

#### MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Ramirez Canyon Park 5810 Ramirez Canyon Road Malibu, California 90265 Phone (310) 589-3230 Fax (310) 589-3237

April 13, 2015

Planning and Land Use Committee City of Los Angeles 200 N. Spring Street Los Angeles, California 90012

## Council File Number 15-0317-- Case No. BF 140090 Appeal for 3923-3941 North Hopevale Drive

Hon. Chairperson Huizar and Committee Members:

The Mountains Recreation and Conservation Authority (MRCA) appealed this case to PLUM because it threatens the recreation and natural resource values of MRCA-owned Hopevale open space and its well used public trail. The plans and grading numbers as presented to the Building and Safety Commission did not add up. To prove these significant discrepancies, the MRCA commissioned a review of the grading plans by a registered engineer.

There is a street improvement grading plan and a <u>separate</u> house grading plan. The independent engineer's review revealed that there is a four-foot elevation difference between the base contours of these two plans. This is a fatal error in regards to adequate review and understanding of the proposed steep hillside project. All earthwork cut, fill, and export numbers must be recalculated. The heights of all proposed retaining walls are most likely a full four feet taller, a change which puts them out of compliance with the retaining wall height ordinance.

As an adjoining landowner, the MRCA requests that the PLUM Committee approve this appeal on the above grounds alone and require the submission of new grading plans, a new CEQA analysis by Planning, and a new haul route hearing. The record is so deeply flawed that there is no other prudent course to ensure the protection of both public parkland and protected native California black walnut trees.

To understand the potential adverse impacts of this project, the street improvements and house site excavation must be considered in a single CEQA analysis in which the base contour elevations of both project elements are in synch. As proven in the attached engineer's report and letter, the elevations are now grossly incompatible.

At a minimum, the required soil export is 2303 cubic yards. The MND and haul route hearing only addressed a maximum of 1638 cubic yards. The MRCA engineer's report estimates that the probable soil export amount is 3,803 cubic yards which is double that analyzed and presented to decision makers to date.

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The public deserves an adequate review of this proposed project based on correct information. We believe ample evidence and grounds have been provided to grant this appeal in full.

Sincerely,

Paul Edelman

Chief of Natural Resources and Planning

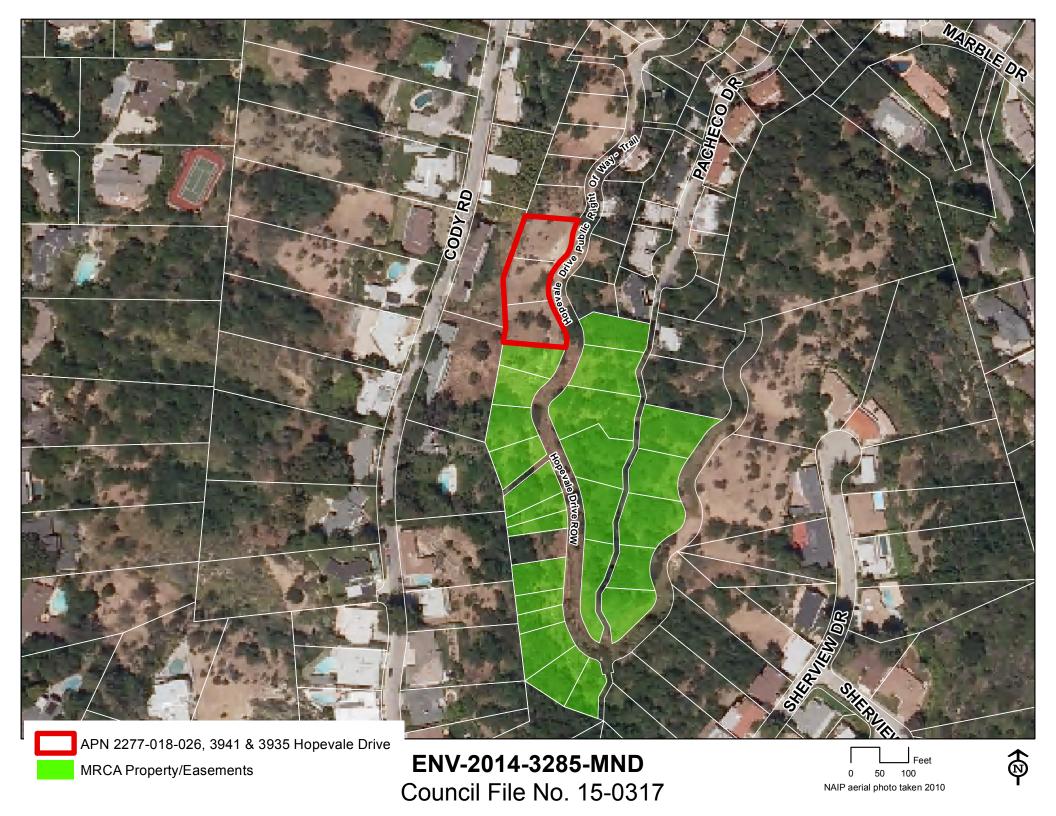
Attachments: Letter to PLUM from Sukow Engineering - April 13, 2015

