

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

March 18, 2022

VIA PERSONAL DELIVERY

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Re: Appeal of Haul Route Permit and CEQA Environmental Determination for 7870-7900 Granito Drive (Board File Number 210053; ENV-2021-602-CE)

Dear Honorable City Council Members:

This firm represents Citizens With Tape Measures (“Appellant”) in a pro-bono capacity. On or about March 8, 2022 the Board of Building and Safety Commissioners (“Board”) approved the haul route permit for 7870-7900 Granito Drive. The Board also determined that the project was exempt from the California Environmental Quality Act (“CEQA”). Pursuant to Los Angeles Municipal Code Section 91.7006.7.5 and Public Resources Code Section 21151(c), Citizens With Tape Measures appeals both the grant of the aforementioned haul route permit and the determination that the project was exempt from CEQA.

The Board erred in granting the haul route permits because the proposed grading activity will endanger the public health, safety and welfare and denial was therefore mandated pursuant to Los Angeles Municipal Code (“LAMC”) Section 91.7006.7.5. The Board also incorrectly determined that the project was exempt from CEQA.

I. The Project

According to the Justification for Project Exemption, the “Project is for a new single-family dwelling across four (4) vacant lots equating to 26,824 square feet and located at 7864-7900 West Granito Drive within the Hollywood Community Plan area. The Project will construct a new two (2) story single-family dwelling with a 4,191 square foot basement, attached garage, swimming pool, deck and retaining walls. The dwelling is proposed to have a height of 33 feet

and 8,653 square feet of Residential Floor Area (RFA) per Section 12.21 C.10 as amended by Ordinance No. 184,802, also known as Baseline Hillside Ordinance (BHO).”

The City has asserted in the NOE that the project qualifies for both a Class 3, Category 1 and Class 32 Categorical Exemption. The Class 3 exemption is for construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include but are not limited to single family residences not built in conjunction with two or more units. In urbanized areas, up to three single family residences may be constructed under this exemption. *See* 14 Cal. Code Regs. section 15303.

The Class 32 exemption is reserved for certain types of “infill” projects. According to the State CEQA Guidelines, a project must meet the following conditions to qualify for this exemption:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

14 Cal. Code Regs. section 15332. *See* City of Los Angeles Pamphlet Entitled “Class 32 Categorical Exemption” available at https://planning.lacity.org/Forms_Procedures/7828.pdf

Neither the Class 3 nor Class 32 exemption may be utilized when any of the exceptions outlined at CEQA Guidelines Section 15300.2 are present. CEQA Guidelines Section 15300.2 - labeled “Exceptions” - outlines six situations where an exemption may not be used. The Project qualified for the following three exceptions.

- “(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a *particularly sensitive environment* be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an *environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*
- (b) *Cumulative Impact.* All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) *Significant Effect*. A 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.”

CEQA Guidelines Section 153002.

II. The California Environmental Quality Act

a. Purpose of California’s Environmental Protection Statute

The California Environmental Quality Act is California's broadest environmental law. CEQA helps to guide public agencies such as the City during issuance of permits and approval of projects. Courts have interpreted CEQA to afford the fullest protection of the environment within the reasonable scope of the statutes. CEQA applies to all discretionary projects proposed to be conducted or approved by a City, including private projects requiring discretionary government approval. *See* California Public Resources Code, sections 21000 - 21178, and Title 14 Cal. Code Regs., section 753, and Chapter 3, sections 15000 - 15387.

b. CEQA’s Broad Definition of a “Project” Includes *All Phases* of a Development

“CEQA broadly defines a ‘project’ as ‘an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and ... that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.’ [Citation.] The statutory definition is augmented by the [CEQA] Guidelines [Cal.Code Regs., tit. 14, § 15000 et seq.], which define a ‘project’ as ‘*the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment....*’” *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222, 66 Cal.Rptr.3d 645 (*Tuolumne County*). This includes all phases of a project that are reasonably foreseeable, and all related projects that are directly linked to the project. (CEQA Guidelines section 15378).

c. CEQA Has a Strong Presumption in Favor of EIR Preparation

A strong presumption in favor of requiring preparation of an Environmental Impact Report (“EIR”) is built into CEQA which is reflected in what is known as the “fair argument” standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Friends of “B” St. v. City of Haywood* (1980) 106 Cal.App.3d 988, 1002.

