

Marjorie Perloff

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1467 Amalfi Drive, Pacific Palisades, CA 90272

August 30, 2023

VIA E-MAIL

City of Los Angeles City Council
Los Angeles City Hall
200 North Spring St.
Los Angeles, CA 90012

Re: Appeal of a Haul Route and Export Application for 1461 N. Amalfi Dr. (Board File No. 220008)

Dear Honorable City Councilmembers,

I submit the following appeal to rescind the approval of a haul route application to export 3,045 cubic yards of earth ("Project") for the property located at 1461 N. Amalfi Dr. ("Site"). The Board of Building and Safety Commissioners ("BBSC") erred in its determination that the Project is categorically exempt from the provisions of the California Environmental Quality Act ("CEQA"). The Project does not meet any of the criteria for the categorical exemptions identified in the approved clearance document and will create significant, negative impacts to the surrounding environment including, but not limited to, air quality, noise, and traffic. Accordingly, I urge you to approve the appeal, rescind the BBSC determination, and deny the Project.

On August 22, 2023, the BBSC unanimously approved the Project and made the determination that the Project was exempt from CEQA pursuant to the following categorical exemptions: Existing Facilities (Class 1), New Construction (Class 3) and Infill Development (Class 32). The BBSC also determined that the Project did not meet any of the exceptions to the exemptions. In issuing this determination, the BBSC failed to consider that this Project is part of a greater

development for the Site. Several pending permit applications are currently under review by the Los Angeles Department of Building & Safety (“LADBS”), including for demolition of the existing single family home, construction of a new single family home, an attached deck, new pool and spa, “sports court” and retaining walls, under permit numbers: 23010-20000-01331, 23019-20000-0080, 23030-20000-01170, 23030-20000-02021, 23020-20000-00855, 23020-20000-00644, 23020-20000-00643, 23020-20000-00642 and 23047-20000-00519. The BBSC report makes no mention of the overall project nor was it discussed at the public hearing. Thus, as outlined below, the Project is not exempt from CEQA.

Section 15301, Class 1 – Existing Facilities

The Project does not qualify for the Existing Facilities exemption under CEQA. Existing Facilities refer to minor alterations, maintenance and repairs of existing buildings where there is “negligible” or “no expansion” of use. A haul route and export of 3,045 cubic yards, in and of itself, is not considered an existing building. It is also not considered a “minor alteration or repair” to an existing building as the existing building is scheduled to be demolished. If the approved grading were in connection with an alteration, at most, LADBS staff would be conducting review of applications for the alteration of an existing building. That is clearly not the case here: this Project involves permit applications for a completely new building and a major expansion of use; therefore, this exemption does not apply and the Project is subject to CEQA.

Section 15303, Class 3 – New Construction or Conversion of Small Structures

This categorical exemption refers to “new, small facilities or structures” and “conversion of existing small structures from one use to another where only minor modifications are made to the exterior”. A haul route and export of 3,045 cubic yards, in and of itself, is not considered a new facility nor is it a conversion of small structures. As mentioned above, this Project is part of a greater development that includes a new two-story single family dwelling, an attached two-car garage, an attached deck, new pool and spa, “sports court” and retaining walls. This development is nowhere near considered “small” nor are there any conversions of existing structures; therefore, this exemption does not apply and the Project is subject to CEQA.

The BBSC also approved the subject haul route under environmental case number ENV-2021-8272-CE. According to ZIMAS, this environmental case number corresponds to the original permit applications submitted in May 2021 for the demolition of the existing single family home and the construction of a new single family home, under permit number 21010-20000-02498. According to LADBS records, a soils report for this iteration of the project was approved in January 2021. However, the original permit applications were formally withdrawn in June 2023. Applications for a revised project were then submitted in March 2023, under permit number 23010-20000-01331. Based on my review of LADBS records, it does not appear a revised soils report was ever submitted for the modified project currently under consideration. The BBSC erred in its determination because it approved an environmental case corresponding to permit applications that had been withdrawn. Since this haul route relates to a completely new project under new permit applications, and a revised soil report that addresses the actual scope of the new project has yet to be reviewed by LADBS, this exemption does not apply and the Project is subject to CEQA.

