence that the Project does not comply with PRC 30251, which states in part: **“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas . . .”**

- The Topanga State Parklands bordering the Project Site are in the Santa Monica Mountains, which are designated as a **“highly-scenic area”** by the California Department of Parks and Recreation Plan. See, *Douda v. California Coastal Commission*, 159 Cal.App.4th 1181 (2008) (interpreting PRC 30251) (the “Douda Decision”).
- The County of Los Angeles has adopted a Local Coastal Program for unincorporated portions of the Santa Monica Mountains (“County LCP”). The easterly edge of the County LCP area is located just to the west and south of the Santa Monica Mountains area containing the Property. The top of the ridge that continues north and is situated just above the Property is identified as a “Scenic Ridgeline”, and the entire mountainside is identified as a “Scenic Element”.
- Palisades Drive, which abuts the Property, has been designated as a Scenic Highway by the City of Los Angeles.
- The size and scale of the Project would obliterate views of the Significant Ridgeline and the mountainside..
- Although the City of Los Angeles has not yet adopted a Local Coastal Program for the area containing the Property, the ridgeline above the Property should be considered to be a Significant Ridgeline, and the mountainside above the Property should be considered to be a Scenic Element, views of which from a Scenic Highway must be protected under PRC 30251.

In light of the foregoing, there is substantial evidence that the Project would not protect views of the ocean (which is visible down Santa Ynez Canyon) and scenic coastal areas.

c. **PROJECT NOT SUBORDINATE TO ITS SETTING.** There is substantial evidence that the Project does not comply with PRC 30251, which also states in part: **“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.”

There is substantial evidence that, due to its excessive height and mass and its siting adjacent to Palisades Drive and Vereda de la Montura, the Project clearly would dominate the character of its setting and would not be subordinate to it.

d. **PROJECT NOT VISITOR-SERVING.** There is substantial evidence that the Project does not comply with PRC 30222, which states in part: **“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 . . .”**

The Regional Interpretive Guidelines-South Coast Region Los Angeles County (“RIGS”), which apply to the area containing the Property and exist to help local governments apply the Coastal Act, including PRC 30222, contain the following relevant sections.

- RIGS Section B.1: **“Commercial establishments should be public recreation and recreation supportive or otherwise coastally related facilities”**

The Project will not offer any services or facilities to the public.

- RIGS Section A.2(g): **“New commercial . . . and residential developments of 10 or more dwelling units in the Santa Monica Mountains must dedicate access trails and parking areas for visitors to Topanga State Park”**

The Project would not provide any access trail or public parking. In fact, it would further burden public parking that serves the adjacent Santa Ynez City Park and proximate Topanga State Park.

- RIGS Section A.2(i): **“The density of new residential development must be limited to a maximum of 24 units per acre.”**

The Project information states that it contains 82 resident units, and it may actually contain more than 82 resident units.

e. **ADVERSE AND DEGRADING IMPACTS NOT AVOIDED.** PRC 30240(b) states **“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.”**

(i) The Cooper Report describes several ways in which the Project could adversely affect Santa Ynez Canyon Park, which is a City park that abuts the Property. No substantial evidence was presented that the Project would not affect the park.

(ii) Due to the proximity of the Property to the County LCP area, which shows that substantial portions of the land proximate to the Property on the other side of the Significant Ridgeline is classified as Sensitive Environmental Resource Area, including H1 Habitat (Most Sensitive and Valuable—Vigorously Protected) and H2 Habitat (High Scrutiny Sub Area). No substantial evidence was presented that the introduction of the Project, with over 100 people living and working on a less than 1 acre parcel immediately adjacent to such areas would not have impacts that would significantly degrade those areas, nor could such evidence be presented.

f. **FAILS TO PROTECT NEIGHBORHOOD.** PRC 30253(e) states “**New development shall . . . protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.**”

The Property abuts Santa Ynez City Park and is within 200 feet of, and is largely surrounded by, Topanga State Park, both of which are frequented by local and out of area visitors. The height and mass of the Project would substantially degrade the character of the neighborhood as a tranquil gateway to those parks.

