

9410 W. SIERRA MAR PLACE APPEAL

APPEAL FROM: June 2, 2015 action of the Board of Building & Safety Commissioners

APPEAL TO: The City Council

REGARDING CASE NO: Board File Number 140073, ENV-2014-2718-MND

PROJECT ADDRESS: 9410 West Sierra Mar Place

FINAL DATE TO APPEAL: June 12, 2015

TYPE OF APPEAL: Appeal of the approved haul route, by adjacent homeowners

APPELLANTS' INFORMATION:

Names: John and Fredda Ellis

Address: 9335 Sierra Mar Drive

Telephone: (213) 244-2978

E-mail: jellis@semprautilities.com

PURPOSE OF APPEAL:

This appeal asks the Council to reverse part of the decision of the Board of Building and Safety Commissioners ("the Board") made at a hearing on June 2, 2015, for a residential project at 9410 West Sierra Mar Place: specifically, the Board's approval of the Applicant's proposed haul route.

We are neighboring homeowners who are concerned that the Board's approved haul route is longer and more dangerous than any of three alternative haul routes. We believe the Board's decision is in error under Municipal Code Section 91.70067.7.4(5), which provides that the Board shall deny approval of a haul route permit request when approval would "endanger the public health, safety and welfare."

We are concerned that the approved haul route would send more than 400 loaded dump trucks over 47 days downhill into a hairpin turn in front of our home at 9335 West Sierra Mar Drive, where our front door is five feet from the roadway at the bottom of the "U" of the hairpin turn.

We did not receive any documentation showing the Applicant's proposed haul route until June 1, 2015. As a result, our objections and evidence concerning the haul route, stated in our letter of June 1, 2015, to the Board, was not submitted to the Board until the morning of the hearing on June 2, 2015. The following is an excerpt from our June 1 letter:

2. The Proposed Haul Route Should Be Rejected in Favor of a Safer Route.

Second, we ask the Board to reject the proposed haul route, which is the worst possible of four alternatives. The project location is near the point where Sierra Mar Place becomes Flicker Way, and all four alternatives involve the section of the route between the project location and Doheny Drive. They are: (1) route empty trucks up on Sierra Mar Drive and Sierra Mar Place, and loaded trucks back down on Flicker Way; (2) route empty trucks up on Flicker Way and loaded trucks back down on Sierra Mar Place and Sierra Mar Drive; (3) route empty trucks up on Flicker Way and Sierra Mar Place, and loaded trucks back down on Sierra Mar Place and Flicker Way; and (4) route empty trucks up on Sierra Mar Drive and Sierra Mar Place, and loaded trucks back down on Sierra Mar Place and Sierra Mar Drive.

The recommended route at page six, section C.11 of the draft approval letter, and presumably the route proposed in the application, is the fourth and worst alternative: routing empty trucks up on Sierra Mar Drive and Sierra Mar Place, and loaded trucks back down on Sierra Mar Place and Sierra Mar Drive. This is the most dangerous of the four alternatives, because it would send loaded dump trucks first down the steepest two sections of Sierra Mar Place – a section of about 40 yards with a slope approaching 35 degrees, turning onto a second section of about 30 yards with a slope approaching 45 degrees, down to the point where Sierra Mar Place intersects with Sierra Mar Drive; then through two narrow sections and curves on a more or less level section of Sierra Mar Drive, before making a hairpin turn and entering a longer downgrade into a second hairpin turn, at the point where our house sits five feet from the roadway at the bottom of the "U" of the turn, at 9335 Sierra Mar Drive; then down another grade on a section of Sierra Mar Drive where two ordinary-sized cars cannot pass each other without one having to pull over in between parked cars; then around a third hairpin turn and down an even steeper grade of Sierra Mar Drive with two more hairpin turns in quick succession; then, at the bottom of another steep grade on Sierra Mar Drive, around a 90-degree turn, before reaching Doheny Drive.

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The Applicant's proposed route also would result in the dump trucks emitting more diesel exhaust and shaking loose more dust and dirt as they negotiate the grades and turns on Sierra Mar Drive and Sierra Mar Place. Nor is the applicant's proposed route the shortest of the four alternative routes, as it appears that the route up and down Flicker Way is shorter than the route up and down Sierra Mar Drive and Sierra Mar Place.

The safest of the four alternative routes would be to route empty trucks up on Flicker Way to Sierra Mar Place, and loaded trucks back down on Flicker Way. This route has only one hairpin turn, coincidentally at a point where another, even larger project at 9366 West Flicker Way (Board File No. 140042) is underway and has been excavating and hauling earth, also on a route up down Flicker Way.

The second best of the four alternative routes, although it is far less preferable than the first and safest alternative, would be to route empty trucks up Sierra Mar Drive and Sierra Mar Place, and loaded trucks down Flicker Way. At all costs, the route sending loaded trucks down Sierra Mar Drive's multiple hairpin turns, steep grades and narrow sections should be avoided.