Section 15332, Class 32 – In-Fill Development

The Project does not qualify as an In-Fill Development project under CEQA as it is not consistent with the General Plan. According to the Brentwood-Pacific Palisades Community Plan (“Community Plan”), one of the issues within residential communities is the “need to minimize grading, limit land use intensity and preserve natural topography in hillside areas” (p. I-2 of Community Plan). The Project violates the General Plan as the export of 3,045 cubic yards is not “minimal” and completely alters the natural topography of the hillside area.

The Project does not qualify as an In-Fill Development as it is not consistent with the Site’s zoning designation and applicable regulations. According to ZIMAS, the Site is zoned RE11-1. Pursuant to LAMC § 12.21.C.10(f)(2)(i), the maximum amount of import and export limits for properties zoned RE11 with frontage on “Standard Hillside Limited Streets or **Larger**” is 2,800 cubic yards. According to NavigateLA, Amalfi Dr. is classified as a “Standard Local Street”. Since Amalfi Dr. is “larger” than a Standard Hillside Limited Street, the maximum import/export of 2,800 cubic yards must be enforced. The Project will export 3,045 cubic yards of earth, which exceeds the maximum allowed for this Site.

Finally, the Project does not qualify as an In-Fill Development as it will result in significant effects relating to traffic, noise, and air quality. The Site is located in a hillside area where the streets are characterized by long and steep winding roads. The use of 10-wheel dump trucks throughout these hillside roads will inevitably result in impacts on normal traffic flow in the area. Traffic is further impacted by the personal vehicles of the employees traveling to and from the Site during construction. The haul route also passes Paul Revere Middle School, which will further impact traffic for pedestrians and present safety risks to students and parents dropping off and picking up their children. At a minimum, the haul route must be completely replotted to account for potential impacts to Paul Revere Middle School. In addition, this Project will result in adverse noise impacts given that this is a quaint, residential neighborhood. Finally, the excavation and trucking associated with the export of 3,045 cubic yards of earth will almost certainly result in air quality impacts in an otherwise quiet single-family neighborhood whose roads are generally only occupied by passenger vehicles.

It is for these reasons that the Project does not meet the criteria for In-Fill Development and is therefore subject to CEQA.

Section 15300.2 – Exceptions to the Categorical Exemptions

The Project also meets the criteria for the exceptions to the Categorical Exemptions. With respect to location, the Property is located within a sensitive environment. Specifically, the Site is located within a hillside area, a Very High Fire Hazard Sensitive Zone, the Santa Monica Mountains Zone and the Santa Monica Fault zone. Any development at the Site would have a significant impact on the surrounding environment; therefore, a proper analysis under CEQA is required.

The Project also meets the criteria for the exceptions with respect to historical resources. Categorical exemptions are not allowed for projects that cause a “substantial adverse change in the significance of a historical resource”. According to LADBS records, the existing building was originally constructed in 1933. I urge the City to conduct further research for this historical site prior to the consideration of any new development.

I must emphasize the point that this Project does not only involve a haul route application. The work to be undertaken here is part of a large-scale redevelopment of a Site that has been undisturbed for nearly a century – an aspect of the Site’s conditions that the BBSC did not even consider or discuss before hastily approving the haul route application on consent. Absent that review, the BBSC clearly erred in its determination that the Project is categorically exempt from CEQA. The Project does not meet the criteria for exemptions from CEQA as an Existing Facility, New Construction or Conversion, or In-Fill Development. Moreover, the Project violates both the General Plan and zoning regulations. The Project will have a significant adverse effect to the surrounding environment and therefore must be analyzed to the fullest extent necessary under CEQA. Based on the foregoing, I respectfully request you rescind the BBSC determination and deny the Project.

Thank you for your consideration of this important matter.

Sincerely,

A handwritten signature in black ink that reads "Marjorie Perloff". The signature is written in a cursive, flowing style.

Marjorie Perloff