“The EIR is the primary means of achieving the Legislature's considered declaration that it is the policy of this state to ‘take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.’ [Citation.] The EIR is therefore ‘the heart of CEQA.’ [Citations.] An EIR is an ‘environmental “alarm bell” whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.’” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.

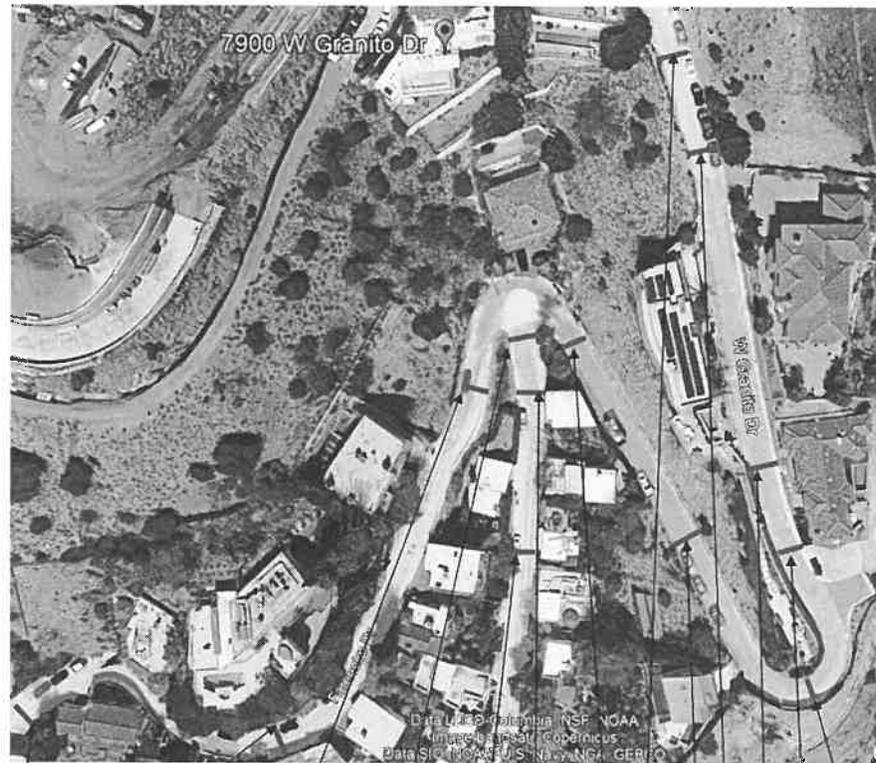
Under CEQA and the CEQA Guidelines, if a project is not exempt and *may* cause a significant effect on the environment, the agency *must* prepare an EIR. PRC §§ 21100, 21151; 14 Cal. Code Regs. §15064(a)(1), (f)(1). "Significant effect upon the environment" is defined as "a substantial or potentially substantial adverse change in the environment." PRC §21068; 14 Cal Code Regs §15382. A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83 n.16; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309, 248 CR 352. This standard sets a "low threshold" for preparation of an EIR. *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App. 4th 903, 928; *Bowman v. City of Berkeley* (2004) 122 CA4th 572, 580; *Citizen Action to Serve All Students v. Thornley* (1990) 222 CA3d 748, 754; *Sundstrom v. County of Mendocino* (1988) 202 CA3d 296, 310.

III. Additional Entitlement Needed – Substandard Status of Carlton Way

The City staff that prepared the NOE apparently did not know that portions of Granito Drive, Fareholm Drive and Orange Grove are substandard in width (i.e. less than 20 feet in width) and therefore the Project does not comply with Los Angeles Municipal Code Section 12.21.C10(i)(3). Under this provision of the code, a project must have a continuous paved roadway of a minimum of 20 feet to the project site. If not, the roadway must either be improved *prior to issuance of building permits*¹ or a Zoning Administrator's Determination ("ZAD") must be obtained (which requires a public hearing and environmental review). As can be seen below, there are multiple portions of Granito Drive, Fareholm Drive and Orange Grove that are less than 20 feet wide. Therefore, the Project does not comply with LAMC Section 12.21.C10(i)(3).

¹ This is specifically stated at page 181 of the Zoning Manual published by the City. This Manual may be accessed at https://www.ladbs.org/docs/default-source/publications/information-bulletins/zoning-code/zoning-code-manual-and-commentary.pdf?sfvrsn=101beb53_27.