g. **FAILS TO MINIMIZE ENERGY CONSUMPTION AND MILES TRAVELED.** PRC 30253(d) states: “**New development shall . . . minimize energy consumption and vehicle miles traveled.**”

Due to the high cost of housing in Pacific Palisades, staff for the Project will need to commute from substantial distances. Also, due to the distance of the Project from most housing, even in Pacific Palisades, visitors will need to travel substantial distances to the project. Finally,

2. **The Project will prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the Coastal Act, particularly in light of the existing Santa Monica Mountains Local Coastal Program that covers property in close proximity to the Project.**

This Project will prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program. If approved, the Project **as proposed** will serve as precedent for further incompatible development. “Community character,” as relevant to the analysis of compatibility under the Coastal Act, is a classic cumulative impacts issue, and all “outlier” incompatible development allowed in this neighborhood will serve, in combination with other past, current and probably future projects, as a structure against which future projects are measured. Accordingly, if allowed to proceed, this Project’s adverse precedent will prejudice the ability to adopt a Local Coastal Program that protects community character.

The “outlier” nature of the Project is particularly stark when compared to the County LCP. If the Project goes forward, the City’s ability to adopt a Local Coastal Program that is appropriately protective of the vicinity of the Property will be adversely affected, due to the existence of a high-rise, 24/7 health care facility operation.

3. **Interpretive Guidelines for Coastal Planning and Permits have not been adequately reviewed, analyzed and considered.**

As referenced above in the discussion of PRC Section 30222, numerous RIGS that pertain to the proposed Project clearly were not considered. In addition, the following applicable RIGS were ignored:

- RIGS Section C.2: **“Development adjacent to Santa Monica Mountains Parks must protect views from trails (interpreting PRC 30251 and 30210).”** The incongruous high-rise Project would be clearly visible from numerous vista points along the miles of trails in Topanga State Park.
- RIGS-Appendix-Alteration of Landforms: **“In all cases, grading should be minimized (interpreting PRC 30251, 30253 and 30240).”** The Project application states that project would require nearly 20,000 cubic yards of soil, and more may be required. The soil would be removed from a coastal canyon bluff immediately looking over Santa Ynez Canyon.

4. **Prior Decisions of the Coastal Commission did not guide the ZA’s Decision.**

Given the numerous relevant aspects of the Douda Decision discussed above that the ZA apparently ignored, the ZA did not take into account all prior decisions of the Coastal Commission.

5. **The Project is not in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.**

As referenced in the discussion of PRC Section 30222 above, the Project does not provide any visitor services or park access. To the contrary, it will degrade the experience of persons visiting Santa Ynez City Park and Topanga State Park.

C. **REQUIRED BUT UNSUPPORTED SITE PLAN APPROVAL FINDINGS**

7. **The Project is not in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.**

The Project would violate numerous elements of the Brentwood-Pacific Palisades Community Plan, including the following:

- Community Plan Policy, page IV-2 states **“Locate senior housing projects in neighborhoods within reasonable walking distance of health and community facilities, services and public transportation.”**

No health or community facilities are located within miles of the Property, which distance does not constitute reasonable walking distance, particularly for fragile seniors.

- Community Plan Policy, page V-3 mandates that **“no structures should exceed 30 feet in height within 15 feet and 30 feet of front and rear property lines.”**

The Project building would soar 40 feet straight up above Vereda de la Montura with a setback of only 7 feet and nearly 60 feet above Palisades Drive at the southerly end of the building.

- Community Plan Policy 1-3.1 mandates that the City must “**seek a higher degree of architectural compatibility and landscaping for new development to protect the character and scale of existing residential neighborhoods.**”

The Project architectural design as presented is completely incompatible with the pitched roof, Mediterranean and rustic architectural style that is prevalent in the neighborhoods in the vicinity of the Project (which are composed almost entirely of residential properties) and is completely out of scale.

- Community Plan Policy 1-3.2 that requires that (1) the Project “**preserve existing views in hillside areas,**” and (2) “new development [be] adjacent to or in the viewshed of State parkland . . . [and] **protect views from public lands and roadways.**”

As discussed above, views of a Significant Ridgeline and a Scenic Element mountainside within Topanga State Park will be decimated by the Project.