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As additional evidence in support of our appeal, the aerial photograph marked "Aerial Perspective" in the City's Staff Engineer, Mr. Healy's presentation to the Board, proves two of our objections: (1) that the approved route down Sierra Mar Place and Sierra Mar Drive is a longer route to Doheny Drive - the main access road to the hillside neighborhood - than the route we propose down Flicker Way (and Bluebird Avenue, which becomes Doheny Drive without a turn); and (2) that the approved route down Sierra Mar Place and Sierra Mar Drive contains more hairpin turns, including the one immediately in front of our front door, than the route we propose down Flicker Way (and Bluebird Avenue). The page of Mr. Healy's presentation with the aerial photograph, which we requested and received on June 4, is Attachment A to this appeal.

Attachments B and C to this appeal are two aerial photographs contained in the City Fire Department's brush clearance Notices for our property, which show the hairpin turn immediately in front of our home at 9335 Sierra Mar Drive. These two Notices were included in our letter of June 1 to the Board. (We complied with the Notices and had the brush cleared before the compliance date). For reference, the house that used to sit on the project site at 9410 West Sierra Mar Place is shown in the upper left corner of Attachment C.

Two things that the aerial photographs cannot show are the steepness and narrowness of sections of the Board's approved route. If you walked the approved route down Sierra Mar Place going west and down Sierra Mar Drive, as we do frequently, you would know it's much steeper in parts than any sections of the alternative route down Flicker Way and Bluebird Avenue. And if you drove the approved route down Sierra Mar Drive, as we do every day, you'd know it's so narrow

in several sections that two cars going in opposite directions cannot pass without one pulling over, let alone a car and a dump truck going in opposite directions.

It's just not safe to send hundreds of loaded dump trucks down a longer, steeper and narrower route with more hairpin turns, when a wider and more level route with fewer hairpin turns is in fact the shorter way down to the main road. We ask the City Council to please correct this error in the Board's decision.

Attachments: A - aerial photograph included in Staff's June 2 presentation to the Board

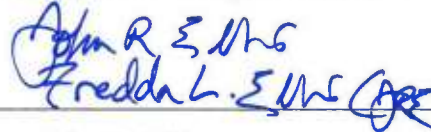
B - aerial photograph (in Fire Department notice) included in our June 1 letter

C - aerial photograph (in Fire Department notice) included in our June 1 letter

I certify that the statements contained in this appeal are complete and true:

