



DEPARTMENT OF CITY PLANNING STAFF RECOMMENDATION REPORT

City Planning Commission

Date: April 24, 2025
Time: After 8:30 A.M.*
Place: Van Nuys City Hall
14410 Sylvan Street
Van Nuys, CA 91401

And via Teleconference. Information will be provided not later than 72 hours before the meeting on the meeting agenda published at <https://planning.lacity.org/about/commissions-boards-hearings> and or by contacted cpc@lacity.org

Public Hearing: Required
Appeal Status: Appealable to City Council
Expiration Date: N/A

Case No.: VTT-84089-SL-HCA-1A
CEQA No.: ENV-2023-6117-HES
Incidental Cases: N/A
Related Cases: VTT-84089-SL-HCA, CPC-2023-6115-DB-HCA, ADM-2023-6116 SLD
Council No.: 10 – Hutt
Plan Area: West Adams – Baldwin Hills - Leimert
Specific Plan: N/A
General Plan: Low Medium II Residential
Zone: RD1.5-1

Applicant: Marc & Risa Dauer,
Preuss Development, LLC

Representative: Kevin Scott,
Brian Silveira & Associates

Appellants:

1. Arielle Mandell,
Represented by
Kristina Kropp, Luna & Glushon
2. Concerned Residents
of Shenandoah Street,
Represented by
Kristina Kropp, Luna & Glushon
3. Howard Witkin
4. Meyer Shwarzstein &
Susan Kahn
5. Shelly Rothschild

**PROJECT
LOCATION:** 1904 – 1906 South Preuss Road

PROPOSED PROJECT:

The proposed Project involves the subdivision of two (2) lots into 12 small lots (Lots A – L) for the construction of 12 small lot homes (Units A – L). The project will demolish the existing two (2) single-family houses for the construction of 11 four-story small lot homes and one (1) three-story small lot home with one (1) unit set aside for Very Low Income (VLI) Households. Two rows of six small lot homes will be located along the northern and southern portions of the project site (Units A – F and Units G – L, respectively). Seven (7) small lot homes will have a building height of 45 feet. Four (4) small lot homes will have a building height of 44 feet and 11 inches. One (1) small lot home will have a building height of 47 feet, three-stories. Each small lot home will provide two (2) automobile parking spaces for a total of 24 automobile parking spaces and (1) bicycle parking space for a total of 12 bicycle parking spaces.

The Project was remanded back to the City Planning Commission for further consideration by the City Council (Council File No. 24-1136) on November 6, 2024, with instruction to “prepare a new CEQA consistent with the statement read into the record by the PLUM Chair and by the letter submitted by Council District 10, dated November 4, 2024, attached to the Council file.”

The City Planning Commission shall:

ACTIONS REQUESTED:

Receive new evidence, re-hear, and re-decide, an appeal of the July 12, 2024, Advisory Agency's Determination in approving Vesting Tentative Tract Map No. VTT-84089-SL-HCA which:

1. Determined that the Proposed Project is within the scope of the program approved in the 2021-2029 Housing Element, and the 2021-2029 Housing Element Environmental Impact Report No. ENV-2020- 672-EIR; SCH No. 2021010130 (EIR), certified on November 24, 2021, adequately describes the activity for the purposes of CEQA;
2. Approved, pursuant to Sections 17.03, 17.15, and 12.22 C.27 of the Los Angeles Municipal Code (LAMC), the subdivision of two (2) lots into 12 small lots in the West Adams - Baldwin Hills - Leimert Community Plan;
3. Adopted the existing Conditions of Approval; and
4. Adopted the Advisory Agency's Findings.

RECOMMENDED ACTIONS:

1. **Determine** in the independent judgment of the decisionmaker pursuant to CEQA Guidelines Section 15168(c), based on the whole of the administrative record, including the Housing Element Checklist, and all its appendices, prepared for this proposed housing project, the Proposed Housing Project is within the scope of the program approved with the 2021-2029 Housing Element for which the 2021-2029 Housing Element Environmental Impact Report No. ENV-2020-6762-EIR; SCH No. 2021010130 (EIR), certified on November 24, 2021, and Addendum No. ENV-2020-6762-EIR-ADD1 adopted on June 14, 2022 and the Addendum No. ENV-2020-6762-EIR-ADD2 adopted on December 10, 2024, the Proposed Housing Development project was adequately described in the EIR, and the impacts of the Proposed Housing Project are within the scope of the EIR and the Addendums; and ADOPT the Mitigation Monitoring Program (MMP) for the Proposed Housing Project.
2. **Deny** the appeal and **sustain** the Advisory Agency's determination approving Vesting Tentative Tract Map No. 84089-SL-HCA for the subdivision of two (2) lots into 12 small lots;

Vesting Tentative Tract Map No. 84089-SL-HCA-1A - Remand

3. **Adopt** the existing Conditions of Approval; and
4. **Adopt** the Advisory Agency's Findings.

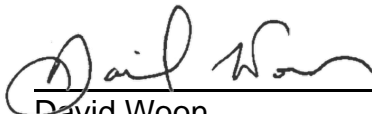
VINCENT P. BERTONI, AICP
Director of Planning



Heather Bleemers
Deputy Advisory Agency



Esther Ahn
City Planner



David Woon
Planning Assistant

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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Exhibits:

Exhibit A – Appeal Applications

Exhibit B – Applicant’s Response to CD-10 Letter, dated April 14, 2025

Exhibit C – CD-10 Letter (Councilmember Hutt) to Councilmember John Lee (undated), entitled
“Support Appeal - CF. 24-1136 - 1904-1906 South Preuss Road - VTT-84089-SL-HCA-2A

Exhibit D – Determination Letters - VTT-84089-SL-HCA and VTT-84089-SL-HCA-1A

Exhibit E – Vesting Tentative Tract Map No. VTT-84089-SL-HCA

Exhibit F – Small Lot Design Standards Checklist – Administrative Review (April 22, 2024)

Exhibit G – Public Comment

Exhibit H – Housing Element Streamlining Checklist (ENV-2023-6617-HES) and Appendices

Exhibit I – Mitigation Monitoring Program

PROJECT ANALYSIS

Project Summary

The proposed Project involves the subdivision of two (2) lots into 12 small lots (Lots 1 – 12) and the construction, use, and maintenance of a 12-unit small lot development. One (1) small lot home would be constructed at each of the 12 small lot subdivisions. Two (2) single-family houses on the project site will be demolished, resulting in a net increase of 10 units through the development of the proposed project. Lots 1 – 6 will be located on the northern portion of the project site and Lots 7 – 12 will be located on the southern portion of the site. Access to the project site will be provided along South Preuss Road to the west and an adjacent alley to the east. Common access to the project and associated parking will be provided through a center driveway. Pedestrian pathways along the northern and southern edges of the Project site will provide access to the primary entrances of each small lot home.

The proposed 12-unit small lot development will encompass a total floor area of 27,105 square feet, equating to a FAR (Floor Area Ratio) of 2.46 to 1. Each small lot home will have between three to four bedrooms and will reach a maximum building height of 45 feet, or four stories (The smallest small lot home proposed will contain three bedrooms and will be 37 feet, or three stories, in height).

Units A – F will be located along the northern portion of the project site with front door entrances accessible through the northern pedestrian pathway. Units G – L will be located along the southern portion of the project site with front door entrances accessible through a southern pedestrian pathway. With the exception of Unit F located at the northeastern corner of the small lot development, each small lot home will be four-stories in height, comprised of four bedrooms, balconies overlooking the center driveway, and a roof deck. Unit F will be three-stories in height, comprised of three bedrooms, and balconies overlooking the center driveway and abutting alley. A rendering of the proposed development is shown in *Figure 1* below.



Figure 1. Proposed 12-Unit Small Lot Development fronting South Preuss Road

The Project will provide a total of 24 automobile parking spaces located within the ground floor level of each small lot home. Each small lot home will provide two (2) vehicular parking spaces located within an enclosed garage, with the exception of Unit F in which its vehicular parking spaces will be located outside and adjacent to the three-story unit. Vehicular access to the 24 automobile parking spaces will be achieved through a two-way driveway that runs through the center of the project site with access along South Preuss Road and the eastern adjacent alley.

Under the Small Lot Map Standards, the Project is required to provide 0.25 guest parking spaces per unit. With 12 units proposed, the Project would need to provide three (3) guest parking spaces. The Applicant requests that the guest parking spaces be replaced with bicycle parking pursuant to LAMC Section 12.21 A.4. Under this section, automobile parking may be replaced by bicycle parking at a ratio of one automobile parking space for every four required or non-required bicycle parking spaces provided. Therefore, the Applicant will replace three (3) guest parking spaces with 12 bicycle parking spaces. Each unit will provide a bicycle parking space within their enclosed parking garage, with the exception of Unit F which will provide a bicycle locker adjacent to the unit's primary entrance and outdoor automobile parking spaces.

Background

The subject property consists of two rectangular-shaped lots (Lots FR 24 and 44) encompassing a total lot area of 17,124 square feet (0.39 acres) in the La Cienega Heights neighborhood and the West Adams – Baldwin Hills – Leimert Community Plan area. The property experiences a gradual decline from South Preuss Road to the adjacent eastern alley. The property is located midblock along the east side of South Preuss Road and contains a frontage of approximately 105 feet along the eastern side of South Preuss Road and a depth of approximately 160 feet. The Project site is also adjacent to a 15-foot alley to the east. The site is currently developed with two (2) single-family houses.

The project site is located within the West Adams – Baldwin Hills - Leimert Community Plan, which is one of 35 Community Plans which together form the land use element of the General Plan. The Community Plan designates the site for Low Medium II Residential land uses with the corresponding zones RD1.5 and RD2. The project site is zoned RD1.5-1 and is thus consistent with the existing land use designation. The site is also located within the Alquist-Priolo Earthquake Fault Zone and Newport – Inglewood Fault Zone (Onshore), an Urban Agriculture Incentive Zone, and Methane Buffer Zone.

The existing RD-1.5 Zone permits a density of one (1) unit per 1,500 square feet of lot area. As such, the Applicant would be permitted to construct a maximum of 12 dwelling units on the subject property, based on the net lot area of 17,927.4 square feet ($17,927 \div 1,500 = 12$). For the purposes of calculating density, the net lot area includes the lot area (17,124 square feet) and one-half the area of the eastern adjacent alley (803.4 square feet). With 12 small lot homes proposed, the Project's density is within the maximum allowable for the RD1.5 Zone.

The Project site is located in an urbanized area surrounded predominantly by single- and multi-family developments that are one- to three-stories in height. Similar to the subject property, properties adjacent to the project site are located in the RD1.5-1 Zone. Properties further west are developed with multi-family residential buildings located in the R3-1-CPIO Zone. Properties further north are developed with single-family houses located in the R1V2 and R1R3-RG Zones.

Section 12.22 C.27 of the LAMC (as amended by Ordinance No. 185,462, which became effective on April 18, 2018) details requirements for small lot subdivisions. The amended ordinance

requires all small lot subdivision maps to comply with the established Small Lot Map Standards, as well as compliance with established Small Lot Design Standards. The Director of City Planning reviewed the proposed plans submitted by the applicant and determined the plans to be in compliance with the Small Lot Design Standards. On April 22, 2024, Planning Staff approved Administrative Clearance Case No. ADM-2023-6116-SLD. On May 22, 2024, a joint Deputy Advisory Agency and Hearing Officer hearing was conducted in which the Deputy Advisory Agency approved Vesting Tentative Tract Map No. 84089-SL-HCA. The Determination Letter was issued on July 10, 2024, and the determination was appealed by five (5) appellants to the City Planning Commission at the conclusion of the Project's appeal period on July 22, 2024. On August 8, 2024, the appeals were heard by the City Planning Commission and voted 7-0 to deny the appeals. The City Planning Commission decision to deny the appeals were subsequently appealed to City Council. At its meeting of November 5, 2024, the PLUM Committee voted to uphold the CEQA appeal, remand the appeal back to the CPC, and memorialize the letter submitted by Council District 10 (See *Exhibit C*). In the letter, CD-10 states that they strongly oppose the proposed Project as 1) The Project is inconsistent with the West Adams – Baldwin Hills – Leimert Community Plan; 2) The Project fails to provide architectural compatibility with the prevailing neighborhood character; 3) The Project will introduce an inappropriate number of new vehicles with access through an alley to the detriment to the adjacent property owners and traffic; 4) The Project does not include VMT calculations that include construction and haul route phases; and 5) The Project will increase hazards due to geotechnical design features. Revised findings as modified by PLUM were submitted into the record and the City Council voted to adopt the item on November 6, 2024.

A meeting with CPC to hear the remand of Vesting Tentative Tract Map No. VTT-84089-SL-HCA-1A was subsequently scheduled on April 24, 2025. The Applicant's team have responded to CD-10's letter and each of its reasons for upholding the appeal. The Applicant's response can be viewed under *Exhibit B* of the Staff Report.

Street and Circulation

South Preuss Road, abutting the Project site to the west, is a Local Street – Standard dedicated to a Roadway Width of 36 feet and a Right-of-Way Width of 60 feet, and is improved with asphalt roadway, curb, gutter, and concrete sidewalks.

Alley, abutting the Project site to the east, is an alley with a width of 15 feet.

The project site is located approximately 400 feet from the eastbound and westbound bus stops for Metro Local Line 617 which connects riders between Pico/Robertson and Culver City.

Related Cases

Vesting Tentative Tract Map No. 84089-SL-HCA-2A – On November 5, 2024, the Planning and Land Use Management (PLUM) Committee voted to uphold the map appeals and CEQA appeal, remand the appeal back to the CPC, and memorialize the letter submitted by Council District 10. Revised findings as modified by PLUM were submitted into the record (CF No. 24-1136) and the City Council voted to adopt the item on November 6, 2024.

Vesting Tentative Tract Map No. 84089-SL-HCA-1A – On August 8, 2024, the City Planning Commission denied the appeals filed by five (5) local residents. The appeals were subsequently appealed to the City Council by four of the five original appellants, and included appeal points related to the Project's CEQA clearance pursuant to a Class 32 Categorical Exemption.

Case No. ADM-2023-6116-SLD – On April 22, 2024, the Los Angeles Department of City Planning issued the Small Lot Design Standards Administrative Clearance for the request herein.

Case No. CPC-2023-6115-DB-HCA – On September 8, 2023, a concurrent project that involves the demolition of two single-family houses and the construction, use, and maintenance of a 12-unit residential development of which one (1) unit will be set aside for Very Low Income Households was filed. The project originally requested one (1) On-Menu Incentive and one (1) Waiver of Development Standards under the Density Bonus Program. On July 12, 2024, the project withdrew its request for one (1) On-Menu Incentive, and therefore the project is only requesting one (1) Waiver of Development Standards. The project was scheduled for a public hearing and heard by the City Planning Commission on August 8, 2024.

Relevant Cases on Surrounding Properties

Case No. VTT-82683-SL – On December 7, 2020, the Advisory Agency approved Vesting Tentative Tract Map No. 82883, located at 1951 – 1953 South Preuss Road to subdivide one (1) lot into six (6) lots, for the construction, use, and maintenance of six (6) small-lot single-family dwellings in the RD1.5-1 Zone in accordance with the Small Lot Subdivision.

Case No. VTT-82365-SL – On July 18, 2019, the Advisory Agency approved Vesting Tentative Tract Map No. 82365, located at 1957 – 1959 South Preuss Road for a maximum of six small lot homes in accordance with the Small Lot Subdivision.

Public Hearing and Issues

A joint Deputy Advisory Agency and Hearing Officer public hearing was held for Vesting Tentative Tract Map No. VTT-84089-SL-HCA on May 22, 2024. At the conclusion of the public hearing, the Deputy Advisory Agency announced that they were inclined to approve the subject Vesting Tentative Tract Map.

Following the issuance of the determination letter on July 12, 2024, VTT-84089-SL-HCA was appealed by five (5) local residents on the basis that the Project 1) will infringe on the quality of life of the neighboring residents, the value of their property, and the safety of the neighborhood; 2) The project design is not compatible with the surrounding neighborhood and is inconsistent with the Small Lot Design Standards; 3) The project is inconsistent with the West Adams – Baldwin Hills – Leimert Community Plan and other city ordinances; and 4) The project does not qualify for a Class 32 Categorical Exemption.

The appeals were heard by the City Planning Commission (CPC) on August 8, 2024 in which the CPC voted 7-0 to deny the appeal (VTT-84089-SL-HCA-1A).

Subsequently, four (4) local residents appealed the City Planning Commission's decision to deny the appeals and a meeting was scheduled with the Planning and Land Use Management (PLUM) Committee on November 5, 2024 (Council File No. 24-1136). The Appellants' reasons for appeal were the same as the ones presented to the CPC at the August 8, 2024 meeting. The Appellants' argued that 1) The Project is inconsistent with the West Adams – Baldwin Hills – Leimert Community Plan and the Small Lot Design Guidelines; 2) The Project will infringe on the quality of life of the neighboring residents, the value of their property, and the safety of the neighborhood; 3) The determination letter sustaining the Advisory Agency's approval of the subject Vesting Tentative Tract Map is wholly speculative, unfounded, and illusory premised on conditions that may never be satisfied; 4) The Project disregards the South Robertson Neighborhood Council's opposition to the project and community stakeholders, and 5) The Project does not qualify for a

Class 32 Categorical Exemption. At its meeting, the PLUM Committee voted to uphold the CEQA appeal, remand the appeal back to the CPC, and memorialize the letter submitted by Council District 10. Revised findings as modified by PLUM were submitted into the record and the City Council voted to adopt the item on November 6, 2024.

PLANNING AND LAND USE COMMITTEE REMAND

On November 5, 2024, the Planning and Land Use Management (PLUM) Committee voted to uphold the CEQA appeal, remand the appeal back to the City Planning Commission, and memorialize the letter submitted by Council District 10.

The Council found substantial evidence does not support a Class 32 Categorical Exemption and an exception for cumulative impacts applies for the proposed project.

The following includes Council District 10 letter highlights the following:

- 1) The Project is inconsistent with the West Adams – Baldwin Hills – Leimert Community Plan and Design Guidelines;
- 2) The Project fails to provide architectural compatibility that is contextually sensitive to the prevailing neighborhood character;
- 3) The Project will introduce an inappropriate number of new vehicles with access through an alley to the detriment of adjacent property owners, exacerbate traffic congestion and hinder emergency vehicle access along Preuss Road;
- 4) The Project does not include a Vehicle Miles Traveled (VMT) calculation that includes the construction and haul route phases of the project; and
- 5) The Project will increase hazards due to geotechnical design features by overwhelming existing drainage systems and exacerbating soil infiltration and instability, flooding, and erosion.

Response to Council District 10 Letter

After reviewing Council District 10's letter and their reasons for opposing the Project, Planning Staff has provided the following responses to each of the five points highlighted above. The Applicant has also reviewed the letter and have provided their responses in a letter dated April 14, 2025 (see *Exhibit B*).

Response to 1):

Although CD-10 contends that the Project is inconsistent with the West Adams – Baldwin Hills – Leimert Community Plan and Design Guidelines, the Project is consistent with the goals, policies, and design guidelines set forth in the text of the Community Plan and its General Plan land use designation. In addition, the Project complies with the underlying zoning and the Small Lot Design Standards applicable to the Project site. In conjunction with the Vesting Tentative Tract Map and small lot subdivision request, the Project was approved of a Waiver of Development Standards for a reduction in front building line setback pursuant to Case No. CPC-2023-6115-DB-HCA. As such, the Project meets the objective standards defined by the Housing Accountability Act (HAA), Government Code Section 65589.5. The HAA establishes limitations to a local government's ability to deny, reduce the density of, or make infeasible housing development projects that are consistent with objective local development standards and contribute to meeting housing need.

The Project site involves the subdivision of two (2) lots into 12 small lots for the construction of a 12-unit small lot development in the RD1.5-1 Zone of which one small lot home will be set aside

for a Very Low Income (VLI) Household. One (1) small lot home will be constructed at each of the small lot subdivisions.

The following sections discuss the Project's consistency with the West Adams – Baldwin Hills – Leimert Community Plan and its Residential Design Guidelines, the Housing Element, the Small Lot Design Standards, and the Framework Element.

West Adams – Baldwin Hills – Leimert Community Plan

The Project site is located in the RD1.5 Zone (“Restricted Density Multiple Dwelling Zone”) and contains a General Plan land use designation of Low Medium II Residential under the Multi-Family Neighborhoods land use category. The Low Medium II Residential designation corresponds to the RD1.5 and RD2 Zones and therefore the project site is consistent with the land use designation. The Community Plan acknowledges the need to stabilize and increase homeownership, provide housing that is affordable to a mix of income ranges, and to maintain the prevailing neighborhood scale and character. The Project addresses these concerns with the net increase of 10 dwelling units on the Project site (two (2) existing units will be demolished to permit the construction of 12 new small lot homes). While the Project will be greater in height than many one- and two-story single-family households in the neighborhood, each small lot home will be consistent with the maximum building height permitted in the RD1.5-1 Zone at 45 feet and unlimited stories. A majority of the small lot homes proposed by the Project will be approximately 45 feet in height encompassing four-stories, and one small lot home will be 37 feet in height encompassing three-stories. In addition, within the past 15 years multiple housing development projects have been approved by the City that are similar in scale to the proposed Project. For a list of these housing development projects please refer to page. A-15, “Response to 2”). The Project is consistent with the following Goals and Land Use policies outlined in the Community Plan.

Goal LU7	A community that promotes an environment of safe, inviting, secure and high-quality multi-family neighborhoods for all segments of the community.
LU7-1	Address Diverse Resident Needs. Strive for the conservation/ preservation of existing assisted affordable and non-assisted housing stock and in particular rent-stabilized units, and for the development of new housing, including restricted affordable housing, to address the diverse economic and physical needs of the existing residents and projected population of the Community Plan Area to the year 2030.
LU7-2	Context Sensitive Housing. Encourage development parameters that ensure multi-family designated lands provide for adequate housing that is contextually sensitive to desirable prevailing neighborhood character.
LU7-3	Compliance with Design Guidelines. Recommend that new multi-family residential development be designed in accordance with the adopted Citywide Residential Design Guidelines.
LU7-4	CPTED. Pursue urban design strategies that reduce street crime and violence such as Crime Prevention Through Environmental Design (CPTED) (e.g., “defensible space,” “eyes on the street,” and pedestrian-friendly lighting) without creating barriers that disconnect neighborhoods.

- LU7-5 Graffiti Abatement. Pursue urban design strategies that effectively address graffiti abatement.
- LU7-6 Community Engagement. Sponsors of new development projects should initiate early and frequent communication with community residents.

As discussed, the Project will increase homeownership opportunities and affordable housing in the neighborhood with the development of 11 market-rate and 1 affordable unit. The Project is consistent with the Citywide Design Guidelines and the Small Lot Design Guidelines. The Project features windows and balconies that overlook the adjacent streets and center driveway which creates a sense of transparency and connectiveness between the site and the surrounding neighborhood. The Applicant maintained communication with the community and redesigned the Project upon hearing their feedback following the Deputy Advisory Agency hearing on May 22, 2024. With the Project's redesign additional articulation was added to the street-facing façade, step backs from the roof decks were increased to address privacy and noise concerns, and the proposed building heights were reduced to 45 feet consistent with the permitted height in the RD1.5-1 Zone. These revisions help create a more attractive design that would be more characteristic and in scale with the neighborhood.

- Goal LU8 A community that preserves, conserves and enhances the varied and distinct residential character, scale and integrity of existing multi-family neighborhoods.
- LU8-1 Architectural Compatibility. Seek a high degree of architectural compatibility and landscaping for new and infill development to protect the character and scale of existing multi-family residential neighborhoods.
- LU8-3 Analyze Impacts. Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in multi-family residential densities are proposed.
- LU8-4 Preserve View Corridors. Encourage the preservation of existing signature view corridors throughout the Community Plan and especially from hillside areas.

The Project has been conditioned to incorporate a variety of building materials and architectural components to create visually interesting building façades and minimize impacts on surrounding properties. The Project will utilize metal standing seam panels, cedar panels, aluminum framing, stucco, and glass for the massing of the small lot homes to create a clear and coherent design. The Project will also provide street trees along Preuss Road to protect residents and pedestrians from rain and excessive sunlight. After listening to the community's concerns regarding the scale and character of the Project, the Applicant redesigned the Project as discussed above to create a more attractive design that is suitable with the character of the neighborhood. The Project's impact on services, public facilities, and traffic have been analyzed with the preparation of numerous technical reports. The reports conclude that the Project will not have a significant impact on services, public facilities, and traffic.

- Goal LU9 A community of neighborhoods where social capital is promoted by ensuring the provision of adequate housing for all persons regardless of income, age, racial or ethnic background.

- LU9-1 Affordability. Prioritize housing that is affordable to a broad cross-section of income levels and that provides the ability to live near work and achieve homeownership.
- LU9-2 Mixed-income Neighborhoods. Strive to eliminate residential segregation and concentrations of poverty by promoting affordable housing that is integrated into mixed-income neighborhoods.

The Project will provide mixed-income housing with the construction, use, and maintenance of 12 small lot homes for sale. Eleven (11) of the units proposed will be sold at market-rate and one (1) unit will be set aside for a Very Low Income (VLI) Household. The small lot homes would be capable of accommodating a range of household sizes with at least three bedrooms. In addition, each unit will feature an elevator for individuals with mobility and accessibility needs. Therefore, the Project will contribute to the development of mixed-income housing for all household types.

Goal LU10 A community that supports cohesive neighborhoods and lifecycle housing to promote health, well-being and safety.

- LU10-1 Neighborhood Continuity. Promote neighborhood continuity by targeting new affordable, market-rate and workforce housing for existing residents and tailoring development standards to established neighborhood character.
- LU10-2 Complete Streets. Support healthy aging in place and childhood development by promoting safe, “complete” streets with multiple housing types within neighborhoods.
- LU10-3 Universal Design. Promote housing practices that nurture aging in place through universal design within the various housing types available within neighborhoods.
- LU10-4 Individual Choice. Promote greater individual choice in type, quality, price and location of housing.
- LU10-5 Minimize Displacement. Encourage that new housing opportunities minimize displacement of existing residents, in particular extremely-low, very-low and low-income households.
- LU10-6 Increase Homeownership. Provide for development of townhouses and other similar condominium type housing units to increase homeownership options.
- LU10-9 Cluster Housing. Encourage clustering of housing units to help decrease the effective cost of land per dwelling unit and utilize the natural terrain to its best advantage.

The Project will increase housing density and opportunity at the existing site with the subdivision of two (2) lots into 12 small lots for the construction of a 12-unit small lot development. With the replacement of the existing two (2) single-family houses developed at the site, the Project will result in a net increase of 10 dwelling units. As such, the Project will increase homeownership with 11 small lot homes sold at market-rate and one (1) unit reserved for a Very Low Income (VLI) Household. These units would provide a minimum of three bedrooms and an elevator to

accommodate households of various sizes and accessibility needs. The small lot homes will be accessible through a central driveway from Preuss Road and the eastern adjacent alley. Access to the Project site from both corridors will improve connectivity to and from the site and distribute traffic more evenly through the neighborhood. In addition, the Project will enhance the pedestrian experience with the addition of three (3) street trees along the parkway of South Preuss Road.

Goal LU11: A community where new housing is located in a manner which reduces vehicular trips and makes it accessible to services and facilities.

LU11-1 Higher Density Residential Near Transit. Encourage higher residential densities near commercial centers, light rail transit stations and major bus routes where public service facilities, utilities and topography will accommodate this development.

The Project site is located one block east of Robertson Boulevard which functions as a mixed-use corridor developed with residential, housing, and community land uses and is utilized for public transit use for the Metro Local Bus Line 617 which connects riders between Pico/Robertson and Culver City.

Community Plan Multi-Family Residential Design Guidelines

Site Planning:

G55 Main pedestrian entrances should be provided where they can be seen immediately from the primary street(s) of approach. In this regard, main pedestrian entrances should be prominent to the front of the building, providing views into an interior courtyard or focal within a landscaped front open space area. The entrance approach should further be emphasized by employing the use of specialized paving treatments such as brick, tile or other high quality materials preferably set in sand or other pervious bedding.

The proposed 12-unit small lot development will feature six units (Units A – F) developed along the northern portion of the Project site and six units (Units G – L) along the southern portion of the Project site. Pedestrian pathways along the northern and southern edges of the Project site will be accessible from Preuss Road and will provide access to the front door entrances to each of the proposed 12 small lot homes. Consistent with the Small Lot Design Standards, each small lot home will integrate design elements that will enhance the project design, circulation, and user experience with a recession from the building façade, entryway landing areas featuring unique paving materials and textures, and a side lite window panel. In addition, each unit will feature balconies that are oriented towards the street frontage and central driveway, away from the adjacent residential properties.

Building Design:

G56 The design of all buildings should strive to be of a quality and character that improves community appearance by avoiding excessive variety and monotonous repetition. To achieve this, the volume of all buildings should be composed of a vocabulary of form and shapes that employ attractive and complementary building materials and architectural features.

- G57 All exterior building walls should try to provide a break in the plane, or a change in material at least every 20 feet in length and every 15 feet in vertical height. This may be achieved through simple articulation or the introduction of an architectural detail.
- G58 In general, plaster or stucco finishes should not occupy more than 60% of the surface area of any exterior elevation.
- G59 All buildings should feature at least three types of complimentary building materials to exterior building facades. Aluminum framed windows or doors, that are flush with the plane of the building should not be included as an additional material. Accents such as, wood frames around windows or doors, decorative glass block, brick, tile and the like are materials that are encouraged as accents.

The Project will be consistent with the above Design Guidelines and the Small Lot Design Standards which provide guidance for building orientation, primary entryways, façade articulation, roofline variation, building modulation, pedestrian pathways, landscaping, and common open space areas for the proposed 12-unit small lot development. On April 22, 2024, the Project received Administrative Clearance under Case No. ADM-2023-6116-SLD. As determined in the Small Lot Design Checklist, the Project will incorporate at least two high quality building materials to create variations in building massing, balconies, window treatments, breaks in the façade plane, and other architectural features to create a cohesive and well-articulated project. Consistency with these guidelines and standards will help create a clear and coherent design that respects the surrounding residential properties.

Storage and Trash Areas:

- G60 Stand alone trash enclosures that are not located within the parking garage of the building should be designed to be compatible with the architectural vocabulary of the building and enclosed by a minimum five foot high, decorative masonry wall.
- G62 Each trash area should have a separate area for the containment of trash receptacles.

The Project will feature an outdoor trash enclosure at the rear of the site that will serve all 12 small lot homes.

Housing Element 2021-2029

According to the Housing Element one of the Citywide Housing Priorities is to address the housing shortage by increasing the production of new housing, particularly affordable housing. This is expressed through the following goals, objectives, and policies.

- Goal 1 A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.
 - Objective 1.1 Forecast and plan for existing and projected housing needs over time with the intention of furthering Citywide Housing Priorities.
 - Policy 1.1.2 Plan for appropriate land use designations and density to accommodate an ample supply of housing units by type, cost, and size within the City to meet housing needs,

according to Citywide Housing Priorities and the City's General Plan.

Policy 1.1.9 Develop and integrate anti-displacement strategies that further Citywide Housing Priorities into land use and planning strategies.

Objective 1.2 Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.

Policy 1.2.1 Expand rental and for-sale housing for people of all income levels. Prioritize housing developments that result in a net gain of Affordable Housing and serve those with the greatest needs.

Policy 1.2.2 Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.

Goal 2 A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.

Objective 2.1 Strengthen renter protections, prevent displacement and increase the stock of affordable housing.

Policy 2.1.1 Incentivize and/or require the preservation and replacement of affordable housing, so demolitions and conversions do not result in the net loss of the City's stock of accessible, safe, healthy and affordable housing.

Objective 2.2 Promote more affordable ownership opportunities and ownership retention strategies, with an emphasis on stability and wealth building for underserved communities.

Policy 2.2.1 Expand ownership models that increase the ability for households to attain homeownership, including alternative forms of shared- and limited-equity ownership.

The Project site is located in the RD1.5 Zone ("Restricted Density Multiple Dwelling Zone") and contains a General Plan land use designation of Low Medium II Residential under the Multi-Family Neighborhoods land use category. The Low Medium II Residential designation corresponds to the RD1.5 and RD2 Zones and therefore the Project site is consistent with the land use designation. Regarding density, the RD-1.5 Zone permits a density of one (1) unit per 1,500 square feet of lot area. As such, the Applicant would be permitted to construct a maximum of 12 dwelling units on the subject property, based on the net lot area of 17,927.4 square feet ($17,927 \div 1,500 = 12$). For the purposes of calculating density, the net lot area includes the lot area (17,124 square feet) and one-half the area of the eastern adjacent alley (803.4 square feet). With 12 small lot homes proposed, the Project's density is within the maximum allowable for the RD1.5 Zone.