Marked Up Map from Showing Where Roadways Are Less than 20 Feet



- | | |
|----|--|
| 13 | |
| 12 | |
| 11 | |
| 10 | |
| 9 | |
| 8 | |
| 7 | |
| 6 | |
| 5 | |
| 4 | |
| 3 | |
| 2 | |
| 1 | |
- 1 Granito @ Curve 19'-11"
 - 2 Granito@ 7805 address near apron width 19'-3"
 - 3 Granito@ at survey mark near 7811 width 19'-8"
 - 4 Granito@ at 7805 address near entry width 19'-4"
 - 5 Granito@ below 7725 address near entry width 19'-9"
 - 6 Granito@ below 7832 width 19'-8"
 - 7 Granito@ telephone pole near intersection width 19'-7"
 - 8 Orange Grove @ 1788 address width 19'-10"
 - 9 Orange Grove @ 1774 address width 19'-9"
 - 10 Orange Grove @ intersection Fareholm width 19'-10"
 - 11 Fareholm @ 7851 address width 19'-5"
 - 12 Fareholm @ 7854 address width 19'-9"
 - 13 Fareholm @ 7902 address width 19'-0" (actual location is further west than map shows)

Measurements- Curb to Curb (Conc. or AC berm) - Granito, Orange Grove & Fareholm
3-13-22

City staff has admitted that their mapping system (NavigateLA) is not perfect and has inaccurately mapped certain roads. In this case, it simply cannot be disputed that there are portions of the roads in question that are less than twenty feet in width.

IV. The Project Has Value as Habitat for a Candidate Species for Protection

The Project has value as habitat for a candidate species under formal consideration for

listing as threatened or endangered under the California Endangered Species Act (CESA), the mountain lion (*Puma concolor*), pursuant to California Fish and Game Code Section 2074.2. The mountain lion became a candidate species in April 16, 2020.² Candidate species are protected under the ESA pursuant to Section 2085 during the remainder of the CESA listing process.

The project site is within the range of the Central Coast South (CC-S) subpopulation of the proposed Evolutionarily Significant Unit (ESU). As noted on pages 4 -6 of the listing Petition:³

While Southern California and Central Coast mountain lions face a multitude of threats, the greatest challenges stem from habitat loss and fragmentation and the consequent impact on their genetic health. Most of the populations comprising the ESU have low genetic diversity and effective population sizes, which puts them at increased risk of extinction (Ernest et al. 2003; Ernest et al. 2014; Riley et al. 2014; Vickers et al. 2015; Benson et al. 2016; Gustafson et al. 2018; Benson et al. 2019). The populations most at risk are the SAM, CC-S, SGSB, and CC-N populations. Due to extreme isolation caused by roads and development, the SAM and CC-S, populations exhibit high levels of inbreeding, and, with the exception of the endangered Florida panther, have the lowest genetic diversity observed for the species globally (Ernest et al. 2014; Riley et al. 2014; Gustafson et al. 2018; Benson et al. 2019). . . .

Although low effective population sizes standing alone are cause for conservation concern for Southern California and Central Coast mountain lion populations, there are other human-caused factors that further limit their long-term persistence. Habitat loss and fragmentation due to roads and development have led to extreme levels of isolation and high mortality rates. With low genetic diversity and high risk of inbreeding depression due to genetic isolation, vehicle strikes on roads, increased conflicts with humans that lead to depredation kills, high levels of intraspecific strife likely due to limited space and lack of connectivity, rodenticide and other environmental toxicant poisoning, and impacts of more frequent human-caused wildfires and climate change, the small isolated mountain lion populations of Southern California and the Central Coast will likely not persist without the restoration and enhancement of functional connectivity between populations and large blocks of heterogeneous habitats.

Loss of mountain lions in Southern California and the Central Coast would be devastating not just for the mountain lions themselves but also the many species that directly and indirectly rely on them. These top predators are important ecosystem engineers that facilitate healthy ecosystems and allow biodiversity to thrive (Ripple and Beschta 2006; Ripple and Beschta 2008; Ripple et al. 2014; Ruth and Elbroch 2014; Barry et al. 2019; Elbroch and Quigley 2019). As keystone species mountain lions help support plant recruitment in riparian areas, stabilize stream banks, and sustain healthy habitats for a myriad of aquatic and

² See also: <https://mountainlion.org/us/ca/law/cesa/-ca-cesa.php>
<https://mountainlion.org/Us/ca/LAW/CESA/Petition.pdf>
<https://mountainlion.org/us/ca/law/cesa/-ca-cesa.php>
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=178379&inline>

³ <https://mountainlion.org/Us/ca/LAW/CESA/Petition.pdf>

terrestrial species, including plants, invertebrates, fish, amphibians, reptiles, birds, and mammals (Ripple and Beschta 2006; Ripple and Beschta 2008; Ripple et al. 2014). Their kills are also an important source of food for multiple terrestrial and avian scavengers (Ruth and Elbroch 2014; Barry et al. 2019; Elbroch and Quigley 2019). . .

