

May 15, 2018

David Shapiro

1242 Coldwater Canyon Drive

Beverly Hills, CA 90210

To Whom It May Concern,

I am writing to appeal the ruling to haul dirt at 1579 North Lindacrest Drive. Please see the attached notice of public hearing with additional details regarding this matter.

My name is David Shapiro and I own one of 2 houses that sit immediately below the house that is being proposed to be built. My house backs up to the hill/cliff that is 1579 North Lindacrest Drive.

I have carefully reviewed the documents that have been provided to me by the City, as well as other materials that I found online on LA Department of Building and Safety website, as well as the LA County Assessor and other websites.

I have serious concerns related to both (1) health and safety and (2) environmental concerns associated with the digging and hauling of dirt, and I believe that the exemption to the California Environmental Quality Act (CEQA) has not been complied with, and is therefore invalid.

Unfortunately, I received the notice of the hearing shortly before the hearing date and I was unable to attend in person, although I did submit a written objection for the record. Thus, I am now submitting this appeal.

### **Environmental**

As the only undeveloped lot in this area for over 100 years (while the surrounding area has been developed), this lot has become an important environmental location, and is home to countless animals, reptiles, birds, flowers, trees and other wildlife. For instance, owls nest in the trees and eagles and hawks are commonly found on the property, and Coyotes also use it as a transit route to and from Franklin Canyon Park. The supporting information that was used to support the CEQA exemption was lacking

this critical information. It would be potentially environmentally disastrous to proceed with the digging without fully understanding the impact on the living creatures that inhabit this land. This can only be accomplished via an environmental study.

As set forth in the CEQA Justification for Project Exemption "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. This is certainly an unusual circumstance in that this is the only undeveloped lot in the area, as you can see from the attached image of the area from Google Earth, and that for decades and decades many different types of animals have called this land their home. Destroying their home will certainly have a significant effect on the environment.

Furthermore, a class 32 exemption is similarly not available because the land does have value to a wide variety of species, including, potentially, endangered and threatened species. Furthermore, the CEQA exemption is based on false information. For instance, the report states that there are only 4 trees on the property. This is completely false. The attached photo of just a portion of the lot shows approximately a dozen trees. There are many other trees on the property as well. I question why the city was intentionally misled regarding the number of trees on the property.

I believe that a full environmental review should be completed before making a decision so that we can fully assess the environmental impact

### **Health and Safety**

Regarding health and safety, please note that this area was developed many decades ago, and yet this lot was never developed. Given that this is the only undeveloped lot in the area, one must ask why this lot was never previously developed. This is not a coincidence, and there are clearly reasons why this lot was never developed. This lot is much steeper than neighboring lots and doesn't have any plateau or flat area on which to build.

The hill/cliff starts about 3 feet from the street, and the cliff is very steep. My concerns include stability of the hill, the fact that my kids play in our backyard right underneath where the proposed work will be occurring, flood protection, landslide protection, to name a few. It is hard to even imagine where 3,200 cubic yards of dirt will be removed since the hill is so steep.

Further, the environmental categorical exemption is based on hauling up to 3,106 cubic yards of dirt (and building a 1,830 square foot house). Yet, the Board approved


more than that: 3,200 cubic yards. The exemption should be inapplicable as it based on only authorizing 3,106 cubic yards of dirt. This fact alone, I believe, should void the exemption.

### **Lack of Access to Documents**

Finally, please note that I have yet to receive documentation that was available to both the property owner and the Board when this matter was presented to the Board. For instance, and this is just one of many examples, the Board relied on a "geotechnical report" that was prepared by the owner. I have repeatedly requested from the owner this, and other relevant, documents, and the owner has refused to provide it. Similarly, no one from the City has been able to provide me with this document. Thus, I have not had an opportunity to have this information evaluated by my own third party experts. This is inherently unfair. I was only recently notified about the hearing (and this was the first time I had heard that a process was underway to develop this land), and I have still not received the necessary documentation to evaluate the project. I respectfully request access to all relevant documentation, and an appropriate amount of time for myself and third party experts review the documentation.

Thank you very much for your consideration. I look forward to attending the appeal hearing and to providing you with additional supporting materials.

Sincerely,

A handwritten signature in black ink that reads "David Shapiro". The signature is written in a cursive style with a long horizontal line extending to the right.

David Shapiro

BOARD OF  
BUILDING AND SAFETY  
COMMISSIONERS

VAN AMBATIELOS  
PRESIDENT

E. FELICIA BRANNON  
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL  
GEORGE HOVAGUIMIAN  
JAVIER NUNEZ

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

FRANK M. BUSH  
GENERAL MANAGER  
SUPERINTENDENT OF BUILDING

OSAMA YOUNAN, P.E.  
EXECUTIVE OFFICER

**NOTICE OF PUBLIC HEARING TO PROPERTY OWNERS  
WITHIN A 300-FOOT RADIUS OF GRADING SITE**

BOARD FILE NO. 180019  
C.D. 4 (Councilmember D. Ryu)

PROJECT ADDRESS: 1575-1579 NORTH LINDACREST DRIVE  
DATE OF HEARING: MAY 8, 2018  
TIME OF HEARING: 9:30 a.m.  
PLACE OF HEARING: Room 900 (9th Floor), 201 North Figueroa Street, Los Angeles

OWNERS: Michael Manshel Trust  
1575 Lindacrest Drive  
Beverly Hills, CA 90210

The Board of Building and Safety Commissioners of the City of Los Angeles will conduct a public hearing during which you may be present and speak regarding an application to haul earth material. The owner proposes to export 3,200 cubic yards of earth from the project site.

At the public hearing, the Board will be considering views of concerned parties regarding the proposed hauling operations and environmental review under the California Environmental Quality Act (CEQA). All problems of drainage, erosion and land stability on site are resolved as part of the grading plan check process prior to the issuance of the grading permit. Extensive soils engineering and geologic studies are commonly required for any substantial grading on hillside sites as part of obtaining the grading permit.

If you are unable to attend the hearing, you may submit your comments in writing by 12:00 p.m. Thursday prior to the date of the hearing. Correspondence received after this time will be added to the file. Comments should be addressed to the Board of Building and Safety Commissioners, Room 1030, 201 North Figueroa Street, Los Angeles, CA 90012. Email comments must be submitted to Cora Johnson ([cora.johnson@lacity.org](mailto:cora.johnson@lacity.org)) and Michel Thompson ([michel.thompson@lacity.org](mailto:michel.thompson@lacity.org)) of the Board of Building and Safety Commissioners Office. The City Departments of Building and Safety, Public Works and Transportation will submit recommendations to the Board for any controls they find are necessary to protect the interest of public health, safety and welfare during the hauling operation. A copy of the combined recommendations will be available at least two days before the hearing. Should you have specific questions regarding the proposed hauling operations, you may contact Dina Elkinawy, Staff Engineer, at (213) 482-0466.

Agendas may be accessed through the City website at [www.LADBS.org](http://www.LADBS.org) "Our Organization", "Building & Safety Commissioners", "BBSC Meeting Agenda."

**NOTE TO OWNER:** Failure of the owner or owner's representative(s) to appear at the hearing may result in a denial of the proposed haul route.

W:\HAULRTE\PHN180019

Sign Language Interpreters, Communication Access Real-Time Transcription (CART), Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended. For additional information, please contact the Commission Office at (213) 482-0466.