The Housing Element acknowledges housing development constraints including lengthy and complicated entitlement and permitting processes. The Housing Element highlights several

implementation programs that can help carry out its goals including Innovations in Subdivisions through the Small Lot Subdivision Ordinance, one of several programs which aims to carry out the creation of more equitable and affordable options that meet the City's needs. The Ordinance will help facilitate the development of smaller and new types of subdivisions that permit detached, fee simple home ownership, and thus more affordable alternatives of for-sale housing types. On July 12, 2024, the Advisory Agency approved Vesting Tentative Tract Map No. 84089-SL-HCA for the subdivision of two (2) lots into 12 small lots for the construction of 12 small lot homes. One small lot home will be constructed at each of the 12 small lots and will be available for sale. Eleven small lot homes will be for sale at market-rate and one (1) small lot home will be set aside for sale for a Very Low Income Household. The Project will comply with the replacement and tenant protections outlined in the Housing Crisis Act of 2019 (SB 8) Replacement Unit Determination letter, dated July 6, 2023, by replacing one (1) existing single-family dwelling unit with a unit equivalent in type for a Very Low Income Household. The small lot homes will be capable of accommodating a range of household sizes with each small lot home offering a minimum of three bedrooms. In addition, each unit will feature an elevator for individuals with mobility and accessibility needs. Therefore, the Project will contribute to the development of mixed-income housing for all household types.

Small Lot Design Standards

The Project is consistent with the small lot subdivision ordinance and the Small Lot Design Guidelines. In 2005, the City of Los Angeles adopted the Small Lot Subdivision Ordinance ("Ordinance") which introduced a new housing typology to the City. The new housing type, a small lot home, was enabled by the Ordinance's subdivision regulations that permitted fee-simple homeownership of homes located on conventionally smaller lots and in zones where apartment units would be permitted by-right. In 2018, the Ordinance was updated with tools to improve a project's compatibility with existing by-right zoning and neighborhood contexts.

On April 22, 2024, the project received Administrative Clearance for the proposed small lot subdivision under Case No. ADM-2023-6116-SLD.

The Project complies with applicable sections of the Small Lot Design Standards Checklist including Building Design, Pedestrian Connectivity and Access, and Landscaping as shown in *Exhibit F* of this report. Primary entryways to each small lot home will be provided through two pedestrian walkways along the northern and southern edges of the site. Each small lot home will feature façade articulation which include the use of high-quality building exterior building materials, window treatments, breaks in the façade, and variations to the building plane. The Project will feature balconies oriented towards the center driveway and the street which will enhance building articulation and address potential privacy and noise impacts. The placement and articulation of the windows will also break up the façade and add transparency. The small lot homes will feature varied rooflines with the incorporation of step backs, outdoor stairwells, and corner balconies that are carried up to the roofline. In addition, the proposed small lot homes will provide the gaps and breaks in façade between one another to address building mass variation. Following the Deputy Advisory Agency hearing held on May 22, 2024 and listening to community's concerns regarding the scale of the development, the Applicant submitted revised plans that provided additional articulation to the street-facing façade, increased step back of the proposed roof decks, and decreased the height of the proposed small lot homes to 45 feet consistent with the height permitted in the RD1.5-1 Zone. Planning staff has reviewed the revisions to the project's design in conjunction with the Small Lot Design Standards Checklist and found that the subdivision remains consistent with the Small Lot Design Standards.

Framework Element

It is the intent of the Framework Element to maintain existing stable multi-family residential neighborhoods. In those stable neighborhoods characterized by a mix of densities and dwelling types, permitted densities may be reduced to levels consistent with the character of the entire area in order to minimize impacts on infrastructure, services, and/or maintain or enhance the residents' quality of life.

The following presents goals, objectives, and policies related to land use and housing in the City of Los Angeles.

Goal 3C Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents.

Objective 3.7 Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved.

Policy 3.7.1 Accommodate the development of multi-family residential units in areas designated in the community plans in accordance with Table 3-1 and Zoning Ordinance densities indicated in Table 3-3, with the density permitted for each parcel to be identified in the community plans.

The Project site is zoned RD1.5-1 and contains a General Plan land use designation of Low Medium II Residential. According to Table 3-1 (Land Use Standards and Typical Development Characteristics) and Table 3-3 (Zoning Ordinance Densities) of the Framework Element, properties with this zoning and land use designation permits a density of 18 – 29 units per net area. This formula results in a calculation of 7-12 dwelling units for the Project site with a net area of 17,927 square feet. The Project proposes 12 dwelling units and therefore the Project is consistent with the density informed by these Tables.

Goal 4A An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

Objective 4.1 Plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types within each City subregion to meet the projected housing needs by income level of the future population to the year 2010.

Policy 4.1.1 Provide sufficient land use and density to accommodate an adequate supply of housing units by type and cost within each City subregion to meet the twenty-year projections of housing needs.

Policy 4.1.4 Reduce overcrowded housing conditions by providing incentives to encourage development of family-size units.

Policy 4.1.6 Create incentives and give priorities in permit processing for low- and very-low income housing developments throughout the City.

With the redevelopment of the Project site, the Project will contribute to the production of housing in the City by proposing a net increase of 10 dwelling units. The two (2) existing single-family houses on the Project site will be replaced with the proposed 12-unit small lot development. As previously discussed, the Project will provide mixed-income housing with 11 units proposed for sale at market-rate and one (1) unit proposed for sale for a Very Low Income Household. Each small lot home will provide a minimum of three bedrooms and therefore can accommodate a range of household sizes. Additionally, each unit will feature an elevator for individuals who require mobility assistance, i.e. senior citizens. As such, the Project supports the Framework Element's goal of providing housing opportunities to all residents of the City.

Response to 2):

The Project site is located in a predominately single-family neighborhood developed with one- and two-story houses. However, within the past 15 years, several properties along South Preuss Road (between West Sawyer Street and West Guthrie Avenue) have been or are in the process of being redeveloped into larger-scale homes. A few of these housing developments include the following:

Address	Description	Height
1901 S. Preuss Rd	Five-unit condominium	Three-stories
1953 S. Preuss Rd	Six-unit small lot development	44 feet, four-stories
1959 S. Preuss Rd	Six-unit small lot development	45 feet, four-stories
1967 S. Preuss Rd	Two-unit duplex	Four-stories
1973 S. Preuss Rd	Five-unit small lot development	45 feet, four-stories

Several of these developments include small lot developments that would be similar in scale to the proposed 12 small lot homes. Similar to the approved small lot developments, the Project site is located in the RD1.5-1 Zone and contains a General Plan land use designation of Low Medium II Residential under the Multi-Family Neighborhoods land use category. The Project will be consistent with the density, height, and yard requirements of the RD1.5-1 Zone including a maximum building height of 45 feet. In addition, the Project will be consistent with the goals, policies, and design guidelines of Multi-Family Residential land uses as discussed in Staff's response above (see *Response to 1*)).

Although the Project is not characteristic of the dominant single-family housing typology that had been developed along South Preuss Road decades earlier, it follows many redeveloped properties in the community that have increased their density and proposed larger-scale housing options. This is consistent with the goals of the General Plan that support the equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

On April 22, 2024, the Project received Administrative Clearance for the proposed small lot subdivision under Case No. ADM-2023-6116-SLD. The Project complied with applicable sections of the Small Lot Design Standards Checklist including Building Design, Pedestrian Connectivity and Access, and Landscaping. Following the Deputy Advisory Agency hearing held on May 22, 2024, and listening to community's concerns regarding the scale of the Project, the Applicant addressed these concerns by providing additional articulation to the street-facing façade, increasing the step back of the proposed roof decks, and decreasing the height of the proposed small lot homes to 45 feet consistent with the RD1.5-1 Zone. Planning Staff reviewed the revisions to the project's design in conjunction with the Small Lot Design Standards Checklist and found that the subdivision remains consistent with the Small Lot Design Standards. Therefore, the project is consistent with the Community Plan and the Small Lot Design Standards.

Response to 3):

Contrary to CD-10's assertion that the proposed small lot division and the construction of a 12-unit small lot development will introduce an inappropriate number of new vehicles through the rear alley to the detriment of the adjacent property owners and will it exacerbate traffic congestion and hinder emergency vehicle access along Preuss Road, this is not the case as demonstrated in the traffic data prepared for this Project (see *Exhibit H*). The Los Angeles Department of Transportation (LADOT) utilizes a Vehicle Miles Traveled (VMT) Calculator as a project-screening criteria to determine if a project will require a VMT Analysis. With the demolition of the two existing single-family houses and the construction of 12 small lot homes, the Project will not exceed a daily trip threshold of 250 trips with 38 net daily trips and therefore the Project is not required to perform a VMT Analysis. In addition, Planning and LADOT staff completed a Transportation Study Assessment form on May 24, 2024 and found that the proposed project is not required to conduct an Access, Safety, and Circulation Evaluation or an Access Assessment. LADOT has reviewed the circulation plan and did not determine that any unusual circumstances exist with ingress and egress from both Preuss Road and the eastern adjacent alley. With the proposed subdivision, the Project will comply with the requirements set forth by the Bureau of Engineering. The Project will provide the required street dedications and improvements, as well as 2.5-foot dedication along the alley to complete a 10-foot-wide half alley as conditioned in Condition No. 2 of the Determination Letter. In order to complete the 20-foot-wide full alley, the property located at 1905 Shenandoah Street would need to provide a 2.5-foot at the rear portion of their lot that abuts the alley. Therefore, the Project will not increase hazards due to a geometric design feature or incompatible uses due to ingress/egress at the eastern adjacent alley.

Response 4):

Regarding CD-10's claim that the Project's construction and haul route phases were not included in a VMT calculation, an analysis of the Project's transportation impacts during construction is not required. As assessed under the Housing Element Streamlining Checklist prepared for this Project (see *Exhibit H*), a Construction Management Plan or Traffic Demand Management Plan are not required for this Project as determined by the Los Angeles Department of Transportation (LADOT). According to LADOT's Transportation Assessment Guidelines (TAG), "a project is required to analyze transportation impacts during its construction phase if the construction activities are expected to cause significant disruptions to the surrounding transportation network. This includes potential impacts such as lane closures, street parking removal, sidewalk closures, or detours that could affect vehicular, pedestrian, or bicycle traffic." The proposed Project does not involve lane or sidewalk closures, street parking removal, or detours affecting vehicular, pedestrian, or bicycle traffic. In addition, as discussed above under *Response to 3*), LADOT utilizes a Vehicle Miles Traveled (VMT) Calculator as a project-screening criteria to determine if a project will require a VMT Analysis. With the demolition of the two existing single-family houses and the construction of 12 small lot homes, the Project will not exceed a daily trip threshold of 250 trips with 38 net daily trips and therefore the Project is not required to perform a VMT Analysis. In addition, Planning and LADOT staff completed a Transportation Study Assessment form on May 24, 2024 and found that the proposed project is not required to conduct an Access, Safety, and Circulation Evaluation or an Access Assessment. LADOT has reviewed the circulation plan and did not determine that any unusual circumstances exist with ingress and egress from both Preuss Road and the eastern adjacent alley. Therefore, an analysis of the Project's transportation impacts during construction is not warranted nor required.

Response 5):

CD-10 contends that the Project will increase hazards due to geotechnical design features by overwhelming the existing draining systems or exacerbating soil infiltration and instability, flooding, or erosion. However, this is not the case based on the conclusions found in the Geology and Soils Reports prepared for the project site in 2021 and 2023, respectively, and a Site Methane Investigation Report prepared in 2022 (see *Exhibit H*). On May 5, 2024, the Los Angeles Department of Building and Safety (LADBS) issued a Geology and Soils Report Approval Letter and found that the referenced reports are acceptable provided that a set of conditions be complied with during site development. These conditions were included in the Determination Letter for the subject Vesting Tentative Tract Map under Condition Nos. 11 – 57. The Project is required to comply with these conditions to obtain permits and proceed with development. In addition, the Project will also need to comply with the City's stormwater management ordinances. Regarding methane at the Project site, the Site Methane Investigation Report found that the Project requires no methane mitigation system. As such, the Project will not result in the increase of hazards due to any geotechnical design features.

Housing Element Streamlining Checklist

Following City Council's decision to uphold the CEQA appeal and remand the Vesting Tentative Tract Map appeal back to the CPC, the City Planning Department in consultation with the Applicant prepared documentation and additional technical studies that align with the Los Angeles Citywide Housing Element 2021-2029 Environmental Impact Report (Program EIR). Using CEQA Guidelines Section 15168, many housing projects may use the Program EIR as their environmental clearance if a project can be shown to be within the scope of the program analyzed in the Program EIR, and its environmental effects are within the scope of environmental impacts assessed in the Program EIR.

The proposed Project was found to be within the scope of the 2021-2029 Housing Element Environmental Impact Report (EIR), SCH No. 2021010130, ENV-2020-672-EIR, certified on November 24, 2021 (Housing Element EIR). The proposed Project, which includes the development of 12 housing units, is within the scope of the 2021-2029 Housing Element as it will build out the City's regional housing needs assessment (RHNA). A CEQA Streamlining Checklist for a Project Within the Scope of the Housing Element Program EIR, ENV Case No. ENV-2023-6117-HES (HE Streamlining Checklist), was prepared for the proposed Project (see *Exhibit H*), pursuant to CEQA Guidelines Section 15168(c). Section 15168(c) provides for limited environmental review of subsequent projects under a Program EIR, where the project is found to be an activity within the scope of the program for which the EIR was prepared, and the impacts of the project are within the scope of the impacts analyzed in the EIR. Council found that the Housing Element EIR analyzed the impacts of the build-out of the RHNA, which involves the development of housing citywide. The HE Streamlining Checklist was prepared by staff to determine whether the impacts of the proposed project are within the scope of the Housing Element EIR. The prepared HE Streamlining Checklist supports that the impacts of the proposed project are within the scope of the Housing Element EIR and that no significant environmental effects not examined in the Program EIR will occur from the proposed Project. All required mitigation measures from the Housing Element EIR Mitigation Monitoring Program (MMP) will be imposed on the proposed project. An MMP for the proposed Project has been prepared for adoption by the decisionmaker.

Additional Conditions of Approval

In conjunction with the HE Streamlining Checklist prepared for the proposed Project, the following environmental conditions of approval shall be considered.

Environmental Conditions

1. The Mitigation Monitoring and Reporting Program (MMRP) included in the Housing Element Streamlining Checklist (Case No. ENV-2024-4112-HES) have been incorporated into this project and shall be enforced through all phases of the project. The applicant shall be responsible for implementing each Mitigation Measure (MM), Substitute Mitigation Measure, and Implementing Mitigation Measure identified in the MMRP and shall be obligated to provide certification to the appropriate monitoring and enforcement agencies that each MM has been implemented.
2. As outlined in the HE Streamlining Checklist that was prepared for the subject project, the project shall use construction equipment that meets the CARB Tier 4 Final or USEPA Tier 4 off-road emissions for all equipment rated 50 horsepower or greater. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.
3. **Inadvertent Discovery of Archaeological Resources.** In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. The applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the qualified archaeologist and approved by the Department of City Planning must be followed unless avoidance is determined to be unnecessary or infeasible by the qualified archaeologist. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

CONCLUSION AND RECOMMENDATION

The report provided herein is specific to those points raised by Council District 10 as it relates to the Deputy Advisory Agency's determination that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. For the reasons stated herein, the Advisory Agency did not err or abuse its discretion in approving Vesting Tentative Tract Map No. 84089-SL-HCA. In addition, the Project was found to be within the scope of the 2021-2029 Housing Element Environmental Impact Report (EIR), SCH No. 2021010130, ENV-2020-672-EIR (Housing Element EIR). The proposed Project, which includes the development of 12 housing units, is within the scope of the 2021-2029 Housing Element as it will build out the City's regional housing needs assessment (RHNA). The proposed map is consistent with the State's Subdivision Map Act, the City of Los Angeles General Plan, the

West Adams – Baldwin Park – Leimert Community Plan, and the Los Angeles Municipal Code. Therefore, staff recommends that the appeal be denied, the decision of the Advisory Agency be sustained, and that the CPC determine that the Project is within the scope of the program approved with the 2021-2029 Housing Element for which the 2021-2029 Housing Element Environmental Impact Report No. ENV-2020-672-EIR; SCH No. 2021010130 (EIR) and Addendum No. ENV-2020-6762-EIR-ADD1, the impacts of the proposed Project are within the scope of the EIR and the Addendum; adopt the Mitigation Monitoring Program (MMP) for the proposed Project, and: adopt the following additional Conditions of Approval:

- *The Mitigation Monitoring and Reporting Program (MMRP) included in the Housing Element Streamlining Checklist (Case No. ENV-2024-4112-HES) have been incorporated into this project and shall be enforced through all phases of the project. The applicant shall be responsible for implementing each Mitigation Measure (MM), Substitute Mitigation Measure, and Implementing Mitigation Measure identified in the MMRP and shall be obligated to provide certification to the appropriate monitoring and enforcement agencies that each MM has been implemented.*
- *As outlined in the HE Streamlining Checklist that was prepared for the subject project, the project shall use construction equipment that meets the CARB Tier 4 Final or USEPA Tier 4 off-road emissions for all equipment rated 50 horsepower or greater. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.*
- ***Inadvertent Discovery of Archaeological Resources.*** *In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. The applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the qualified archaeologist and approved by the Department of City Planning must be followed unless avoidance is determined to be unnecessary or infeasible by the qualified archaeologist. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.*

EXHIBIT A

APPEAL APPLICATIONS

APPEAL APPLICATIONS
(VTT-84089-SL-HCA-1A)

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals and Housing Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☒ City Planning Commission (CPC) ☐ City Council
☐ Zoning Administrator (ZA) ☐ Director of Planning (DIR)

CASE INFORMATION

Case Number: VTT-84089-SL-HCA

APN: 4302-020-003; 4302-020-006

Project Address: 1904 – 1906 South Preuss Road

Final Date to Appeal: July 22, 2024

APPELLANT

For main entitlement cases, except for Building and Safety Appeals and Housing Appeals: Check all that apply.

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Building and Safety Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Building and Safety**¹
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Housing Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Housing**
☐ Representative ☐ Property Owner ☐ Applicant ☐ Interested Party ☐ Tenant

APPELLANT INFORMATION

Appellant Name: Arielle Mandell

Company/Organization: _____

Mailing Address: 1901 S. Shenandoah Street

City: Los Angeles **State:** CA **Zip Code:** 90034

Telephone: 310-704-3178 **E-mail:** ariellemandell@gmail.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position?

☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Kristina Kropp

Company: Luna & Glushon

Mailing Address: 16255 Ventura Blvd., Suite 950

City: Encino **State:** CA **Zip Code:** 91436

Telephone: 818-907-8755 **E-mail:** kkropp@lunaglushon.com

¹ Pursuant to LAMC Section 13B.2.10.B.1. of Chapter 1A, Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 13B.10.3 of Chapter 1A, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2 of Chapter 1.

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part?

☒ Entire ☐ Part

Are specific Conditions of Approval being appealed?

☐ YES ☒ NO

If Yes, list the Condition Number(s) here: _____

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature: Kristina Kropp Digitally signed by Kristina Kropp
Date: 2024.07.19 08:54:40 -07'00' **Date:** 7.19.24

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$172

Reviewed & Accepted by (DSC Planner): Ruben Vasquez

Receipt No.: 200127174736 **Date :** 07/22/2024

☐ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g) of Chapter 1.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) and Housing (LAHD) are pursuant LAMC Section 13B.10.2. of Chapter 1A.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

1. Appeal Fee

- ☐ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 of Chapter 1 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C. of Chapter 1A. Appellants for BSAs are considered Original Applicants. (Not applicable for Housing appeals).
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

Second Level Appeal

Procedures for a appeal of the Director's Decision on a BSA Appeal and LAHD appeals are pursuant to LAMC Section 13B.10.2.G. of Chapter 1A. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

1. Appeal Fee

- ☐ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

1. Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

JUSTIFICATION TO APPEAL

VTT-84089-SL-HCA
ADM-2023-6116-SLD
ENV-2023-6117-CE

Project Address: 1904-1906 South Preuss Road (the “Property”).

Appellant: Arielle Mandell, a resident of 1901 S. Shenandoah Street, adjacent to the Property and therefore most impacted by the determination to approve the Project.

Project: The subdivision of two lots into 12 small lots in the West Adams – Baldwin Hills – Leimert Community Plan.

Justification for Appeal:

1. The Findings of Fact Cannot be Made in the Affirmative with Substantial Supporting Evidence

a. The Proposed Map and the Design and Improvement of the Subdivision will not be Consistent with the West Adams-Baldwin Hills-Leimert Community Plan, including the Design Guidelines.

The West Adams-Baldwin Hills-Leimert Community Plan (“Community Plan”) sets forth the following goals and policies:

- **Ensure that new construction maintains the consistent two-story character of the existing neighborhood.**
- Maintain single-family neighborhoods that address the diverse socio-economic and physical needs of current and future residents.
- Seek a high degree of architectural compatibility and landscaping for new infill development as well as additions to existing structures in order to protect the character and scale of existing single-family and multi-family residential neighborhoods.
- Recommend that any proposed development be designed to enhance and be compatible with adjacent development and topography.
- Encourage development parameters that ensure multi-family designated lands provide for adequate housing that is contextually sensitive to desirable prevailing neighborhood character.

The Project maxes out the development envelope and includes an introduction of an inappropriate number of new vehicles, many of which are proposed to access the development through a hazardous alley to the detriment of adjacent property owners.

As proposed, the Project fails to provide a high degree of architectural compatibility, instead proposing a cookie cutter, least affordable option as if it were

proposed in any other part of the City, not contextually sensitive to the prevailing neighborhood character or designed to enhance and be compatible with adjacent development. Accordingly, the project fails to maintain and address the socio-economic and physical needs of area's current residents.

The Project is largely surrounded by single family homes and modest two-story multi-family residential housing, as specifically described to be the two-story character of the area. Yet, the Project, at its height and bulk, completely fails to maintain this inherent identity of the area. Furthermore, the design of the Project, striving for cookie cutter - "box shape", least affordable option, completely fails to comply with the residential design guidelines of the Community Plan.

b. The Site is Not Physically Suitable for the Development

The Project includes an introduction of an inappropriate number of new vehicles, many of which are proposed to access the development through a hazardous alley to the detriment of adjacent property owners. This design is not physically suitable for the development or the surrounding area.

c. The Subdivision is Likely to Cause Substantial Environmental Damage

For the reasons stated below, the Categorical Exemption was issued in error. Therefore, the Project is likely to cause substantial environmental damage.

2. The Categorical Exemption was Issued in Error

a. Project Does Not Fit Within a Class 32 Exemption

Under the California Environmental Quality Act ("CEQA"), Class 32 exemptions apply only if the following criteria is met:

- 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.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

As set forth above, the Project is not consistent with the Community Plan.

Furthermore, the Project will increase hazards due to a geometric design feature or incompatible uses due to the ingress/egress at the hazardous alley. The City's analysis does not include review of hazards due to a geometric design feature or incompatible uses. Furthermore, the provided VMT calculations do not include a construction VMT analysis, or the VMT calculations for haul route. Under CEQA, the whole of the Project must be assessed.

b. Exceptions to a Categorical Exemption Apply

All exemptions are inapplicable when the cumulative impact of successive Projects, over time is significant. Cal.Code Regs. Tit. 14 §15300.2(b).

Here, the cumulative impact analysis narrowly focuses on three projects within 500 feet, missing many large multi-family residential projects and their impacts on the area immediately outside such narrow radius.

Furthermore, 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. Cal.Code Regs. Tit. 14 §15300.2(c).

Here, the Project will increase hazards due to a geometric design feature or incompatible uses due to the ingress/egress at the hazardous alley. Furthermore, the Project is largely surrounded by single family homes and modest two-story multi-family residential housing, as specifically described to be the two-story character of the area. It is an identified, uniquely situated community. The aesthetic impacts of such a drastic change will have a significant impact on environment.

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals and Housing Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☒ City Planning Commission (CPC) ☐ City Council
☐ Zoning Administrator (ZA) ☐ Director of Planning (DIR)

CASE INFORMATION

Case Number: VTT-84089-SL-HCA

APN: 4302-020-003; 4302-020-006

Project Address: 1904 – 1906 South Preuss Road

Final Date to Appeal: July 22, 2024

APPELLANT

For main entitlement cases, except for Building and Safety Appeals and Housing Appeals: Check all that apply.

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Building and Safety Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Building and Safety**¹
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Housing Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Housing**
☐ Representative ☐ Property Owner ☐ Applicant ☐ Interested Party ☐ Tenant

APPELLANT INFORMATION

Appellant Name: Concerned Residents of Shenandoah Street

Company/Organization: _____

Mailing Address: 16255 Ventura Blvd., Ste. 950

City: Encino **State:** CA **Zip Code:** 91436

Telephone: 818-907-8755 **E-mail:** kkropp@lunaglushon.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Kristina Kropp

Company: Luna & Glushon

Mailing Address: 16255 Ventura Blvd., Suite 950

City: Encino **State:** CA **Zip Code:** 91436

Telephone: 818-907-8755 **E-mail:** kkropp@lunaglushon.com

¹ Pursuant to LAMC Section 13B.2.10.B.1. of Chapter 1A, Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 13B.10.3 of Chapter 1A, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2 of Chapter 1.

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part?

☒ Entire ☐ Part

Are specific Conditions of Approval being appealed?

☐ YES ☒ NO

If Yes, list the Condition Number(s) here: _____

On a separate sheet provide the following:

- ☒ Reason(s) for the appeal
- ☒ Specific points at issue
- ☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature: Kristina Kropp Digitally signed by Kristina Kropp
Date: 2024.07.19 08:53:52 -07'00' **Date:** 7.19.24

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$172

Reviewed & Accepted by (DSC Planner): Ruben Vasquez

Receipt No.: 200127175379 **Date :** 07/22/2024

☐ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant*. The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- ☐ *Copy of Mailing Labels*. All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt*. Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g) of Chapter 1.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) and Housing (LAHD) are pursuant LAMC Section 13B.10.2. of Chapter 1A.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

1. Appeal Fee

- ☐ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 of Chapter 1 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C. of Chapter 1A. Appellants for BSAs are considered Original Applicants. (Not applicable for Housing appeals).
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

Second Level Appeal

Procedures for a appeal of the Director's Decision on a BSA Appeal and LAHD appeals are pursuant to LAMC Section 13B.10.2.G. of Chapter 1A. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

1. Appeal Fee

- ☐ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Applicants.
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- ☐ Not applicable for Housing Appeals.

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NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

1. Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

JUSTIFICATION TO APPEAL

VTT-84089-SL-HCA
ADM-2023-6116-SLD
ENV-2023-6117-CE

Project Address: 1904-1906 South Preuss Road (the “Property”).

Appellant: Concerned Residents of Shenandoah Street, owners and residents of properties in the immediate vicinity of the proposed Project and therefore most impacted by the determination to approve the Project.

Project: The subdivision of two lots into 12 small lots in the West Adams – Baldwin Hills – Leimert Community Plan.

Justification for Appeal:

1. **The Findings of Fact Cannot be Made in the Affirmative with Substantial Supporting Evidence**
 - a. **The Proposed Map and the Design and Improvement of the Subdivision will not be Consistent with the West Adams-Baldwin Hills-Leimert Community Plan, including the Design Guidelines.**

The West Adams-Baldwin Hills-Leimert Community Plan (“Community Plan”) sets forth the following goals and policies:

- **Ensure that new construction maintains the consistent two-story character of the existing neighborhood.**
- Preserve, conserve and enhance the positive characteristics of existing neighborhoods that are the foundation for community identity.
- Strive to protect existing single-family and low-density residential neighborhoods from encroachment by higher density residential and other incompatible uses.
- Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential, including multi-family residential densities, are proposed.
- Strive to maintain neighborhood continuity by targeting new proposed affordable housing to serve existing residents and be designed to complement established neighborhood character.

The Project is largely surrounded by single family homes and modest two-story multi-family residential housing which is in line with the described two story character of the area. As proposed, the Project, at its height and bulk completely fails to maintain this very important identity of the area.

Maxing out the envelope and proposing access through a hazardous alley to the detriment of adjacent property owners, the Project fails to protect the existing residential neighborhood from encroachment by higher density residential and other incompatible uses; fails to adequately consider neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels; and fails to maintain neighborhood continuity.

The design of the Project, striving for cookie cutter, least affordable option, completely fails to comply with the residential design guidelines of the Community Plan.

b. The Site is Not Physically Suitable for the Development

For all the reasons stated above, the site is not physically suited for the development or the Project. Most egregiously, it proposes access through a hazardous alley to the detriment of adjacent property owners.

c. The Subdivision is Likely to Cause Substantial Environmental Damage

For the reasons stated below, the Categorical Exemption was issued in error. Therefore, the Project is likely to cause substantial environmental damage.

2. The Categorical Exemption was Issued in Error

Under the California Environmental Quality Act ("CEQA"), a lead agency has the initial burden to show that substantial evidence supports its determination that the categorical exemption applies. The City has failed to do so.

A Class 32 only available where "approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality."

Here, the proposed Class 32 is not supported by substantial evidence because an increase in hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses is assessed. Notably, the provided VMT calculations do not include construction VMT, including the haul route. Under CEQA, the whole of the Project must be assessed.

Furthermore, the Project will increase hazards due to a geometric design feature or incompatible uses due to the ingress/egress at the hazardous alley.

The Categorical Exemption is also not appropriate due to cumulative impacts. One of the basic and vital informational functions required by CEQA is a thorough analysis of whether the impacts of the Project, in connection with other related projects, are cumulatively considerable. *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal App.4th 1209. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184; *CEQA Guidelines*

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals and Housing Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☒ City Planning Commission (CPC) ☐ City Council
☐ Zoning Administrator (ZA) ☐ Director of Planning (DIR)

CASE INFORMATION

Case Number: VTT-84089-SL-HCA

APN: 4302020003/4302020006

Project Address: _____

Final Date to Appeal: Appeal Period Ends: July 22, 2024

APPELLANT

**For main entitlement cases, except for Building and Safety Appeals and Housing Appeals:
Check all that apply.**

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Building and Safety Appeals only:

Check all that apply.

- ☒ Person claiming to be aggrieved by the determination made by **Building and Safety**¹
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Housing Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Housing**
☐ Representative ☐ Property Owner ☐ Applicant ☐ Interested Party ☐ Tenant

APPELLANT INFORMATION

Appellant Name: Howard Witkin

Company/Organization: _____

Mailing Address: 1856 Preuss Road

City: Los Angeles **State:** CA **Zip Code:** 90035

Telephone: 3102544676 **E-mail:** howardwitkin@gmail.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☐ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

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JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part?

☒ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☒ YES

☐ NO

If Yes, list the Condition Number(s) here: _____

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature:  Date: 7/17/24

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ Date : _____

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

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- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
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- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g) of Chapter 1.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
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[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) and Housing (LAHD) are pursuant LAMC Section 13B.10.2. of Chapter 1A.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

1. Appeal Fee

- ☐ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 of Chapter 1 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C. of Chapter 1A. Appellants for BSAs are considered Original Applicants. (Not applicable for Housing appeals).
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

Second Level Appeal

Procedures for a appeal of the Director's Decision on a BSA Appeal and LAHD appeals are pursuant to LAMC Section 13B.10.2.G. of Chapter 1A. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

1. Appeal Fee

- ☐ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

1. Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

Reason for the Appeal -Witkin, Howard 1856 Preuss Road
RE:

Vesting Tentative Tract Map No.: 84089-SL-HCA
Related Cases: ADM-2023-6116-SLD
Address: 1904 – 1906 South Preuss Road
Community Plan: West Adams – Baldwin Hills – Leimert

July 12, 2024

The Project is using the small lot subdivision process to create 12 residences on a pair of lots currently supporting two single family homes.

The property design as submitted is in violation of the Design Standards for small lot subdivisions. It specifically contradicts both the letter and spirit of the design standards in Chapter 4.

The Guidelines for Height and Massing state:

Well-designed buildings do not “max out” the allowable building massing permitted by the code --height limits, yard, setbacks--but employ variations in height, massing, rhythm, and texture to reduce the perceivable massing of the building. These variations serve dual functions: they help small developments mesh with their surroundings, while also enhancing the overall quality of the street by providing visual interest and a pedestrian scale.

The buildings as proposed not only “max out” the allowable building massing permitted by code, but the developers have proposed exceptions to that code to go beyond even that limit in the massing of the building. They have requested both removing setbacks, and adding height (since removed) to inappropriately add additional mass to the project.

Furthermore, the developers have specifically ignored each of the 4 design guidelines on massing.

1. Use the surrounding built environment to inform decisions about variations in height and massing.

The builders are proposing a “brutalist” architectural style with large single plane vertical expanses with minimal texture, windows, setbacks or recognition of the defined style of the housing stock. The building is replacing two older homes with classic styling and replacing them with a building styled between the two towers jail

and a public storage facility. The surrounding neighborhood is full of classic Steinkamp homes. Rather than reflecting the historical beauty of the housing stock in the neighborhood, They have maxed out the volume and minimized the architectural interest on the property. This is a complete failure to allow the built environment to inform design decisions on the project.