Other environmental laws also are insufficient. State and local agencies continue to interpret the California Environmental Quality Act (CEQA) as allowing for the construction of highways and other development in mountain lion habitat and essential corridor areas without adequate mitigation despite severe impacts of such projects on mountain lions. Agencies likewise have generally interpreted CEQA and the federal National Environmental Policy Act as not requiring implementation of connectivity measures when projects fragment or destroy mountain lion habitat. And perhaps most importantly, Caltrans lacks a clear affirmative mandate to design, build, or improve crossings for mountain lions on existing highways, despite the undisputed role of transportation infrastructure in preventing connectivity and gene flow.

Future human population growth and associated development will further diminish and fragment remaining mountain lion habitat, driving Southern California and Central Coast mountain lions closer to extinction and undermining any chance of recovery. Should state and local agencies continue to build and expand roads and highways and permit construction in wildlife habitat and corridors without ensuring adequate habitat connectivity, the genetic health of mountain lion populations will continue to decline while the number of mountain lions killed by vehicle strikes and other human activity will increase.

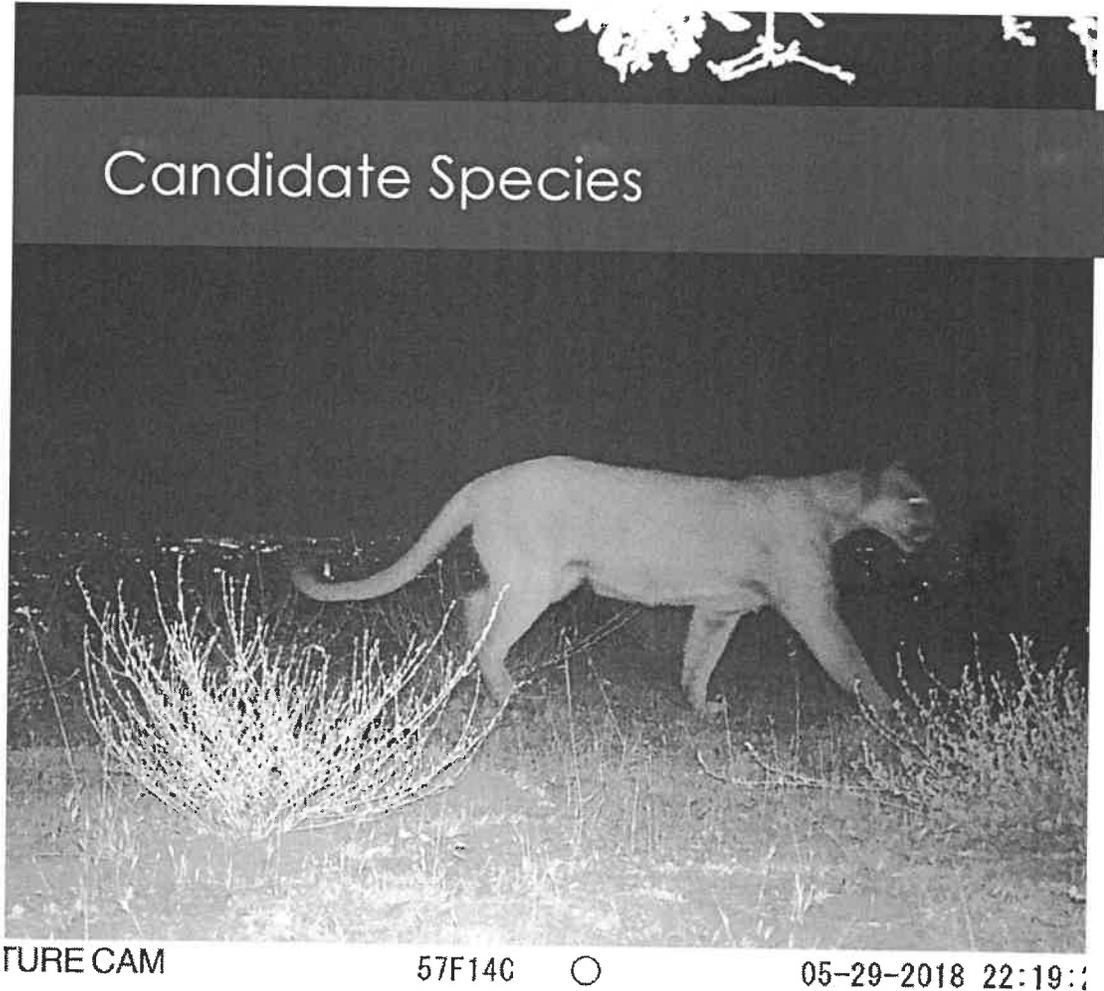
Ultimately, without a reversal of these trends, mountain lions will disappear from Southern and Central Coastal California in the coming decades, representing a loss of the species from a significant portion of its range in the state. Nevertheless, most of the threats facing mountain lions can be halted or sufficiently reduced if CDFW is provided with adequate resources and all relevant state and local agencies sufficiently prioritize mountain lion conservation in their decision-making. Legal protection of mountain lions under CESA, along with the attention and resources that such listing will generate, can help ensure the long-term survival of this iconic and ecologically significant species in Southern and Central Coastal California.