Grading Quantity Study from Sukow Engineering – April 10, 2015 Two Aerial Photos showing proximity of MRCA parkland to project

Photograph of MRCA Hopevale Trailhead

MRCA comment letter to Planning on MND – January 23, 2015









#### MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Ramirez Canyon Park 5810 Ramirez Canyon Road Malibu, California 90265 Phone (310) 589-3230 Fax (310) 589-3237

January 23, 2015

Mr. Tom Henry
Department of City Planning
City of Los Angeles
6262 Van Nuys Boulevard, Suite 351
Los Angeles, California 91401

ENV-2014-3285-MND, 3941 (formerly 3935) Hopevale Drive

Dear Mr. Henry:

The staff of Mountains Recreation and Conservation Authority (MRCA) offers the following comments and recommendations on the Mitigated Negative Declaration (MND) and Initial Study for above-referenced proposed project. The subject proposed project has a high potential to result in unavoidable significant adverse impacts to adjacent public open space. Neither the subject project or subject property are adequately described in the MND or Initial Study. The MND is deficient for these omissions and must be amended, and recirculated for public comment.

## Inadequate Site Context, Adjacent Public Land and Trail

The MND fails to acknowledge the Hopevale Open Space, managed by the MRCA, that is located adjacent to the subject property on the south and across dirt Hopevale Drive. Our agency owns the fee-simple title to many of the lots comprising this public open space, and holds conservation easements over the remainder. These conservation easements are noted on the Los Angeles County Assessor maps (Book 2277, Page 18). For the purposes of analyzing impacts to public resources under the California Environmental Quality Act (CEQA), these open space lots must be considered a single public park. The attached aerial photo map shows this parkland in relation to the subject property.

Dirt Hopevale Drive, which diverges from the Hopevale Drive paper street on the subject property, is a commonly used trail over which the public has historic prescriptive access. This trail is the primary access to the above-described Hopevale Open Space. The construction of a single-family home on the subject property, in conjunction with the grading required to develop the site, must preserve this public trail. The MND is deficient for not addressing either the existence of the trail, or potential impacts to its quality and use.

Mr. Tom Henry Department of City Planning ENV-2014-3285-MND, 3941 Hopevale Drive January 23, 2015 Page 2

### **Unpermitted Removal of Protected Trees**

Aerial photos of the subject property from 2012 show four California black walnut trees (*Juglans californica*) located on the subject property. In August of 2014, the applicant was cited for the unpermitted removal of several protected trees in association with the subject project. The MND is deficient for failing to address this recent past unpermitted tree removal, and for not addressing specific related mitigation measures.

#### Geological Instability of Subject Property

The subject hillside property is a collective part of the same slope as the adjacent MRCA-managed public parkland. Before acquiring the Hopevale Open Space, the MRCA commissioned a Geological Investigation of the properties on the subject slope due to liability concerns. The sources of these concerns were items in the title reports for these properties which indicated that the Los Angeles City Bureau of Engineering had red-flagged these lots as being geologically unstable.

The MRCA commissioned a Geological Investigation report by Van Beveren and Butelo dated September 29, 2009, which confirmed those lots on the subject hillside as geologically unstable. When asked for clarification of the landslide risk in simple terms, geologist Jim Van Beveren assigned these hillside lots a grade of 'F' out of an A through F scale. This 2009 Geologist's Report is attached.

The subject property sits immediately adjacent to, and on the same hillside as these geologically unstable parcels. The MND is deficient for failing to adequately address the instability of this slope relative to impacting the adjacent lots, and the Bureau of Engineering's prior red-flagging.