2. Avoid excessive differences in height between the proposed development and adjacent buildings.

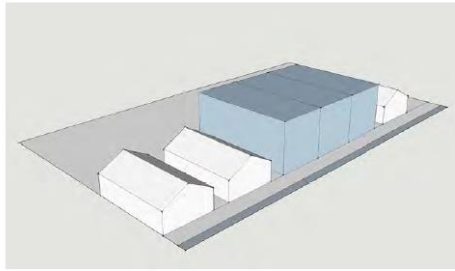
The buildings as designed tower over the neighboring single story homes on either side, and because they are built on the crest that defines the “Crestview” neighborhood, they loom up to 75 feet high over the homes to the north and east.

3. Provide sufficient space between buildings, articulation along the street frontage, and visual breaks to diminish the scale and massing.

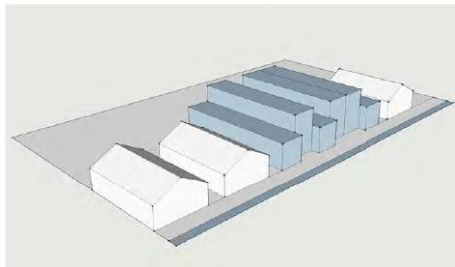
There is no spacing between buildings, no articulation along the street frontage and no visual break to diminish the looming feeling of the buildings.

4. Small lot developments should be appropriately designed and scaled to transition from single-family properties using methods such as step backs, building placement, driveway location, variations in height, and landscape screening elements.

They have completely ignored this design guideline and provide no stepbacks, screening or variations in height to scale to the neighborhood. In contrast, they have joined two lots together and located the driveways in the center of the buildings and pushed the buildings out to the lot lines. Rather than using driveways as a buffer and transition to the neighboring properties, they have maximized the impact and contrast in scale with their neighbors. Doing so allows the builders to use a single driveway for both buildings and thereby minimize the openspace within the property itself to the detriment of the eventual owners and tenants. The developer should move the driveways to the edges of the property and create visual transitions as contemplated in the design guidelines.



This small lot development maxes out the building envelope and does not respond to surrounding context.



By breaking down the height, massing, and facade of the buildings, this small lot development becomes more compatible with the surrounding neighborhood.

This illustration in the guidelines showing what should not be done, matches closely the building massing of the proposed development. The developer has completely violated the guidelines and has created a massive structure with straight vertical walls looming 4 stories above the neighboring single family homes.

In the suggested image below, the guidelines recommend lowering the height of the project along the neighboring properties. Doing so would also reduce the square

footage of the developed properties, and meet the goals of the ordinance by creating more affordable housing stock. The current plan to maximize volume to create 2400 square foot homes that will be priced in the 2.5 million dollar price range does nothing to aid the affordable housing goals that this project is putatively targeted at.

Building Façade/rooflines

The developer has chosen to turn all of the homes away from the street with no “communication/interaction” with the neighborhood. Instead he presents the street with a single plane solid block wall with out of scale tiny windows, no variation in elevations, no stoops, balconies or articulated rooflines to enhance the neighborhood. If the builder would reduce the unit count to 10 and keep the setbacks, the dual property is scaled large enough to easily create a more livable and affordable addition to the neighborhood. The plans as submitted, ignore 8 out of 10 of the façade recommendations and 3 out of 4 of the roofline guidelines.

This project has the opportunity to contribute the the livability and affordability of the neighborhood. Instead the developer is gaming the system to create the maximum possible salable square footage ignoring both the affordable housing an livability goals of the ordinances.

The guidelines themselves state:

Released in 2014, the Design Guidelines were created to accompany the implementation of the Ordinance and provide examples of best practices in addressing the complexities of designing small lot developments. The Guidelines are used to inform developers and staff, and assist project design at the onset of the process. The proposed Design Standards will

go a step further to create specific and enforceable rules addressing site planning, massing and other project features. **All new small lot projects will need to show compliance with the Design Standards.**

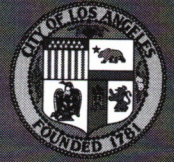
The **Design Standards** will create specific and enforceable rules regarding design for all small lot homes, including building orientation, primary entryways, façade articulation, roofline variation, building modulation, pedestrian pathways, landscaping, and common open space areas. All small lot subdivisions must comply with the Design Standards through an Administrative Clearance process.

This project fails to conform. As a neighbor who will be forced to look at this building looming over my yard and home and setting a destructive example of abusing the process to create more unaffordable overbuilt buildings, I appeal the approval and respectfully request that the city send the developer back to the drawing board to create a project that will benefit the neighborhood and the city, and that will stay within the bounds and goals of the ordinance.

§15355. Proper cumulative impact analysis is vital under CEQA because the full environmental impact of a proposed project cannot be gauged in a vacuum. Indeed, one of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually but assume threatening dimensions when considered collectively with other sources with which they interact. Therefore, cumulative effects analysis requires consideration of “reasonably foreseeable probable future projects, if any.” *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184; *Gentry v City of Murrieta* (1995) 36 Cal.App.4th 1359, 1414.

Here, the cumulative impact analysis narrowly focuses on three projects within 500 feet, missing many large multi-family residential projects and their impacts on the area immediately outside such narrow radius.

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals and Housing Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☒ City Planning Commission (CPC) ☐ City Council
☐ Zoning Administrator (ZA) ☐ Director of Planning (DIR)

CASE INFORMATION

Case Number: VTT-84089-SL-HCA

APN:

Project Address: 1904 – 1906 South Preuss Road

Final Date to Appeal: July 22, 2024

APPELLANT

**For main entitlement cases, except for Building and Safety Appeals and Housing Appeals:
Check all that apply.**

- ☐ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☒ Applicant ☐ Operator of the Use/Site

For Building and Safety Appeals only:

Check all that apply.

- ☒ Person claiming to be aggrieved by the determination made by **Building and Safety**¹
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Housing Appeals only:

Check all that apply.

- ☒ Person claiming to be aggrieved by the determination made by **Housing**
☐ Representative ☐ Property Owner ☐ Applicant ☐ Interested Party ☐ Tenant

APPELLANT INFORMATION

Appellant Name: Meyer Shwarzstein & Susan Kahn

Company/Organization:

Mailing Address: 1902 Preuss Road

City: Los Angeles **State:** CA **Zip Code:** 90034

Telephone: 310.717.1829 **E-mail:** meyer@brainmedia.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other:

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable):

Company:

Mailing Address:

City: **State:** **Zip Code:**

Telephone: **E-mail:**

¹ Pursuant to LAMC Section 13B.2.10.B.1. of Chapter 1A, Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 13B.10.3 of Chapter 1A, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2 of Chapter 1.

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part?

☐ Entire

☒ Part

Are specific Conditions of Approval being appealed?

☐ YES

☒ NO

If Yes, list the Condition Number(s) here: _____

On a separate sheet provide the following:

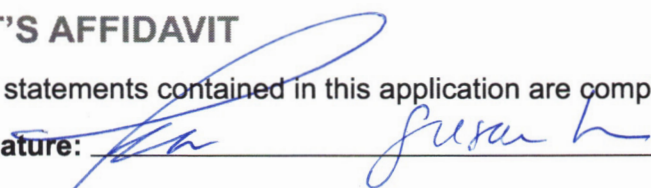
☐ Reason(s) for the appeal

☐ Specific points at issue

☐ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature:  Date: 7/22/2024

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$172

Reviewed & Accepted by (DSC Planner): J. Chan

Receipt No.: 200129068219 Date : 7/22/24

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., "Appeal Form", "Justification/Reason Statement", or "Original Determination Letter"). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g) of Chapter 1.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
- ☒ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) and Housing (LAHD) are pursuant LAMC Section 13B.10.2. of Chapter 1A.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

1. Appeal Fee

- ☒ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 of Chapter 1 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C. of Chapter 1A. Appellants for BSAs are considered Original Applicants. (Not applicable for Housing appeals).
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- ☒ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

Second Level Appeal

Procedures for a appeal of the Director's Decision on a BSA Appeal and LAHD appeals are pursuant to LAMC Section 13B.10.2.G. of Chapter 1A. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

1. Appeal Fee

- ☒ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Original Applicants.
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NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

1. Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☒ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

Vesting Tentative Tract Map No.: 84089-SL-HCA
Related Cases: ADM-2023-6116-SLD
Address: 1904 – 1906 South Preuss Road
Community Plan: West Adams – Baldwin Hills – Leimert
Zone: RD1.5-1
Council District: 10 – Hutt
CEQA No.: ENV-2023-6117-CE

To whom it may concern:

We live at 1902 Preuss Road, neighboring 1904 Preuss Road, the site of the intended construction.

We have solar panels on our roof which will, the property owner has acknowledged, will be substantially blocked during several months of the year. The cause of this is twofold – first, the height of the intended structure and, second, the fact that the structure closes to our house will be built approximately 8 feet closer to the street than it is now. Our panels face west and the house next door is to our south. The southern exposure is critical to our access to the sun.

When we brought this up to the developer, they offered us a \$5,000 battery which will not mitigate the damage caused by the blocked sunlight caused by the development. If we had accepted the offer, we would have had to forfeit the right to appeal. Given that the damage is much greater than a \$5,000 cost, we rejected it.

The problem is that system is too old to modify – to upgrade its capacity, it would need to be replaced. Attached is an email from a contractor stating an approximate price of \$28,000 – and that was part of a special deal.

The other way to mitigate the damage is to limit the scope of the project by restricting them to constructing the building closest to the front to the be aligned with the front of the current structure.

Our request appears to be in line with the FAQs published in 2016.

Here is an excerpt from the “*SMALL LOT SUBDIVISION CODE AMENDMENT AND POLICY UPDATE FREQUENTLY ASKED QUESTIONS – REVISED June 7, 2016*” –

“Based on the recent Council Motion, is the Planning Department adjusting the rules for Small Lots?”

Yes. A comprehensive update of Small Lots is being undertaken by the Planning Department. It will consist of a three-part update including a Small Lot Code Amendment, Small Lot Design Standards, and Advisory Agency Map Standards.

- The Code Amendment will require greater front and rear yard setbacks and greater setbacks when abutting single-family zones (see illustrations below), create a division of land process for "bungalow court" small lot projects, and establish design standards for small lot subdivisions with an incidental Administrative Clearance process."*

Given the damage the development will cause to our ability to generate electricity using solar collectors, and the FAQ as quoted above, we hereby request that you deny the developer's request to build the front structure 8 feet in front of where the current structure stands.

Our other concerns relate to our front gate – which will likely be destroyed during demo and/or construction, the nature of the current walls between the properties, and guaranteeing access to our ADU which is very close to their property. The developer allowed the current renter to attach a water hose support to our ADU without requesting permission to do so. The developer has offered us no written guarantees or assurances regarding any of our concerns related to the construction, etc. Given the pattern of our ongoing discussions about our concerns, we remain concerned.

As it is, many trees will be destroyed, shade will be added to our garden – we've planted dozens of trees since we moved here in 2000. The façade is unattractive. And that's not even mentioning the increased traffic, etc. We know that more housing is needed in LA and we're prepared to manage the increased inconvenience, but we're not prepared to have our concerns disregarded.

Thank you for your time and attention.

Sincerely,



Meyer Shwarzstein & Susan Kahn
1902 Preuss Road
LA, CA 90034



Meyer Shwarzstein <meyer@anotherbrainyidea.com>

Solar for my house

Michael Knight <mknight@sunisticsgroup.com>
To: Meyer Shwarzstein <meyer@anotherbrainyidea.com>
Cc: David Kidman <dkidman@sunisticsgroup.com>

Fri, May 3, 2024 at 3:34 PM

Hi Meyer:

It looks like a 6kW system works best for you. Ballpark pricing would be around \$28K, all-in. A recent update to the tax credits allows a new solar project to enjoy the tax benefits even if you already realized them from the prior system, so you would be eligible for the ITC on a new system at 40%.

Thanks,

Michael Knight

Senior Partner

Sunistics Group: Simply Better Energy

Cell: 323.896.3247 | Email: mknight@sunisticsgroup.com | Website: www.sunisticsgroup.com |

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 Please consider the environment before printing this email or its attachments.

[Quoted text hidden]

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals and Housing Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☒ City Planning Commission (CPC) ☐ City Council
☐ Zoning Administrator (ZA) ☐ Director of Planning (DIR)

CASE INFORMATION

Case Number: VTT-84089-SL-HCA

APN: 4302-020-003 & 4302-020-006

Project Address: 1904 - 1906 South Preuss Road, Los Angeles, CA 90034

Final Date to Appeal: July 22, 2024

APPELLANT

**For main entitlement cases, except for Building and Safety Appeals and Housing Appeals:
Check all that apply.**

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Building and Safety Appeals only:

Check all that apply.

- ☒ Person claiming to be aggrieved by the determination made by **Building and Safety**¹
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Housing Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Housing**
☐ Representative ☐ Property Owner ☐ Applicant ☐ Interested Party ☐ Tenant

APPELLANT INFORMATION

Appellant Name: Shelly Rothschild, aka Shelly Rothschild Yekutieli, aka Shelly Rothschild-

Company/Organization: _____

Mailing Address: 1908 South Preuss Road

City: Los Angeles **State:** CA **Zip Code:** 90034

Telephone: 310-622-3470 **E-mail:** rothschildlaw@yahoo.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Not Applicable

Company: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

¹ Pursuant to LAMC Section 13B.2.10.B.1. of Chapter 1A, Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 13B.10.3 of Chapter 1A, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2 of Chapter 1.

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part?

☒ Entire ☐ Part

Are specific Conditions of Approval being appealed?

☒ YES ☐ NO

If Yes, list the Condition Number(s) here: See separate document setting forth justifications

On a separate sheet provide the following:

- ☒ Reason(s) for the appeal
- ☒ Specific points at issue
- ☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature: Shelly Rothschild *Shelly Rothschild* **Date:** July 22, 2024

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

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THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$172

Reviewed & Accepted by (DSC Planner): J. Chan

Receipt No.: 200129073236 **Date :** 7/22/24

☐ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., "Appeal Form", "Justification/Reason Statement", or "Original Determination Letter"). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g) of Chapter 1.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) and Housing (LAHD) are pursuant LAMC Section 13B.10.2. of Chapter 1A.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

1. Appeal Fee

- ☐ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 of Chapter 1 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C. of Chapter 1A. Appellants for BSAs are considered Original Applicants. (Not applicable for Housing appeals).
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

Second Level Appeal

Procedures for a appeal of the Director's Decision on a BSA Appeal and LAHD appeals are pursuant to LAMC Section 13B.10.2.G. of Chapter 1A. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

1. Appeal Fee

- ☐ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

1. Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

JUSTIFICATIONS AND REASONS FOR APPEAL (the “Appeal”) FROM:

Approval of Vesting Tentative Tract Map No.: 84089-SL-HCA

Related Cases: ADM-2023-6116-SLD

Address: 1904 – 1906 South Preuss Road

Community Plan: West Adams – Baldwin Hills – Leimert

Zone: RD1.5-1

Council District: 10 – Hutt

CEQA No.: ENV-2023-6117-CE

(the above approval is hereinafter the “Approval”)

-PROJECT CASE NUMBER:

-VTT-84089-SL-HCA

OTHER RELATED CASES, ARE NOTED ABOVE IN THE APPROVAL, PLUS:

CPC-2023-6115-DB-HCA

-STAFF ASSIGNED: DAVID WOON

-APPELLANT: SHELLY ROTHSCILD, AGGRIEVED PERSON, residing at **1908 South Preuss Road**, located directly next to, contiguous with, and adjoining “the Vesting Tentative Tract Map NO. 84089-SL-HCA (Map Stamped Dated April 8, 2024) Located at **1904 – 1906 South Preuss Road** as to Case No. VTT-84089-SL-HCA” (hereinafter **the “Project”**).

- Without waiving any other grounds for appeal that may appear or that may be or have been stated by us or by any other appellants and neighbors, and without prejudice to stating additional issues on appeal, we set forth below the justifications/reasons for the Appeal, specific points at issue, and how we are aggrieved by the decision are set forth below. We further hereby join in the appeals to the Approval filed by Howard Witkin, Meyer Shwarzstein, and Arielle Mandel:

-THE APPROVAL VIOLATES THE LOS ANGELES DEPARTMENT OF CITY PLANNING’S WEST ADAMS-BALDWIN HILLS-LEIMERT COMMUNITY PLAN (the “Plan”).

GENERAL: The Approval contains **ONE HUNDRED AND TWO (102) CONDITIONS, ALL WITH MULTIPLE SUBCONDITIONS, PLUS ADDITIONAL CONDITIONS UNDER SL-1-2/S-1, 2, AND 3, SET FORTH OVER NINETEEN (19) PAGES.**

Unless and until these conditions have been met in full, the Approval currently violates the Plan, as set forth below, and the Approval lacks any verifiable and certain basis and foundation, and is illusory, as many or none of these conditions have been satisfied and many never be achieved. If this Project does not complete each and every one of this fantasy list of conditions, it will violate the Plan, destroy a heritage hillside neighborhood, and egregiously injure the health, safety, privacy, and property of existing senior and other residents, as explained below. In short, the Approval should not have been granted based solely on speculative promises of conditions that may never be fulfilled, especially as they are being made by a developer who has been sued for violations before and may not have sufficient assets to satisfy any damages and/or remediation if these conditions are not met.

Moreover, the Approval does not discuss the applicability of, and if so, whether the Project complies with and does not violate, the Los Angeles (“LA”) Character Residential CPIO Development Regulations; and/or the City’s Baseline Mansionization and Hillside Ordinance Guidelines and Standards; and/or the Complete Streets Guide requirement to identify how it will provide for the accommodation of **all** users of the roadway including motorists, **pedestrians, individuals with disabilities, and seniors.**

-VIOLATIONS OF THE PLAN: The Plan sets forth policies and goals that are abrogated by the Project and therefore the Approval. We have lived on this block for 38 years in a single-family residence that we chose for its peace, quiet, and **expansive city views**, so that as seniors “we can age in place,” a goal promised by the Plan. We are 75 and 78 years old. We are disabled, unemployed, elderly, sick, and battling cancer. We want to practice our religion, guaranteed by the First Amendment, and our right to privacy and safety. Under California law, we have the right to quiet enjoyment of our property, and “the aging in place” guaranteed by the Plan. This will be destroyed by the Approval.

-A key goal of the Plan is **to maintain the existing character** of our street, as noted in the Plan sections cited below. This will be destroyed by the Approval. The Plan notes that our neighborhood is characterized by single story and two-story main dwelling structures with a detached garage, featuring generous front and back yards. Most of these neighborhoods were designed and constructed in the late Nineteenth and early Twentieth centuries. The Approval will destroy this character by knocking down existing low-level single-family houses and instead installing directly next to us a mammoth development project, consisting of 4 new towers, each with 4 floors. The new construction looks more like a prison than a single-family residence. It will destroy the value, safety, privacy of our home and our health as noted below.

-The block on which my house is located is very narrow and has parking on both sides. As a result, **it has a huge traffic problem:** Two cars cannot pass each other at the same time. It is difficult to get out of driveways as cars speed down our street. Our car recently was rammed by a speeding car on our block, causing major damage and could have killed my husband. Pedestrians also use the street to walk to pray in nearby temples and churches, for the elderly and children crossing the street, and for residents to enjoy a stroll past our hillside homes. The Approval totally disregards the unique character of our block and the impact the Project will have on traffic. Not only will the Project have numerous new units, and each unit may be rented to groups of renters, but also LA recently approved other high-density projects nearby, greatly increasing the traffic for our block.

-Parking: Our little block has an immense parking problem: there are no places to park many times during the day and night. This prevents us from having guests, creates difficult for service personnel, and other invitees. The Approval will exacerbate this problem: there are only two spaces for each of 12 units and no parking for their guests, groups of renters, service personnel or invitees. LA keeps approving other projects nearby with little parking. This further worsen an already intolerable situation but is completely disregarded by the Approval.

-Safety: Contrary to other construction on the other side of Preuss, the Project is being built on a hillside, where there are no other huge multistory towers. There are unique earthquake, methane,

and utility issues, which the Approval disregards based on flawed or outdated reports as noted below. Our city views and our privacy, and our essential internet access, also may be egregiously impacted. Thirteen living trees that help us survive air pollution will be uprooted. The Plan's goals for maintaining the character, health and safety, and for seniors on our block to age in place, will be nullified.

Noted below are the sections of the Plan violated by the Approval:

-Plan LU1.1 The Project Does **NOT** Address Needs of Diverse Income Groups. The Project is primarily designed and intended for multi-millionaires who can afford to pay upwards of \$2,000,000.00 for EACH unit. Only 1 of 12 is for another income level, and it is not known if that in fact will be honored by the developer.

Plan Key Issues: The Project's new construction does **NOT maintain existing low scale character**. The Project consists of 4 huge 4 story buildings that tower over the adjoining properties, which are one or two story single family residences. **-Plan Key Opportunities:** The Project **does NOT** increase homeownership by providing housing that is affordable to a mix of income ranges. The Project's dominant mix is for those with extremely high incomes. The Project does **NOT** create single-family residential design guidelines and incentives **to maintain neighborhood character**. Like the homes being demolished by the Project, contiguous homes are single family homes that are one or two stories and built in the 1920s and 1930s. The Project destroys two existing homes and replaces them with a new huge, towering prison-like complex directly next to them.

-LU1.2 Safe Environments. Ensure that single-family residential neighborhoods are maintained to be safe and inviting environments.

-The Project does NOT protect our privacy: trespass by workers, workers, residents looking into our rooms and yards; it does not install sufficient front and fences between our properties.

-The Project does NOT limit late night construction work. I am 75 years old, disabled, my husband is 78; and I am battling cancer for the second time. I need rest, not being assaulted by 24/7 construction.

-The Project does NOT prohibit work on the Jewish Sabbath and Jewish holy days. The developer has refused our request not and will deprive us of our First Amendment right to practice our religion.

-The Project does **NOT** require that the developer give notice to us by email and text of work schedule, days and times. The developer can control this through their contract with the builders.

-The Project does **NOT** protect us from entry into our property by construction workers and equipment, and residents.

-The Project does NOT Include us on all developer and contractor insurance in case they damage our property.

-The Project does NOT provide for immediate notice to us by email and text of any damage to our property.

-The Project does NOT provide for the developer to enter into a covenant/contract/guarantee with us that they will fix any damage they cause to our property and/or let us hire someone that they will pay.

-LU2-1 The Project does NOT:

Strive to protect existing single-family and low-density residential neighborhoods from encroachment by higher density residential and other incompatible uses.

LU2-3 Architectural Compatibility. Seek a high degree of architectural compatibility and landscaping for new infill development in order to protect the character and scale of existing single-family residential neighborhoods.

LU2-4 Analyze Impacts. Consider factors such as neighborhood character and identity, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.

LU2-5 Preserve View Corridors. Encourage the preservation of existing prominent public vistas and view corridors throughout the Community Plan Area and especially those from hillside areas.

LU3: A community that promotes programs that provide greater access to homeownership of adequate single-family housing for all persons regardless of income, age, cultural, racial or ethnic identity.

LU3-1 Individual Choice. Promote greater individual choice in type, quality, price and location of single-family housing.

LU3-2 Affordability. Encourage homeownership and affordable housing options by promoting the benefits of tax credit and homebuyer incentive programs that involve the reuse and rehabilitation of existing structures as a viable option to “tear down” redevelopment.

LU4: A community that supports a limit to building intensity and density in hillside areas as appropriate due to social, cultural or environmental determinants.

LU4-1 Topography and Geology. Consider the steepness of the topography and the suitability of the geology in any proposal for development within the Community Plan Area.

LU4-2 Compatibility with Adjacent Development. Recommend that any proposed development be designed to enhance and be compatible with adjacent development and topography.

LU4-3 Maintain Viewsheds. Strive to maintain established viewsheds in hill-side areas.

LU4-4 Minimize Grading. Minimize the amount of grading throughout all hillside areas.

LU6: A community that supports cohesive neighborhoods and lifecycle housing to promote health and safety.

LU6-1 Neighborhood Continuity. Strive to maintain neighborhood continuity by targeting new proposed affordable housing to serve existing residents and be designed to complement established neighborhood character.

LU6-2 Complete Streets. Support healthy aging in place and childhood development by promoting safe, “complete” streets within low intensity neighborhoods.

LU6-3 Universal Design. Promote housing practices that support aging in place through universal design within single-family residential structures.

-G1. The Project does NOT:

respect the existing predominant or historic building patterns.

G2. retain the original scale of a home at its elevation closest to the street.

G3. stay consistent with the historic use of materials and details.

G4. Maintain relationship to Adjacent Buildings - Houses should be designed in a manner which is sensitive to the massing and siting of adjacent structures. In particular, taller portions of new houses should be kept to a minimum and should endeavor not to “broadside” the outdoor spaces of adjacent properties.

G18. Adhere to Predominant Setbacks: The predominant historic setback of the front elevation from the sidewalk should be retained.

G19. use Complimentary Design - The overall size of a house should not dominate neighboring homes, but should be complementary and designed to a similar size and scale.

G21. Use Appropriate Scale - Houses should be designed to an appropriate neighborhood scale, then the major features and details should be scaled to be consistent

G31. use Authentic Details: Details should be an appropriate scale and authentic.

-Furthermore, the Plan is violated by the Approval because:

-The Project does NOT require developer to install sufficient Infill and Shoring if they cause subsidence. Recent storms and earthquakes may increase impact since their 2017 reports.

-The Project does NOT include a Traffic Control Plan. Two cars cannot pass each other currently on our block.

-The Project does NOT include an Emergency Response plan in case something goes wrong, i.e., earthquake, subsidence, cut-off of utilities, flooding, methane release.

-The Project has NOT checked with all utilities about location underground that may be disturbed by construction and impact us and make plans to ensure all keep working. We should get Immediate notice to us by email and text of any damage to or cessation of utilities.

-We do not know if the Project only will use licensed contractors; Developer must provide us with name and contact info of all contractors and subcontractors so we can check.

-The Approval does not explain what will occur if the developer does NOT obtain all required permits, approvals, and consents, and/or does NOT strictly abide by all 105 conditions in the Approval.

In prior litigation, it was alleged that this developer does not do so. The developer currently is violating LA law by renting one of the Project properties illegally as an Airbnb.

-The developer appears to be a single asset limited liability company. No information is provided as to whether it has sufficient, or any assets, to satisfy a judgment for damages for failing to comply to 105 conditions.

-The Project does NOT provide for any mitigation measures re shaking caused by construction that may damage our homes.

-The Project does NOT prohibit parking overnight of construction vehicles/machines on our street.

-The Project does NOT prohibit construction vehicles/equipment blocking of our street by their vehicles and equipment. -The Project does NOT require clean up of the lot each day to remove garbage, cover equipment, put away tools and anything that could be dangerous and used to cause damage, and this endangers us and destroys the appearance of our street.

-The Project does NOT prevent outhouses being installed next to our properties, creating risk of disease, invading our property with filth and foul smells.

-The Project would exacerbate the already impossible parking situation on our block: There is no room for guests, service personnel, and other invitees to park at present. The Project has only 2 parking spaces per unit; none for multiple renters, who might lease the units; invitees, and guests and service personnel. They will park on our street or block our street so it is impossible.

-The Approval does NOT require that the Project will not block our views, essential to our right to quiet enjoyment.

-The Project does NOT require the developer to enter into mitigation/remediation contracts to reduce noise and dust control. We are home all day. I have head and neck cancer; asthma; and no immunity.

-The Project does NOT require that nothing will impinge on or overhang our property.

-Contrary to the developer's noise report, we use all areas of our property. That report relied on by the Approval therefore is false.

-The Approval does NOT require the developer to provide us immediately with copies of all permits and final plans when and as issued.

-The Approval does NOT require that the developer advise us immediately of any changes to plans and reports.

-The Approval does NOT require that there will be no parties on the Project's roof tops. Such parties will create noise, danger of thrown items onto our lots; no privacy for us.

-Many of the reports relied upon in the Approval may be based on old data from 2017, 2018, 2019, and 2021. The Approval should have required update of all reports to bring current for each lot.

-Some of prior expert reports relied on are only for 1904 and do not include 1906 Preuss, which adjoins our property. The Approval should have required updated reports to include 1906.

-Prior reports relied upon also were for a smaller project, fewer buildings. These reports also do not take into account recent torrential rains; flooding; and swarms of earthquakes in LA. The Approval should have required updates.

For all of the above reasons, and others that may appear on appeal, or have arisen or will arise, or that are set forth in appeals filed by other residents, the Appellant hereby appeals the Approval of the Project.

APPEAL APPLICATIONS

(VTT-84089-SL-HCA-2A)

APPLICATIONS

APPEAL APPLICATION Instructions and Checklist



PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC. For California Environmental Quality Act Appeals use form [CP13-7840](#). For Building and Safety Appeals and Housing Department Appeals use form CP13-7854.

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☐ City Planning Commission (CPC) ☒ City Council
☐ Zoning Administrator (ZA)

CASE INFORMATION

Case Number: VTT-84089-SL-HCA-1A (other case numbers VTT-84089-SL-HCA, ENV-2023-6117-CE)

APN: 4302-020-003 & 4302-020-006

Project Address: 1904 - 1906 South Preuss Road, Los Angeles, CA 90034

Final Date to Appeal: SEPTEMBER 16, 2024

APPELLANT

Check all that apply.

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

APPELLANT INFORMATION

Appellant Name: Shelly Rothschild (aka Shelly Yekutieli)

Company/Organization: _____

Mailing Address: 1908 South Preuss Road

City: Los Angeles State: CA Zip Code: 90034

Telephone: 310-622-3470 E-mail: rothschildlaw@yahoo.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? ☒ Entire ☐ Part

Are specific Conditions of Approval being appealed? ☒ YES ☐ NO

If Yes, list the Condition Number(s) here: See separate sheet re reasons, points, how.

On a separate sheet provide the following:

☐ Reason(s) for the appeal

☐ Specific points at issue

☐ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature: Shelly Rothschild **Date:** 09/10/2024

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$172

Reviewed & Accepted by (DSC Planner): Jason Chan

Receipt No.: 200145926937 **Date:** 9/10/24

☐ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

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1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Appeal Application
- ☐ Justification/Reason for Appeal

- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(b)

4. Noticing Requirements (Applicant Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 13B.2.5. (Director Determination) of Chapter 1A or LAMC Section 13B.3.3. (Class 3 Conditional Use) of Chapter 1A as applicable.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.

- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

SEPARATE SHEET BY APPELLANT SHELLY ROTHSCILD RE APPEAL TO LOS ANGELES CITY COUNCIL

RE: APPEAL OF LETTER OF DETERMINATION MAILED SEPTEMBER 4, 2024 BY THE LOS ANGELES CITY PLANNING COMMISSION (the “LETTER”)

Case No.: VTT-84089-SL-HCA-1A (original case no. VTT-84089-SL-HCA)

Council District: 10 – Hutt; Neighborhood Council: SORO (which opposes this Project)

CEQA: ENV-2023-6117-CE

Community Plan: West Adams – Baldwin Hills – Leimert Community Plan (“COMMUNITY PLAN” or “CP”)

Related Cases: CPC-2023-6115-DB-HCA; ADM-2023-6116-SLD

Project Site: 1904 – 1906 South Preuss Road

Applicant: Marc & Risa Dauer, Preuss Development, LLC; Representative: Kevin Scott, Brian Silveira & Associates

Appellant: Aggrieved person Shelly Rothschild (aka Shelly Yekutieli on behalf of herself and husband Yosef Yekutieli)

JUSTIFICATIONS/REASONS/SPECIFIC POINTS AT ISSUE/HOW WE ARE AGGRIEVED:

We live at 1908 South Preuss Road, a single-family home that is adjacent to, contiguous with, and directly next to the Project Site at 1906 South Preuss Road, the site of the intended construction. As noted below, we are aggrieved by the LETTER.

-THE LETTER FLAGRANTLY DISREGARDS THE REJECTION OF THIS DEVELOPMENT BY THE SORO NEIGHBORHOOD COUNCIL, WHICH IS UNIQUELY QUALIFIED AND CHARGED WITH ITS ASSESSMENT.

The South Robertson Neighborhoods Council (SORO NC) is the Neighborhood Council that covers the Project Site. The NC system was created in 1999 to allow those who live, work, volunteer, learn, or worship in a particular neighborhood—stakeholders—an opportunity to have a voice in community and city decisions. Neighborhood Councils are part of the Los Angeles City government. The Neighborhood Council system was established as a way of ensuring that the City government remains responsive to the needs of Los Angeles’ communities.

In this regard, when this development was brought before the South Robertson Neighborhood Council for review, SORO NC not only rejected it but also opposed any further approvals. The LETTER therefore totally disregards the voice of the stakeholders in our community, the only ones uniquely qualified to assess this development, and absolutely fails to be responsive to our community and its governing council.

-THE LETTER IGNORES THE LIE THAT THIS DEVELOPMENT WILL INCREASE AFFORDABLE HOUSING. TWO -MILLION -DOLLAR APARTMENTS ARE NOT AFFORDABLE HOUSING FOR LOS ANGELES.

The development will contain 12 apartments, only one of which may be affordable. It is estimated that each of the 11 other units will be sold for \$2,000,000.00 or more. The affordable housing shortage in LA is not for the luxury homes with hot tubs that the Applicant is building.