Additionally, the listing Petition concluded as follows:

- The evolutionarily significant unit (ESU) of mountain lions within the Santa Monica Mountains is the most vulnerable population of mountain lions and is approaching extinction.
- A 2018 survey found the total adult population to be between five and ten individuals.
- Depending on future conservation and preservation practices, the Santa Monica Mountain ESU is between 15 and 99.7 percent likely to go extinct within the next 50 years.
- The Santa Monica Mountains ESU is “in serious danger of becoming extinct” and “if assessed separately, would individually meet the definition of an

“endangered species.””

An un-collared mountain lion has been observed over multiple years in Habitat Block 54, in the Lookout Mountain area,⁴ which is approximately one linear mile from the project site. A picture of this mountain lion is shown below. This lion has been observed numerous times over the years, including last month.



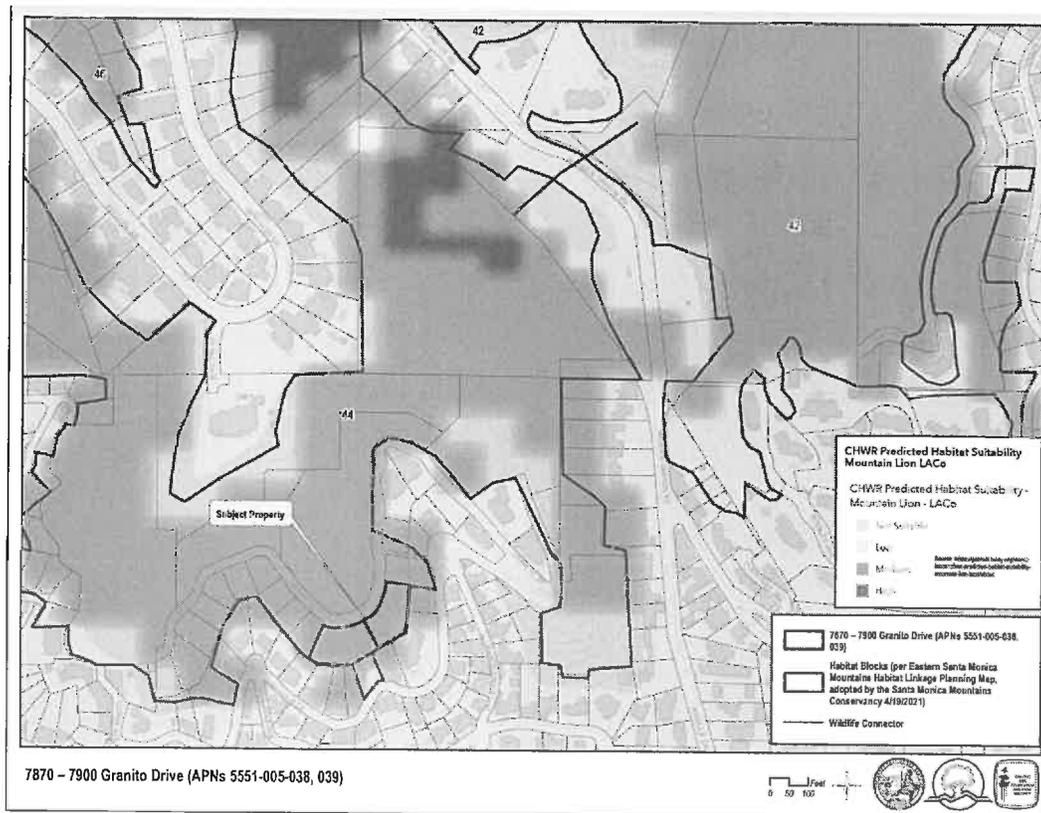
The proposed project has the potential to significantly impact the proposed ESU and mountain lion survival in the region through the loss of habitat and the proposed project’s impact on habitat resources used by potential prey of the mountain lions. The City has acknowledged this is a telltale sign of mountain habitat in the EIR prepared for the Hollywood Community Plan.

