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October 11, 2016

**VIA HAND DELIVERY**

The Honorable City Council  
c/o Office of the City Clerk  
200 North Spring Street, Room 395  
Los Angeles, California 90012

**Re: Appeal from Haul Route Approved by  
The Board of Building and Safety Commissioner  
Of the City of Los Angeles (October 4, 2016)  
Board File No. 160089 (Application)**

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Dear Honorable City Council Members:

This appeal from the approval of the Application to import 122,000 cubic yards of earth to the project site, 15101 Pacific Coast Highway (hereinafter referred to as the "site") on October 4, 2016 by The Board of Building and Safety Commissioner Of the City of Los Angeles (hereinafter referred to as the "Board"). This appeal is submitted on behalf of Louis and Wendy Magur and WLMAGUR, LLC (hereinafter collectively referred to as "Magur"). Please be advised the right to submit supplemental comments once the Board release the Final Decision Letter is reserved.

Louis and Wendy Magur are the current owners of 15245 De Pauw Street, Pacific Palisades, California 90272. Louis and Wendy Magur along with WLMAGUR, LLC. are the current owners of 15232 De Pauw Street, Pacific Palisades, California 90272. Both properties are located adjacent to the site.

We believe that that the Board, erred in approving the Application for the following reasons.

**1. There was Inadequate Notice of the Underlying Proceeding.**

Section 91.7006.7.4 of the Los Angeles Municipal Code requires a written notice to all property owners within three hundred (300) feet of the site. Additionally, Section 91.7006.7.4 of the Los Angeles Municipal Code also requires a posting. These were not properly performed prior to the hearing. Attached is a copy of Section 91.7006.7.4 of the Los Angeles Municipal Code. The Applicant failed to post as required by the Code.

**2. The Environmental Quality of the Site will be Damaged.**

The import of dirt that had been under a dry cleaner as well as a gas station poses a significant risk to the environmental quality of the Site. As a result, these potentially harmful chemicals that are present in the soil will be present at the site and pose a significant health and environmental risks to my residence as well as the other property that we own that is adjacent to the site. At very least monitoring and testing of each truckload of dirt taken to the site should be required. Once the dirt is put on the site it could be too late and costly to remediate.

**3. The Haul Route Will Result in Traffic Blockages.**

The export (from the Swarthmore construction site) and import of dirt to the site is via very heavily used streets in Pacific Palisades at times that would cause an unreasonable burden. As a result, there will be significant traffic blockages and chokepoints in the immediate vicinity of the export and import sites.

**4. This Project Requires an EIR Pursuant to CEQA.**

The import of dirt that had been under a dry cleaner as well as a gas station pose a significant risk to the environmental quality of the Site. As a result, these potentially harmful chemicals that are present in the soil will be present at the site and pose a significant health risk to our residences adjacent to the site. Consequently, a Environmental Impact Report (EIR) as required by the California Environmental Quality Act ("CEQA") must be required and performed. An EIR is legally required in order to evaluate these potential impacts. CEQA required an EIR whenever a project may have a significant adverse impact on the environment, and reflects a preference for resolving doubts in favor of full environmental review. League for Protection of Oakland's Architectural and Historical Resources v. City of Oakland (1997) 52 Cal. App. 4<sup>th</sup> 896, 905.

**5. Conclusion.**

For the reasons set forth above in this appeal letter, as well as any and all supplemental objections filed at a future date and based upon the information presented at The Board of Building and Safety Commissioner Of the City of Los Angeles on October 4, 2016, we respectfully request that the Los Angeles City Council overturn the Board's approval.

If you have any question please do not hesitate to contact the undersigned. Thank you for you courtesy and cooperation in this matter, I remain,

Very truly yours,

By

  
\_\_\_\_\_  
LOUIS MAGUR

LM/wlc  
enc.

**91.7006.7.4. Special Hillside Conditions.** No permit requiring the import or export of more than 1,000 cubic yards (764 m<sup>3</sup>) shall be issued for areas designated "hillside" except as specified in this section. A fee of \$529.00 for the first 1,000 cubic yards and \$100.00 additional for each 1,000 cubic yards or portion of 1,000 cubic yards, in addition to the permit fee shall be paid for processing an application for grading under the provisions of this section. **(Amended by Ord. No. 180,868, Eff. 10/22/09.)**

1. The applicant shall submit a proposed method of hauling, which shall include the location of borrow and/or dispersal sites within the hillside area, the truck staging areas, the portion of the haul route within the hillside area and extending to or from a major or secondary highway, the maximum gross weight of haul vehicles when loaded and other information as may be required by the Departments of Building and Safety, Transportation and Public Works. In addition, the applicant shall submit a copy of the soil/geological report approval letter when reports are required pursuant to Section 7006.2, a vicinity map, and a list of affected property owners to be notified of the public hearing pursuant to Item 4. **(Amended by Ord. No. 179,324, Eff. 12/10/07, Oper. 1/1/08.)**

2. The Department shall immediately forward a copy of the hauling proposal to the Department of Public Works which shall review same to determine the effect of the proposed hauling operation on the structural integrity of the public streets, on public safety due to street alignment, width and grade, and on public health and welfare due to noise and vibration as it may affect private property situated on or adjacent to the haul route within the hillside area.

The Department of Public Works shall collect a fee and may require a bond as specified in Article 2 of Chapter VI of the Los Angeles Municipal Code. The Department of Public Works may, within 21 days after receipt of the proposal, recommend conditions to be imposed on the hauling operations to protect the public health, safety and welfare in the respects hereinabove specified.

3. The Department shall also immediately forward a copy of the hauling proposal to the Department of Transportation which shall review same to determine the effect thereof on vehicular and pedestrian traffic in the affected area. The Department of Transportation may, within 21 days after receipt of the proposal, recommend any traffic control measures deemed necessary to protect the public health, safety and welfare.

4. **(Amended by Ord. No. 179,324, Eff. 12/10/07, Oper. 1/1/08.)** The Department shall within 45 days after receipt of the proposed method of hauling, schedule a public hearing before the board provided that any environmental document required pursuant to the provisions of the California Environmental Quality Act has been completed and that the soils/geology report for the project, if required pursuant to Section 91.7006.2, has been reviewed and approved by the Department's Grading Division.

The Department shall give notice of the time, place and purpose of the hearing as follows:

- a. by publishing a notice in at least one publication of general circulation in the City, designated for that purpose by the City Clerk, not less than ten days prior to the date of the hearing; and
- b. by mailing a written notice at least ten days prior to the date of the hearing to the owner or owners of the property involved, and to the owners of all properties within 300 feet (91 440 mm) of the exterior boundaries of the site for which the grading permit has been requested using, for the purpose of notification, the last known name and address of owners as are shown on the records of the City Engineer or the records of the County Assessor; and **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**
- c. by the applicant posting notice of the public hearing in a conspicuous place and in clear public view on the property involved at least five days prior to the date of the public hearing.