In doing so, he is destroying two existing homes. That negates any benefit; it is a wash. The purpose of this development is to create luxury housing to be sold for multiple millions each, not affordable housing for LA residents.

-THE LETTER VIOLATES THE COMMUNITY PLAN: Per LA regulations: “Each Planning Case approved must contain a finding that it conforms to both the General, *Community*, and Specific Plans.” Here, no such finding can be made because the LETTER abrogates the goals, standards, requirements, and policies of the COMMUNITY PLAN.

-CONTRARY TO THE CP, THE LETTER DOES NOT MAINTAIN THE EXISTING RELATIONSHIP TO OUR ADJACENT HOME: Per CP G4, all development must maintain the existing relationship to adjacent buildings – “Houses should be designed in a manner which is sensitive to the massing and siting of adjacent structures. In particular, the taller portions of new houses should be kept to a minimum and should endeavor not to “broadside” the outdoor spaces of adjacent properties.” All this will be destroyed by the Letter. We live in an adjacent building at 1908 Preuss Road and have lived there for over 37 years. During this time, the houses next to us at the Project Site were low level single-family residences. As such, the approval by the LETTER of building four (4) immense towers of 4 stories each, that will impinge upon and drastically overshadow our single-family house, does **NOT** maintain the relationship to our adjacent home, in violation of the Community Plan.

-CONTRARY TO THE CP, THE LETTER DESTROYS THE VIEWS LONG ENJOYED BY OUR HOME AND AREA: A key goal of the COMMUNITY PLAN is to preserve and maintain existing views: *See* CP LU2-5; CP LU4-3. This is violated by the huge development of 4 towers of 4 stories each approved by the LETTER that will block the views we have enjoyed in our home and area, a key reason for which we chose to buy our home 37 years ago, and it also will destroy a key element of our home’s value, to our detriment.

-CONTRARY TO THE CP, THE LETTER DESTROYS THE COMMUNITY PLAN GOAL OF ALLOWING EXISTING RESIDENTS TO AGE IN PLACE: The COMMUNITY PLAN guarantees existing residents like us the ability to “age in place.” *See* CP LU6-2: Planning must “support healthy aging in place,” and per CP LU6-3, must “promote housing practices that support aging in place.” I am 75 years old, and my husband is 78. We are seniors who planned on aging in place at 1908 Preuss Road, directly next to the Project Site, a goal that was assured by the Community Plan. We are disabled, unemployed, elderly, sick, and battling cancer. Under the Community Plan, our right of “aging in place” will be destroyed by the LETTER, which surreptitiously will put into effect “urban removal” of elderly residents like us by destroying views that give value to our property, and by imposing intolerable living conditions endangering our home, privacy, safety, making us endure trespass, theft, traffic, parking, open toilets, noise, shaking, danger of subsidence, floods and methane, heavy equipment blocking streets, dust and pollution, loss of our utilities and crucial internet access, all of which will serve to force us to leave our homes, so a greedy developer can sell multimillion dollar apartments as “affordable housing.”

-CONTRARY TO THE CP, THE LETTER DESTROYS THE NEIGHBORHOOD CHARACTER AND SCALE ESTABLISHED BY THE COMMUNITY PLAN. The

COMMUNITY PLAN requires that all development must maintain the existing character of our street. **See CP LU2-3: Architectural Compatibility:** must protect the character and scale of existing single-family residential neighborhoods; **CP LU2-4:** must consider factors such as neighborhood character; **CP LU6-1:** must be designed to complement neighborhood character. In this regard, the COMMUNITY PLAN establishes that our neighborhood “is characterized by single story and two-story main dwelling structures with a detached garage, featuring generous front and back yards. Most of these neighborhoods were designed and constructed in the late Nineteenth and early Twentieth centuries.” The LETTER will destroy this established character by knocking down existing low-level single-family houses, and instead, installing directly next to us a mammoth development project, consisting of 4 new towers, each with 4 floors. The new construction looks more like a prison than a single-family residence. It will destroy the CP’s above-established character and scale of our neighborhood.

-SAFETY/NO PROTECTION FROM TRESPASS/NO PROTECTION OF PRIVACY//NO ACCESS TO INTERNET/REMOVAL OF TREES: Contrary to other construction on the other side of Preuss, the Project Site is being built on a hillside, where there are no other huge multistory towers. There are unique earthquake, methane, flooding, and utility issues on our little street, such as the recent increase in earthquakes, which the LETTER disregards, based on flawed or outdated reports. In addition, our freedom from trespass, right to privacy, and our essential internet access also may be egregiously impacted by this huge development. Plus, 13 living trees that help combat LA air pollution will be uprooted. In addition, we will be injured by constant noise, dust, pollution, shaking, trespass by workers and residents, a multitude of heavy equipment blocking our streets, toilets fouling our air, and rooftop parties overlooking our homes, with no means of escape. Thus, the Community Plan’s goals for maintaining the safety and quality of life on our block will be nullified by the LETTER.

-TRAFFIC: The LETTER is based on traffic conditions generally in LA on main streets, and a traffic study of cities that do not include Los Angeles, ignoring the particular and specific conditions on our block. The Project Site is located on a block that is very narrow and has parking on both sides. As a result, it already has a huge traffic problem: Two cars cannot pass each other at the same time. To avoid major streets, cars speed down our block. Our car recently was rammed by a speeding truck while our car was parked outside our house, causing major damage that could have killed my husband sitting inside. The traffic danger is exacerbated by the fact that pedestrians use our street to walk to nearby places of worship, the elderly and children use it to cross the street, and residents use it to enjoy a stroll past our hillside homes. The LETTER totally disregards the unique character of our block and the impact the Project Site will have on traffic. Not only will the Project Site include numerous new units, but due to the millions each will cost, many units may be rented to large groups of renters, greatly increasing the traffic on our block and impairing our safety and living conditions.

-PARKING: Our little block has an immense parking problem: there are no places to park many times during the day and night. This prevents us from having guests, creates difficulty for service personnel, and other invitees. The LETTER will exacerbate this problem: there are only two spaces for each of 12 units, and no parking for their guests, groups of renters, service personnel, or invitees. This further will worsen an already intolerable situation but is completely disregarded by the Letter.

-VIOLATION OF FIRST AMENDMENT RIGHTS: Our block uniquely contains many religious residents and establishments, including those of Jews like us, and a Chabad, which follow the Jewish Sabbath on Friday nights and Saturdays, and Jewish Holy Days. The Applicant is well-aware of this but has refused our request not to desecrate our religion by conducting work next door to us on these religious times. He easily could insert provisions in his contracts with those working on his site that control the hours and days of work, a reasonable religious accommodation, but will not do so. This is yet another surreptitious attempt to force us to move from our homes by making it impossible to practice our religion in peace, as guaranteed by the First Amendment to the US Constitution. The LETTER violates this right by not requiring any religious accommodation.

-THE LETTER IS WHOLLY SPECULATIVE, UNFOUNDED, AND ILLUSORY, PREMISED ON CONDITIONS THAT MAY NEVER BE SATISFIED: The LETTER is based on an approval that is premised on over ONE HUNDRED AND TWO (102) CONDITIONS, ALL WITH MULTIPLE SUBCONDITIONS, PLUS ADDITIONAL CONDITIONS UNDER SL-1-2/S-1, 2, AND 3, SET FORTH OVER NINETEEN (19) PAGES. Yet another condition was added by the LETTER. Unless and until these conditions have been met in full, the LETTER currently violates the COMMUNITY PLAN; lacks any verifiable and certain basis and foundation, and is illusory, as many or none of these conditions have been satisfied and many never be achieved. If this Project does not complete each and every one of this fantasy lists of conditions, it will violate the Plan, destroy a heritage hillside neighborhood, and egregiously injure the health, safety, privacy, and property of existing residents. The LETTER should not have been granted based solely on speculative promises of conditions that may never be fulfilled, especially as they are being made by a developer who has been sued for building violations before; as having only one unbuilt asset, may not have sufficient assets to satisfy any damages and/or remediation if these conditions are not met; and currently is violating Los Angeles laws by running an illegal Airbnb at the Project Site. Moreover, the LETTER and this approval do not discuss whether the Project violates the Los Angeles Character Residential CPIO Development Regulations; and/or the City's Baseline Mansionization and Hillside Ordinance Guidelines and Standards; and/or the Complete Streets Guide requirement to identify how it will provide for the accommodation of all users of the roadway including motorists, pedestrians, individuals with disabilities, and seniors.

TENS OF THOUSANDS OF RESIDENTS ARE LEAVING LOS ANGELES DUE TO LUDICROUS DECISIONS LIKE THE LETTER. BILLIONS HAVE BEEN SPENT WITH NO BENEFIT TO THOSE WHO LIVE HERE, AS EXEMPLIFIED BY THE LETTER. AS RECOGNIZED BY SORO NC, THIS SHOULD STOP NOW.

We reserve the right to assert additional and new grounds for this appeal, include additional evidence, make corrections, and to join in appeals made by other appellants.

END OF SEPARATE STATEMENT

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals and Housing Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Area Planning Commission (APC) | <input type="checkbox"/> City Planning Commission (CPC) | <input type="checkbox"/> City Council |
| <input type="checkbox"/> Zoning Administrator (ZA) | <input type="checkbox"/> Director of Planning (DIR) | |

CASE INFORMATION

Case Number: _____

APN: _____

Project Address: _____

Final Date to Appeal: _____

APPELLANT

**For main entitlement cases, except for Building and Safety Appeals and Housing Appeals:
Check all that apply.**

- | | | | |
|---|---|------------------------------------|---|
| <input type="checkbox"/> Person, other than the Applicant, Owner or Operator claiming to be aggrieved | | | |
| <input type="checkbox"/> Representative | <input type="checkbox"/> Property Owner | <input type="checkbox"/> Applicant | <input type="checkbox"/> Operator of the Use/Site |

For Building and Safety Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Building and Safety**¹
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Housing Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Housing**
☐ Representative ☐ Property Owner ☐ Applicant ☐ Interested Party ☐ Tenant

APPELLANT INFORMATION

Appellant Name: _____

Company/Organization: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☐ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ **YES** ☐ **NO**

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

¹ Pursuant to LAMC Section 13B.2.10.B.1. of Chapter 1A, Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 13B.10.3 of Chapter 1A, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2 of Chapter 1.

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part?

☐ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☐ YES

☐ NO

If Yes, list the Condition Number(s) here: _____

On a separate sheet provide the following:

☐ Reason(s) for the appeal

☐ Specific points at issue

☐ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature: _____ **Date:** _____

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ **Date :** _____

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g) of Chapter 1.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) and Housing (LAHD) are pursuant LAMC Section 13B.10.2. of Chapter 1A.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

1. Appeal Fee

- ☐ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 of Chapter 1 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C. of Chapter 1A. Appellants for BSAs are considered Original Applicants. (Not applicable for Housing appeals).
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

Second Level Appeal

Procedures for a appeal of the Director's Decision on a BSA Appeal and LAHD appeals are pursuant to LAMC Section 13B.10.2.G. of Chapter 1A. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

1. Appeal Fee

- ☐ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

1. Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

RE: Vesting Tentative Tract Map No.: 84089-SLHCA
Related Cases: ADM-2023-6116-SLD
Address: 1904 - 1906 South Preuss Road
Community Plan: West Adams - Baldwin Hills
- Leimert
Zone: RD1 .5-1
Council District: 10 - Hutt
CEQA No.: ENV-2023-6117-CE

Dear City Council Members:

We live at 1902 Preuss Road, neighboring 1904 Preuss Road, the site of the intended construction.

Here are the facts:

1. We have solar panels on our roof which will be substantially blocked during several months of the year. The cause of this is twofold -first, the height of the intended structure and, second, the fact that the structure being built closest to our house will be built approximately 8 feet closer to the street than it is now. Our panels face west, and the house next door is to our south. The southern exposure is critical for solar access.
2. The owner acknowledges the fact that we will lose the ability to generate as much electricity as we do now.
3. We appealed to the CPC who, while sympathetic to our situation, are not empowered to decide in our favor. They asked the developer to consider our situation, but the developer has no obligation to comply with their wishes.
4. Given the age of our system, it cannot be added on to – it would need to be replaced. We have a quote of \$28,000 which is available today – in the future, it will likely cost more.

We are not appealing because we want to block the development. We understand that the city has a goal to meet – and this will help it create more housing.

But the City of Los Angeles has other goals too:

1. Carbon neutrality by 2050
2. 100% renewable energy by 2045
3. Increasing the share of zero-emission vehicles on the road
4. Improving air quality
5. Enhancing urban biodiversity by increasing green spaces and planting more trees.

Are our two goals – to house our citizens and to provide a sustainable environment - mutually exclusive?

Indeed, some compromises may need to be made but there ought to be one overriding principle that governs the decision-making process:

Do no harm.

Why should citizens like my wife and I who have

- invested in renewable energy
- share one car
- drive an electric car
- have planted nearly 30 trees on our property

be forced to shell out \$30,000 just to keep producing the same amount of electricity as we did 15 years ago?

Is this the message that the City of Los Angeles wants to promote?

We've already accepted various compromises:

- over a dozen trees will be destroyed by the development,
- our trees will receive less sunlight,
- the developer has not given us any written guarantees regarding the walls between our properties, the likely damage to our driveway gate, access to the construction crew who will likely have a daily impact on our lives

But asking us to pay for a new solar system to replace the one we already bought – that's going too far. We are asking for them to either:

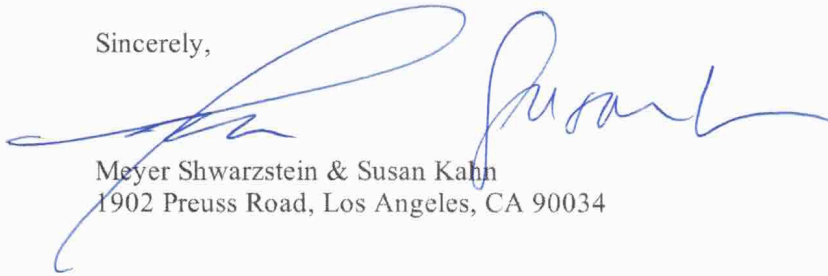
- cover the cost of a new solar system be installed on our house by a reputable solar installation company at the beginning of construction
- pay us \$30,000 in damages
- revise the plans for the new build so it has no impact on our ability to produce the amount of energy our solar panels produce now

Furthermore, we suggest that the city's building code require developers to foot the bill to cover damage to investments like ours.

If we do this, the City of Los Angeles will put developers on notice that the city's sustainability priorities are as important as creating new housing.

Thank you for your time and attention.

Sincerely,

Two handwritten signatures in blue ink. The first signature is on the left, and the second is on the right, overlapping slightly.

Meyer Shwarzstein & Susan Kahn
1902 Preuss Road, Los Angeles, CA 90034

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals and Housing Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☐ City Planning Commission (CPC) ☒ City Council
☐ Zoning Administrator (ZA) ☐ Director of Planning (DIR)

CASE INFORMATION

Case Number: VTT-84089-SL-HCA-1A

APN: 4302-020-003; 4302-020-006

Project Address: 1904 – 1906 South Preuss Road

Final Date to Appeal: September 16, 2024

APPELLANT

**For main entitlement cases, except for Building and Safety Appeals and Housing Appeals:
Check all that apply.**

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Building and Safety Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Building and Safety**¹
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Housing Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Housing**
☐ Representative ☐ Property Owner ☐ Applicant ☐ Interested Party ☐ Tenant

APPELLANT INFORMATION

Appellant Name: Arielle Mandell

Company/Organization: _____

Mailing Address: 1901 S. Shenandoah Street

City: Los Angeles **State:** CA **Zip Code:** 90034

Telephone: 310-704-3178 **E-mail:** ariellemandell@gmail.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Kristina Kropp

Company: Luna & Glushon

Mailing Address: 16255 Ventura Blvd., Suite 950

City: Encino **State:** CA **Zip Code:** 91436

Telephone: 818-907-8755 **E-mail:** kkropp@lunaglushon.com

¹ Pursuant to LAMC Section 13B.2.10.B.1. of Chapter 1A, Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 13B.10.3 of Chapter 1A, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2 of Chapter 1.

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Is the decision being appealed in its entirety or in part?

☒ Entire ☐ Part

Are specific Conditions of Approval being appealed?

☐ YES ☒ NO

If Yes, list the Condition Number(s) here: _____

On a separate sheet provide the following:

- ☒ Reason(s) for the appeal
- ☒ Specific points at issue
- ☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature: Kristina Kropp Digitally signed by Kristina Kropp
Date: 2024.09.04 14:50:32 -07'00' **Date:** 9.4.24

GENERAL NOTES

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THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$172

Reviewed & Accepted by (DSC Planner): Ruben Vasquez

Receipt No.: 200144115784 **Date :** 09/10/2024

☒ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

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- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- ☐ *Copy of Mailing Labels*. All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt*. Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g) of Chapter 1.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) and Housing (LAHD) are pursuant LAMC Section 13B.10.2. of Chapter 1A.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

1. Appeal Fee

- ☐ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 of Chapter 1 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C. of Chapter 1A. Appellants for BSAs are considered Original Applicants. (Not applicable for Housing appeals).
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

Second Level Appeal

Procedures for a appeal of the Director's Decision on a BSA Appeal and LAHD appeals are pursuant to LAMC Section 13B.10.2.G. of Chapter 1A. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

1. Appeal Fee

- ☐ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

1. Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

JUSTIFICATION TO APPEAL

**VTT-84089-SL-HCA-1A
ADM-2023-6116-SLD
ENV-2023-6117-CE**

Project Address: 1904-1906 South Preuss Road (the “Property”).

Appellant: Arielle Mandell, a resident of 1901 S. Shenandoah Street, adjacent to the Property and therefore most impacted by the determination to approve the Project.

Project: The subdivision of two lots into 12 small lots in the West Adams – Baldwin Hills – Leimert Community Plan.

Justification for Appeal:

1. The Findings of Fact Cannot be Made in the Affirmative with Substantial Supporting Evidence

a. The Proposed Map and the Design and Improvement of the Subdivision will not be Consistent with the West Adams-Baldwin Hills-Leimert Community Plan, including the Design Guidelines.

The West Adams-Baldwin Hills-Leimert Community Plan (“Community Plan”) sets forth the following goals and policies:

- **Ensure that new construction maintains the consistent two-story character of the existing neighborhood.**
- Maintain single-family neighborhoods that address the diverse socio-economic and physical needs of current and future residents.
- Seek a high degree of architectural compatibility and landscaping for new infill development as well as additions to existing structures in order to protect the character and scale of existing single-family and multi-family residential neighborhoods.
- Recommend that any proposed development be designed to enhance and be compatible with adjacent development and topography.
- Encourage development parameters that ensure multi-family designated lands provide for adequate housing that is contextually sensitive to desirable prevailing neighborhood character.

The Project maxes out the development envelope and includes an introduction of an inappropriate number of new vehicles, many of which are proposed to access the development through a hazardous alley to the detriment of adjacent property owners.

As proposed, the Project fails to provide a high degree of architectural compatibility, instead proposing a cookie cutter, least affordable option as if it were

proposed in any other part of the City, not contextually sensitive to the prevailing neighborhood character or designed to enhance and be compatible with adjacent development. Accordingly, the project fails to maintain and address the socio-economic and physical needs of area's current residents.

The Project is largely surrounded by single family homes and modest two-story multi-family residential housing, as specifically described to be the two-story character of the area. Yet, the Project, at its height and bulk, completely fails to maintain this inherent identity of the area. Furthermore, the design of the Project, striving for cookie cutter - "box shape", least affordable option, completely fails to comply with the residential design guidelines of the Community Plan.

b. The Site is Not Physically Suitable for the Development

The Project includes an introduction of an inappropriate number of new vehicles, many of which are proposed to access the development through a hazardous alley to the detriment of adjacent property owners. This design is not physically suitable for the development or the surrounding area.

c. The Subdivision is Likely to Cause Substantial Environmental Damage

For the reasons stated below, the Categorical Exemption was issued in error. Therefore, the Project is likely to cause substantial environmental damage.

2. The Categorical Exemption was Issued in Error

a. Project Does Not Fit Within a Class 32 Exemption

Under the California Environmental Quality Act ("CEQA"), Class 32 exemptions apply only if the following criteria is met:

- 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.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

As set forth above, the Project is not consistent with the Community Plan.

Furthermore, the Project will increase hazards due to a geometric design feature or incompatible uses due to the ingress/egress at the hazardous alley. The City's analysis does not include review of hazards due to a geometric design feature or incompatible uses. Furthermore, the provided VMT calculations do not include a construction VMT analysis, or the VMT calculations for haul route. Under CEQA, the whole of the Project must be assessed.

b. Exceptions to a Categorical Exemption Apply

All exemptions are inapplicable when the cumulative impact of successive Projects, over time is significant. Cal.Code Regs. Tit. 14 §15300.2(b).

Here, the cumulative impact analysis narrowly focuses on three projects within 500 feet, missing many large multi-family residential projects and their impacts on the area immediately outside such narrow radius.

Furthermore, 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. Cal.Code Regs. Tit. 14 §15300.2(c).

Here, the Project will increase hazards due to a geometric design feature or incompatible uses due to the ingress/egress at the hazardous alley. Furthermore, the Project is largely surrounded by single family homes and modest two-story multi-family residential housing, as specifically described to be the two-story character of the area. It is an identified, uniquely situated community. The aesthetic impacts of such a drastic change will have a significant impact on environment.

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals and Housing Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- ☐ Area Planning Commission (APC) ☐ City Planning Commission (CPC) ☒ City Council
☐ Zoning Administrator (ZA) ☐ Director of Planning (DIR)

CASE INFORMATION

Case Number: VTT-84089-SL-HCA-1A

APN: 4302-020-003; 4302-020-006

Project Address: 1904 – 1906 South Preuss Road

Final Date to Appeal: 9-16-2024

APPELLANT

**For main entitlement cases, except for Building and Safety Appeals and Housing Appeals:
Check all that apply.**

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Building and Safety Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Building and Safety**¹
☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

For Housing Appeals only:

Check all that apply.

- ☐ Person claiming to be aggrieved by the determination made by **Housing**
☐ Representative ☐ Property Owner ☐ Applicant ☐ Interested Party ☐ Tenant

APPELLANT INFORMATION

Appellant Name: Concerned Residents of Shenandoah Street

Company/Organization: _____

Mailing Address: 16255 Ventura Blvd., Ste. 950

City: Encino **State:** CA **Zip Code:** 91436

Telephone: 818-907-8755 **E-mail:** kkropp@lunaglushon.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: _____

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Kristina Kropp

Company: Luna & Glushon

Mailing Address: 16255 Ventura Blvd., Suite 950

City: Encino **State:** CA **Zip Code:** 91436

Telephone: 818-907-8755 **E-mail:** kkropp@lunaglushon.com

¹ Pursuant to LAMC Section 13B.2.10.B.1. of Chapter 1A, Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 13B.10.3 of Chapter 1A, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2 of Chapter 1.

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part?

☒ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☐ YES

☒ NO

If Yes, list the Condition Number(s) here: _____

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature: Kristina Kropp

Digitally signed by Kristina Kropp
Date: 2024.09.04 14:49:57 -07'00'

Date: 9.4.24

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$172

Reviewed & Accepted by (DSC Planner): Ruben Vasquez

Receipt No.: 200145573735

Date : 09/10/2024

☒ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
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- ☐ Not applicable for Housing Appeals.

SPECIFIC CASE TYPES

ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g) of Chapter 1.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

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- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) and Housing (LAHD) are pursuant LAMC Section 13B.10.2. of Chapter 1A.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

1. Appeal Fee

- ☐ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 of Chapter 1 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C. of Chapter 1A. Appellants for BSAs are considered Original Applicants. (Not applicable for Housing appeals).
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
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Second Level Appeal

Procedures for a appeal of the Director's Decision on a BSA Appeal and LAHD appeals are pursuant to LAMC Section 13B.10.2.G. of Chapter 1A. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

1. Appeal Fee

- ☐ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Applicants.
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NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

1. Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

JUSTIFICATION TO APPEAL

**VTT-84089-SL-HCA-1A
ADM-2023-6116-SLD
ENV-2023-6117-CE**

Project Address: 1904-1906 South Preuss Road (the “Property”).

Appellant: Concerned Residents of Shenandoah Street, owners and residents of properties in the immediate vicinity of the proposed Project and therefore most impacted by the determination to approve the Project.

Project: The subdivision of two lots into 12 small lots in the West Adams – Baldwin Hills – Leimert Community Plan.

Justification for Appeal:

- 1. The Findings of Fact Cannot be Made in the Affirmative with Substantial Supporting Evidence**
 - a. The Proposed Map and the Design and Improvement of the Subdivision will not be Consistent with the West Adams-Baldwin Hills-Leimert Community Plan, including the Design Guidelines.**

The West Adams-Baldwin Hills-Leimert Community Plan (“Community Plan”) sets forth the following goals and policies:

- **Ensure that new construction maintains the consistent two-story character of the existing neighborhood.**
- Preserve, conserve and enhance the positive characteristics of existing neighborhoods that are the foundation for community identity.
- Strive to protect existing single-family and low-density residential neighborhoods from encroachment by higher density residential and other incompatible uses.
- Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential, including multi-family residential densities, are proposed.
- Strive to maintain neighborhood continuity by targeting new proposed affordable housing to serve existing residents and be designed to complement established neighborhood character.

The Project is largely surrounded by single family homes and modest two-story multi-family residential housing which is in line with the described two story character of the area. As proposed, the Project, at its height and bulk completely fails to maintain this very important identity of the area.

Maxing out the envelope and proposing access through a hazardous alley to the detriment of adjacent property owners, the Project fails to protect the existing residential neighborhood from encroachment by higher density residential and other incompatible uses; fails to adequately consider neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels; and fails to maintain neighborhood continuity.

The design of the Project, striving for cookie cutter, least affordable option, completely fails to comply with the residential design guidelines of the Community Plan.

b. The Site is Not Physically Suitable for the Development

For all the reasons stated above, the site is not physically suited for the development or the Project. Most egregiously, it proposes access through a hazardous alley to the detriment of adjacent property owners.

c. The Subdivision is Likely to Cause Substantial Environmental Damage

For the reasons stated below, the Categorical Exemption was issued in error. Therefore, the Project is likely to cause substantial environmental damage.

2. The Categorical Exemption was Issued in Error

Under the California Environmental Quality Act ("CEQA"), a lead agency has the initial burden to show that substantial evidence supports its determination that the categorical exemption applies. The City has failed to do so.

A Class 32 only available where "approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality."

Here, the proposed Class 32 is not supported by substantial evidence because an increase in hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses is assessed. Notably, the provided VMT calculations do not include construction VMT, including the haul route. Under CEQA, the whole of the Project must be assessed.

Furthermore, the Project will increase hazards due to a geometric design feature or incompatible uses due to the ingress/egress at the hazardous alley.

The Categorical Exemption is also not appropriate due to cumulative impacts. One of the basic and vital informational functions required by CEQA is a thorough analysis of whether the impacts of the Project, in connection with other related projects, are cumulatively considerable. *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal App.4th 1209. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184; *CEQA Guidelines*

§15355. Proper cumulative impact analysis is vital under CEQA because the full environmental impact of a proposed project cannot be gauged in a vacuum. Indeed, one of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually but assume threatening dimensions when considered collectively with other sources with which they interact. Therefore, cumulative effects analysis requires consideration of “reasonably foreseeable probable future projects, if any.” *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184; *Gentry v City of Murrieta* (1995) 36 Cal.App.4th 1359, 1414.

Here, the cumulative impact analysis narrowly focuses on three projects within 500 feet, missing many large multi-family residential projects and their impacts on the area immediately outside such narrow radius.

EXHIBIT B

APPLICANT'S RESPONSE TO

CD-10 LETTER

April 14, 2025

Councilwoman Heather Hutt
Office of Council District 10
200 N. Spring Street, Room 420
Los Angeles, CA 90012

Re: 1904 & 1906 S Preuss Road, VTT-84089-SL-HCA-2A

Dear Councilwoman:

Brian Silveira & Associates is providing responses to your letter (undated) in which you express concerns about our client's proposed project at 1904 and 1906 S Preuss Road.

Our office has taken time to carefully analyze each of the concerns laid out in the letter submitted into Council File No. 24-1136 to the PLUM Committee supporting the appeal of the Vesting Tentative Tract Map No. VTT-84089-SL-HCA-2A. Further, our office has consulted with legal experts about the California Environmental Quality Act (CEQA) and the Housing Accountability Act, as they relate to this project, to ensure that we are following the correct legal process for housing development project review and approval.

In direct response to questions raised about potential environmental issues, our office has voluntarily completed the *Housing Element Streamlining Checklist Form* in order to demonstrate that the project falls within the scope of the previously-approved EIR, which was completed and certified as part of the City of Los Angeles' Housing element update.

The *Housing Element Streamlining Checklist Form* uses screening criteria and a series of mitigation measures from the program EIR mitigation monitoring program (MMP). Based on the checklist criteria, we found that several mitigation measures from the MMP required further study, including:

- (1) A Tree Report
- (2) A VMT Analysis
- (3) An Operational Noise Study
- (4) A Native Tribal, Archeological, Paleontological Resource Analysis

We hope this additional environmental analysis, along with our responses to each of the issues presented in your letter, demonstrate our commitment to following CEQA and Statewide housing laws, as well as our strong desire to address Los Angeles' well-documented housing shortage.

Issue #1: Project Consistency with the Community Plan

This is a CEQA issue

The project, as proposed, is inconsistent with the West Adams-Baldwin Hills-Leimert Community Plan, including the Design Guidelines, and is not physically suitable in context with the surrounding area. (Paragraph 1)

The project's consistency with the West Adams-Baldwin Hills-Leimert Community Plan and Design Guidelines are detailed below.

West Adams-Baldwin Hills-Leimert Community Plan

Goal LU7: A community that promotes an environment of safe, inviting, secure and high-quality multi-family neighborhoods for all segments of the community.

Policy LU7-1: Address Diverse Resident Needs. Strive for the conservation/preservation of existing assisted affordable and non-assisted housing stock and in particular rent-stabilized units, and for the development of new housing, including restricted affordable housing, to address the diverse economic and physical needs of the existing residents and projected population of the Community Plan Area to the year 2030.

The proposed development's configuration as a small lot subdivision project encourages diversity of housing typology within this multifamily neighborhood. Many adjacent properties are single family homes on quarter-acre lots. As much of the cost of new housing comes from the cost of land, the reduced footprint of these new homes allows for a price point much lower than that of newly constructed homes on full-sized lots. Additionally, each small lot home contains an elevator, a feature not common among older homes, which will allow residents with physical mobility concerns to access the entirety of each multi-story house.

Policy LU7-3: Compliance with Design Guidelines. Recommend that new multi-family residential development be designed in accordance with the adopted Citywide Residential Design Guidelines.

The project was designed in accordance with the Citywide Design Guidelines as they pertain to pedestrian-first design, 360 degree design, and climate-adapted design.

Policy LU7-6: Community Engagement. Sponsors of new development projects should initiate early and frequent communication with community residents

The Project Team for the proposed development appeared before the South Robertson Neighborhood Council on two separate occasions, and has maintained sustained communication with several of the direct neighbors of the project regarding the project's design and parameters over the course of more than eight months before its public hearing, and the six months after it.

Goal LU9: A community of neighborhoods where social capital is promoted by ensuring the provision of adequate housing for all persons regardless of income, age, racial or ethnic background.

Policy LU9-1: Affordability. Prioritize housing that is affordable to a broad cross-section of income levels and that provides the ability to live near work and achieve homeownership.

Policy LU9-2: Mixed-income Neighborhoods. Strive to eliminate residential segregation and concentrations of poverty by promoting affordable housing that is integrated into mixed-income neighborhoods.

Policy LU9-5: Housing Near Schools. Strive to provide a range of housing types and affordable housing units around schools.

The project includes one unit reserved for Very Low Income Households, offering a rare home-ownership opportunity to a family that might not otherwise be able to find one. Additionally, the project is located in what the California Department of Housing and Community Development considers a "High Opportunity Area," meaning an area that features high quality schools, higher income residents, and significant numbers of jobs within several miles. Crescent Heights Elementary, Canfield Elementary, and Shenandoah Elementary schools and Hamilton High School are all nearby, as well as job centers associated with the Kaiser Permanente Medical Center.

Goal LU10: A community that supports cohesive neighborhoods and lifecycle housing to promote health, well-being and safety.

Policy LU10-5: Minimize Displacement. Encourage that new housing opportunities minimize displacement of existing residents, in particular extremely-low, very-low and low-income households.

Policy LU10-6: Increase Homeownership. Provide for development of townhouses and other similar condominium type housing units to increase homeownership options.

Policy LU10-9: Cluster Housing. Encourage clustering of housing units to help decrease the effective cost of land per dwelling unit and utilize the natural terrain to its best advantage.

Policy LU10-10: Moderate Income Homeownership. Allow for the creation of townhouse and condominium development through new construction, conversion or adaptive reuse in order to meet the demands of moderate income residents thereby increasing access to affordable, and moderate income homeownership opportunities.

