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City Council
City of Los Angeles
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Re: Department of Building and Safety Board File Number 180014;
Environmental Case Number Env.-2017-5004-CE; 9607 West High Ridge Drive
(aka Highridge Drive); CD.: 5 (Councilmember Koretz)

Dear Honorable Councilmembers:

We live at 9662 Highridge Drive. We are writing to appeal the action taken on the above referenced matter by the Board of Building and Safety Commissioners (the "Board") on May 8, 2018, as set forth in the decision letter issued on May 10, 2018.

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 is Erroneous Because it 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 hall routes within 500 feet of the Project Site. This analysis is facially flawed. First, it does not matter whether the other sites with hall routes are within 500 feet or 5,000 feet, if they use San Ysidro (which in fact all projects on the two mile stretch of San Ysidro and the side streets served by it do). Moreover, trucks going to Beverly Park have been observed using San Ysidro as a hall rout, even though their permitted routes are off of Mullholland. The baseline of all trucks using San Ysidro must be considered. Second, the analysis only covers hall 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. Consequently, all cumulative impacts relating to all projects must be considered.

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.

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.

Consequently, 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) **Hall Route Safety.** The Application requests a hall 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 road. 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. Moreover, San Ysidro has an extremely steep portion that does not satisfy current road-grade requirements. 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 on a similar road nearby.

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 notice was posted at such a distance from the public right of way as to be unreadable by neighbors without trespassing on the property. Consequently, the notice was not posted "in a conspicuous place and in clear public view on the property."

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 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 City Council declines to support the CEQA Finding and Approval granted by the Board and denies the Application.

Sincerely,



Paul Rohrer

Kathryn Lohmeyer Rohrer