

From the Desk of

BRAD L. CALLAWAY

December 20, 2013

City Council
City of Los Angeles
200 North Spring St.
City Hall Room 395
Los Angeles, CA 90012

RE: Approval of Haul Route for Board File #130109

Members of the City Council:

On behalf of David and Masa Rosen, long time residents of 930 Stradella Road I would like to enter an Appeal to the December 17th ruling of the Board of Building and Safety Commission which approved the Haul Route for the removal of 39,805 cubic yards of material from 944 Airole Way, Board File #130109.

It is our belief that the Board of Building and Safety Commissioners erred in their decision to Approve the Haul Route of 39,805 cubic yards of material from 944 Airole Way because it was given insufficient or incorrect information by the applicant when making its decision which may result in endangering public health, safety, and welfare.

The Rosen's are an "affected person" as they are immediately adjacent to the project in question and have only one reasonable means of ingress and egress to their property on Stradella Road.

On December 17, 2013 The Board of Building and Safety Commissioners heard testimony and public comment on the the proposed Haul Route for a construction project at 944 Airole Way. This Haul Route approval encompassed moving 39,805 cubic yards of earth.

To create a visual picture, if you lined up the 39,806 cubic yards yard-by-cubic-yard it would stretch from downtown Los Angeles past the Santa Monica pier. This is a tremendous amount of earth to move.

This removal is proposed for very narrow streets with hairpin turns going up and down hills that are currently subject to significant traffic issues due to ongoing construction.

After the Board made its decision, it was requested by Mr. Raymond Chan that the Developer and surrounding neighbors all meet in the Board's conference room to discuss our issues.

It was in that forum, the Project Manager for the Developer admitted that there was no practical way that he could complete the proposed Haul Route and move that amount of earth in less than 100+ working days. The Approved Haul Route was for 79 days. That means that the Commission was not informed accurately as to exactly how this Haul Route would be carried out by the Applicant.

Therefore we request that that the Council reverse this Approval and rehear from the applicant exactly how they propose moving 39,805 square yards of earth down narrow streets in a timely manner.

We request that the specifics of the removal be laid out exactly. How many trucks will be used per day? How many truck routes per day? How many flag men? How they will deal with traffic congestion due to the trucks? How many days exactly will it take to complete the Haul? How many trucks will be on the same road at a time? And we would like any assumptions listed in their calculations. (i.e. It takes 8-10 minutes for a truck to go up the hill from Sunset Blvd to the project site. It takes 10 minutes to load the trucks. It takes another 8-10 minutes to get down the Hill. It takes 30 minutes for them to round trip from the dump site.)

We believe that once this is accurately laid out and put before the Board, it will become quite obvious that this project will effectively shut down the only reasonable means of ingress and egress that the surrounding neighbors have to their property for a six month time period during the five day a week proposed schedule. Because their access will be restricted, the Board will recognize the detriment to the public health, safety, and welfare that this Haul Route actually encompasses. Further, we believe when the plan is actually laid out on how to move this much earth, it will be decided that it is too cumbersome on the surrounding neighbors to allow it to move forward.

Conclusion

For the reasons stated above we request that the Council reverse the ruling of the Board and reject the current Haul Route until further clarification is provided.

Regards,



Brad L. Callaway

Counsel Rosen Office
930 Stradella Road
Los Angeles, CA 90077
(310) 440-1792
callaway@rosendavid.com

Attached - Letter to the Board Dated December 11, 2013

From the Desk of

BRAD L. CALLAWAY

December 11, 2013

COPY

Ladies and Gentlemen of the Board:

On behalf of David and Masa Rosen, long time residents of 930 Stradella Road I would like to enter a formal objection to the Haul Route Application before the Board today for the removal of 39,805 cubic yards of material from 944 Airole Way.

We urge the Board to reject the Haul Route and any permits until the necessary environmental and geological studies have been completed and shared with the surrounding neighbors and a feasible plan for the removal of material is proposed.

The Board is recommending that the hauling be completed with ten-wheel dump trucks, over a period of 79 days. The Applicant is proposing moving **39,805 cubic yards** of material. Ten-wheel dump trucks have a capacity of **10-12 cubic yards**.

This means that at least **3,317 full trucks** would have to leave the property, and at least **3,317 empty trucks** would have to arrive there. This will result in a total of at least **6,634 runs** up and down Stradella Road.

The Board is recommending a schedule of **79 hauling days** for 6 hours a day, 6 days a week. This would mean that there would be approximately **83 ups and downs per day** during a 6 hour time frame. Which means **14 ups and downs per hour**.

This gives each truck **4.285 minutes** to go from the bottom of the Sunset to the project site. (This usually takes **5-7 minutes** in a car without flagmen or traffic.) It would probably take closer to **10 minutes** to go to the top of the project site with flag men on every turn. (If you put flagmen a every difficult turn, about 14 flagmen would be needed *See photo.*) This would mean that only 36 up and downs could happen during a day pushing the number of Hauling days to **184 days (six months)**.

This means trucks would be running for at least three to six months for **6 hours a day**. These narrow roads would be filled with flagmen and dump trucks and be virtually impassable. This denies the use and enjoyment of the properties for the surrounding neighbors.

Objections

Scope

We specifically object to the scope of this project being so massive. **If you lined up the 39,806 cubic yards side by side it would stretch from downtown Los Angeles past the Santa Monica pier.** Keep in mind this amount of material removal is being proposed for a single family residence.

Saturday Hauling

In regards to Saturday hauling, we specifically object to Saturday hauling disturbing the peace and quiet of the weekend hours.

Environmental Impacts

Removing enough dirt to go from downtown to the Santa Monica Pier may cause unknown environmental impacts in the immediate area. A proper environmental study should be conducted and shared with the neighbors.

Health and Safety of the Surrounding Residents

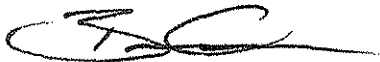
The Rosen's property is located immediately adjacent and below the proposed project, we object the the possibility of having fine particulate matter inundating the air due to the removal of so much material.

Furthermore, the soot output by the operation of 6,634 dump truck runs will have a significant negative impact on the surrounding air quality. Each truck that is being used during the six month hauling operation would emit about 45 tonnes of CO2.

Conclusion

For the reasons stated above we request that the Board reject the approval of the proposed hauling route.

Regards,



Brad L. Callaway

Counsel Rosen Office
930 Stradella Road
Los Angeles, CA 90077
(310) 440-1792
callaway@rosendavid.com