The proposed development was reviewed by the Los Angeles Housing Department to ensure compliance with SB 330 and SB 8, legislation which, among other objectives, are designed to prevent displacement of lower income individuals. The project will provide eleven market rate for-sale units and one Very-Low-Income affordable unit. The creation of both the market rate units and the affordable unit will represent twelve new homeownership opportunities within the West Adams-Baldwin Hills-Leimert Community Plan, an area with considerable demand for new housing. The Affordable unit will allow a family which may otherwise have never had the opportunity to purchase a home the chance to do so. The market rate units, developed on lots a fraction of the size typical of new single family home construction, will allow for homeownership opportunities at a price point much lower than what is typical of new construction in the area.

Goal LU11: A community where new housing is located in a manner which reduces vehicular trips and makes it accessible to services and facilities.

Policy LU11-1: Higher Density Residential Near Transit. Encourage higher residential densities near commercial centers, light rail transit stations and major bus routes where public service facilities, utilities and topography will accommodate this development.

The proposed development is located within a mile or less of multiple public transportation options, including Metro Bus Line 617 at Robertson Blvd and Sawyer St approximately 375 feet away, providing direct linkages to multiple major employment and commerce centers including downtown Culver City, the Culver City E Line Station, Beverly Grove, Cedar Sinai, as well as other lines within the Metro Rail system. The project would be located within a mile of Metro Bus Line 17 with service to West Los Angeles VA Medical Center and UCLA and within a mile and a half of the future Metro Purple Line Station.

A vast amount of research—including a recent [policy white paper](#) published by Sunrise Movement LA and several Los Angeles-based nonprofit

organizations—shows that densification of existing developed areas can have an enormous impact on a city's aggregate greenhouse gas emissions. It states "infill housing is one of the best tools that cities and counties have to fight climate change. Building compact, walkable, and transit-oriented housing greatly reduces greenhouse gas emissions and prevents the low-density sprawl that destroys wild habitat.

UC Berkeley's CoolClimate Network emphatically states that "infill housing is probably the single most impactful measure that cities could take to reduce their emissions," and "Compact communities produce less greenhouse gas emissions by allowing people to choose from an abundance of transportation options, including public transit, lessening their dependence on cars. Communities dominated by single-family homes require driving—even for the most mundane daily errand—because destinations are spread far apart. In contrast, location-efficient multifamily housing allows people to live closer to schools, jobs, and places of worship, encouraging walking, biking, or public transit use, drastically reducing their carbon emissions. This isn't theoretical either: research shows that every 1% increase in urban population density cuts per capita CO2 emissions by 0.8%."

West Adams-Baldwin Hills-Leimert Community Plan Multifamily Residential Design Guidelines

Site Planning G55. Main pedestrian entrances should be provided where they can be seen immediately from the primary street(s) of approach. In this regard, main pedestrian entrances should be prominent to the front of the building, providing views into an interior court- yard or focal within a landscaped front open space area. The entrance approach should further be emphasized by employing the use of specialized paving treatments such as brick, tile or other high quality materials preferably set in sand or other pervious bedding.

The proposed project includes twelve small lot homes surrounding a central driveway. The two homes with frontage along Preuss Road have main entrances oriented toward the primary street of approach and decorated with finished cedar around the doorway and natural stones at the entryway. All other homes in the project orient their main entrances toward the common pedestrian walkways along the northernmost and southernmost boundaries of the project site.

An exhibit showing the primary entrance orientation along with the materials used to emphasize them is included with this submission. The front yard is landscaped with fraiser, box-leaved holly, and St. John's Wort bushes as well as Yoshino cherry trees and paved with permeable concrete.

G56: The design of all buildings should strive to be of a quality and character that improves community appearance by avoiding excessive variety and monotonous repetition. To achieve this, the volume of all buildings should be

composed of a vocabulary of form and shapes that employ attractive and complementary building materials and architectural features.

G57. All exterior building walls should try to provide a break in the plane, or a change in material at least every 20 feet in length and every 15 feet in vertical height. This may be achieved through simple articulation or the introduction of an architectural detail.

G58. In general, plaster or stucco finishes should not occupy more than 60% of the surface area of any exterior elevation.

G59. All buildings should feature at least three types of complimentary building materials to exterior building facades.

The project's design employs a varied facade that features dark grey ribbed metal paneling, light grey stucco, and vertical and horizontal cedar paneling, punctuated by black metal-framed articulated windows, including large three-story windows on the street-facing side of the project. The design allows for regular breaks in plane while avoiding excessive variety.

G60. Stand alone trash enclosures that are not located within the parking garage of the building should be designed to be compatible with the architectural vocabulary of the building and enclosed by a minimum five foot high, decorative masonry wall.

G61. All projects should provide a minimum of one trash area for every ten units.

G62. Each trash area should have a separate area for the containment of trash receptacles.

G63. Any trash area should be located no more than 200 feet from the most remote unit it serves.The trash and recycling receptacles serving the proposed development are located within an enclosed area at the rear of the property adjacent to the alleyway. The enclosure is designed with materials that are compatible with the architectural vocabulary of the building and enclosed by a minimum five foot high, decorative masonry wall. The development provides one trash area for every ten units based on its provision of 12 units (i.e. $0.1 \times 12 = 1.2$ which rounds down to one trash area provided). The furthest unit served by the trash receptacle area is approximately 160 feet away from it.

G64. All freestanding walls should be designed to be compatible with the overall architecture of the site and preferably provide architectural interest either through a break in the plane, or a change in material, or an opening in the

surface of the wall; in general at least every 20 feet in linear length, or, through articulation or architectural detailing, or other means.

The proposed development does not include any freestanding walls.

G65. Wherever above grade parking is provided, architectural perforations or other wall openings should be provided to allow sunlight to penetrate the interior parking area and to break up the exterior plane of the parking wall. In general, at least 10% of the exterior wall surface should consist of openings, windows, doors, etc.

The proposed project provides two parking spaces per dwelling unit in a garage situated on the ground floor of each dwelling unit. The garages all contain window openings to allow sunlight to penetrate the interior parking area and to break up the exterior plane of the parking wall.

G66. Wherever above grade parking abuts any public street, a minimum 5 foot landscaped setback should be provided along the exterior walls of the parking.

The project's proposed parking garages do not abut any public streets.

Issue #2: Project Consistency with Existing Community Character

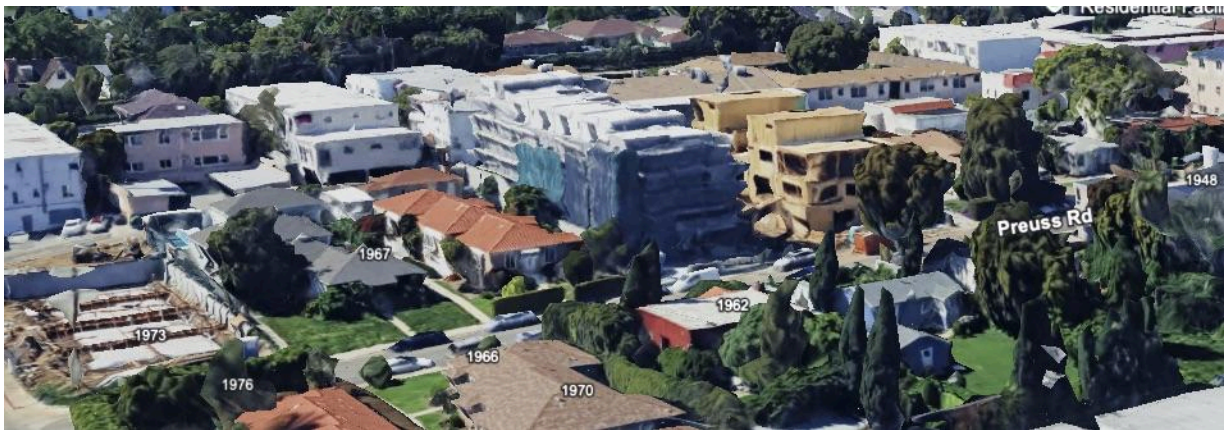
This is not a CEQA issue

The project fails to provide architectural compatibility that is contextually sensitive to the prevailing neighborhood character and is designed with little regard for the existing community. Single-family homes and modest two-story multi-family residential housing largely surround the project, yet its design completely fails to follow the residential design guidelines of the community plan by providing for three story dwellings with habitable rooftops and mechanical structures that extend into the fourth story. (Paragraph 2)

The project site is situated within a neighborhood of mostly single-family homes generally built between 1926 and 1941. The subject property was improved with single-family dwellings in 1941 and 1933. Since the time in which the neighborhood was built, the subject site as well as other properties along the block have been re-zoned to RD1.5 which allows for Low Medium Residential development. The proposed project is part of a redevelopment of the neighborhood that includes more dense dwellings for fee simple ownership, including small lot subdivisions and larger single-family homes.



A newer single-family home (located at 1930 S Preuss Road) built in 2012 that, at 33 feet in height, is clearly taller than the older single-family home beside it.



A newly constructed small lot subdivision containing six homes at 1959 Preuss Road that is consistent with the 45-foot height limit and clearly taller than the older single-family home beside it. Also pictured is a 5-unit small lot subdivision project at 1973 S Preuss Road that is planned to reach 45 feet in height and a 6-unit, four-story small lot subdivision project at 1953 S Preuss Road.

In the last thirteen years, several projects have been approved and permitted along the block between Sawyer Street and Guthrie Avenue that are taller than the older residential structures on lots adjacent to them. These projects and their heights (in some cases approximate) are listed below:

- (1) 1901 Preuss Road - A three-story, five-unit condominium project currently under construction
- (2) 1930 Preuss Road - A 33-foot tall single-family home constructed in 2012

- (3) 1931 Preuss Road - A third-story (and roof deck) addition to an existing two-story home completed in 2021
- (4) 1934 Preuss Road - A new 33-foot tall single-family home constructed in 2012
- (5) 1953 Preuss Road - A 6-unit, 4-story (44 feet tall) small lot subdivision currently under construction
- (6) 1959 - A new 45-foot tall 6-unit small lot subdivision that was recently completed
- (7) 1967 Preuss Road - A recently permitted 4-story duplex
- (8) 1973 Preuss Road - A 4-story, 45-foot tall 6-unit small lot subdivision project currently under construction

Issue #3: Project Transportation Impacts

This is a CEQA issue

The project also includes an introduction of an inappropriate number of new vehicles, many of which are proposed to access the development through an alley by creating a new through street from Pruess Road through the alley to the detriment of adjacent properties owners. This vehicular circulation would create a hazard to the existing property owners.

Adding 12 housing units, each with a two-car garage, will significantly increase traffic on Preuss Road. This narrow street already experiences congestion, and the additional traffic will further exacerbate this issue, impacting the quality of life for existing residents and potentially hindering emergency vehicle access.

The Los Angeles Department of Transportation has reviewed the proposed project, including its vehicular circulation plan, and did not find that the ingress and egress of vehicles through the alley would create a hazard to any properties or road users along the streets. However, the Applicant is willing to work with CD 10 to address any perceived issues with alley access.

The project's proposed addition of twelve dwelling units replacing two existing single-family homes would produce a net increase of 38 average daily trips (ADT) and 261 daily vehicle miles traveled (VMT). According to the Los Angeles Transportation Assessment Guidelines (TAG) a project's transportation impacts are considered

potentially significant if its operational land use would generate an increase of 250 ADT or more *and* a net increase in daily VMT. Senate Bill 743, which took effect in July 2020, changed the basis for evaluating projects' transportation effects to the overall amount that people drive instead of a roadway's resultant level of service (LOS). By this measure, the proposed project's transportation impacts are not expected to cause potentially significant environmental impacts.

Issue #4: Project Consistency with the General Plan Designation, Policies, and Regulations

This is a CEQA issue

Under the California Environmental Quality Act ("CEQA"), Class 32 exemptions apply only if the project is consistent with the applicable general plan designation, all applicable general plan policies, as well as with applicable zoning designation and regulations. However, this project does not apply strict conformance to the general plan, the community plan, or the zoning designation.

The project site is zoned RD1.5-1 which allows for Low Medium Residential development of structures up to 45 feet in height at a density of one unit per 1,500 square feet of lot area. The subject site is 17,927.4 square feet (including the half-alley which is permitted to be included in the lot area for the purposes of calculating density per LAMC 12.22. C.16.) and, therefore, the base density of the lot is 11.95 units, or 12 units rounded up ($17,927.4 / 1500 = 11.9516$). According to LAMC 12.22. A.25. (c)(7), in calculating the number of units allowable (base density and bonus density, as well as required restricted affordable units), any number resulting in a fraction shall be rounded up to the next whole number. Therefore, the project complies in terms of use, density, and height.

The only deviation from the zoning code sought for the project, as proposed, is a reduction in front yard setback as one of the two lots constituting the project site contains a 20-foot building line setback (ORD-140304). As part of its Density Bonus, in exchange for providing 8% of its base units (1 unit of 12 base units) as a covenanted housing unit affordable to Very Low Income households, the project requests an off-menu waiver of development standard to provide a 10-foot front yard setback in lieu of the 20 feet required under ORD-140304. The request for a reduced setback is the only Density Bonus Waiver of Development Standard request included in the project. The Waiver of Development Standard was approved by the City Planning Commission at its meeting of August 8, 2024.

CEQA case law precedent establishes that, under CEQA, a project does not conflict with an applicable plan if it is consistent with the overall intent of the plan and would not preclude the attainment of its primary goals. A project does not need to be in perfect

conformity with each and every policy. Any conflict with an applicable policy, plan, or regulation is only a significant impact under CEQA if the policy, plan, or regulation was adopted for the purpose of avoiding or mitigating an environmental effect, and if the conflict itself would result in a direct physical impact on the environment. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.)

The proposed project largely conforms with the policies, programs, goals, and intent of the General Plan Housing Element and its respective Community Plan (see Issue #1 above for more details of the project's compliance with the West Adams-Baldwin Hills-Leimert Park Community Plan).

Furthermore, according to California Government Code Section 65589.5 states "A local agency shall not disapprove a housing development project...for very low, low-, or moderate-income households...or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following...The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

As used in the paragraph above, a 'specific, adverse impact' means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. **Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety"** (emphasis added).

The Section goes on to specify "...the receipt of a density bonus pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision." In this case, the applicant is not proposing a density bonus beyond the subject site's base density (as defined in LAMC 12.22. A.25.) and is requesting one off-menu waiver of development standard that supports the physical feasibility of constructing the proposed Very Low Income dwelling unit.

Issue #5: Project Analysis of VMT Impacts During Construction

This is CEQA issue

The City's analysis does not include a VMT calculation that includes the construction and haul route phases of the project. Under CEQA, the whole of the project must be assessed. (Paragraph 5)

According to the Los Angeles Department of Transportation's (LADOT) Transportation Assessment Guidelines (TAG), “a project is required to analyze transportation impacts during its construction phase if the construction activities are expected to cause significant disruptions to the surrounding transportation network. This includes potential impacts such as lane closures, street parking removal, sidewalk closures, or detours that could affect vehicular, pedestrian, or bicycle traffic.” The proposed project does not involve lane or sidewalk closures, street parking removal, or detours affecting vehicular, pedestrian, or bicycle traffic. Therefore, an analysis of the project's transportation impacts during construction is not warranted nor required.

Instead, this project sought concurrent concessions to exceed the development standards, design guidelines, and the zoning limits, in as much a CE 32 is not fitting for the project. (Paragraph 5)

As stated above in response to Issue #4: The project requests one Waiver of Development Standard to support the physical feasibility of constructing the proposed twelve units, including the unit reserved for Very Low Income Households. The Waiver was approved by the City Planning Commission. According to the state's Housing Accountability Act, the granting of a Density Bonus, including associated waivers and incentives necessary to support the physical and financial feasibility of constructing the bonus and affordable units shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, or requirement.

Issue #6: Geotechnical Design Hazard

This is CEQA issue

The project will also increase hazards due to geotechnical design features being that the site is a hillside which will exacerbate the urban runoff to adjacent properties. The proposed development is on a hillside with known stability issues. The increased weight and disturbance from construction and habitation could exacerbate these issues, potentially leading to landslides or erosion, endangering both the new residents and existing homes. The sloping nature of the site raises serious concerns about water runoff and drainage. Increased impervious surfaces from the development could overwhelm existing drainage systems, lead to soil infiltration and instability, leading to flooding, erosion, and potential damage to neighboring properties. (Paragraph 6)

Soils engineering explorations were completed by a Geotechnical Engineer at the proposed project site on April 8, 2017 and January 24, 2022. A subsequent Soils Engineering Exploration Report was prepared for the property on March 24, 2023.

Geotechnical explorations of the site included excavating 5 hand-dug test pits up to 20 feet deep and field mapping. Samples of the earth materials encountered were returned to the laboratory for testing and analysis. Downhole observation of the earth materials was performed by the project geologist.

The report concludes that no trace of a fault is located on the site nor is the site located within a zone with potential for liquefaction or landsliding. It goes on to state "Due to the nature and density of the earth materials underlying the subject property and the depth to groundwater, earthquake-induced liquefaction, consolidation, and differential settlement are not likely to occur on the site." Furthermore, the report, completed by Schick Geotechnical, Inc., concludes "Based upon the referenced exploration, it is the finding of SGI that the proposed structures is <sic> feasible from a soils engineering standpoint provided the advice and recommendations contained in this report are included in the plans and are properly implemented during construction."

The Soils Engineering Exploration Report was submitted to the Los Angeles Department of Building and Safety (LADBS) Grading Division and approved by the same on May 5, 2023 (Log # 125722). The LADBS approval letter contains requirements upon which the acceptability of the referenced reports are conditioned. Among those requirements are conditions that will assure the site's geological stability including:

2. The project engineering geologist shall observe all final removal excavations to verify that the conclusions of the current fault investigation are correct and that no fault trace or evidence of ground deformation are exposed in the excavation. Each panel of the shoring excavation shall be logged prior to the installation of lagging and a field memo documenting the panel has been logged shall be prepared for review by the Deputy Grading Inspector and Building Inspector(s). A supplemental report that summarizes the geologist's observations shall be submitted to the Grading Division of the Department upon completion of the excavations. If evidence of faulting is observed, the Grading Division shall be notified and a site meeting scheduled.

4. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Development Services and Permits Program for the proposed removal of support and/or retaining slopes adjoining the public way (3307.3.2).

10. All man-made fill shall be compacted to a minimum of 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill,

it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density...

11. Existing uncertified fill shall not be used for support of footings, concrete slabs, or new fill.

12. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction.

13. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cubic yards.

14. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored.

16. Temporary excavations that remove lateral support to the public way, adjacent property, or adjacent structure shall be supported by shoring, as recommended.

18. The soils engineer shall review and approve the shoring plans prior to the issuance of the permit.

19. Prior to the issuance of the permits, the soils engineer and or the structural designer shall evaluate the surcharge loads used in the report calculations for the design of the retaining walls and shoring. If the surcharge loads used in the calculations do not conform to the actual surcharge loads, the soil engineer shall submit a supplementary report with revised recommendations to the department for approval.

20. Shoring shall be designed for a minimum EFP of 67 PCF; All surcharge loads shall be included into the design as recommended.

21. shoring shall be designed for a maximum lateral deflection of 0.5 inch, as recommended.

22. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.

23. All foundations shall derive entire support from native undisturbed alluvial terrace soils, as recommended and approved by the geologist and soils engineer by inspection.

24. Foundations adjacent to a descending slope steeper than three to one (horizontal to vertical, closed parentheses, and gradient shall be a minimum distance of 1/3 the vertical

height of the slope, but need not exceed 40 feet measured horizontally from the. Bottom to the face of the slope.

25. Buildings adjacent to ascending slopes steeper than 3H:1V in gradient shall be set back from the toe of the slope a level distance measured perpendicular to slope contours equal to one-half the vertical height of the slope, but need not exceed 15 feet.

26. Footings supported on approved compacted fill or expansive soil shall be reinforced with a minimum of four (4), ½-inch diameter (#4) deformed reinforcing bars. Two (2) bars shall be placed near the bottom and two (2) bars placed near the top of the footing.

27. The foundation/slab design shall satisfy all requirements of the Information Bulletin P/BC 2017-116 "Foundation Design for Expansive Soils."

29. Concrete floor slabs placed on expansive soil shall be placed on a 4-inch fill of coarse aggregate or on a moisture barrier membrane. The slabs shall be at least 4 inches thick, as recommended, and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.

30. The seismic design shall be based on a Site Class D, as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.

31. Retaining walls shall be designed for the lateral earth pressures specified in the section titled 'Retaining Walls' starting on page 9 of the 03/24/2023 report. All surcharge loads shall be included into the design.

32. Retaining walls higher than 6 feet shall be designed for lateral earth pressure due to earthquake motions as specified on the wall pressure analysis of the reference report.

33. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted in a non-erosive device to the street in an acceptable manner.

34. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soils report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record.

35. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector.

39. All roof, pad and deck drainage shall be conducted to the street in an acceptable manner in non-erosive devices or other approved location in a manner that is acceptable to the LADBS and the Department of Public Works; water shall not be dispersed on to descending slopes without specific approval from the Grading Division and the consulting geologist and soils engineer.

40. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LA DBS.

43. Prior to pouring concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations.

45. Installation of shoring shall be performed under the inspection and approval of the soils engineer and deputy grading inspector.

46. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations.

47. No footing/slab shall be poured until the compaction report is submitted and approved by the grading division of the Department.

Furthermore, several new developments have been built on the same slope in the past thirteen years (see 1920 and 1934 Preuss Road above under Issue #2) and none have exacerbated urban runoff or caused landslides or erosion.

Issue #7: Affordable Housing Supply

This is not a CEQA issue

In addition, the project will contain only one affordable townhome-style condominium, which is unlikely to be feasible without a high degree of subsidy from the government. This is unacceptable in a city where affordable housing is already in short supply.

The proposed project is one of very few small lot subdivisions that includes an affordable unit. The Applicant is proposing one home reserved for Very Low Income households creating an otherwise unavailable affordable homeownership opportunity in a Higher Resource neighborhood.

In consultation with the Housing Department, the likely price of the Very Low Income unit would be approximately \$123,000 if sold today. Other single-family homes in the neighborhood sell for \$1.5 to \$3 million, creating an inaccessible and inequitable housing supply which this development aims to help alleviate. Even when compared with other condominium- and townhome-style homeownership opportunities, which have sold for

between \$1.2 and \$1.5 million (averaging a \$1,328,900 sales price), the proposed Very Low Income unit will be sold for a significantly lower price.

The standard covenant used by the Housing Department will also be extended to include very-low-income renters. If the unit is rented, the tenant must be an eligible household at a qualifying monthly price, which is currently a maximum of \$1,161 per month. Other comparable three-bedroom units in the neighborhood rent for between \$4,000 and \$7,000.

The Applicant is able to provide this Very Low Income unit without direct government subsidy because of the state and local Density Bonus laws which allow the project to deviate from strict application of the development standards to support the physical feasibility of the affordable and market rate units.

The small lot subdivision development typology was created by local ordinance in Los Angeles to create lower-priced homeownership opportunities since, in urbanized areas like the one in which the project is proposed, the land itself is often the inflationary factor.

Issue #8: Neighborhood Council Opposition

This is not a CEQA issue

The South Robertson Neighborhoods Council (SORO NC), the Neighborhood Council that covers the Project Site, rejected this development and opposed any further approvals. The Department of City Planning disregarded the voice of the stakeholders in the community.

The City's neighborhood councils are valuable advisory bodies made up of dedicated volunteers who advocate for their communities on important issues.

Inevitably, neighborhood council members find themselves in opposition to State and local laws which encourage more and denser housing as a response to our housing crisis, and, as a result, some neighborhood councils vote to oppose projects which utilize those laws and ordinances, even when the project does not seek relief outside of what is customary allowed for projects under State and local law. While it is a Neighborhood Council's right to oppose a project, their position should not be interpreted as superseding larger policy efforts by the State and local government to address a housing crisis.

Since the start of 2022, the South Robertson Neighborhood Council has been presented with four housing development projects (including the subject project) and has failed to pass support motions on all four of them. In total, 186 housing units, including 31

affordable units, have been presented to the Neighborhood Council since the start of 2022.

A list of the housing projects presented to SORO NC, along with the outcome of the body's deliberations, is included below:

- (1) 8521 Horner Street - Presented and opposed on December 15, 2022 included 29 units with 6 affordable
- (2) 8787 Venice Blvd - Presented and support motion failed on March 16, 2023 included 73 units with 12 affordable
- (3) 1904-1906 Preuss Road - Presented and opposed on December 21, 2023 included 12 units with 1 affordable
- (4) 8931-8945 Helms Place - Presented and opposed on January 8, 2025 included 72 units with 12 affordable

Despite the neighborhood council's opposition to our project, the Applicant has made several changes to the project in direct response to the concerns of the community members, including but not limited to: (1) changing the size and location of windows in the rear units, (2) reducing the height of all of the units to 45 feet, (3) increasing the setbacks around the roof decks and adding landscaping to ensure privacy, (4) adding trim and articulation around the windows to create more depth and visual appeal, and (5) adding large windows to and altering the facade materials and colors of the front units to enhance the design aesthetics.

As demonstrated, the Applicant has shown a willingness to respond to the neighbors' concerns which should be recognized when evaluating this project.

The project's design before and after receiving feedback from the neighbors is shown below.

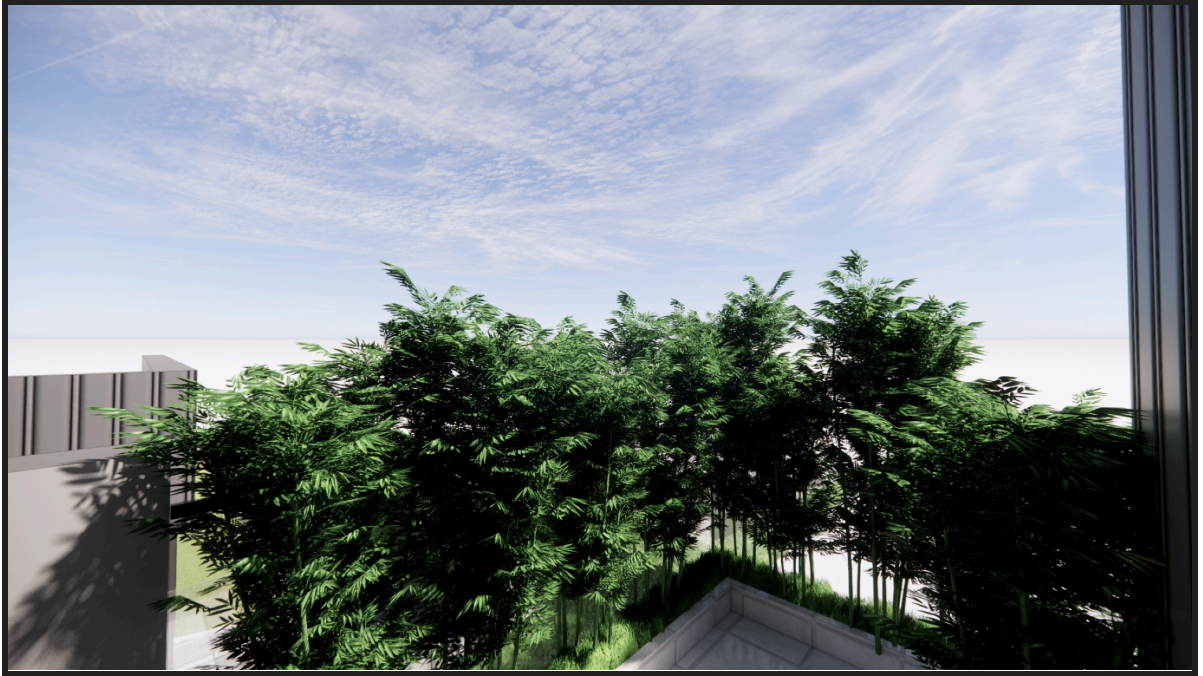
Before:



Brian Silveira & Associates – PO Box 291, Venice, CA 90294

After:





Additionally, as a condition of approval added by the City Planning Commission on August 8th, 2024, the project will coordinate with the Urban Design Studio once the project's approval is finalized in order to ensure that the neighbor's concerns about the project's design are properly addressed.

Thank you for your diligent review and consideration.

Respectfully,

Jesi Harris, Brian Silveira & Associates

EXHIBIT C

CD-10 LETTER

(COUNCILMEMBER HUTT) TO

COUNCILMEMBER JOHN LEE (UNDATED)



The Honorable John Lee
Chair
Planning and Land Use Management Committee
200 N. Spring Street, Room 340
Los Angeles, CA 90012

**RE: SUPPORT APPEAL - CF. 24-1136 - 1904-1906 SOUTH PREUSS ROAD –
VTT-84089-SL-HCA-2A**

Dear Councilmember Lee,

I am writing to express my strong opposition to the proposed project at 1904-06 South Preuss Road. The project, as proposed, is inconsistent with the West Adams-Baldwin Hills-Leimert Community Plan, including the Design Guidelines, and is not physically suitable in context with the surrounding area.

The project fails to provide architectural compatibility that is contextually sensitive to the prevailing neighborhood character and is designed with little regard for the existing community. Single-family homes and modest two-story multi-family residential housing largely surround the project, yet its design completely fails to follow the residential design guidelines of the community plan by providing for three story dwellings with habitable rooftops and mechanical structures that extend into the fourth story.

The project also includes an introduction of an inappropriate number of new vehicles, many of which are proposed to access the development through an alley by creating a new through street from Pruess Road through the alley to the detriment of adjacent properties owners. This vehicular circulation would create a hazard to the existing property owners. Adding 12 housing units, each with a two-car garage, will significantly increase traffic on Preuss Road. This narrow street already experiences congestion, and the additional traffic will further exacerbate this issue, impacting the quality of life for existing residents and potentially hindering emergency vehicle access.

Under the California Environmental Quality Act ("CEQA"), Class 32 exemptions apply only if the project is consistent with the applicable general plan designation, all applicable general plan policies, as well as with applicable zoning designation and regulations. However, this project does not apply strict conformance to the general plan, the community plan, or the zoning designation. The City's analysis does not include a VMT calculation that includes the construction and haul route phases of the project. Under CEQA, the whole of the project must be assessed. Instead, this project sought concurrent concessions to exceed the development standards, design guidelines, and the zoning limits, in as much as CE 32 is not fitting for the project.

The project will also increase hazards due to geotechnical design features being that the site is a hillside which will exacerbate the urban runoff to adjacent properties. The proposed development is on a hillside with known stability issues. The increased weight and disturbance from construction and habitation could exacerbate these issues, potentially leading to landslides or erosion, endangering both the new residents and existing homes. The sloping nature of the site raises serious concerns about water runoff and drainage. Increased impervious surfaces from the development could overwhelm existing drainage systems, lead to soil infiltration and instability, leading to flooding, erosion, and potential damage to neighboring properties.

In addition, the project will contain only one affordable townhome-style condominium, which is unlikely to be feasible without a high degree of subsidy from the government. This is unacceptable in a city where affordable housing is already in short supply.

The South Robertson Neighborhoods Council (SORO NC), the Neighborhood Council that covers the Project Site, rejected this development and opposed any further approvals. The Department of City Planning disregarded the voice of the stakeholders in the community.

I urge the committee to carefully consider these concerns and prioritize the well-being and quality of life of existing residents. The potential negative impacts of this project far outweigh any perceived benefits. For all of these reasons, I urge you to deny the proposed project.

Thank you for your consideration on this important matter.

Sincerely,



HEATHER HUTT

Los Angeles City Council
Councilmember, Tenth District

HH:hpd

EXHIBIT D

DETERMINATION LETTER -

VTT-84089-SL-HCA and

VTT-84089-SL-HCA-1A

DEPARTMENT OF
CITY PLANNING

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

MONIQUE LAWSHE
PRESIDENT

ELIZABETH ZAMORA
VICE-PRESIDENT

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VINCENT P. BERTONI, AICP
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DEPUTY DIRECTOR

HAYDEE URITA-LOPEZ
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

Decision Date: July 12, 2024

Appeal Period Ends: July 22, 2024

Marc & Risa Dauer (A/O)
Preuss Development, LLC
2313 Duxbury Circle
Los Angeles, CA 90034

Kevin Scott (R)
Brian Silveira & Associates
PO Box 291
Venice, CA 92904

RE: Vesting Tentative Tract Map No.: 84089-SL-HCA
Related Cases: ADM-2023-6116-SLD
Address: 1904 – 1906 South Preuss Road
Community Plan: West Adams – Baldwin Hills –
Leimert

Zone: RD1.5-1
Council District: 10 – Hutt
CEQA No.: ENV-2023-6117-CE

In accordance with provisions of Los Angeles Municipal Code (LAMC) Sections 17.03, 17.15, and 12.22 C.27, the Advisory Agency approves Vesting Tentative Tract Map No. 84089-SL-HCA (**map stamp-dated April 8, 2024**) located at 1904 – 1906 South Preuss Road, for the subdivision of two lots into 12 small lots in the West Adams – Baldwin Hills – Leimert Community Plan. This unit density is based on the RD1.5-1 Zone. (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Development Services Center call (213) 482-7077, (310) 231-2598 or (818) 374-5050. The Advisory Agency's consideration of the request is subject to the following conditions:

NOTE on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review. The final map must be recorded within 36 months of this approval, unless the subdivider requests a time extension and it is granted before the end of such period, if applicable. Time Extensions may not always be granted.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

Any questions regarding these conditions should be directed to Quyen Phan of the Permit Case Management Division, located at 201 North Figueroa Street, Suite 290, or by e-mailing quyen.phan@lacity.org.