Dated: June 11, 2015

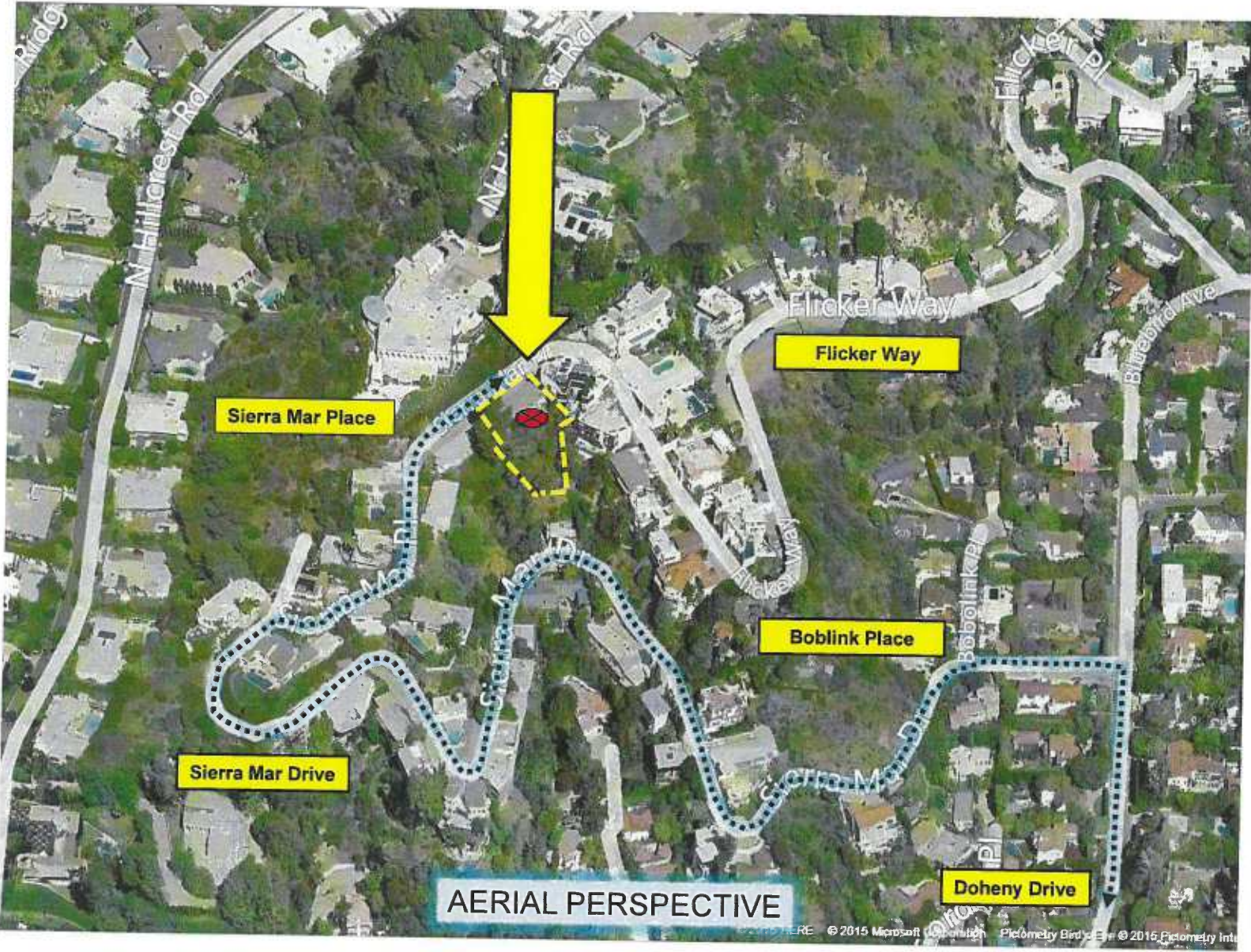
Appellants

Handwritten signatures of John R. Ellis and Fredda L. Ellis in blue ink, written over a horizontal line.

John R. Ellis

Fredda L. Ellis

Attachment A



Sierra Mar Place

Sierra Mar Drive

Flicker Way

Boblink Place

Doheny Drive

AERIAL PERSPECTIVE

© 2015 Microsoft Corporation. Pictometry Bird's Eye © 2015 Pictometry Int'l

Attachment B

City of Los Angeles
DEPARTMENT OF FIRE

NOTICE OF NONCOMPLIANCE !4392005010!

MapBook 4392	Page 005	Parcel 010	Hazard Location 09335 SIERRA MAR DR LOS ANGELES CA 90069
ELLIS, JOHN R AND FREDDA L TRS 09335 SIERRA MAR DR LOS ANGELES CA 90069 0000			Property Inspected 05/03/2015 Notice Printed 05/04/2015 Compliance Due 05/24/2015 Inspector ID NASSOUR

An inspection confirmed that brush clearance progress is not complete on your property as per L.A.M.C. SECTION 57.322. Please see comments below.

- 1. All native brush, weeds, grass, trees and hazardous vegetation on your property within 200 feet of all structure, whether those structures are on your property or adjoining properties, shall be maintained in accordance with the requirements.
- 2. Maintain all weeds and other vegetation located within 10 feet of any combustible fence or an edge of that portion of any highway, street, alley or paved driveway or used for vehicular travel.
- 3. Trees shall be trimmed so the foliage is no closer than 10 feet from the outlet of a chimney.
- 4. Remove any substantial accumulation of leaves, needles, twigs and all other combustible material from the roof of any structure on your property.
- 5. For trees that are taller than 18 feet shall have lower branches trimmed so that no foliage is within six feet of the ground. For trees and shrubs less than 18 feet tall shall have lower branches removed to the one-third of the height of the tree or shrub. Remove all dead material.
- 6. Maintain 5 feet of vertical clearance between roof surfaces and portions of overhanging trees.
- 7. All dead trees shall be removed from the property.
- 8. Hazardous vegetation on your property beyond 100 feet but within 200 feet of all structures shall be maintained as follows: Remove dead material from this area, except vegetation that is cut to 3" in height; Prune foliage from lower third of trees and shrubs up to a maximum of six feet.
- 9. Your property has been identified as having landscape vegetation that requires additional modification. You are directed to maintain your landscape vegetation in accordance with the requirements.
- 10. Remove and safely dispose of all cut or bagged vegetation, native or otherwise, all dead trees, and all debris. Cut vegetation may be machine processed and spread on site.

Diagram of Hazard/Location



A reinspection of your property will occur on or after the Compliance due date. If found in compliance, you will receive a written "CLEANED BY OWNER INSPECTION RECORD" for your records. If your property is not in compliance at the time of reinspection, a \$356.00 (subject to change) noncompliance reinspection fee will be assessed and the City may complete the work on your behalf. The cost, including an administrative fee and the noncompliance reinspection fee will become a special assessment. Upon City Council confirmation and recordation of that order, a lien may be attached to the above parcel to be collected on the next regular property tax bill.

Comments and Special Instructions:
None

Attachment C

City of Los Angeles
DEPARTMENT OF FIRE

NOTICE OF NONCOMPLIANCE !4392003016!

MapBook 4392	Page 003	Parcel 016	Hazard Location V/L W/OF 9335 SIERRA MAR DR
ELLIS, JOHN R AND FREDDA L TRS 09335 SIERRA MAR DR LOS ANGELES CA 90069 0000			Property Inspected 05/01/2015 Notice Printed 05/04/2015 Compliance Due 05/24/2015 Inspector ID NASSOUR

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Comments and Special Instructions:
None