#### Offsite Grading Impacts Not Addressed

Due to the geological instability of the subject proposed project site, the proposed construction would potentially require grading on the adjacent public parkland, grading on the Hopevale Drive public trail, grading on adjacent private property not owned by the applicant, and off-site deposits of soil. These potential significant adverse grading impacts must be addressed in the MND to avoid project piecemealing under CEQA.

The MRCA will not allow grading or deposits of soil on either its fee-simple owned parkland or easements in connection with the subject proposed project.

#### Street Improvements and Fire Department Turnaround Not Addressed

Hopevale Drive, the only street which touches the subject property, is a public, unpaved dirt road that currently does not fully align with the paper street on the County Assessor

Mr. Tom Henry Department of City Planning ENV-2014-3285-MND, 3941 Hopevale Drive January 23, 2015 Page 3

map. The MND does not address required street improvements as part of the subject proposed project. The MND also does not mention a request for a Zoning Administrator's Determination to waive the required street improvements. Either the MND is deficient for omitting public street improvements and the significant adverse impacts to the public trail that would result, or the MND is deficient for omitting a request for a Zoning Administrator's Determination. In either case, one or the other must be included in the MND to avoid project piecemealing under CEQA.

The MND similarly fails to address the legal requirement for a Fire Department turnaround at the southern terminus of the cul-de-sac that would be created by the public street improvements associated with the subject proposed project. The MND is deficient for this admission alone.

### Other Impacts to Public Parkland Not Addressed

The construction of a residence on the subject property would potentially necessitate additional Fire Department-required fuel modification on the adjacent Hopevale Open Space, which would further significantly degrade the habitat quality of this public land. Adverse impacts from associated outdoor lighting would also have the potential to drive wildlife away from this sub-area of the Stone Canyon habitat block. The MND is deficient for omitting any discussion of these potential adverse impacts.

The MND for the subject proposed project will remain deficient until it not only fully describe the project's potential significant impacts, but also describe how such impacts will be avoided, and details site-specific mitigation measures for each significant impact that cannot be avoided.

If you have any questions, please feel free to contact me at 310-589-3230, ext. 128. Alternately, Garrett Weinstein of our staff can be contacted at 310-589-3230, ext. 124. The applicant should feel encouraged to contact our agency. Thank you for your time and consideration.

Sincerely,

Paul Edelman

Chief of Natural Resources and Planning

Mr. Tom Henry Department of City Planning ENV-2014-3285-MND, 3941 Hopevale Drive January 23, 2015 Page 4

Attachments:

A - Two Aerial Photo Maps

B – Geologist's Report, dated September 29, 2009

C - Map to Accompany Geologist's Report



# Sukow Engineering

Surveying • Land Planning • Civil Engineering Plan Processing • Project Management

Planning and Land Use Committee City of Los Angeles, City Hall 200 N. Spring Street Los Angeles, CA 90012 April 13, 2015

Re: Council File No. 15-0317 - Case No. BF 140090 3923 - 3941 Hopevale Drive - Haul Route Appeal

Dear Committee Members,

Our company was engaged by Mr. Gary Feldman to prepare a Grading Quantity Study for the above project site. A copy of the study is attached for reference. Mr. Paul Edelman of the Mountain Recreation & Conservation Authority has requested that we expand on the ramifications of the following statement contained in the report relative to the impacts it might have on the project design. The statement in the report is as follows:

"A major concern that surfaced during our review is that the existing contours and grades within the street area as shown on approved Street Plan P-36633 do not match the existing contours and grades shown on the proposed grading plan. The proposed grading plan values appear to be about four feet lower than the approved street plan. The problem is that the proposed grading plan used the proposed finish street grades as shown on the approved street plan and did not adjust them downward to match the existing grades shown on the proposed grading plan within the street area. This means that when the discrepancy is resolved most likely proposed walls on the site will be higher than shown and the grading quantities will reflect more cut then we have estimated."

Our observation was made by looking at both plans at the location where the new street joins the existing street (Street Station 2+86.90). On the approved street plan the elevation is shown as (918.59) and on the proposed grading plan it is shown as 914.18. This discrepancy can also be observed on other areas of the plans along the street frontage.