1. That a 5-foot wide strip of land be dedicated along Preuss Road adjoining the tract to complete a 30-foot wide half right-of-way in accordance with Local Street standards.
2. That a 2.5-foot wide strip of land be dedicated along the alley adjoining the tract to complete 10-foot wide half alley.
3. That the 5-foot wide water easement within the tract boundary be shown on the final map.
4. That if this tract map is approved as "Small Lot Subdivision" then, and if necessary for street address purposes, all the common access to this subdivision be named on the final map satisfactory to the City Engineer.
5. That if this tract map is approved as small lot subdivisions, then the final map be labeled as "Small Lot Subdivision per Ordinance No. 185462" satisfactory to the City Engineer.
6. That all common access easements including the vehicular access and pedestrian access easement be part of the adjoining lots.
7. That if necessary, public sanitary sewer easements be dedicated on the final map based on an alignment by the Central Engineering District Office.
8. That if necessary, the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.
9. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
10. That all pedestrian common access easements be shown on the final map.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

Grading Division approvals are conducted at 221 North Figueroa Street, 12th Floor. The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits.

11. No structures for human occupancy shall be located to the east of the 5-foot fault setback zone depicted on the Site Map of the 03/24/2023 report. If structures for human occupancy are proposed in this area, submit a supplemental report to the Grading Division for review and approval.
12. The project engineering geologist shall observe all final removal excavations to verify that the conclusions of the current fault investigation are correct and that no fault trace or evidence of ground deformation are exposed in the excavation. Each panel of the shoring excavation shall be logged prior to installation of lagging and a field memo documenting that the panel has

been logged shall be prepared for review by the Deputy Grading Inspector and Building inspector(s). A supplemental report that summarizes the geologist's observations shall be submitted to the Grading Division of the Department upon completion of the excavations. If evidence of faulting is observed, the Grading Division shall be notified and a site meeting scheduled.

13. The entire site shall be brought up to the current Code standard (7005.9).
14. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Development Services and Permits Program for the proposed removal of support and/or retaining of slopes adjoining to public way (3307.3.2).

201 N. Figueroa Street 3rd Floor, LA (213) 482-7045

15. Secure the notarized written consent from all owners upon whose property proposed grading/construction access is to extend, in the event off-site grading and/or access for construction purposes is required (7006.6). The consent shall be included as part of the final plans.
16. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans that clearly indicates the geologist and soils engineer have reviewed the plans prepared by the design engineer; and, that the plans include the recommendations contained in their reports (7006.1).
17. All recommendations of the reports that are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
18. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans (7006.1). Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.
19. A grading permit shall be obtained for all structural fill and retaining wall backfill (106.1.2).
20. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density. Placement of gravel in lieu of compacted fill is only allowed if complying with LAMC Section 91.7011.3.
21. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill (1809.2, 7011.3).
22. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction (7013.12).
23. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, 8-Permit Section, for any grading work in excess of 200 cubic yards (7007.1).

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24. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored (7005.3).
25. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the General Safety Orders of the California Department of Industrial Relations (3301.1).
26. Temporary excavations that remove lateral support to the public way, adjacent property, or adjacent structures shall be supported by shoring, as recommended. Note: Lateral support shall be considered to be removed when the excavation extends below a plane projected downward at an angle of 45 degrees from the bottom of a footing of an existing structure, from the edge of the public way or an adjacent property. (3307.3.1)
27. Prior to the issuance of any permit that authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation (3307.1).
28. The soils engineer shall review and approve the shoring plans prior to issuance of the permit (3307.3.2).
29. Prior to the issuance of the permits, the soils engineer and/or the structural designer shall evaluate the surcharge loads used in the report calculations for the design of the retaining walls and shoring. If the surcharge loads used in the calculations do not conform to the actual surcharge loads, the soil engineer shall submit a supplementary report with revised recommendations to the Department for approval.
30. Shoring shall be designed for a minimum EFP of 67 PCF; all surcharge loads shall be included into the design, as recommended.
31. Shoring shall be designed for a maximum lateral deflection of 0.5 inch, as recommended.
32. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.
33. All foundations shall derive entire support from native undisturbed alluvial terrace soils, as recommended and approved by the geologist and soils engineer by inspection.
34. Foundations adjacent to a descending slope steeper than 3:1 (horizontal to vertical) in gradient shall be a minimum distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the footing bottom to the face of the slope (1808.7.2).
35. Buildings adjacent to ascending slopes steeper than 3H:1V in gradient shall be setback from the toe of the slope a level distance measured perpendicular to slope contours equal to one-half the vertical height of the slope, but need not exceed 15 feet (1808.7.1).
36. Footings supported on approved compacted fill or expansive soil shall be reinforced with a minimum of four (4), ½-inch diameter (#4) deformed reinforcing bars. Two (2) bars shall be placed near the bottom and two (2) bars placed near the top of the footing.

37. The foundation/slab design shall satisfy all requirements of the Information Bulletin P/BC 2017- 116 "Foundation Design for Expansive Soils" (1803.5.3).
38. Slabs placed on approved compacted fill shall be at least 4 inches thick, as recommended, and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.
39. Concrete floor slabs placed on expansive soil shall be placed on a 4-inch fill of coarse aggregate or on a moisture barrier membrane. The slabs shall be at least 4 inches thick, as recommended, and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.
40. The seismic design shall be based on a Site Class D, as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.
41. Retaining walls shall be designed for the lateral earth pressures specified in the section titled "Retaining Walls" starting on page 9 of the 03/24/2023 report. All surcharge loads shall be included into the design.
42. Retaining walls higher than 6 feet shall be designed for lateral earth pressure due to earthquake motions as specified on the wall pressure analysis of the reference report (1803.5.12).
43. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted in a non-erosive device to the street in an acceptable manner (7013.11).
44. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soils report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record (1805.4).
45. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector (108.9).
46. Basement walls and floors shall be waterproofed/damp-proofed with an LA City approved "Below-grade" waterproofing/damp-proofing material with a research report number (104.2.6).
47. Prefabricated drainage composites (Miradrain, Geotextiles) may be only used in addition to traditionally accepted methods of draining retained earth.
48. The structures shall be connected to the public sewer system per P/BC 2020-027.
49. All roof, pad and deck drainage shall be conducted to the street in an acceptable manner in non-erosive devices or other approved location in a manner that is acceptable to the LADBS and the Department of Public Works; water shall not be dispersed on to descending slopes without specific approval from the Grading Division and the consulting geologist and soils engineer (7013.10).
50. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LA DBS (7013.10).

51. Any recommendations prepared by the geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Grading Division of the Department for approval prior to use in the field (7008.2, 7008.3).
52. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading (7008, 1705.6 & 1705.8).
53. Prior to pouring concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. The representative shall post a notice on the job site for the LADBS Inspector and the Contractor stating that the work inspected meets the conditions of the report. No concrete shall be poured until the LADBS Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Grading Division of the Department upon completion of the work. (108.9 & 7008.2)
54. Prior to excavation an initial inspection shall be called with the LADBS Inspector. During the initial inspection, the sequence of construction; shoring; protection fences; and, dust and traffic control will be scheduled (108.9.1).
55. Installation of shoring shall be performed under the inspection and approval of the soils engineer and deputy grading inspector (1705.6, 1705.8).
56. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations. The representative shall post a notice on the job site for the LADBS Inspector and the Contractor stating that the soil inspected meets the conditions of the report. No fill shall be placed until the LADBS Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be included in the final compaction report filed with the Grading Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Division of the Department upon completion of the compaction. In addition, an Engineer's Certificate of Compliance with the legal description as indicated in the grading permit and the permit number shall be included (7011.3).
57. No footing/slab shall be poured until the compaction report is submitted and approved by the Grading Division of the Department

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 or laura.duong@lacity.org to schedule an appointment.

58. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
59. Lot 7 shall provide a 20 ft. setback as per the 20 ft. Building Line along Preuss Road. Revise the map to show compliance with the required setback per the 20 ft. Building Line or obtain approval from the Department of City Planning to remove the existing 20 ft. Building Line.

60. The submitted map does not comply with the maximum density (1,500 s.f. of lot area/dwelling unit) requirement of the RD1.5 Zone. A half of the alley can be used for density purposes. Revise the map to show compliance with the above requirement based on the lot area after required street dedication is taken or obtain approval from the Department of City Planning.
61. Show all street/alley dedications as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Density and front and rear yard requirements shall be required to comply with current code as measured from new property lines after dedication.

Notes:

There is a 20 ft. Building Line along portion of Preuss Road for Proposed Lot 7.

Owners are to record a Maintenance Agreement that runs with the land for the purpose of reciprocal private easements maintenance program to all common areas and shared facilities such as trees, landscaping, drainage, trash, parking, community driveway (ground floor width and width clear to sky above the ground floor level), including walkways as shown on the approved Small Lot Subdivision Map.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

Backup space for parking space with less than 26'-8" shall provide sufficient parking stall width and garage door opening width to comply with the current Zoning Code requirement. Comply with the above requirement at the time of Plan Check or obtain City Planning approval.

DEPARTMENT OF RECREATION AND PARKS

Please contact RAP at (213) 202-2682 for any questions regarding the following:

62. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

DEPARTMENT OF TRANSPORTATION

Please contact the Department of Transportation at ladot.onestop@lacity.org for any questions regarding the following.

63. A minimum 20-foot reservoir space be provided between any security gate(s) and the property line, or as shall be determined to the satisfaction of the Department of Transportation.

64. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk (not applicable when driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway), LAMC 12.21 A.
65. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT One Stop Counter portal at: ladot.onestop@lacity.org
66. That a fee in the amount of \$205 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

FIRE DEPARTMENT

*The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6543. You should advise any consultant representing you of this requirement as well.*

67. Access for Fire Department apparatus and personnel to and into all structures shall be required.
68. Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
69. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).
70. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
71. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
72. Fire Lane Requirements:
- a) Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 - b) The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
 - c) Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

- d) Submit plot plans indicating access road and turning area for Fire Department approval.
 - e) All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
 - f) Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
 - g) Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
 - h) All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
 - i) No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
73. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
74. Site plans shall include all overhead utility lines adjacent to the site.
75. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
76. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
77. Smoke Vents may be required where roof access is not possible; location and number of vents to be determined at Plan Review.
78. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
79. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".
80. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
81. Standard cut-corners will be used on all turns.
82. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.

83. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
84. FPB #105
- 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
85. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:
- a. The establishment of a property owners association, which shall cause a yearly inspection to be, made by a registered civil engineer of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
 - b. The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
 - c. In the event that the property owners association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
 - d. Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
 - e. That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.
86. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.

87. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
88. Provide Fire Department pathway front to rear with access to each roof deck via gate or pony wall less than 36 inches.
89. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
90. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan
91. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

DEPARTMENT OF WATER AND POWER

Questions regarding WSO clearance should be directed to the Los Angeles Department of Water and Power, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, California 90051-5700 or (213) 367-1241.

92. Satisfactory arrangement shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1(c).)

Note:

If improvements are proposed within existing dedicated streets, we [LADWP] must review your preliminary street improvement plans. If adjustments to water facilities are necessary, the developer may be required to pay for the cost of such adjustments. Please submit a copy of your street improvement plans after the City's District Engineer has signed them so that we can expedite determination of the need for adjustments.

BUREAU OF STREET LIGHTING

93. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

BUREAU OF SANITATION

94. The office of LA Sanitation/CWCD – Clean Water North Conveyance Division has reviewed the sewer/storm drain lines serving the subject tracts/areas, and found no potential problems to its structures and/or potential maintenance issues.

This approval is for the Tract Map only and represents the office of LA Sanitation/CWCDs. The applicant may be required to obtain other necessary Clearances/Permits from LA Sanitation and appropriate District office of the Bureau of Engineering.

URBAN FORESTRY**95. Native Protected Trees**

- a. All tree and shrub preservation measures shall be considered to retain all protected native species whenever possible. Project should include feasible alternatives in project design to retain native trees and shrubs. A permit is required for the removal of any native protected tree and shrub. Removal of any on site native tree or shrub shall be replaced in kind at a 4: 1 ratio as approved by the Board of Public Works and Urban Forestry Division. The tree replacement plan shall include all retained native trees and shrubs. All on-site tree and shrub replacements shall be planted in locations favorable to the long term survival of the species.
- b. The applicant shall submit a Protected Tree Report with an acceptable tree and shrub replacement plan prepared by a reputable Tree Expert, as required by Ordinance No. 186,873 for approval by the Advisory Agency and the Bureau of Street Services, Urban Forestry Division. The Protected Tree Report (PTR) shall contain the Tree Expert's recommendations for the preservation of as many protected trees as possible and shall provide their species, health, size, and condition. The PTR shall include a topographical map (construction drawing) identifying tree and shrub location, drip line, and correctly numbered and plotted.

Note: Removal of Native Protected trees and shrubs requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and replacement of native protected trees and shrubs. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

96. Street Trees

- a. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.
- b. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub divider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.

Note: Removal of street trees requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and replacement of street trees. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

INFORMATION TECHNOLOGY AGENCY

97. To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of 3 people in case the applicant/owner has any additional questions.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

98. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
- a. A Certificate of Occupancy (temporary or final) for the building(s) in Vesting Tentative Tract Map No. 84089-SL-HCA shall not be issued until after the final map has been recorded.
 - b. Limit the tract to a maximum of twelve (12) small lots.
 - c. Parking shall be provided in accordance with the LAMC.
 - d. The Advisory Agency has approved a minimum 16-foot wide common access driveway (easement) with a minimum of 10 feet in width that is clear to the sky for the approved subdivision.
 - e. A minimum of one common access walkway (easement) shall provide pedestrian access from a public street to the subdivision. The common access walkway(s) must be a minimum of 3 feet in width and remain unobstructed and open to the sky.
 - f. Prior to issuance of a certificate of occupancy, a minimum 6-foot-high fence or wall made of slumpstone, decorative masonry, or other comparable-quality material shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
 - g. No vehicular gates shall be permitted within the development.
 - h. The applicant shall seek and obtain any necessary approvals for any proposed ADUs and JADUs. No construction or siting of any ADUs or JADUs have been authorized herein.
 - i. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - j. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
 - k. A utility easement shall be provided per Department of Water and Power or similar agency requirements.
 - l. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.

- m. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
 - n. A Maintenance Agreement shall be formed, composed of all small-lot property owners, to maintain all common areas such as trees, landscaping, trash, parking, community driveway, walkways, monthly service for private fire hydrant (if required), etc. Each small-lot owner and future small-lot property owners shall automatically become members of the agreement and shall be subject to a proportionate share of the maintenance. The Maintenance Agreement shall be recorded as a Covenant and Agreement to run with the land. The subdivider shall submit a copy of this Agreement, once recorded to the Planning Department for placement in the tract file.
 - o. Copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.
99. The approval of Vesting Tentative Tract Map No. 84089-SL-HCA shall be contingent upon the approval of Case No. CPC-2023-6115-DB-HCA.
100. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
101. If applicable, within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the LAMC relating to demolition. A copy shall be provided to each eligible tenant within five days of recordation of the covenant and agreement.
102. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
- a. Defend and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgment or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve

the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interests, execute the indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.
- f. The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event that applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

DEPARTMENT OF CITY PLANNING - STANDARD SMALL LOT HOME CONDITIONS

SL-1. That approval of this vesting tentative tract map constitutes approval of model home uses, including a sales office and off-street parking. If models are constructed under this tract map approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.

2. All other conditions applying to Model Dwellings under Section 12.22 A.10 and 11 and Section 17.05 O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.
- SL-2. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency following the instructions of Form CP-6730 prior to obtaining any grading or building permits before the recordation of the final map. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That one-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The one-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are

accepted for public use.

- (j) That any one-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
 - (k) That no public street grade exceeds 15 percent.
 - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
 - (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
 - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
 - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
 - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
 - (b) Construct any necessary drainage facilities.
 - (c) No street lighting improvements if no street widening per BOE improved conditions. Otherwise, relocate and upgrade street light: one (1) on Preuss Road.
 - (d)
 - 1) Native Protected Trees
 - i. All tree and shrub preservation measures shall be considered to retain all protected native species whenever possible. Project should include feasible alternatives in project design to retain native trees and shrubs. A permit is required for the removal of any native protected tree and shrub. Removal of any on site native tree or shrub shall be replaced in

kind at a 4: 1 ratio as approved by the Board of Public Works and Urban Forestry Division. The tree replacement plan shall include all retained native trees and shrubs. All on-site tree and shrub replacements shall be planted in locations favorable to the long term survival of the species.

- ii. The applicant shall submit a Protected Tree Report with an acceptable tree and shrub replacement plan prepared by a reputable Tree Expert, as required by Ordinance No. 186,873 for approval by the Advisory Agency and the Bureau of Street Services, Urban Forestry Division. The Protected Tree Report (PTR) shall contain the Tree Expert's recommendations for the preservation of as many protected trees as possible and shall provide their species, health, size, and condition. The PTR shall include a topographical map (construction drawing) identifying tree and shrub location, drip line, and correctly numbered and plotted.

2) Street Trees

- i. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.
 - ii. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub divider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
 - (f) Construct access ramps for the handicapped as required by the City Engineer.
 - (g) Close any unused driveways satisfactory to the City Engineer.
 - (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 2010.
 - (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a) Improve Preuss Road being dedicated and adjoining the subdivision by the construction of the following:

- a. A concrete curb, a concrete gutter, and a 12-foot wide concrete sidewalk with tree wells or a 5-foot wide concrete sidewalk and landscaping of the parkway.
 - b. Suitable surfacing to join the existing pavement and to complete an 18-foot half roadway.
 - c. Any necessary removal and reconstruction of existing improvements.
 - d. The necessary transitions to join the existing improvement.
- b) Improve the alley adjoining the subdivision by the construction of a new 2-foot wide longitudinal concrete gutter and suitable surfacing to complete a 10-foot wide half alley, including any necessary removal and reconstruction of the existing improvements.
 - c) Construct the necessary on-site mainline and house connection sewers satisfactory to the City Engineer.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However, the existing or proposed zoning may not permit this number of units.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05-N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

The City of Los Angeles determined based on the whole of the administrative record that the project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of “In-fill Projects”. The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document dated April 24, 2024 and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 84089-SL-HCA the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

The Project site consists of two lots encompassing a total lot area of approximately 17,124 square feet (0.39 acres) in the La Cienega Heights neighborhood. The Project site is located within the West Adams – Baldwin Hills – Leimert Community Plan with a land use designation of Low Medium II Residential with corresponding zones RD1.5 and RD2. The subject property is zoned RD1.5-1, thus it is consistent with the existing land use designation. The Project site contains a frontage of approximately 105 feet along the eastern side of South Preuss Road and a depth of approximately 160 feet. The site is not located within the boundaries of any relevant specific plan or interim control ordinance, and is currently developed with two single-family homes and accessory structures.

The Vesting Tentative Tract Map describes and illustrates a land use consistent with the existing General Plan Land Use Designation of Low Medium II Residential and RD-1.5 zoning of the site. Single-family and multi-family family residences, including apartment houses, condominiums, and small lot homes are permitted in the RD1.5-1 Zone and Low Medium II Residential land use designation. Therefore, the proposed construction of a small lot development on the subject property is permitted. The proposed Project will subdivide the Project site, consisting of two lots into 12 small lots (Lots A-L) for the construction of a new 12-unit small lot development. The unit density is based on the RD1.5-1 Zone. The R1.5-1 Zone permits a density of one unit per 1,500 square feet of lot area, therefore the applicant would be permitted to construct a maximum of 12 dwelling units on the subject property ($17,924.4 \text{ SF} / 1,500 \text{ SF} = 11.95$ or 12 units, rounded up to whole number; lot area includes $\frac{1}{2}$ area of the adjacent alley and the dedication of land to be provided).

The Los Angeles Municipal Code (LAMC) implements the goals, objectives, and policies of the Community Plan through adopted zoning regulations. The Zoning Code regulates, but is not limited to, the maximum permitted density, height, and the subdivision of land. The West Adams – Baldwin Hills – Leimert Community Plan addresses subdivisions in its goals and objectives for Residential land uses as follows:

Goal LU7 A community that promotes an environment of safe, inviting, secure and high-quality multi-family neighborhoods for all segments of the community.

- LU7-1 Address Diverse Resident Needs. Strive for the conservation/preservation of existing assisted affordable and non-assisted housing stock and in particular rent-stabilized units, and for the development of new housing, including restricted affordable housing, to address the diverse economic and physical needs of the existing residents and projected population of the Community Plan Area to the year 2030.
 - LU7-3 Compliance with Design Guidelines. Recommend that new multifamily residential development be designed in accordance with the adopted Citywide Residential Design Guidelines.
- Goal LU9 A community that promotes an environment of safe, inviting, secure and high-quality multi-family neighborhoods for all segments of the community.
 - LU9-1 Affordability. Prioritize housing that is affordable to a broad cross-section of income levels and that provides the ability to live near work and achieve homeownership.
- Goal LU10 A community that supports cohesive neighborhoods and lifecycle housing to promote health, well-being and safety.
 - LU10-6 Increase Homeownership. Provide for development of townhouses and other similar condominium type housing units to increase homeownership options.

The Project will be consistent with the aforementioned goals and policies as the subdivision will allow for the construction of 12 single-family residences in a predominantly single- and multi-family residential neighborhood. Of the 12 small lot homes proposed, one (1) unit will be reserved for Very Low Income Households thereby expanding affordable housing and homeownership opportunities in the neighborhood. In addition, the Project will be consistent with the Citywide Design Guidelines and Small Lot Design Guidelines.

Section 17.05 C of the LAMC enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). LAMC Section 17.06 B lists the map requirements for a tentative tract map. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC. In addition, Section 12.22 C.27 of the LAMC (as amended by Ordinance No. 185,462, which became effective on April 18, 2018) details requirements for small lot subdivisions. The LAMC requires that the proposed small lot subdivision comply with the required minimum lot width of 18 feet; lot area of 600 square feet; lot coverage limitation of 75 percent; and 5-foot setback requirements for the rear (when the rear lot line abuts an alley), 5-foot side yard setback requirements, and setback requirements aligning with those of the underlying zone for the front boundaries of the

subdivision. Concurrent with the subject subdivision, the Project also requests an On-Menu Incentive for an increase in maximum building height and a Waiver of Development Standard for a reduction in the front building line setback through the State Density Bonus Law under Case No. CPC-2023-6115-DB-HCA. The proposed 12-unit small development is contingent upon the approval of Case No. CPC-2023-6115-DB-HCA.

On April 22, 2024, an administrative clearance was issued for the proposed project after determining project compliance with the Small Lot Design Standards. The Small Lot Design Standards establish specific and enforceable design rules to ensure a small lot subdivision's compatibility with existing by-right zoning and neighborhood contexts. These standards address numerous design components including building orientation, primary entryways, façade articulation, roofline variation, building modulation, pedestrian pathways, landscaping, and common open space areas. Pedestrian access to the front entrances of each small lot home will be located along the northern and southern walkways. The northern walkway will provide access to Units A – F and the southern walkway will provide access to the Units G – L. Vehicular access to each of the 12 small lot homes will be located along a center driveway accessible along South Preuss Road and the eastern adjacent alley. In addition, each small lot home will also feature balconies and a roof deck orientated towards the center driveway away from the adjacent residential properties. Therefore, the small lot homes will minimize vehicular and residential noise impacts on the surrounding neighborhood and the outdoor residential spaces will prevent direct views of abutting residential neighbors. Compliance with the Small Lot Design Standards is a requirement established by the Small Lot Subdivision Ordinance.

Therefore, the proposed map is substantially consistent with the applicable General Plan affecting the Project site and demonstrates compliance with Sections 17.01, 17.05 C, 17.06 B and 12.22 C.27 of the Los Angeles Municipal Code.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Project site is located within the West Adams – Baldwin Hills – Leimert Community Plan, one of 35 Community Plans which form the land use element of the General Plan. The subject property consists of a two lots fronting South Preuss Road and is zoned RD1.5-1. The Community Plan designates the subject property for Low Medium II Residential land uses corresponding to the RD1.5 and RD2 Zones; thus, the subject property is consistent with the existing land use designation. The Project site contains a frontage of approximately 105 feet along the eastern side of South Preuss Road and a depth of approximately 160 feet. The Project site is also adjacent to a 15-foot alley to the east. The Project site is not located within the boundaries of any relevant specific plan or interim control ordinance, nor is it located within any other special hazard zone, flood, landslide, or tsunami inundation zone. The Project site is located within the Alquist-Proto Earthquake Fault Zone and Methane Buffer Zone, and is currently developed with a two (2) single-family houses.

Section 66418 of the Subdivision Map Act defines the term “design” as follows: “Design” means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire

subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. In addition, Section 66427 of the Subdivision Map Act expressly states that the “Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects.”

Section 17.05 C of the LAMC enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (“net area”). LAMC Section 17.06 B lists the map requirements for a tentative tract map. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC. In addition, Section 12.22 C.27 of the LAMC (as amended by Ordinance No. 185,462, which became effective on April 18, 2018) details requirements for small-lot subdivisions. The LAMC requires that the proposed small lot subdivision comply with the required minimum lot width of 18 feet; lot area of 600 square feet; lot coverage limitation of 75 percent; and 5-foot setback requirements for the rear (when the rear lot line abuts an alley), 5-foot side yard setback requirements, and setback requirements aligning with those of the underlying zone for the front boundaries of the subdivision. Concurrent with the subject subdivision, the Project also requests an On-Menu Incentive for an increase in maximum building height and a Waiver of Development Standard for a reduction in the front building line setback through the State Density Bonus Law under Case No. CPC-2023-6115-DB-HCA. Therefore, the proposed subdivision will be consistent with the applicable General Plan affecting the Project site and will comply with Sections 17.01, 17.05 C, 17.06 B and 12.22 C.27 of the Los Angeles Municipal Code.

The design and improvement of the proposed subdivision are consistent with the West Adams – Baldwin Hills – Leimert Community Plan and are not subject to any Specific Plan requirements. For the purposes of approving a small lot subdivision, the “design” of the tract or parcel map refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout and building design. Easements and/or access and “improvements” refer to the infrastructure facilities serving the subdivision. Several public agencies, including the Department of Building and Safety, the Bureau of Engineering, the Los Angeles Department of Transportation, the Bureau of Street Lighting, the Department of Recreation and Parks, the Department of Water and Power, and the Los Angeles Fire Department have reviewed the map and found the subdivision design satisfactory. These agencies have imposed improvement requirements and/or conditions of approval. The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the vesting map, building permit, grading permit, or certificate of occupancy. Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the intent and purpose of the Community Plan and the General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The subject property consists of two rectangular-shaped lots encompassing approximately 17,124 square feet. The property is located midblock along the east side of South Preuss Road between West Sawyer Street and West Guthrie Avenue. The Project

site contains a frontage of approximately 105 feet along the eastern side of South Preuss Road and a depth of approximately 160 feet. The site is currently developed with two (2) single-family houses. No protected trees or shrubs will be removed on the project site or in the public right-of-way adjacent to the subject property.

The Project site is located within the West Adams – Baldwin Hills – Leimert Community Plan, one of 35 Community Plans which form the land use element of the General Plan. The Community Plan designates the subject property for Low Medium II Residential land uses corresponding to the RD1.5 and RD2 Zones. The site is zoned RD1.5-1 and therefore is consistent with the existing land use designation. The Project site is not located within the boundaries of any relevant specific plan or interim control ordinance, nor is it located within any other special hazard zone, flood, landslide, or tsunami inundation zone.

The Project site is located within the Alquist-Proto Earthquake Fault Zone and Methane Buffer Zone.

As discussed in the Addendum Soils Engineering Exploration Report prepared by Schick Geotechnical, Inc. (March 24, 2023) and the approved Fault Study and SGI report, a trace of the fault is not located onsite. The reports also determined that the “proposed structures is feasible from a soils engineering standpoint provided the advice and recommendations contained in this report are included in the plans and are properly implemented during construction”. The Project will be consistent with the requirements of the 2023 City of Los Angeles Building Code. In a letter dated May 1, 2024, the Grading Division of the Department of Building and Safety stated that they had reviewed the referenced reports and finds that the analysis is acceptable provided that a list of 47 conditions are complied with during site development.

As discussed in the Site Methane Investigation Report for the proposed small lot subdivision dated November 22, 2022, measurable levels of methane were not detected while testing at the Project site and therefore no methane mitigation system is required. Nevertheless, the Project is required to comply with the City’s methane regulations and will implement a passive methane mitigation system.

The Project proposes to subdivide the subject property into 12 lots for the construction of a 12-unit small lot development. The Project will provide two (2) vehicular parking spaces per dwelling unit, for a total of 24 parking spaces. The Project is required to have common access driveway with a minimum 16 feet in width (with a minimum of 10 feet in width clear and open to the sky); the tentative tract map displays a common access driveway with a width of 20 feet off of South Preuss Road with a minimum of 10 feet open to the sky.

The Project site is located in a long-developed, predominantly residential neighborhood in the La Cienega Heights community. The surrounding area is developed with single- and multi-family residences. Within 600 feet of the Project site, two Vesting Tentative Tract Maps involving the construction of two small lot developments were approved by the City. Both projects are located along South Preuss Road, south of the Project site. Approximately 500 feet west of the Project site is South Robertson Boulevard, a major arterial road which connects to other neighborhoods in the community and is developed with commercial businesses and residential structures. As a similar use, the proposed subdivision and construction of 12 small lot homes at the Project site will be compatible with the surrounding area.

The Department of City Planning, on April 24, 2024, determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act designates the subject project as categorically exempt under Article III, Section I, Class 32. The Class 32 exemption is for infill developments meeting the following five criteria: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the 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; and (e) The site can be adequately served by all required utilities and public services. Planning staff has determined that the project meets all of these criteria and thus qualifies for a Class 32 Categorical Exemption. Planning staff also evaluated the exceptions to the use of categorical exemptions for the proposed project listed under "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project. Therefore, material evidence supports that the project site is physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies geographic locations where planned and anticipated densities are permitted through its Community Plans and Specific Plans. Zoning relating to the sites throughout the city, are allocated based on the type of land use, physical suitability and future population growth expected to occur. The West Adams – Baldwin Hills – Leimert Los Angeles Community Plan designates the site for Low Medium II Residential land uses. The site is zoned RD1.5 and is consistent with the range of zones under the corresponding land use designation.

The zoning and land use designation of the Project site permits a maximum residential density of one (1) dwelling unit per 1,500 square feet of lot area. As such, at 17,927.4 square feet in size (inclusive of lot area plus ½ area of the adjacent alley and dedication of land being provided), the Project site will allow for 12 dwelling units. With the requested Vesting Tentative Tract Map, the Project site consisting of two lots would be subdivided into 12 lots for the construction of 12 small lot residences (one residence per lot). As such, the Project will be consistent with the land use designation and the applicable zoning of the site.

The Project site is located in a long-developed, predominantly residential neighborhood. The surrounding area is characterized by a mixture of flat and hillside terrain and is developed with a variety of buildings and improved streets. Approximately 400 feet west of the Project site is South Sepulveda Boulevard, a major arterial road which connects to other communities in the West Adams – Baldwin Hills – Leimert Community Plan area and is developed with a variety of uses including commercial businesses and residential structures. Surrounding properties are primarily developed with single- and multi-family developments in the R1V2, R1R3-RG, RD1.5-1, RD2-1, and R3-1-CPIO Zones. Abutting the property to the north and south are single-family homes located in the RD1.5-1 Zone. Across South Preuss Road and the eastern adjacent alley are single- and multi-family homes located in the RD1.5-1 Zone. Therefore, the proposed 12-unit small lot development would be compatible with the surrounding area.

Based on the density calculation and land uses in the vicinity, this subdivision involves a density consistent with the General Plan and Zoning affecting the site. There are no known physical impediments or hazards that would be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located as a result of the project's proposed density. Therefore, the site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project site is located in an urbanized and developed area in the City of Los Angeles. The site and the surrounding area are currently developed with residential land uses, and does not provide natural habitat for either fish or wildlife. The project was identified as being Categorically Exempt from further CEQA review pursuant Class 32 for infill development. As such, the design of the subdivision and the proposed improvements will not cause substantial environmental damage or injury to wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision, and subsequent improvements, are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements, as mandated by law, would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project site is not located on a hazardous materials site and is located outside a flood zone. The Project site is also located within the Alquist-Priolo Earthquake Faultline Zone and a Methane Buffer Zone. As discussed in the Addendum Soils Engineering Exploration Report prepared by Schick Geotechnical, Inc. (dated March 24, 2023) and the approved Fault Study and SGI report, a trace of the fault is not located onsite. It was also determined in the reports that the "proposed structures is feasible from a soils engineering standpoint provided the advice and recommendations contained in this report are included in the plans and are properly implemented during construction". The Project will be consistent with the requirements of the 2023 City of Los Angeles Building Code. The Grading Division of the Department of Building and Safety has reviewed the referenced reports and finds that the analysis is acceptable provided that a list of 47 conditions are complied with during site development. As discussed in the Site Methane Investigation Report for the proposed small lot subdivision dated November 22, 2022, measurable levels of methane were not detected while testing at the Project site and therefore no methane mitigation system is required. Nevertheless, the Project is required to comply with the City's methane regulations and will implement a passive methane mitigation system.