- Community Plan Policy 2-1.3 specifically mandates that commercial projects “**be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.**”

- There are no 4 story buildings in the Palisades Highlands, and no buildings with subterranean parking. Also, there are no other buildings with street setbacks of only 7 feet. The proposed size and scale of the building is unlike anything in this neighborhood. Due to the fact that the Project FAR is approximate 1.50, as compared to approximately 0.27 for the small commercial structure next door, approximately 0.5 to 0.7 for residential properties and 0.00 for the City and State park land, the Project, will stick out like a sore thumb rather than blend in with the scale and character of its surrounding neighborhood. The occupancy density of 96 residents per acre, plus staff and visitors, is substantially more than DOUBLE the typical occupancy density of the neighborhood residential properties. Additionally, its proposed guest parking allocation is not appropriate. Street parking is already in short supply in the vicinity of the Property, and the Project will grossly overburden it.

- Community Plan Policy 2-3.3 that requires that “**commercial projects achieve harmony with the best of existing development.**”

Due to its aesthetics and overwhelming height and bulk, the Project would be in complete disharmony with all existing development.

- Community Plan Policy 2-4.2 mandates that a development “**preserve community character, scale and architecture diversity.**”

The Project is a 24/7 high rise health care facility that would materially and irretrievably change the character of the Palisades Highlands.

- Community Plan Policy 2-4.4, which requires that “**landscape corridors should be created**

and enhanced.”.

No meaningful landscaping will be provided on the Property along the streets abutting the Project.

- **Community Plan Policy V-4 (“Surface Parking Landscape”), which requires “a landscaped buffer along public streets or adjoining residential uses.”**

No landscaped buffer will be provided on the Property.

8. The Project does not consist of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.

The Project, as proposed at the massive size of **64,646 square feet**, is completely incompatible with the adjacent residential properties to the east and the open space and parkland to the west. Indeed, the Applicant’s proposed findings on this subject are devoid of any evidence of compatibility. Instead, they focus on the Project’s compliance with the height, setback and density restrictions of the C-1 Zone. But that has nothing to do with the subject legally required finding here. Based on the factual evidence, the Commission cannot make this required finding of compatibility with adjacent properties.

To the contrary, the factual evidence supports the opposite finding: that the Project is not compatible and out of scale with the adjacent residential buildings along Palisades Drive and Vereda de la Montura and the open space and park land to the west. Furthermore, an Eldercare Facility will generate traffic and noise impacts associated with the healthcare needs of its residents, as described below. These will be incompatible with the neighborhood and will significantly impact the existing neighborhood’s transportation circulation patterns.

D. ZONING CODE VIOLATIONS

As presented, the Project violates three material provisions of the City of Los Angeles Municipal Code concerning Zoning.

1. The Project floor area exceeds the permitted Floor Area Ratio.

LAMC Sec. 12.03 provides that the term “Floor Area Ratio (FAR)” is defined as a ratio establishing the relationship between a property and the amount of development permitted for that property and is expressed as a percentage or a ratio of either the buildable area or the lot size depending on the zoning of the lot and where it is located. In turn, “Buildable Area” is defined as all that portion of a lot located within the proper zone for the proposed main building, **excluding those portions of the lot which must be reserved for yard spaces, building line setback space**, or which may only be used for accessory buildings or uses (emphasis added). “Lot Size” is not specifically defined, but “Lot Area” is simply defined as the total horizontal area within the lot lines of a lot.