The first approach to evaluate the impact would be to assume that the existing topography on the grading plan is correct and that the existing topography on the street plan is incorrect. This means that the design values shown on the street plan would all need to be lowered by approximately four feet to meet existing street improvements. The values shown on the proposed grading plan for the new street grades is the same as shown on the approved street plans. All these values would need to be lowered by approximately four feet. Now the proposed on-site grades for finish floors are four feet higher than the street grades and now they would all need to be lowered by four feet to meet the adjusted street grades. The assumption for this

approach was that the existing topography was correct so the adjustment of proposed grades to meet the corrected proposed street grades would cause all the walls adjoining natural grade to be approximately four feet higher than shown on the plan. It would also mean that over the entire site the depth of cut into the existing topography would be four feet more than shown. This would reduce the amount of fill needed for the site and increase the amount of cut. An approximation for this change in quantity could be determined by multiplying the area being graded by four feet of height. This would modify our reported overall grading quantity in our report by adding approximately 1,500 cubic yards cut bringing the total earth movement to 5,285 c.y. It is most likely that this added grading would translate directly into additional export which would bring our estimated export quantity to 3,803 c.y.

The second approach would be to assume that the existing topography on the street plan is correct and that the existing topography on the grading plan is incorrect. This means that the design values on the street plan would be held. It also means that all of the existing topographic elevation values on the grading plan would be raised by approximately four feet. Since the grading plan used the design values from the approved street plan the values of the on-site proposed grading would remain as shown on the proposed grading plan. However since all the existing topography values have been increased by four feet, the same results would occur as noted in the first approach above.

This evaluation assumes that the design concept would remain the same after the existing topographic value adjustments are made, and it is our best estimate until a complete re-design is done with the corrected values.

Sincerely,

Melvin Sukow R.C.E. 22663

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# Sukow Engineering

Surveying • Land Planning • Civil Engineering Plan Processing • Project Management

# GRADING QUANTITY STUDY FOR 3923 HOPEVALE DRIVE CITY OF LOS ANGELES APRIL 10, 2015

PREPARED FOR: GARY FELDMAN

3944 HOPEVALE DRIVE SHERMAN OAKS, CA 91403

The following are calculations based on the scanned image of the grading plan for the above site and a cross section worksheet developed by this office. See Exhibit A for the locations of the cross sections and Exhibit B for the cross sections. Please take note of the discrepancy pointed out concerning the difference between the existing grades shown on the approved street plan versus the existing grades shown on the proposed grading plan. The only way to proceed with obtaining an approximate grading quantity with the plans available was to mix the values from both plans which mean the following values could change when the discrepancy is resolved in the future.

## **QUANTITIES BY SECTION LOCATION**

#### PROPERTY LINE TO SECTION A

Onsite:

Cut:  $(0+0)/2 \times 25 = 0$  c.f or 0 c.y Fill:  $(0+0)/2 \times 25 = 0$  c.f or 0 c.y.

Street Area:

Cut:  $(0 + 24)/2 \times 25 = 300 \text{ c.f. or } 11 \text{ c.y}$ Fill:  $(0 + 26)/2 \times 25 = 325 \text{ c.f or } 12 \text{ c.y.}$ 

#### SECTION A TO SECTION B

Onsite:

Cut:  $(227 + 211)/2 \times 39 + (15 + 0)/2 \times 39 - 4 \times 131 = 8,309 \text{ c.f or } 308 \text{ c.y}$ Fill:  $(2 = 27)/2 \times 39 = 566 \text{ c.f. or } 21 \text{ c.y.}$ 

Street Area:

Cut:  $(24 + 0)/2 \times 39 = 468 \text{ c.f. or } 17 \text{ c.y}$ Fill:  $(26 + 83)/2 \times 39 = 2{,}125 \text{ c.f or } 79 \text{ c.y.}$ 

#### SECTION B TO SECTION C

Onsite:

Cut: 
$$(211 + 254)/2 \times 19 = 4{,}418 \text{ c.f. or } 164 \text{ c.y.}$$

Fill: 
$$(27 + 0)/2 \times 19 + (15 + 0)/2 \times 19 = 400 \text{ c.f or } 15 \text{ c.y.}$$

Street Area:

Cut: 
$$(0 + 5)/2 \times 30 = 75$$
 c.f. or 3 c.y

Fill: 
$$(83 + 56)/2 \times 30 = 2,085 \text{ c.f or } 77 \text{ c.y.}$$

#### SECTION C TO SECTION D

Onsite:

Cut: 
$$(254 + 252 + 163 + 364)/2 \times 50 = 25,825 \text{ c.f. or } 956 \text{ c.y.}$$

Fill: 
$$(0 + 11/2 \times 50 = 550 \text{ c.f or } 20 \text{ c.y.}$$

Street Area:

Cut: 
$$(5+0)/2 \times 34 = 85 \text{ c.f. or } 3 \text{ c.y}$$

Fill: 
$$(56 + 51)/2 \times 34 = 1,819$$
 c.f or 67 c.y.