The area surrounding the property is fully developed with similar residential uses indicating that sewers and other services are available. Additionally, the project has been determined to be statutorily exemption from CEQA which indicates that no adverse impacts to the public health or safety would occur as a result of the design and improvements are not likely to cause serious public health problems. Therefore, the design of the subdivision and the proposed improvements will not cause serious public health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are no recorded instruments identifying easements encumbering the project site for the purpose of providing public access. The Project will comply with the required easements outlined in the Bureau of Engineering - Specific Conditions in this report and the letter dated December 11, 2023. The site is surrounded by private properties that adjoin improved public streets, alleys, and sidewalks designed and improved to the specific requirements of the Los Angeles Municipal Code for providing public access throughout the area. The Project site does not adjoin or provide access to a natural habitat, public park, or any officially recognized public recreation area. The design of the subdivision and the improvements proposed by the project will not conflict with access through or use of property within the proposed subdivision. Necessary public access for roads and utilities will be acquired by the City prior to the recordation of the proposed tract map.

Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at-large for access through or use of the property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the Applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcels to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 84089-SL-HCA.

APPEAL PERIOD - EFFECTIVE DATE

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC (213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org	Van Nuys DSC (818) 374-5050 6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org	West Los Angeles DSC (CURRENTLY CLOSED) (310) 231-2901 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org
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City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal (appointments.lacity.org). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to
Online Appeal
Filing



QR Code to Forms for In-
Person Appeal Filing



QR Code to BuildLA Appointment Portal
for Condition Clearance

VINCENT P. PERTONI, AICP
Advisory Agency

A handwritten signature in blue ink, appearing to read 'Heather Bleemers', written over a horizontal line.

Heather Bleemers
Deputy Advisory Agency

HB:EA:DW:nm



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: SEPTEMBER 4, 2024

Case No.: VTT-84089-SL-HCA-1A

Council District: 10 – Hutt

CEQA: ENV-2023-6117-CE

Plan Area: West Adams – Baldwin Hills – Leimert

Related Cases: CPC-2023-6115-DB-HCA; ADM-2023-6116-SLD

Project Site: 1904 – 1906 South Preuss Road

Applicant: Marc & Risa Dauer, Preuss Development, LLC
Representative: Kevin Scott, Brian Silveira & Associates

Appellants:

1. Arielle Mandell
Representative: Kristina Kropp, Luna & Glushon
2. Concerned Residents of Shenandoah Street
Representative: Kristina Kropp, Luna & Glushon
3. Howard Witkin
4. Meyer Shwarzstein & Susan Kahn
5. Shelly Rothschild

At its meeting of **August 8, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the following Project:

A Vesting Tentative Tract Map for the subdivision of two lots into 12 small lots with one dwelling unit reserved for Very Low Income Households. One small lot home will be constructed at each of the 12 small lots. Six of the small lot homes will each have a floor area of 2,365 square feet and a building height of 45 feet (four-stories). Two of the small lot homes will each have a floor area of 2,365 square feet and a building height of 44 feet and 11 inches (four-stories). One small lot home will encompass a floor area of 2,288 square feet and a building height of 45 feet (four-stories). One small lot home will encompass a floor area of 2,288 square feet and a building height of 44 feet and 11 inches (four-stories). One small lot home will encompass a floor area of 2,281 square feet and a building height of 44 feet and 11 inches (four-stories). One small lot home will encompass a floor area of 1,341 square feet and a building height of 37 feet (three-stories). Each small lot home will provide two automobile parking spaces located on the ground-floor level, for a total of 24 automobile parking spaces. Vehicular access to the project will be located along a central driveway off of South Preuss Road and the eastern adjacent alley. The Project will provide a total of 12 bicycle parking spaces.

1. **Determined**, based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;

2. **Denied** the appeals in part and **granted** the appeals in part, and **sustained** the decision of the Advisory Agency dated July 12, 2024;
3. **Approved**, pursuant to Sections 17.03, 17.15 and 12.22 C.27 of the Los Angeles Municipal Code, a Vesting Tentative Tract Map No. VTT-84089-SL-HCA to permit the subdivision of two lots into 12 small lots in the West Adams – Baldwin Hills – Leimert Community Plan;
5. **Adopted** the attached Modified Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Newhouse
Second: Cabildo
Ayes: Choe, Diaz, Lawshe, Mack, Zamora

Vote: 7 – 0



Cecilia Lamas, Commission Executive Assistant II
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is further appealable to the Los Angeles City Council within 10 days after the mailing date of this determination letter. Any appeal not filed within the 10-day period shall not be considered by the Council and the decision of the City Planning Commission will become final and effective upon the close of the 10-day appeal period. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles, CA 90012; 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401; or 8475 S. Vermont Avenue, 1st Floor, Los Angeles, CA 90044.

FINAL APPEAL DATE: SEPTEMBER 16, 2024

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, Appeal Filing Procedures

cc: Heather Bleemers, Senior City Planner
Esther Ahn, City Planner
David Woon, Planning Assistant

CONDITIONS OF APPROVAL

(As Modified by the City Planning Commission at its meeting on August 8, 2024)

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

Any questions regarding these conditions should be directed to Quyen Phan of the Permit Case Management Division, located at 201 North Figueroa Street, Suite 290, or by e-mailing quyen.phan@lacity.org.

1. That a 5-foot wide strip of land be dedicated along Preuss Road adjoining the tract to complete a 30-foot wide half right-of-way in accordance with Local Street standards.
2. That a 2.5-foot wide strip of land be dedicated along the alley adjoining the tract to complete 10-foot wide half alley.
3. That the 5-foot wide water easement within the tract boundary be shown on the final map.
4. That if this tract map is approved as "Small Lot Subdivision" then, and if necessary for street address purposes, all the common access to this subdivision be named on the final map satisfactory to the City Engineer.
5. That if this tract map is approved as small lot subdivisions, then the final map be labeled as "Small Lot Subdivision per Ordinance No. 185462" satisfactory to the City Engineer.
6. That all common access easements including the vehicular access and pedestrian access easement be part of the adjoining lots.
7. That if necessary, public sanitary sewer easements be dedicated on the final map based on an alignment by the Central Engineering District Office.
8. That if necessary, the owners of the property record an agreement satisfactory to the City Engineer that they will provide name signs for the common access driveways.
9. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
10. That all pedestrian common access easements be shown on the final map.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

Grading Division approvals are conducted at 221 North Figueroa Street, 12th Floor. The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits.

11. No structures for human occupancy shall be located to the east of the 5-foot fault setback zone depicted on the Site Map of the 03/24/2023 report. If structures for human occupancy are proposed in this area, submit a supplemental report to the Grading Division for review and approval.

12. The project engineering geologist shall observe all final removal excavations to verify that the conclusions of the current fault investigation are correct and that no fault trace or evidence of ground deformation are exposed in the excavation. Each panel of the shoring excavation shall be logged prior to installation of lagging and a field memo documenting that the panel has been logged shall be prepared for review by the Deputy Grading Inspector and Building inspector(s). A supplemental report that summarizes the geologist's observations shall be submitted to the Grading Division of the Department upon completion of the excavations. If evidence of faulting is observed, the Grading Division shall be notified and a site meeting scheduled.
13. The entire site shall be brought up to the current Code standard (7005.9).
14. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Development Services and Permits Program for the proposed removal of support and/or retaining of slopes adjoining to public way (3307.3.2).

201 N. Figueroa Street 3rd Floor, LA

(213) 482-7045

15. Secure the notarized written consent from all owners upon whose property proposed grading/construction access is to extend, in the event off-site grading and/or access for construction purposes is required (7006.6). The consent shall be included as part of the final plans.
16. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans that clearly indicates the geologist and soils engineer have reviewed the plans prepared by the design engineer; and, that the plans include the recommendations contained in their reports (7006.1).
17. All recommendations of the reports that are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
18. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans (7006.1). Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.
19. A grading permit shall be obtained for all structural fill and retaining wall backfill (106.1.2).
20. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density. Placement of gravel in lieu of compacted fill is only allowed if complying with LAMC Section 91.7011.3.
21. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill (1809.2, 7011.3).
22. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction (7013.12).
23. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, 8-Permit Section, for any grading work in excess of 200 cubic yards (7007.1).

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24. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored (7005.3).
25. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the General Safety Orders of the California Department of Industrial Relations (3301.1).
26. Temporary excavations that remove lateral support to the public way, adjacent property, or adjacent structures shall be supported by shoring, as recommended. Note: Lateral support shall be considered to be removed when the excavation extends below a plane projected downward at an angle of 45 degrees from the bottom of a footing of an existing structure, from the edge of the public way or an adjacent property. (3307.3.1)
27. Prior to the issuance of any permit that authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation (3307.1).
28. The soils engineer shall review and approve the shoring plans prior to issuance of the permit (3307.3.2).
29. Prior to the issuance of the permits, the soils engineer and/or the structural designer shall evaluate the surcharge loads used in the report calculations for the design of the retaining walls and shoring. If the surcharge loads used in the calculations do not conform to the actual surcharge loads, the soil engineer shall submit a supplementary report with revised recommendations to the Department for approval.
30. Shoring shall be designed for a minimum EFP of 67 PCF; all surcharge loads shall be included into the design, as recommended.
31. Shoring shall be designed for a maximum lateral deflection of 0.5 inch, as recommended.
32. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.
33. All foundations shall derive entire support from native undisturbed alluvial terrace soils, as recommended and approved by the geologist and soils engineer by inspection.
34. Foundations adjacent to a descending slope steeper than 3:1 (horizontal to vertical) in gradient shall be a minimum distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the footing bottom to the face of the slope (1808.7.2).
35. Buildings adjacent to ascending slopes steeper than 3H:1V in gradient shall be setback from the toe of the slope a level distance measured perpendicular to slope contours equal to one-half the vertical height of the slope, but need not exceed 15 feet (1808.7.1).
36. Footings supported on approved compacted fill or expansive soil shall be reinforced with a minimum of four (4), ½-inch diameter (#4) deformed reinforcing bars. Two (2) bars shall be placed near the bottom and two (2) bars placed near the top of the footing.

37. The foundation/slab design shall satisfy all requirements of the Information Bulletin P/BC 2017- 116 "Foundation Design for Expansive Soils" (1803.5.3).
38. Slabs placed on approved compacted fill shall be at least 4 inches thick, as recommended, and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.
39. Concrete floor slabs placed on expansive soil shall be placed on a 4-inch fill of coarse aggregate or on a moisture barrier membrane. The slabs shall be at least 4 inches thick, as recommended, and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.
40. The seismic design shall be based on a Site Class D, as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.
41. Retaining walls shall be designed for the lateral earth pressures specified in the section titled "Retaining Walls" starting on page 9 of the 03/24/2023 report. All surcharge loads shall be included into the design.
42. Retaining walls higher than 6 feet shall be designed for lateral earth pressure due to earthquake motions as specified on the wall pressure analysis of the reference report (1803.5.12).
43. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted in a non-erosive device to the street in an acceptable manner (7013.11).
44. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soils report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record (1805.4).
45. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector (108.9).
46. Basement walls and floors shall be waterproofed/damp-proofed with an LA City approved "Below-grade" waterproofing/damp-proofing material with a research report number (104.2.6).
47. Prefabricated drainage composites (Miradrain, Geotextiles) may be only used in addition to traditionally accepted methods of draining retained earth.
48. The structures shall be connected to the public sewer system per P/BC 2020-027.
49. All roof, pad and deck drainage shall be conducted to the street in an acceptable manner in non-erosive devices or other approved location in a manner that is acceptable to the LADBS and the Department of Public Works; water shall not be dispersed on to descending slopes without specific approval from the Grading Division and the consulting geologist and soils engineer (7013.10).
50. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LA DBS (7013.10).

51. Any recommendations prepared by the geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Grading Division of the Department for approval prior to use in the field (7008.2, 7008.3).
52. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading (7008, 1705.6 & 1705.8).
53. Prior to pouring concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. The representative shall post a notice on the job site for the LADBS Inspector and the Contractor stating that the work inspected meets the conditions of the report. No concrete shall be poured until the LADBS Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Grading Division of the Department upon completion of the work. (108.9 & 7008.2)
54. Prior to excavation an initial inspection shall be called with the LADBS Inspector. During the initial inspection, the sequence of construction; shoring; protection fences; and, dust and traffic control will be scheduled (108.9.1).
55. Installation of shoring shall be performed under the inspection and approval of the soils engineer and deputy grading inspector (1705.6, 1705.8).
56. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations. The representative shall post a notice on the job site for the LADBS Inspector and the Contractor stating that the soil inspected meets the conditions of the report. No fill shall be placed until the LADBS Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be included in the final compaction report filed with the Grading Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Division of the Department upon completion of the compaction. In addition, an Engineer's Certificate of Compliance with the legal description as indicated in the grading permit and the permit number shall be included (7011.3).
57. No footing/slab shall be poured until the compaction report is submitted and approved by the Grading Division of the Department

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 or laura.duong@lacity.org to schedule an appointment.

58. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
59. Lot 7 shall provide a 20 ft. setback as per the 20 ft. Building Line along Preuss Road. Revise the map to show compliance with the required setback per the 20 ft. Building Line or obtain approval from the Department of City Planning to remove the existing 20 ft. Building Line.

60. The submitted map does not comply with the maximum density (1,500 s.f. of lot area/dwelling unit) requirement of the RD1.5 Zone. A half of the alley can be used for density purposes. Revise the map to show compliance with the above requirement based on the lot area after required street dedication is taken or obtain approval from the Department of City Planning.
61. Show all street/alley dedications as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Density and front and rear yard requirements shall be required to comply with current code as measured from new property lines after dedication.

Notes:

There is a 20 ft. Building Line along portion of Preuss Road for Proposed Lot 7.

Owners are to record a Maintenance Agreement that runs with the land for the purpose of reciprocal private easements maintenance program to all common areas and shared facilities such as trees, landscaping, drainage, trash, parking, community driveway (ground floor width and width clear to sky above the ground floor level), including walkways as shown on the approved Small Lot Subdivision Map.

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

Backup space for parking space with less than 26'-8" shall provide sufficient parking stall width and garage door opening width to comply with the current Zoning Code requirement. Comply with the above requirement at the time of Plan Check or obtain City Planning approval.

DEPARTMENT OF RECREATION AND PARKS

Please contact RAP at (213) 202-2682 for any questions regarding the following:

62. That the Park Fee paid to the Department of Recreation and Parks be calculated as a Subdivision (Quimby in-lieu) fee.

DEPARTMENT OF TRANSPORTATION

Please contact the Department of Transportation at ladot.onestop@lacity.org for any questions regarding the following.

63. A minimum 20-foot reservoir space be provided between any security gate(s) and the property line, or as shall be determined to the satisfaction of the Department of Transportation.
64. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk (not applicable when driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway), LAMC 12.21 A.

65. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT One Stop Counter portal at: ladot.onestop@lacity.org
66. That a fee in the amount of \$205 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

FIRE DEPARTMENT

*The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6543. You should advise any consultant representing you of this requirement as well.*

67. Access for Fire Department apparatus and personnel to and into all structures shall be required.
68. Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
69. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).
70. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
71. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
72. Fire Lane Requirements:
- a) Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
 - b) The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
 - c) Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
 - d) Submit plot plans indicating access road and turning area for Fire Department approval.
 - e) All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.

- f) Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
 - g) Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
 - h) All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
 - i) No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
73. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
74. Site plans shall include all overhead utility lines adjacent to the site.
75. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
76. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
77. Smoke Vents may be required where roof access is not possible; location and number of vents to be determined at Plan Review.
78. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
79. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".
80. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
81. Standard cut-corners will be used on all turns.
82. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
83. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

84. FPB #105

5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

85. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:

- a. The establishment of a property owners association, which shall cause a yearly inspection to be, made by a registered civil engineer of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
- b. The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
- c. In the event that the property owners association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
- d. Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
- e. That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.

86. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.

87. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

88. Provide Fire Department pathway front to rear with access to each roof deck via gate or pony wall less than 36 inches.

89. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

90. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan
91. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

DEPARTMENT OF WATER AND POWER

Questions regarding WSO clearance should be directed to the Los Angeles Department of Water and Power, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, California 90051-5700 or (213) 367-1241.

92. Satisfactory arrangement shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1(c).)

Note:

If improvements are proposed within existing dedicated streets, we [LADWP] must review your preliminary street improvement plans. If adjustments to water facilities are necessary, the developer may be required to pay for the cost of such adjustments. Please submit a copy of your street improvement plans after the City's District Engineer has signed them so that we can expedite determination of the need for adjustments.

BUREAU OF STREET LIGHTING

93. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

BUREAU OF SANITATION

94. The office of LA Sanitation/CWCD – Clean Water North Conveyance Division has reviewed the sewer/storm drain lines serving the subject tracts/areas, and found no potential problems to its structures and/or potential maintenance issues.

This approval is for the Tract Map only and represents the office of LA Sanitation/CWCDs. The applicant may be required to obtain other necessary Clearances/Permits from LA Sanitation and appropriate District office of the Bureau of Engineering.

URBAN FORESTRY

95. Native Protected Trees
 - a. All tree and shrub preservation measures shall be considered to retain all protected native species whenever possible. Project should include feasible alternatives in project design to retain native trees and shrubs. A permit is required for the removal of any native protected tree and shrub. Removal of any on site native tree or shrub shall be replaced in kind at a 4: 1 ratio as approved by the Board of Public Works and Urban Forestry Division. The tree replacement plan shall include all retained native

trees and shrubs. All on-site tree and shrub replacements shall be planted in locations favorable to the long term survival of the species.

- b. The applicant shall submit a Protected Tree Report with an acceptable tree and shrub replacement plan prepared by a reputable Tree Expert, as required by Ordinance No. 186,873 for approval by the Advisory Agency and the Bureau of Street Services, Urban Forestry Division. The Protected Tree Report (PTR) shall contain the Tree Expert's recommendations for the preservation of as many protected trees as possible and shall provide their species, health, size, and condition. The PTR shall include a topographical map (construction drawing) identifying tree and shrub location, drip line, and correctly numbered and plotted.

Note: Removal of Native Protected trees and shrubs requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and replacement of native protected trees and shrubs. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

96. Street Trees

- a. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.
- b. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub divider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.

Note: Removal of street trees requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and replacement of street trees. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

INFORMATION TECHNOLOGY AGENCY

- 97. To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of 3 people in case the applicant/owner has any additional questions.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

- 98. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
 - a. A Certificate of Occupancy (temporary or final) for the building(s) in Vesting Tentative Tract Map No. 84089-SL-HCA shall not be issued until after the final map has been recorded.

- b. Limit the tract to a maximum of twelve (12) small lots.
 - c. Parking shall be provided in accordance with the LAMC.
 - d. The Advisory Agency has approved a minimum 16-foot wide common access driveway (easement) with a minimum of 10 feet in width that is clear to the sky for the approved subdivision.
 - e. A minimum of one common access walkway (easement) shall provide pedestrian access from a public street to the subdivision. The common access walkway(s) must be a minimum of 3 feet in width and remain unobstructed and open to the sky.
 - f. Prior to issuance of a certificate of occupancy, a minimum 6-foot-high fence or wall made of slumpstone, decorative masonry, or other comparable-quality material shall be constructed adjacent to neighboring residences, if no such wall already exists, except in required front yard.
 - g. No vehicular gates shall be permitted within the development.
 - h. The applicant shall seek and obtain any necessary approvals for any proposed ADUs and JADUs. No construction or siting of any ADUs or JADUs have been authorized herein.
 - i. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - j. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
 - k. A utility easement shall be provided per Department of Water and Power or similar agency requirements.
 - l. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
 - m. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
 - n. A Maintenance Agreement shall be formed, composed of all small-lot property owners, to maintain all common areas such as trees, landscaping, trash, parking, community driveway, walkways, monthly service for private fire hydrant (if required), etc. Each small-lot owner and future small-lot property owners shall automatically become members of the agreement and shall be subject to a proportionate share of the maintenance. The Maintenance Agreement shall be recorded as a Covenant and Agreement to run with the land. The subdivider shall submit a copy of this Agreement, once recorded to the Planning Department for placement in the tract file.
 - o. Copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.
99. The approval of Vesting Tentative Tract Map No. 84089-SL-HCA shall be contingent upon the approval of Case No. CPC-2023-6115-DB-HCA.

100. Prior to the issuance of building permits, the Applicant shall explore further design modifications with the Urban Design Studio to the satisfaction of the City Planning Department, Expedited Processing Section.
101. Prior to the clearance of any tract map conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
102. If applicable, within 10 days after the time to appeal has expired, the applicant shall execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Advisory Agency binding the applicant and any successor in interest to provide tenant relocation assistance and establish a relocation program in a manner consistent with Section 47.07 of the LAMC relating to demolition. A copy shall be provided to each eligible tenant within five days of recordation of the covenant and agreement.
103. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
- a. Defend and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgment or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
 - d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
 - e. If the City determines it necessary to protect the City's interests, execute the indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.
 - f. The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to

reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event that applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

DEPARTMENT OF CITY PLANNING - STANDARD SMALL LOT HOME CONDITIONS

SL-1. That approval of this vesting tentative tract map constitutes approval of model home uses, including a sales office and off-street parking. If models are constructed under this tract map approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22 A.10 and 11 and Section 17.05 O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

SL-2. That a landscape plan, prepared by a licensed landscape architect, be submitted to and approved by the Advisory Agency following the instructions of Form CP-6730 prior to obtaining any grading or building permits before the recordation of the final map. The landscape plan shall identify tree replacement on a 1:1 basis by a minimum of 24-inch box trees for the unavoidable loss of desirable trees on the site.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final

map over all of the tract in conformance with Section 64.11.2 of the LAMC.

- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
 - (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
 - (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
 - (e) That drainage matters be taken care of satisfactory to the City Engineer.
 - (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
 - (g) That any required slope easements be dedicated by the final map.
 - (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
 - (i) That one-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The one-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
 - (j) That any one-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
 - (k) That no public street grade exceeds 15 percent.
 - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
 - (b) Make satisfactory arrangements with the Department of Transportation with

respect to street name, warning, regulatory and guide signs.

- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) No street lighting improvements if no street widening per BOE improved conditions. Otherwise, relocate and upgrade street light: one (1) on Preuss Road.

(d)

1) Native Protected Trees

- i. All tree and shrub preservation measures shall be considered to retain all protected native species whenever possible. Project should include feasible alternatives in project design to retain native trees and shrubs. A permit is required for the removal of any native protected tree and shrub. Removal of any on site native tree or shrub shall be replaced in kind at a 4: 1 ratio as approved by the Board of Public Works and Urban Forestry Division. The tree replacement plan shall include all retained native trees and shrubs. All on-site tree and shrub replacements shall be planted in locations favorable to the long term survival of the species.
- ii. The applicant shall submit a Protected Tree Report with an acceptable tree and shrub replacement plan prepared by a reputable Tree Expert, as required by Ordinance No. 186,873 for approval by the Advisory Agency and the Bureau of Street Services, Urban Forestry Division. The Protected Tree Report (PTR) shall contain the Tree Expert's recommendations for the preservation of as many protected trees as possible and shall provide their species, health, size, and condition. The PTR shall include a topographical map (construction drawing) identifying tree and shrub location, drip line, and correctly numbered and plotted.

2) Street Trees

- i. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A

permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.

- ii. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub divider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 2010.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a) Improve Preuss Road being dedicated and adjoining the subdivision by the construction of the following:
 - a. A concrete curb, a concrete gutter, and a 12-foot wide concrete sidewalk with tree wells or a 5-foot wide concrete sidewalk and landscaping of the parkway.
 - b. Suitable surfacing to join the existing pavement and to complete an 18-foot half roadway.
 - c. Any necessary removal and reconstruction of existing improvements.
 - d. The necessary transitions to join the existing improvement.
 - b) Improve the alley adjoining the subdivision by the construction of a new 2-foot wide longitudinal concrete gutter and suitable surfacing to complete a 10-foot wide half alley, including any necessary removal and reconstruction of the existing improvements.
 - c) Construct the necessary on-site mainline and house connection sewers satisfactory to the City Engineer.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However, the existing or proposed zoning may not permit this number of units.

Approval from Board of Public Works may be necessary before removal of any street trees in

conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05-N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 84089-SL-HCA the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Project site consists of two lots encompassing a total lot area of approximately 17,124 square feet (0.39 acres) in the La Cienega Heights neighborhood. The Project site is located within the West Adams – Baldwin Hills – Leimert Community Plan with a land use designation of Low Medium II Residential with corresponding zones RD1.5 and RD2. The subject property is zoned RD1.5-1, thus it is consistent with the existing land use designation. The Project site contains a frontage of approximately 105 feet along the eastern side of South Preuss Road and a depth of approximately 160 feet. The site is not located within the boundaries of any relevant specific plan or interim control ordinance, and is currently developed with two single-family homes and accessory structures.

The Vesting Tentative Tract Map describes and illustrates a land use consistent with the existing General Plan Land Use Designation of Low Medium II Residential and RD-1.5 zoning of the site. Single-family and multi-family family residences, including apartment houses, condominiums, and small lot homes are permitted in the RD1.5-1 Zone and Low Medium II Residential land use designation. Therefore, the proposed construction of a small lot development on the subject property is permitted. The proposed Project will subdivide the Project site, consisting of two lots into 12 small lots (Lots A-L) for the construction of a new 12-unit small lot development. The unit density is based on the RD1.5-1 Zone. The R1.5-1 Zone permits a density of one unit per 1,500 square feet of lot area, therefore the applicant would be permitted to construct a maximum of 12 dwelling units on the subject property ($17,924.4 \text{ SF} / 1,500 \text{ SF} = 11.95$ or 12 units, rounded up to whole number; lot area includes $\frac{1}{2}$ area of the adjacent alley and the dedication of land to be provided).

The Los Angeles Municipal Code (LAMC) implements the goals, objectives, and policies of the Community Plan through adopted zoning regulations. The Zoning Code regulates, but is not limited to, the maximum permitted density, height, and the subdivision of land. The West Adams – Baldwin Hills – Leimert Community Plan addresses subdivisions in its goals and objectives for Residential land uses as follows:

- | | |
|----------|---|
| Goal LU7 | A community that promotes an environment of safe, inviting, secure and high-quality multi-family neighborhoods for all segments of the community. |
| LU7-1 | Address Diverse Resident Needs. Strive for the conservation/preservation of existing assisted affordable and non-assisted housing stock and in particular rent-stabilized units, and for the development of new housing, including restricted affordable housing, to address the diverse economic and physical needs of the existing residents and projected population of the Community Plan |

Area to the year 2030.

LU7-3	Compliance with Design Guidelines. Recommend that new multifamily residential development be designed in accordance with the adopted Citywide Residential Design Guidelines.
Goal LU9	A community that promotes an environment of safe, inviting, secure and high-quality multi-family neighborhoods for all segments of the community.
LU9-1	Affordability. Prioritize housing that is affordable to a broad cross-section of income levels and that provides the ability to live near work and achieve homeownership.
Goal LU10	A community that supports cohesive neighborhoods and lifecycle housing to promote health, well-being and safety.
LU10-6	Increase Homeownership. Provide for development of townhouses and other similar condominium type housing units to increase homeownership options.

The Project will be consistent with the aforementioned goals and policies as the subdivision will allow for the construction of 12 single-family residences in a predominantly single- and multi-family residential neighborhood. Of the 12 small lot homes proposed, one (1) unit will be reserved for Very Low Income Households thereby expanding affordable housing and homeownership opportunities in the neighborhood. In addition, the Project will be consistent with the Citywide Design Guidelines and Small Lot Design Guidelines.

Section 17.05 C of the LAMC enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes ("net area"). LAMC Section 17.06 B lists the map requirements for a tentative tract map. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC. In addition, Section 12.22 C.27 of the LAMC (as amended by Ordinance No. 185,462, which became effective on April 18, 2018) details requirements for small lot subdivisions. The LAMC requires that the proposed small lot subdivision comply with the required minimum lot width of 18 feet; lot area of 600 square feet; lot coverage limitation of 75 percent; and 5-foot setback requirements for the rear (when the rear lot line abuts an alley), 5-foot side yard setback requirements, and setback requirements aligning with those of the underlying zone for the front boundaries of the subdivision. Concurrent with the subject subdivision, the Project also requests an On-Menu Incentive for an increase in maximum building height and a Waiver of Development Standard for a reduction in the front building line setback through the State Density Bonus Law under Case No. CPC-2023-6115-DB-HCA. The proposed 12-unit small development is contingent upon the approval of Case No. CPC-2023-6115-DB-HCA.

On April 22, 2024, an administrative clearance was issued for the proposed project after determining project compliance with the Small Lot Design Standards. The Small Lot

Design Standards establish specific and enforceable design rules to ensure a small lot subdivision's compatibility with existing by-right zoning and neighborhood contexts. These standards address numerous design components including building orientation, primary entryways, façade articulation, roofline variation, building modulation, pedestrian pathways, landscaping, and common open space areas. Pedestrian access to the front entrances of each small lot home will be located along the northern and southern walkways. The northern walkway will provide access to Units A – F and the southern walkway will provide access to the Units G – L. Vehicular access to each of the 12 small lot homes will be located along a center driveway accessible along South Preuss Road and the eastern adjacent alley. In addition, each small lot home will also feature balconies and a roof deck orientated towards the center driveway away from the adjacent residential properties. Therefore, the small lot homes will minimize vehicular and residential noise impacts on the surrounding neighborhood and the outdoor residential spaces will prevent direct views of abutting residential neighbors. Compliance with the Small Lot Design Standards is a requirement established by the Small Lot Subdivision Ordinance.

Therefore, the proposed map is substantially consistent with the applicable General Plan affecting the Project site and demonstrates compliance with Sections 17.01, 17.05 C, 17.06 B and 12.22 C.27 of the Los Angeles Municipal Code.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Project site is located within the West Adams – Baldwin Hills – Leimert Community Plan, one of 35 Community Plans which form the land use element of the General Plan. The subject property consists of a two lots fronting South Preuss Road and is zoned RD1.5-1. The Community Plan designates the subject property for Low Medium II Residential land uses corresponding to the RD1.5 and RD2 Zones; thus, the subject property is consistent with the existing land use designation. The Project site contains a frontage of approximately 105 feet along the eastern side of South Preuss Road and a depth of approximately 160 feet. The Project site is also adjacent to a 15-foot alley to the east. The Project site is not located within the boundaries of any relevant specific plan or interim control ordinance, nor is it located within any other special hazard zone, flood, landslide, or tsunami inundation zone. The Project site is located within the Alquist-Proto Earthquake Fault Zone and Methane Buffer Zone, and is currently developed with a two (2) single-family houses.

Section 66418 of the Subdivision Map Act defines the term “design” as follows: “Design” means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. In addition, Section 66427 of the Subdivision Map Act expressly states that the “Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects.”

Section 17.05 C of the LAMC enumerates design standards for Subdivisions and requires that each subdivision map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas

designated for public uses, except for land set aside for street purposes (“net area”). LAMC Section 17.06 B lists the map requirements for a tentative tract map. The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the LAMC. In addition, Section 12.22 C.27 of the LAMC (as amended by Ordinance No. 185,462, which became effective on April 18, 2018) details requirements for small-lot subdivisions. The LAMC requires that the proposed small lot subdivision comply with the required minimum lot width of 18 feet; lot area of 600 square feet; lot coverage limitation of 75 percent; and 5-foot setback requirements for the rear (when the rear lot line abuts an alley), 5-foot side yard setback requirements, and setback requirements aligning with those of the underlying zone for the front boundaries of the subdivision. Concurrent with the subject subdivision, the Project also requests an On-Menu Incentive for an increase in maximum building height and a Waiver of Development Standard for a reduction in the front building line setback through the State Density Bonus Law under Case No. CPC-2023-6115-DB-HCA. Therefore, the proposed subdivision will be consistent with the applicable General Plan affecting the Project site and will comply with Sections 17.01, 17.05 C, 17.06 B and 12.22 C.27 of the Los Angeles Municipal Code.

