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9662 Highridge Drive, Beverly Hills, CA 90210

Planning and Land Use Management Committee

City Council

City of Los Angeles

C/O Los Angeles City Clerk's Office

[200 N. Spring Street](#)

[Room 395](#)

[Los Angeles, CA 90012](#)

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Re: Council File Number: 18-0459;

Planning and Land Use Management Committee Meeting, June 5,2018;

Item Number 15;

Appeal from Determination of the Board of Department of Building and Safety Commissioners;

Environmental Case Number Env.-2017-5004-CE;

9607 West High Ridge Drive (aka Highridge Drive);

CD.: 5 (Councilmember Koretz)

Dear Honorable Councilmembers:

We are writing in support of our appeal of the action taken by the Board of Building and Safety Commissioners (the "**Board**") on the above referenced matter.

The Board's actions were to (a) find (the "**CEQA Finding**") that the demolition of an existing home, grading and hauling, and the construction of a new structure (the "**Project**") on property located at 9607 Highridge Drive (the "**Project Site**") was categorically exempt under the California Environmental Quality Act ("**CEQA**") and (b) to approve (the "**Approval**") the Application to Export 3,000 Cubic Yards of Earth (the "**Application**").

We appeal both the CEQA Finding and the Approval for the reasons set forth below.

1) **The CEQA Finding Fails to Satisfy CEQA Requirements.** The analysis and determinations set forth in the Notice of Exemption and Justification for Project Exemption Case No. Env-2017-5004-CE on which the CEQA Finding is based are inadequate to determine that the Project is categorically exempt under CEQA for, among other things, the following reasons:

a) **Inadequate Analysis of Cumulative Impacts.** The analysis states that there are no cumulative impacts because there are no other projects with haul routes within 500 feet of the Project Site. This analysis is inadequate for two reasons:

First, the decision to only consider haul routes from other projects that are within 500 feet of the Project Site, is arbitrary and capricious. It does not matter whether the other project sites with haul routes are within 500 feet or 5,000 feet, if those projects use San Ysidro as part of their haul route, because they all have cumulative impacts on the same street. All projects on the two mile stretch of San Ysidro and the side streets served by it use San Ysidro as a haul route because it is the only public access to the neighborhood. Moreover, trucks going to Beverly Park have been observed using San Ysidro as a haul route, even though their permitted routes are off of Mullholland. The baseline of all traffic using San Ysidro must be considered, and it was not.

Second, the analysis is inadequate because it does not cover all of the cumulative impacts of the Project and the many other nearby projects, as required by CEQA. The analysis only covers haul routes – and, while this may be the only discretionary element of the Project, it is not the entirety of this Project or the many other nearby projects. CEQA requires that all of the cumulative impacts of a project – not just its discretionary elements – be analyzed. Here, no analysis of the cumulative impacts of any element of the Project or any other projects other than the haul routes are analyzed. Consequently, the analysis of cumulative impacts on which the Board relied, and on which the City Council would rely, is inadequate.

b) **Inadequate Analysis of Historic Resources.** The home that is currently located on the Project Site is over 40 years old and, therefore, presumptively historic. Further, it appears to be part of an intact historic district containing other like

homes. Consequently, an architectural historian is needed to provide a study of the existing home and any potential historic district, and no such review was conducted.

c) The Project will Likely Have Significant Effects Related to Traffic, Noise, Air Quality, and Water Quality. Construction traffic is major concern and it must be considered with regard to the current baseline and other planned projects. Further, the soil report states the need for pilings, which will likely lead to excessive noise for nearby sensitive receptors. Again, this noise needs to be analyzed cumulatively with other projects. The Project will also have significant effects on air and water quality, as it will likely result in airborne particulate matter, dirt and debris entering the air, the earth, ground water and the storm water system (and, therefore, the ocean). Furthermore, given the age of the current home on the Project Site it is likely that it contains lead paint and asbestos. Studies have shown that children living in areas with high levels of demolition, suffer from lead related ailments. We have a child who, with the approval of this Project, will have experienced four home demolitions on her block before she is five years old (three of which were conducted by the applicant). Despite the obvious impacts, no study of the risks associated with lead paint or asbestos is included in the environmental analysis.