Developer used a Floor Area Ratio or FAR of 1.5 multiplied by the gross area of the lot of 43,097.74 square feet to calculate a total for the common area floor spaces and private living area floor spaces of 64,646 square feet for the proposed building. The Flick Appellants note, however, that LAMC Sec. 12.21.1(A)(1) provides:

“The total Floor Area contained in all the main Buildings on a Lot in a commercial or industrial zone in Height District No. 1 shall not exceed one-and-one-half times the Buildable Area of the Lot.” (emphasis added)

There is no question that the proposed project’s site is zoned C1-1-H and is in Height District No. 1. The Developer has planned for setbacks of 10 feet along Palisades Drive, 7 feet along Vereda De La Montura, 7 feet on the south side of the lot, and 16 feet in the rear in accordance with LAMC 12.13(C)(1) – (3), which together make the area of the lot, excluding setbacks, slightly less than 34,900 square feet. Therefore, the maximum amount of floor space in the proposed building can be no more than 52,400 square feet or **12,246 square feet less than what the Developer’s plans show.**

2. Outdoor Activities Are Prohibited in a C-1 Zone.

The Project plans submitted by developer and approved by the ZA show that it will have an enclosed, but uncovered courtyard of no less than 1,700 square feet at the center of the building for the use of the residents in the Alzheimer’s / dementia care section of the building and, in addition to activity areas in the P1 level of the garage, there will be a first level pool deck for the assisted living residents with tables for dining, lounge furniture, and typical chaise lounges and umbrellas around a pool, all totaling no less than 3,000 square feet. See Sheet L-4 of the Developer’s design and site plan submittals. Furthermore, there will be a third level outdoor activities deck for assisted living residents with tables for dining and parties under a steel trellis next to a fireplace feature wall and adjacent to an outdoor kitchen with a BBQ, sink, countertops, and bar; an activity area under a beam trellis with a TV monitor, countertop, and a bar; a central lawn area for exercise, yoga, lawn games, movies, or group activities; an area of lounge furniture under a trellis with retractable shade cloth; a raised garden; and a fence-enclosed dog park. The third level activities deck will total no less than 11,000 square feet. See Sheet L-6.

The Flick Appellants note, however, that LAMC Sec. 12.13.A(2)(B)(2), which is within the provision of the LAMC that provides for C1 Zones, clearly states:

“(b) Limitations: . . .

“(2) All activities are conducted wholly within an enclosed building, except that ground floor restaurants may have outdoor eating areas.”

The Project as presented clearly violates the “indoor only” requirement applicable to the C-1 zone.

3. The Project would contain an excessive number of guest rooms and inadequate off-street parking.

LAMC Secs. 12.13(C)(4) and 12.10(C)(4) require a minimum of 500 square feet of lot area for each guest room in a structure in a C-1 Zone. Therefore, the proposed eldercare facility can have up to a maximum of 86 guest rooms (43,097.74 square feet of lot area / 500 square feet). The Developer has repeatedly touted that the proposed facility will have only 82 guest rooms, but the plans for the proposed facility show that it actually will have 88 guest rooms, two guest rooms over the City's limit.

The Developer's architectural plans show that the proposed facility is designed to house 31 Alzheimer's / dementia care residents in 15 private "suites" and 8 semi-private "suites" with each suite having a private bathroom for its residents. The 23 "suites" in the memory care section of the building can be considered as 23 guest rooms. The plans further show that the proposed facility is designed to house 65 assisted living residents in 53 studio or one-bedroom "suites" and 6 two-bedroom "suites." The 53 studio or one-bedroom "suites" each has a private bath and can be considered 53 guest rooms. However, with one exception, each resident in a two-bedroom "suite" will also have a private bedroom and a private bathroom; thus, each two-bedroom "suite" must be considered two guest rooms, yielding a total count of 65 guest rooms in the assisted living section of the building and **a total of 88 guest rooms in the building, two more than the permitted maximum.**

Correctly determining the number of guest rooms in the building also affects the parking requirements pursuant to LAMC Sec. 12.21(A)(4)(d)(5). The building plans provide for 66 parking spaces. In fact, **the building must provide at least 71 off-street parking spaces per the zoning ordinances and is 5 spaces short of that requirement.**

In summary, the ZA adopted numerous findings without substantial evidence to support them, and the Project as proposed violates several provisions of the Los Angeles Municipal Code concerning Zoning. Accordingly, request is made for the Conservancy to take appropriate actions to oppose the Project.

Thank you for your consideration.

Sincerely,

Robert T. Flick