#### SECTION D TO SECTION E

Onsite:

Cut: 
$$(163 + 364 + 674)/2 \times 45 = 27,022 \text{ c.f. or } 1,000 \text{ c.y.}$$

Fill: 
$$(11 + 11/2 \times 45 = 495 \text{ c.f or } 18 \text{ c.y.})$$

Street Area:

Cut: 
$$(0+0)/2 \times 34 = 0$$
 c.f. or 0 c.y

Fill: 
$$(51 + 75)/2 \times 34 = 2,142 \text{ c.f or } 79 \text{ c.y.}$$

#### SECTION E TO SECTION F

Onsite:

Cut: 
$$(203 + 110)/2 \times 15 = 2,347 \text{ c.f. or } 87 \text{ c.y.}$$

Fill: 
$$(11 + 29 + 150)/2 \times 15 = 1,425 \text{ c.f or } 53 \text{ c.y.}$$

Street Area:

Cut: 
$$(0+0)/2 \times 15 = 0$$
 c.f. or 0 c.y.

Fill: 
$$(75 + 83)/2 \times 15 = 1,185$$
 c.f or 44 c.y.

#### SECTION F TO SECTION G (Wall west of G)

Onsite:

Cut: 
$$(110 + 194 + 23)/2 \times 33 = 5,396 \text{ c.f or } 200 \text{ c.y.}$$
  
Fill:  $(150 + 48)/2 \times 33 = 3,267 \text{ c.f or } 121 \text{ c.y.}$ 

Street Area:

Cut: 
$$(0+0)/2 \times 33 = 0$$
 c.f. or 0 c.y.

Fill: 
$$(83 + 99)/2 \times 33 = 3,003 \text{ c.f or } 111 \text{ c.y.}$$

#### SECTION G TO PROPERTY LINE

Onsite:

Cut: 
$$(0+0)/2 \times 9 = 0$$
 c.f. or 0 c.y.  
Fill:  $(48+0)/2 \times 9 = 216$  c.f or 8 c.y.

Street Area:

Cut: 
$$(0+0)/2 \times 9 = 0$$
 c.f. or 0 c.y.  
Fill:  $(99+0)/2 \times 9 = 445$  c.f or 16 c.y

#### **EXCAVATION FOR PILES**

Onsite: Rear walls are on piles. Length of wall system is 286' with pile as shoring for each wall. Total of two piles assume 2' diameter spaced at 8' on center. Total piles = 72. Assume 30' length.

Cut: 
$$(3.14 \times 1^2) \times 72 \times 30 = 6{,}782 \text{ c.f. or } 251 \text{ c.y.}$$

Fill: not applicable

Street Area: Per street plan there is 19-2' diameter piles embedded about 20 feet.

Cut: 
$$(3.14 \times 1^2) \times 19 \times 20 = 1{,}193 \text{ c.f. or } 44 \text{ c.y.}$$

Fill: not applicable

#### **SUMMARY**

Onsite:

Cut: 
$$308 + 164 + 956 + 1000 + 87 + 200 + 251 = 2,966$$
 c.y.  
Fill:  $21 + 15 + 20 + 18 + 53 + 121 + 8 = 256$  c.y.

Street Area:

Cut: 
$$11 + 17 + 3 + 3 + 44 = 78$$
 c.y.

Fill: 
$$12 + 79 + 77 + 67 + 79 + 44 + 111 + 16 = 485$$
 c.y

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Total Cut = 3,044 c.y (including street)

Total Fill = 741 c.y. (including street)

Export = 2,303 c.y. (including street)

Total Earth Movement = 3,785 (including street)
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The above quantities are approximate and our based on scanned images of the project grading plan. Some items have not been addressed such as over excavation, soil shrinkage, spoils removal, retaining wall footing excavations, pool excavations, etc. Also, the grading plan shows numerous impact walls outside of the indicated grading area. These are positioned on slopes and some grading will probably be needed to construct these walls.