For the reasons set forth above the environmental review determining that the Project is categorically exempt from CEQA is inadequate, and the Board was in error as to the CEQA Finding.

2) The Approval Should Not Have Been Granted. The Approval should not have been granted for, among other things, the following reasons:

a) Haul Route Safety. The Application requests a haul route utilizing, in part, San Ysidro Drive. San Ysidro is a substandard street in which a car and a truck cannot pass one another when cars or trucks are parked on both sides of the street. Because there are so many current construction projects on San Ysidro and in the surrounding neighborhoods, there is highly impacted parking and heavy truck and worker vehicle traffic. The distance between vehicles in the photo taken on June 1, 2018, attached as Exhibit A, is only fifteen feet, which is insufficient for a car and a truck to pass. In addition, for most of its length, San Ysidro has no sidewalks, so pedestrians

walk in the street. Further, bicyclists utilize San Ysidro extensively. The danger of the narrow street is exemplified by the traffic accident that took place on June 4, 2018, shown on Exhibit B.

Furthermore, San Ysidro is extremely steep, and would not satisfy current road-grade requirements. The upper portion of San Ysidro has a grade of 10%.¹

The combination of a steep, narrow, street running downhill for nearly two miles with its impacted parking and heavy traffic creates a high danger to the community – the sort of danger that has already caused fatalities in like circumstances on Loma Vista in Beverly Hills.

b) Facial Inadequacy of Analysis. The analysis contained in the Application is facially and obviously inadequate. The Application addresses the removal and transportation of 3,000 cubic yards of dirt. However, the Project includes the demolition and removal of the existing house and existing trees and vegetation – none of which is addressed in the Application.

3) The Board's Action Did Not Comply with City Codes and Procedures. The Board's actions did not comply with the codes and procedures of the City of Los Angeles (the "City") for, among other things, the following reasons:

a) Failure to Properly Post Notice. Section 91.7006.7.5.(4)(c) of the City's Municipal Code requires that a notice of hearing be posted by the applicant "in a conspicuous place and in clear public view on the property." In this case, the 8" by 11" notice was posted on the front door of the residence, which was measured using a laser measuring devise as being 50 feet from the public right of way. Consequently, the notice was unreadable by neighbors without trespassing on the Project Site. Because the notice was not readable as posted, it was inarguably not posted "in a conspicuous place and in clear public view on the property," as required by law.

¹ See,

<http://veloroutes.org/hillgradecalculator/?loc1=1943+San+Ysidro%2C+Beverly+Hills%2C+CA+90210&loc2=2205+Summitridge+Drive%2C+Beverly+Hills%2C+CA+90210&units=e>

b) Failure of the Board to Follow its Rules and Procedures. At the hearing, the Board failed to follow its established rules and procedures in a manner that deprived the Project opponents of a fair hearing for, among other things, the following reasons:

i) Project Proponent Was Allowed to Speak Twice in Violation of the Board's Rules. The Board's rules allow each public speaker one opportunity to speak for a total of two minutes. In violation of the rules, the Board explicitly allowed a member of the public speaking in support of the Project to return to the podium (not at the Board's request but at the request of the public speaker) after having already exhausted his time. This opportunity was not offered to any opponent of the Project. Consequently, this was a breach of the Board's own rules in a manner that prejudiced the Project opponents.

ii) Project Proponents Were Allowed to Collectively Speak Longer than Allowed by the Board's Rules. The Board's rules allow each side an opportunity to speak for a cumulative total of ten minutes. In violation of these rules, the Board allowed members of the public speaking in support of the Project to speak in excess of ten minutes. This opportunity was not offered to the opponents of the Project. Consequently, this was a breach of the Board's own rules in a manner that prejudiced the Project opponents.

For the reasons set forth above, we respectfully request that the Planning and Land Use Management Committee of the City Council declines to support the CEQA Finding and Approval granted by the Board and denies the Application.

Sincerely,



Paul Rohrer



Kathryn Lohmeyer Rohrer

EXHIBIT A



EXHIBIT B