⁴ For a video of the un-collared mountain lion observed in Habitat Block 54 see: <http://www.clawonline.org/nature-cam>

TABLE 4.4-2: SENSITIVE SPECIES KNOWN TO OCCUR IN THE PROJECT AREA						
Scientific Name	Common Name	Habitat	Federal Status /a/	State Status /b/	CDFW /c/	CNPS /d/
<u>Puma concolor</u>	<u>Mountain Lion</u>	Mountain lions can be found wherever deer are present, since deer are a mountain lion's primary food source in most areas. As such, foothills and mountains are considered prime mountain lion habitat.	<u>None</u>	<u>None</u>	<u>SSC</u>	<u>N/A</u>

Deer have been observed many times over the years on the vacant hillsides proposed to be developed. The presence of the mountain lion's primary food source is a strong indication that the property in question provides value as habitat for the mountain lion.

Finally, as shown below, the property is located within Habitat Block 44 on the Santa Monica Mountain Conservancy's Eastern Santa Monica Mountain Habitat Linkage Map. The property is also located within area of "Predicated Habitat Suitability" for the Mountain Lion. The bottom line is that the Project has value as habitat for threatened species.



V. The Project Does Not Qualify for the Class 32 Exemption

As noted above, there are five conditions which the project must meet in order to qualify for the Class 32 Categorical Exemption.

In this case, the project is not consistent with 'all applicable zoning regulations' because the Project does not comply with the Continuous Paved Roadway requirement found at LAMC Section 12.21.C10(i)(3).

Further, the project is not eligible for a Class 32 exemption because the project has value as habitat for the local population of mountain lions. The biological resource assessment conducted by the Applicant does not even mention mountain lions and therefore there is no substantial evidence in the record to support the City's finding that the project lacks habitat value.

Additionally, the Project is not consistent with all applicable general plan policies. As noted in the NOE, a categorical exemption for infill development is not available where the project is not "consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations." 14 CCR § 15332(a). Here, there can be no finding that the Project is consistent with all relevant policies. For example, Policy 1.1.1 of the Safety Element requires coordination among agencies to promote safety. Unfortunately, there is very little coordination with enforcement authorities to ensure conditions are complied with. Over the years, hillside residents have reported that they repeatedly need to call multiple different agencies when problems develop. Likewise, Policy 2.1.1. requires coordination with respect to emergency responses. Unfortunately, development in the City's Hillside Areas has been allowed without such coordination, so that emergency vehicle passage cannot be guaranteed. The disaster response policies of 3.1.1 and 3.1.2 are also compromised by further approval of haul routes, since the truck traffic may interfere with disaster recovery. The Project is also not consistent with policies of the Mobility Element of the General Plan.⁵ See especially, Policy 1.7 (maintaining safe streets in good to excellent condition); 1.8 (ensuring that the movement of goods does not endanger residents); 2.3 (creating pedestrian infrastructure). The safety issues are heightened because most hillside areas do not have sidewalks, and pedestrians need to walk in the street, immediately adjacent to construction trucks.

VI. The Project Does Not Qualify for the Class 3 Exemption

- a. *The unique combination of multiple special features associated with the location of the Project constitute "unusual circumstances" that exempt the Project from the application of a categorical exemption.*

Subdivision (c) of Section 15300.2 of the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15300.2(c)) provides, "A 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."