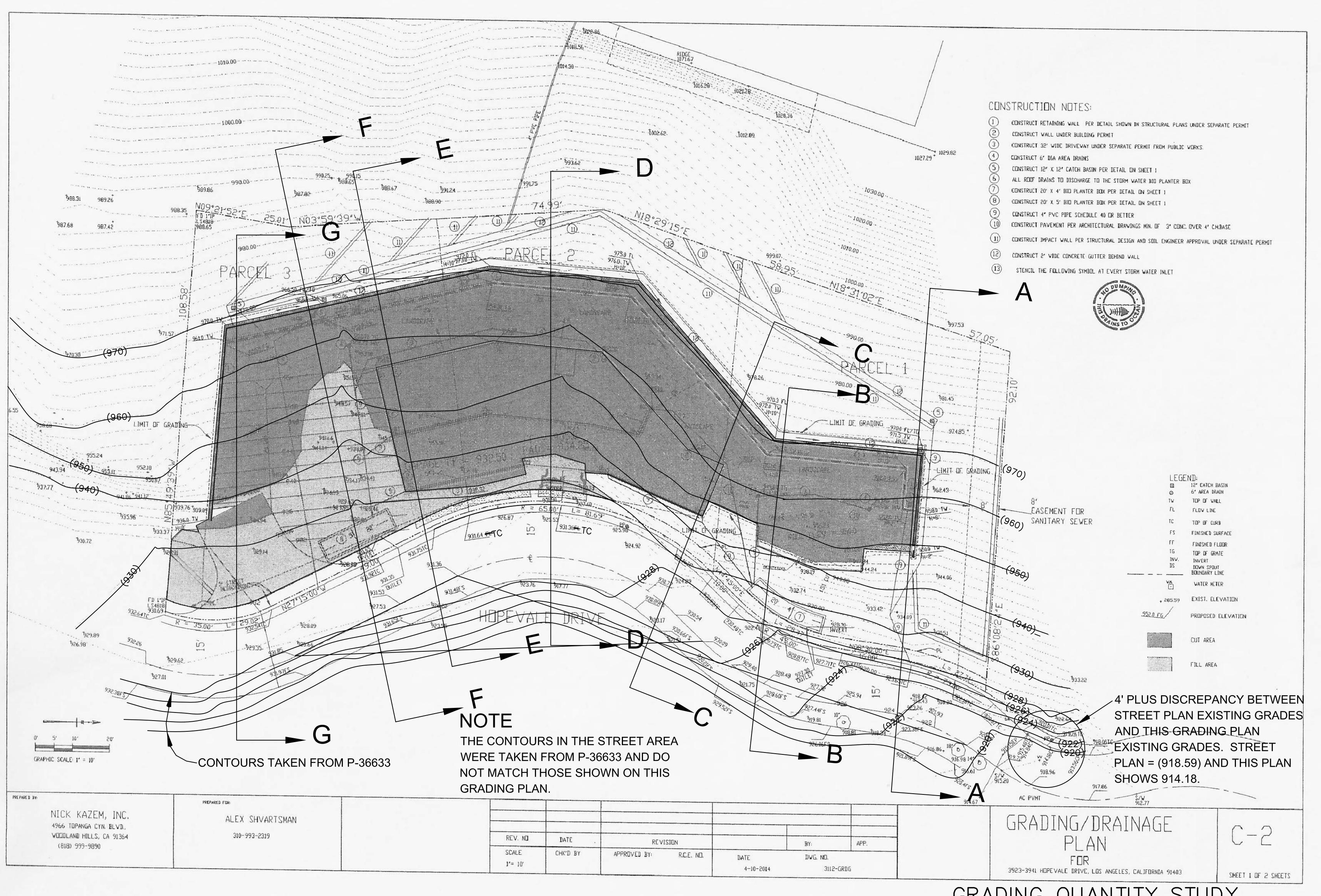
A major concern that surfaced during our review is that the existing contours and grades within the street area as shown on approved Street Plan P-36633 do not match the existing contours and grades shown on the proposed grading plan. The proposed grading plan values appear to be about four feet lower than the approved street plan. The problem is that the proposed grading plan used the proposed finish street grades as shown on the approved street plan and did not adjust them downward to match the existing grades shown on the proposed grading plan within the street area. This means that when the discrepancy is resolved most likely proposed walls on the site will be higher than shown and the grading quantities will reflect more cut then we have estimated. In order to proceed with our study, the contours in the street area had to be taken from the street plan and the contours within the site had to be taken from the grading plan.

Prepared by:

Melvin Sukow R.C.E. 22673

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# EXHIBIT A



GRADING QUANTITY STUDY 3923-3941 HOPEVALE DRIVE CROSS SECTION LOCATIONS

# EXHIBIT B