Furthermore, as pointed out by the California Supreme Court in the recent Berkeley Hillside Preservation case,

⁵ <http://planning.lacity.org/documents/policy/mobilityplnmemo.pdf>.

A party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.

Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086, 1105. Thus the comparison required is not as against the house next door or the other houses in the neighborhood (or, for that matter, even the other houses in Los Angeles). The appropriate comparison, as indicated in the quote immediately above, is to “others in the exempt class.” If there is a circumstance that is not usual among all Class 3 projects, namely, “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure” (Cal. Code Regs., tit. 14, § 15303), then all that is necessary is a showing of “a reasonable possibility of a significant effect” due to the unusual circumstance, according to the Supreme Court’s analysis in Berkeley.

Given the presence of unusual circumstances, and the standard announced by the California Supreme Court in the Berkeley case that “when there are ‘unusual circumstances,’ it is appropriate for agencies to apply the fair argument standard in determining whether ‘there is a reasonable possibility of a significant effect on the environment due to unusual circumstances’ ” (*Berkeley*, supra, 60 Cal.4th at 1115), it is incumbent upon the City to reject use of the proposed categorical exemption from CEQA.

b. *The fact that the Project will have a significant effect on the environment renders the categorical exemption inapplicable.*

The California Supreme Court, in the Berkeley decision quoted above, continued its analysis as follows:

Alternatively, under our reading of the guideline, a party may establish an unusual circumstance with evidence that the project will have a significant environmental effect. That evidence, if convincing, necessarily also establishes “a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.”

Berkeley, supra, 60 Cal.4th at 1105. Thus, if it can be shown, as is the case here, that the Project, will have a significant effect on the environment, that alone is sufficient to eliminate the applicability of the categorical exemption. The Public Resources Code defines the phrase “significant effect on the environment” as “a substantial, or potentially substantial, adverse change in the environment.” Pub. Resources Code, § 21068. There is no basis to conclude that potentially removing a parcel (or even part of a parcel) from usage as habitat for wildlife (especially when the parcel has been officially designated in a habitat block) will not cause a change in the behavior of the wildlife that have become habituated to utilizing that habitat. The question is merely whether such a change is adverse and whether it is at least potentially substantial. It is axiomatic that elimination of habitat for a threatened species is an adverse

change in the environment. The Project will have a significant effect on the environment as a result of the loss of critical habitat.

II. The City Must Deny a Haul Route When a Project Will Endanger the Public Health, Safety and Welfare Pursuant to Los Angeles Municipal Code (“LAMC”) Section 91.7006.7.5

Section 91.7006.7.5 of the Los Angeles Municipal Code sets out the review process for haul route permits. This subsection states that the board shall deny the request [for a haul route permit] when it “determines that the grading activity, including the hauling operation, will endanger the public health, safety and welfare.”

In this case, denial is required for the following reasons:

1. The haul route conditions of approval have failed to verify the project’s continuous paved roadway (CPR) requirement as less than 20’ wide along both the property frontage and along the haul route in multiple locations. This will require a ZA case to be filed, which impacts allowed grading in an R-1 HCR zone. Additionally, there are segments near 7811 Granito, where the narrow road is built on private property and therefore widening is not possible. Additionally, sections of the CPR & Haul Route have road grades as steep as 22%.
2. The haul route conditions of approval have only noted the grading occurring on the project site (7900 -7870 Granito). The haul route conditions of approval have failed to acknowledge the additional grading associated with the significant roadway improvement. The roadway improvement includes 505’ of mainline sewer with (10) deep sewer maintenance holes and trenching of pipe between, trimming of dirt roadway widening to approx 30’in width by 390’ +/-, the 360’+ length of 10’ high upslope wall and large footings, (41) 30” diameter piles along the down slope side to form the roadway, the 380’ + length of 10’ high down slope wall, remedial grading, the required cut for the asphalt roadway ,base material ,curb and gutter for a length of 390’+ by 21’. Factoring fire hydrant(s), watermain and street lighting the total grading for the entire road improvement could be conservative 2500 CY to 3000 CY based on the B permit drawings (BR004611) provided by the project representative. Excluding any “Bulking” a rough estimate of (10) yard truck trips will be 375 trucks and just for the road export. Based on construction, this would be all export since spoils cannot be store where work occurs and later there would be import of fill dirt and more trucks in. The haul route must add the total project, as the road improvements will double the time and quantity of grading and will not be able to be completed in the 33-day time frame, in an R-1 HCR zone with its limitations. And all associated fees should be applied. The full impact of this entire project has not been presented with complete information and the impact to the neighborhood will be greater than the projects haul route conditions of approval suggest. In addition, LAMC 12.21 C.10 (f) (1) (iii) does not discriminate between import and export.
3. The haul route conditions of approval are based on the project site only and the declared quantities of 3207 cubic yards on lot in R-1 (see grading plan provided by the staff planner below) state some exemptions to the maximum allowed and using “bulking” as an exempt grading quality which is not an exemption under 12.21 C 10

(f). The latest soils report addendum 2020 (with Feffer 10/2016) provided by the project representative shows the depth of fill to range from 2" to 3.5' and states the greater depths of fill are near the existing road (cut path). The stated remedial grading (an exempt amount) is 1100 CY or 29,700 CF. This amount suggests that if equally applied the entire site has 1.1' of fill on it. Additionally, the declared grading states 950 CY for total BHO grading less "exemptions" however the maximum allowed by right in an R-1 zone is 750 CY less exempt yardage and requires entitlements which have not been filed to date. For all these reasons the project exceeds the by right allowed. Appellant has not had access to any architectural drawings to verify if exemptions or declared grading are accurate as stated.

ESTIMATED EARTHWORK QUANTITIES

GENERAL INFORMATION
 HILLSIDE ZONING AREA
 ZONING - R1-1

MAXIMUM GRADING QUANTITIES ALLOWED

ZONING MAX METHOD:
 FROM TABLE 12.21.0.10-B FOR R1-1: = 1,000 CY GRADING / 750 EXPORT (PER LOT)

SITE GRADING	CUT (CY)	FILL (CY)	TOTAL (CY)	NET IMP/EXP (CY)
TOTAL SITE	3,857	459	4,316	3,207 CY EXPORT (HAUL ROUTE)
EXEMPTIONS				
CALLESS	500	0	-500	-500
DRIVEWAY	500	0	-500	-500
SEWERIAL	1,100	0	-1,100	-1,100
SEWERWATER	80	0	-80	-80
BULKING	477	0	-477	-477
FILL FROM REGD CUT	36	459	-423	0

TOTAL BHO SITE GRADING: 950 CY
 TOTAL BHO IMPORT/EXPORT: 500 CY BHO EXPORT

TOTAL GRADING (950 CY) < MAX ALLOWABLE (1,000 CY)
TOTAL EXPORT (500 CY) < MAX ALLOWABLE (750 CY)

EARTHWORK CALCULATION NOTES:

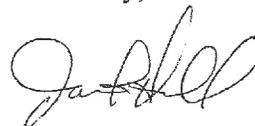
1. THE ESTIMATED QUANTITIES PROVIDED ABOVE ARE TO BE USED FOR JURISDICTIONAL PLAN CHECKING AND PERMITTING PURPOSES ONLY.
2. ESTIMATED EARTHWORK ABOVE IS BASED ON DESIGN FINISH GRADES TO EXISTING GRADES AND/OR CONTOURS AS PROVIDED ON THE BASE SURVEY.
3. THE CONTRACTOR SHALL CALCULATE HIS OWN EARTHWORK QUANTITIES NECESSARY FOR HIS BID AND WORK.
4. ESTIMATED EARTHWORK QUANTITIES ABOVE ASSUME THAT ALL ON-SITE MATERIALS ARE SUITABLE FOR BACKFILLING. HOWEVER, ACTUAL EXISTING ON-SITE MATERIALS AND IMPORTED MATERIALS MUST FIRST BE APPROVED BY THE GEOTECHNICAL ENGINEER PRIOR TO INSTALLATION, REMOVAL, OR REPLACEMENT.

Based on the aforementioned errors, the grading activity, including the hauling operation, will endanger the public health, safety and welfare. As such, the haul route is required to be denied.

III. Conclusion

Appellant respectfully request that the City Council grant the appeal. The City has failed to analyze the biological impacts of the Project as well as the environmental impacts of construction that utilizes a substandard hillside limited street. Moreover, the Project will endanger the public health, safety and welfare pursuant to LAMC 91.7006.7.5. Please note that Appellant reserve the right to supplement the justifications for appeal presented.

Sincerely,



Jamie T. Hall