The design and improvement of the proposed subdivision are consistent with the West Adams – Baldwin Hills – Leimert Community Plan and are not subject to any Specific Plan requirements. For the purposes of approving a small lot subdivision, the “design” of the tract or parcel map refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout and building design. Easements and/or access and “improvements” refer to the infrastructure facilities serving the subdivision. Several public agencies, including the Department of Building and Safety, the Bureau of Engineering, the Los Angeles Department of Transportation, the Bureau of Street Lighting, the Department of Recreation and Parks, the Department of Water and Power, and the Los Angeles Fire Department have reviewed the map and found the subdivision design satisfactory. These agencies have imposed improvement requirements and/or conditions of approval. The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the vesting map, building permit, grading permit, or certificate of occupancy. Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the intent and purpose of the Community Plan and the General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The subject property consists of two rectangular-shaped lots encompassing approximately 17,124 square feet. The property is located midblock along the east side of South Preuss Road between West Sawyer Street and West Guthrie Avenue. The Project site contains a frontage of approximately 105 feet along the eastern side of South Preuss Road and a depth of approximately 160 feet. The site is currently developed with two (2) single-family houses. No protected trees or shrubs will be removed on the project site or in the public right-of-way adjacent to the subject property.

The Project site is located within the West Adams – Baldwin Hills – Leimert Community Plan, one of 35 Community Plans which form the land use element of the General Plan. The Community Plan designates the subject property for Low Medium II Residential land uses corresponding to the RD1.5 and RD2 Zones. The site is zoned RD1.5-1 and therefore is consistent with the existing land use designation. The Project site is not located within

the boundaries of any relevant specific plan or interim control ordinance, nor is it located within any other special hazard zone, flood, landslide, or tsunami inundation zone.

The Project site is located within the Alquist-Proto Earthquake Fault Zone and Methane Buffer Zone.

As discussed in the Addendum Soils Engineering Exploration Report prepared by Schick Geotechnical, Inc. (March 24, 2023) and the approved Fault Study and SGI report, a trace of the fault is not located onsite. The reports also determined that the “proposed structures is feasible from a soils engineering standpoint provided the advice and recommendations contained in this report are included in the plans and are properly implemented during construction”. The Project will be consistent with the requirements of the 2023 City of Los Angeles Building Code. In a letter dated May 1, 2024, the Grading Division of the Department of Building and Safety stated that they had reviewed the referenced reports and finds that the analysis is acceptable provided that a list of 47 conditions are complied with during site development.

As discussed in the Site Methane Investigation Report for the proposed small lot subdivision dated November 22, 2022, measurable levels of methane were not detected while testing at the Project site and therefore no methane mitigation system is required. Nevertheless, the Project is required to comply with the City’s methane regulations and will implement a passive methane mitigation system.

The Project proposes to subdivide the subject property into 12 lots for the construction of a 12-unit small lot development. The Project will provide two (2) vehicular parking spaces per dwelling unit, for a total of 24 parking spaces. The Project is required to have common access driveway with a minimum 16 feet in width (with a minimum of 10 feet in width clear and open to the sky); the tentative tract map displays a common access driveway with a width of 20 feet off of South Preuss Road with a minimum of 10 feet open to the sky.

The Project site is located in a long-developed, predominantly residential neighborhood in the La Cienega Heights community. The surrounding area is developed with single- and multi-family residences. Within 600 feet of the Project site, two Vesting Tentative Tract Maps involving the construction of two small lot developments were approved by the City. Both projects are located along South Preuss Road, south of the Project site. Approximately 500 feet west of the Project site is South Robertson Boulevard, a major arterial road which connects to other neighborhoods in the community and is developed with commercial businesses and residential structures. As a similar use, the proposed subdivision and construction of 12 small lot homes at the Project site will be compatible with the surrounding area.

The Department of City Planning, on April 24, 2024, determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act designates the subject project as categorically exempt under Article III, Section I, Class 32. The Class 32 exemption is for infill developments meeting the following five criteria: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the 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; and (e) The site can be adequately served by all required utilities and public services. Planning

staff has determined that the project meets all of these criteria and thus qualifies for a Class 32 Categorical Exemption. Planning staff also evaluated the exceptions to the use of categorical exemptions for the proposed project listed under "CEQA Guidelines" Section 15300.2 and determined that none of the exceptions apply to the proposed project. Therefore, material evidence supports that the project site is physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies geographic locations where planned and anticipated densities are permitted through its Community Plans and Specific Plans. Zoning relating to the sites throughout the city, are allocated based on the type of land use, physical suitability and future population growth expected to occur. The West Adams – Baldwin Hills – Leimert Los Angeles Community Plan designates the site for Low Medium II Residential land uses. The site is zoned RD1.5 and is consistent with the range of zones under the corresponding land use designation.

The zoning and land use designation of the Project site permits a maximum residential density of one (1) dwelling unit per 1,500 square feet of lot area. As such, at 17,927.4 square feet in size (inclusive of lot area plus $\frac{1}{2}$ area of the adjacent alley and dedication of land being provided), the Project site will allow for 12 dwelling units. With the requested Vesting Tentative Tract Map, the Project site consisting of two lots would be subdivided into 12 lots for the construction of 12 small lot residences (one residence per lot). As such, the Project will be consistent with the land use designation and the applicable zoning of the site.

The Project site is located in a long-developed, predominantly residential neighborhood. The surrounding area is characterized by a mixture of flat and hillside terrain and is developed with a variety of buildings and improved streets. Approximately 400 feet west of the Project site is South Sepulveda Boulevard, a major arterial road which connects to other communities in the West Adams – Baldwin Hills – Leimert Community Plan area and is developed with a variety of uses including commercial businesses and residential structures. Surrounding properties are primarily developed with single- and multi-family developments in the R1V2, R1R3-RG, RD1.5-1, RD2-1, and R3-1-CPIO Zones. Abutting the property to the north and south are single-family homes located in the RD1.5-1 Zone. Across South Preuss Road and the eastern adjacent alley are single- and multi-family homes located in the RD1.5-1 Zone. Therefore, the proposed 12-unit small lot development would be compatible with the surrounding area.

Based on the density calculation and land uses in the vicinity, this subdivision involves a density consistent with the General Plan and Zoning affecting the site. There are no known physical impediments or hazards that would be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located as a result of the project's proposed density. Therefore, the site is physically suitable for the proposed density of development.

(e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project site is located in an urbanized and developed area in the City of Los Angeles.

The site and the surrounding area are currently developed with residential land uses, and does not provide natural habitat for either fish or wildlife. The project was identified as being Categorically Exempt from further CEQA review pursuant Class 32 for infill development. As such, the design of the subdivision and the proposed improvements will not cause substantial environmental damage or injury to wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision, and subsequent improvements, are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements, as mandated by law, would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project site is not located on a hazardous materials site and is located outside a flood zone. The Project site is also located within the Alquist-Priolo Earthquake Faultline Zone and a Methane Buffer Zone. As discussed in the Addendum Soils Engineering Exploration Report prepared by Schick Geotechnical, Inc. (dated March 24, 2023) and the approved Fault Study and SGI report, a trace of the fault is not located onsite. It was also determined in the reports that the “proposed structures is feasible from a soils engineering standpoint provided the advice and recommendations contained in this report are included in the plans and are properly implemented during construction”. The Project will be consistent with the requirements of the 2023 City of Los Angeles Building Code. The Grading Division of the Department of Building and Safety has reviewed the referenced reports and finds that the analysis is acceptable provided that a list of 47 conditions are complied with during site development. As discussed in the Site Methane Investigation Report for the proposed small lot subdivision dated November 22, 2022, measurable levels of methane were not detected while testing at the Project site and therefore no methane mitigation system is required. Nevertheless, the Project is required to comply with the City’s methane regulations and will implement a passive methane mitigation system.

The area surrounding the property is fully developed with similar residential uses indicating that sewers and other services are available. Additionally, the project has been determined to be statutorily exemption from CEQA which indicates that no adverse impacts to the public health or safety would occur as a result of the design and improvements are not likely to cause serious public health problems. Therefore, the design of the subdivision and the proposed improvements will not cause serious public health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are no recorded instruments identifying easements encumbering the project site for the purpose of providing public access. The Project will comply with the required easements outlined in the Bureau of Engineering - Specific Conditions in this report and the letter dated December 11, 2023. The site is surrounded by private properties that adjoin improved public streets, alleys, and sidewalks designed and improved to the specific requirements of the Los Angeles Municipal Code for providing public access throughout the area. The Project site does not adjoin or provide access to a natural habitat, public park, or any officially recognized public recreation area. The design of the

subdivision and the improvements proposed by the project will not conflict with access through or use of property within the proposed subdivision. Necessary public access for roads and utilities will be acquired by the City prior to the recordation of the proposed tract map.

Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at-large for access through or use of the property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the Applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcels to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 84089-SL-HCA.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing

EXHIBIT E

VESTING TENTATIVE TRACT MAP NO. 84089-SL-HCA

EXHIBIT F

Small Lot Design Standards Checklist – Administrative Review



ADMINISTRATIVE REVIEW

SMALL LOT DESIGN STANDARDS (SLD)

Administrative Review

RELATED CODE SECTION: Los Angeles Municipal Code Section 12.22 C.27(a)(2) authorizes the Director of Planning's review for compliance with the Commission's Small Lot Design Standards.

GENERAL INFORMATION

New Applications - This application and full set of architectural plans as listed below shall be filed concurrently with any small lot subdivision application request (*Vesting Tentative Tract or Preliminary Parcel Map*) and along with any applicable Geographic Project Planning Referral Form (CP-7812).

Modifications to Approved Projects (Deemed Complete After April 18, 2018) - Any subsequent modifications to architectural plans found not to be in substantial compliance with the originally approved Exhibit A shall be required to file a new application for Administrative Clearance and pay all applicable fees concurrently with a building permit application for a small lot project ("Project").

Determining a Project:

For the purposes of Small Lot Administrative Clearance application, the term "**Project**" includes the erection or construction, reconstruction, rehabilitation, relocation, addition to, or exterior alteration of any building or structure, which require the issuance of a demolition permit, grading permit, or building permit. Projects include the preservation of existing structures in a single lot and the subdivision of land for Small Lot purposes. A Project excludes work that consists solely of interior remodeling, interior rehabilitation or repair work that does not result in alterations to the façade or change in floor area. *The following are examples of building permits that are generally exempt from administrative review:*

- Re-roof with no alterations to the existing roof form, roof details, eave depth, eave details, or facades of the buildings
- In-ground swimming pools where permitted by the LAMC
- Roof-mounted solar modules
- Maintenance, repair, and/or rehabilitation of existing foundations
- Maintenance, repair, and/or rehabilitation of existing window and door treatments
- Mechanical equipment
- Exterior lighting

1. SUBMITTAL REQUIREMENTS

Size and Number of Copies: Provide one full size and five (5) 11"x17" color copies of architectural plans containing the following:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Site Plan | <input checked="" type="checkbox"/> Materials Sheet |
| <input checked="" type="checkbox"/> Contextual and Dimensioned Floor Plans | <input checked="" type="checkbox"/> Renderings |
| <input checked="" type="checkbox"/> Detailed Elevations | <input checked="" type="checkbox"/> Landscape Plan (See Technical Requirements applicable to all landscape plans of form CP-6730) |
| <input checked="" type="checkbox"/> Roof Plan | |

2. APPLICANT INFORMATION

Applicant Name Marc & Risa Dauer, Preuss Development, LLC

Address 2313 Duxbury Circle

Unit/Space Number _____

City Los Angeles

State CA

Zip 90034

Telephone _____

E-mail _____

3. CASE INFORMATION

ADM-2023-6116-SLD
Administrative Clearance Case Number

(VTT) 84089
Tract/Parcel Map Case Number

Additional Case Number (If applicable) _____

RD1.5-1
Existing Zone

N/A
Proposed Zone (If Applicable)

Low Medium II Residential
General Plan Land Use Designation

2 Single Family Dwellings
Existing Use

Small lot subdivision: 12 SFDs
Proposed Use

4. PROJECT SUMMARY

Project Address: 1904-1906 Preuss Road, Los Angeles, CA 90034

Community Plan Area: West Adams - Baldwin Hills - Leimert

Specific Plan, DRB, CDO, POD, NOD, CPIO or SN, including subarea if applicable:
N/A

Small Lot Subdivision Type (check all that apply)

☒ New construction ☐ Small Lot Subdivision of Existing Dwelling Unit/s** ☐ Renovation/Addition

** If your project involves the small lot subdivision of existing dwelling units, please describe the proposed alterations.

N/A

(Please note that any nonconforming building, structure or improvements may be maintained or repaired or structurally altered provided it conforms to LAMC Section 12.23-A):

5. PROJECT DETAILS

Proposed number of lots:	<u>12</u>	Proposed number of small lot homes:	<u>12</u>
Maximum building height:	<u>48'-3"</u>	Number of stories:	<u>4</u>
Roof deck(s) proposed:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Maximum building height with railing:	<u>48'-3"</u>
Total number of parking spaces provided:	<u>24</u>	Number of guest parking spaces provided (If applicable):	<u>0</u>
Common open space provided:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Size of common open space:	<u>N/A</u>

The following section shall be completed by City Planning staff at the time of filing:

6. ACCEPTANCE FOR FILING

Project Type

- ☐ New Construction
☐ Change of use from apartment unit to Small Lot Home
☐ Modification to an existing Small Lot Home that constitutes a Project
☐ Not a Project

Planning Signature	Phone Number
Print Name	Date
Receipt Number	Fee Miscellaneous sign off – Director

Small Lot Design Standards Checklist

To be completed by applicant and subsequently verified by Project Planners during project review.

A. BUILDING DESIGN

1. Dwelling Orientation

- a. Small Lot Homes abutting a right-of-way, including a public street, walk street, public stairways ("right-of-way") or private street shall orient the primary entryway ("front door") toward the right-of-way or, where there is a physical site constraint, shall provide a clearly identifiable pedestrian entry to the site from the right-of-way.
- b. Small Lot Homes located in the interior of the subdivision shall orient the primary entryway toward and be visible from a pedestrian pathway that is connected to the right-of-way.
- c. Small Lot Homes that abut an alley shall orient the primary entryway toward the alley or shall be connected to a pedestrian pathway that leads directly to a right-of-way.

2. Primary Entryways

- a. All Small Lot Homes shall have a primary entryway. All primary entryways shall provide the address or unit identification, ornamental low-level lighting to illuminate the entry area, and a landing area.
- b. All primary entryways shall incorporate at least four of the following elements:
 - i. The entryway shall be recessed at least 2 feet from the building façade to create a covered porch or landing area.
 - ii. The doorway shall be recessed at least 3 inches from the building façade.
 - iii. The entryway shall be designed with an overhead projection of at least 6 inches such as an awning or other architectural design features so as to distinguish the front door from the rest of the building façade, unless prohibited by LAMC Section 12.22 C.20.
 - iv. The entryway shall be clearly marked with a side lite window panel, adjacent window, or a door with a window.
 - v. The entryway shall be raised or sunken at least one stair step from the pedestrian pathway.
 - vi. The entryway landing area shall be enhanced with unique paving material, texture, pattern, or color that is differentiated from the pedestrian pathway.

3. Primary Entryways Between Small Lot Homes

- a. Small Lot Homes shall provide at least an 8-foot separation between the face of a primary entryway of a Small Lot Home and the adjacent building wall of a neighboring Small Lot Home. The separation may include projections as listed in 2.b.iii above, but be clear to sky for a minimum of 7 feet. The separation shall be measured along the portion of the pedestrian pathway that provides access to the entryway.

Yes	No	N/A	Plan Sheet	Administrative Use Only
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>

4. Façade Articulation

- a. Façades facing a right-of-way, the project perimeter, and all portions of exterior building elevations located greater than 7 feet from an adjacent Small Lot Home, shall be treated with an equal level of detail and articulation, and shall incorporate all of the following façade articulation techniques:
- i. Change in exterior building materials to include at least two high-quality building façade materials that accentuate or correspond to variations in building massing. Building materials may include, but are not limited to: wood, glass, brick, metal spandrel, cement board siding, or tile.
 - ii. Porticos, awnings, terraces, balconies, eyebrows, or trellises of at least 6 inches in depth that provide variations in the building plane.
 - iii. Window treatments that are extruded or recessed from the building façade a minimum of 3 inches. Windows or doors that are flush with the plane of the building (rather than extruded or recessed at least 3 inches) will not qualify as facade articulation.
 - iv. A break in the façade plane of a minimum of 6 inches in depth that is applied to at least 10 vertical feet of the facade.
 - v. Other additional architectural enhancements to the floor of the primary entrance and below, so as to create a human scale to the building. Examples include handrails, fixed planters, and ornamental details, such as lighting, molding, or tiles.

5. Varied Roofline

- a. For any Small Lot Home façade fronting a right-of-way exceeding two stories in height, the roofline shall be articulated by incorporating two of the following:
- i. A roof with a slope equal to or greater than 2 inches to 12 inches, including but not limited to a sloped or curved roofline at the top of the dwelling.
 - ii. A flat roof with a minimum of 2 feet vertical height difference for a minimum of 10 horizontal feet along the roofline of each building façade.
 - iii. A break in façade plane of a minimum of 6 inches in depth that is carried up to the roofline.
 - iv. Any form of roofline modulation such as a step back, an outdoor stairwell, or a corner balcony.

6. Roof Decks

- a. All roof decks along the project perimeter and abutting residential uses shall be stepped back a minimum of 5 feet from the roof edge, so that they are oriented away from and screened to prevent direct views of abutting residential neighbors. Roof decks facing a right-of-way are not required to be stepped back.

Yes	No	N/A	Plan Sheet	Administrative Use Only
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.30	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.30	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.30	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.30	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	L1.00	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.31	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.31	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.15	<input type="checkbox"/>

7. Building Massing Variation

- Small Lot Homes shall be grouped into clusters to avoid long spans of building wall. Clusters of Small Lot Homes shall be no more than six Small Lot Homes in a single continuous row or 180 linear feet, whichever is smaller. Clusters of Small Lot Homes shall be separated with a building gap of a minimum of 6 feet in width, which shall be treated with a combination of landscaping, open space, and common walkways or driveways.
- Small Lot Homes in a single row shall provide a lateral shift or break in the façade of a minimum of 6 inches for every three Small Lot Homes or 90 linear feet, whichever is smaller.
- Small Lot Homes shall be unique in design so that there is variety between Small Lot Homes within a subdivision. For a Small Lot Subdivision containing more than six Small Lot Homes in a single row, there shall be at least two variations in building design, such as changes in dwelling orientation, primary entryways, fenestration pattern, façade articulation, or varied roofline as prescribed in Subsections 1-5. For a Small Lot Subdivision of 20 or more Small Lot Homes, there shall be at least three variations in building design as stated above.

Yes	No	N/A	Plan Sheet	Administrative Use Only
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.30	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.30	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
B. PEDESTRIAN CONNECTIVITY AND ACCESS				
1. Pedestrian Pathways				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.10	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
2. Fences/Walls				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.30	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A1.30	<input type="checkbox"/>
C. LANDSCAPING				
1. Landscaping, Common Open Space Areas and Amenities				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	L1.00	<input type="checkbox"/>

b. Required Common Open Space Areas must:

- i. Be open to the sky and have no structures that project into the common open space area, except as provided in Section 12.22 C.20 (b).
- ii. Be located at grade level, contiguous or connected, and readily accessible to all residents of the site.
- iii. Have a minimum area of 300 sq. ft. with no horizontal dimension less than 15 feet when measured perpendicular from any point on each of the boundaries of the open space area. Driveways, parking spaces, or pedestrian pathways cannot be counted toward the open space requirement.

- c. The combination of required Common Open Space Areas shall be multifunctional and designed to accommodate a range of passive, active, or social uses, with enhancements such as landscaping, activity lawns, swimming pools, spas, picnic tables, benches, children's play areas, ball courts, barbecue areas, sitting areas, decorative bike racks, and/or dog washing stations. Common open space areas may include enhanced side yards and rear yards that meet the minimum area and dimension requirement above.

- d. All yards of a subdivision abutting the right-of-way shall be improved with landscaping (combination of groundcover, shrubs, and trees) and amenities. Amenities may include: decorative fencing, uncovered patios, enhanced pedestrian pathways, garden walls, seating areas, and/or decorative bike racks.

Yes	No	N/A	Plan Sheet	Administrative Use Only
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

D. MIXED USE SMALL LOTS

Small Lot Subdivisions may provide Small Lot Homes that contain commercial uses at the ground floor ("Mixed Use Small Lot Homes"). Mixed Use Small Lots must comply with all other applicable regulations governing the site with regards to parking, signage, access, and FAR limitations in the LAMC. The following Design Standards shall be required for any Mixed Use Small Lot Home in addition to the other Design Standards contained in this document.

1. Building Orientation and Entry

- a. Mixed Use Small Lot Homes shall be first located along the perimeter of the subdivision abutting the right-of-way.
- b. A Mixed Use Small Lot Home shall provide a separate ground floor entrance to the commercial use, or an identifiable lobby that serves both the residential and commercial uses. The commercial entrance shall be directly accessible from the right-of-way and open during the normal business hours posted by the business.

2. Building Design

- a. A Mixed Use Small Lot Home shall be designed with an identifiable ground floor commercial component.
- b. Store entrances shall be recessed, not flush, with the edge of the building facade to articulate the storefront and provide shelter for persons entering and exiting.
- c. The ground floor commercial use shall be visually separated from upper residential floors, with a façade treatment such as an awning, framing, setback, or overhang of at least 18 inches in depth, so as to distinguish the commercial base of the building.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

- d. The storefront of a ground floor non-residential use that fronts a right-of-way shall consist of at least fifty percent transparent windows and doors, unless otherwise prohibited by other sections of the L.A.M.C.
- e. Signage for the ground floor commercial use shall be located at or adjacent to the ground level, and be located no higher than 14 feet.

Yes	No	N/A	Plan Sheet	Administrative Use Only
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

E. BUNGALOW COURTS AND EXISTING STRUCTURE SMALL LOTS

Existing bungalow courts and detached single, duplex, or triplex dwelling structures may be subdivided in accordance with the 2018 Small Lot Code Amendment. The conversion of an existing "Bungalow Court or Existing Structure" to a Small Lot Subdivision shall only be required to comply with the following Design Standards.

1. Common Access Driveway

- a. Existing Common Access Driveways, pedestrian pathways, and central common open space areas shall be maintained and not reduced in size.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
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2. Pedestrian Pathway

- a. Pedestrian pathways of a minimum width of 3 feet shall be provided from the public rights-of-way to all primary entryways and common areas, such as centralized trash enclosures, guest parking, and open space easements. If narrower pathways exist, they may be maintained in the same footprint and area and shall not be further reduced in width.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
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3. Existing Structures

- a. New dwelling construction or additions to a designated or identified historic structure shall be in conformance with the Secretary of the Interior's Standards for Rehabilitation.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
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4. New Dwellings

- a. All new dwellings proposed in addition to a Bungalow Court or Existing Structure Small Lot project shall also meet the applicable design standards in sections A, B, and C of the Small Lot Design Standards. 5. Landscaping All open areas not used for buildings, parking areas, driveway, pedestrian pathways, utilities, or amenity areas shall be attractively landscaped and maintained.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
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Additional Design Details

The following section shall be completed by Project Planning staff after the review and approval of submitted plans:

8. ADMINISTRATIVE CLEARANCE APPROVAL

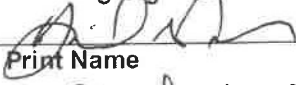
Planning Signature 	Phone Number (213) 978-1368
Print Name David Woon	Date 4/22/24

EXHIBIT G

PUBLIC COMMENTS



south robertson neighborhoods council

City of Los Angeles Certified Neighborhood Council

PO Box 35836
Los Angeles, CA 90035
(310) 295-9920
info@soronc.org
www.soronc.org



December 21, 2023

Michelle Carter, LA City Planner
200 North Spring Street, Room 763 Los Angeles, CA 90012
michelle.carter@lacity.org

The Honorable Heather Hutt- CD10
200 North Spring Street, Room 420 Los Angeles, CA 90012
heather.hutt@lacity.org

RE: Case # CPC-2023-6115

Dear Ms. Carter and Councilwoman Hutt,

The South Robertson Neighborhoods Council (SORO NC) at its December 21st, 2023 General Board meeting, voted to **OPPOSE** the proposed demolition of two single family residences located at 1904 Preuss Rd. and 1906 Preuss Rd., as well as OPPOSE the proposed construction of 12 townhomes (of approximately 2,400 sf each) on the two properties.

The vote to oppose the project was based on several factors brought by numerous Stakeholders and neighbors after a lengthy discussion. Among those factors were:

1. The requested height variance is too tall for neighborhood,
2. The proposed setbacks leave these residences too close to adjacent (much smaller) houses, impinging on their privacy and ability to use solar panels,
3. Type of project doesn't fit the character and feel of the community,
4. Street is too narrow and congested to accommodate additional parking and traffic,
5. Substantial impact on existing infrastructure- sewer, water, electricity, internet, etc.,
6. Ongoing bad behavior by the applicant, including operating the existing residences as an illegal Airbnb, among multiple other nuisance reports,
7. Applicant is disingenuousness about how this project helps solve the City's affordable housing crisis (even with one unit for sale as "low income").

Sincerely,

Michael W. Lynn

Michael Lynn
President
South Robertson Neighborhoods Council



David Woon <david.woon@lacity.org>

1904-1906 Preuss Rd

47 messages

Kevin Scott <kevin@bsilveira.associates>

Mon, Jan 22, 2024 at 12:18 PM

To: shelly rothschild <rothschildlaw@yahoo.com>, Meyer Shwarzstein <meyer@brainstormmedia.com>

Cc: Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, Jesi Harris

<jesi@bsilveira.associates>, hakeem.parke-davis@lacity.org, barkh1234@gmail.com, David Woon <david.woon@lacity.org>

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the public. As an example of what is expected of a developer in terms of indemnification, I've attached a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave](#). Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if for some reason they still appear blank for you and I will find another way to get you the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance. However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the

development timeline advances, Meyer, furthering the conversation you had with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that would prove these

statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a sham. Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although elsewhere you admit there are no final plans, and no final permits are attached or

cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City's permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says **“within fault zone.”**

It also is within a “poorly constrained” Slip Zone per Zimas, and your experts admit that the project currently only has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting ***our*** personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their misconduct. It is simply logic: If they do not anticipate violating their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and copies as soon as

they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block, which is the affected area, by burying it in reams of irrelevant general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block**.

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know about narrow streets in Salt Lake City and the other few cities studied.**

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the “Alquist-Priolo Fault Study Zone.” This does not mean that the fault runs through the property. The fault is actually nowhere near the property; **there is no trace of fault near the property, just the generously drawn Study Zone.**

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City's approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this district. https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf. **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct, another example of their bad faith in pursuing this. They need have no fear of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of enriching themselves. Spectrum does not need to mitigate; it is solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large number of trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your construction. None of the alleged abatement devices **is** in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, “any agreement between us and the developers will need to be included as part of the plans. It’s the only way that a 3rd party will be able to provide us a meaningful guarantee.”

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction; no work at night or on the Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different

from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City. The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant effect relating to transportation**, and further analysis of the project's VMT contribution would not be warranted."*

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower

streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone. We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study area, which itself is a large buffer around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done.

When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department. LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they

receive the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development. Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:
Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:
I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:

Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:

Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will I make it on time to make comments if I'm there by 8?

--

Jesi Harris

Sr Project Manager + Partner

M: 704.277.7332

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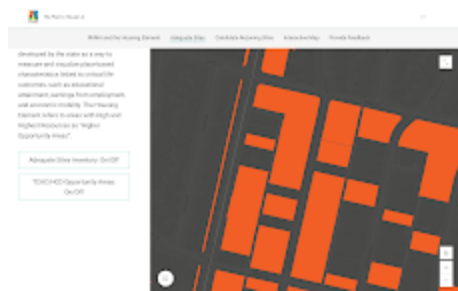
Kevin Scott

Associate Planner/Policy Analyst

M: 651.210.3652

Brian Silveira & Associates | Venice, California | bsilveira.associates

4 attachments



Housing Element - Adequate Sites.png
954K

 **Geology & Soils Report LADBS Approval Letter-1904 Preuss Rd.pdf**
1093K

 **Geology & Soils Report-1904 Preuss Rd ONLY.pdf**
12857K

 **1854 Pandora - Letter of Determination (1).pdf**
576K

Meyer Shwarzstein <meyer@brainstormmedia.com>

Tue, Jan 23, 2024 at 4:14 PM

To: Kevin Scott <kevin@bsilveira.associates>

Cc: shelly rothschild <rothschildlaw@yahoo.com>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, Jesi Harris <jesi@bsilveira.associates>, hakeem.parke-davis@lacity.org, barkh1234@gmail.com, David Woon <david.woon@lacity.org>

Dear Kevin, Silveira associates, and members of the City of Los Angeles,

This is a difficult time for me, but I feel that a reply is urgently required.

While we appreciate the fact that more housing is needed, the city report prioritizes other items which are not accounted for in these plans. There is an emphasis on the need for trees, open space, retaining the sense of community in existing neighborhoods, and clean energy.

This project will have a negative impact on all of those items.

As you know, we've planned dozens of trees on our property, and we depend on solar energy for our electrical needs. Four-story structures built to the south of us will have a clear negative environmental impact on us and our surroundings. And that's without considering the trees that will be cut back to make room for the new development.

I understand that the city wants more buildings - do they need to allow for an exemption so they are built four stories tall?

As for the neighborhood - this is clearly disruptive. That was clearly shown not just by the number of people who showed up at the neighborhood meeting, but by the SORO neighborhood council stance. Not only did they not agree to support your project, they wrote a letter to the city opposing it. That clearly suggests that this is not just about our block - it's disruptive to our neighborhood.

In the meantime, we now have a health concern in our family. It will be tragic if our daughter needs to spend her last years next door to a massive construction project. We already know that our person interests are of no concern given Shelley's current medical condition. Humanity is not part of this equation.

The city's pro-development agenda is bulldozing the interests of neighborhood stakeholders, uprooting green initiatives, disrupting clean energy efforts, and doing so in the supposed support of community.

In the City of Los Angeles, the neighbor and community interests come last.

I've done work with homeless organizations in Los Angeles. It happens to be an area in which I've been interested in for years. Jesi and I talked about that early in our conversations. I'm not without sympathy and I acknowledge the bigger questions on the table. Solutions need to be found, but all elements ought to be taken into consideration when evaluating a given project. If decisions are merely made by edict, then a community's needs are not served.

When I mention our situation to others, they quickly suggest that we cash in and find another place to live. Is that part of the city's plans? To push people out of neighborhoods where they've lived for decades? I invested in this neighborhood - planting trees, building relationships, and pushing environmental causes. Because of my initiative, the synagogue on

whose board I sit is now installing a \$300k solar energy plant. And, as part of that, we're getting over a dozen individuals to install solar power at their homes.

I'm not looking for kudos - what's missing is an evaluation of what's lost if we all leave.

Alternatively; what if the City of Los Angeles embraced neighborhoods like ours to help reinforce good will in communities?

Unfortunately, we're just part of the collateral damage in the quest of a political agenda.

You know, in biblical times, fruit trees were protected even when a land was conquered. They were known to be an important source of food and life that deserved protecting. Sadly, that value is also now also being buried. In exchange for what?

Sincerely,
Meyer Shwarzstein

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Wed, Jan 24, 2024 at 11:31 AM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>

Cc: Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, Jesi Harris

<jesi@bsilveira.associates>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "barkh1234@gmail.com" <barkh1234@gmail.com>, David Woon <david.woon@lacity.org>

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing for the rich.

I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.

Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws, regulations, building plans, and permits.

All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

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shelly rothschild <rothschildlaw@yahoo.com>

Wed, Jan 24, 2024 at 2:02 PM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>

Cc: Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, Jesi Harris

<jesi@bsilveira.associates>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "barkh1234@gmail.com" <barkh1234@gmail.com>, David Woon <david.woon@lacity.org>

How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly RothschildEmail: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

David Woon <david.woon@lacity.org>

Thu, Jan 25, 2024 at 5:14 PM

To: shelly rothschild <rothschildlaw@yahoo.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, Jesi Harris <jesi@bsilveira.associates>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "barkh1234@gmail.com" <barkh1234@gmail.com>

Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

[Quoted text hidden]

--

**David Woon**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 763

Los Angeles, CA 90012

T: (213) 978-1368 | Planning4LA.org**shelly rothschild** <rothschildlaw@yahoo.com>

Thu, Jan 25, 2024 at 5:14 PM

To: David Woon <david.woon@lacity.org>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, Jesi Harris <jesi@bsilveira.associates>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "barkh1234@gmail.com" <barkh1234@gmail.com>

Thanks David. When is the next meeting on this project?

[Sent from Yahoo Mail for iPhone](#)

[Quoted text hidden]

Meyer Shwarzstein <meyer@brainstormmedia.com>

Thu, Jan 25, 2024 at 9:00 PM

To: David Woon <david.woon@lacity.org>

Cc: Jesi Harris <jesi@bsilveira.associates>, Kevin Scott <kevin@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, shelly rothschild <rothschildlaw@yahoo.com>

Thank you David.

There are other neighbors who are interested in staying engaged regarding this project. Should we encourage them to write to you and your team?

We appreciate the challenges you face in balancing the various city needs. Thank you your consideration.

Sincerely,
MeyerOn Thu, Jan 25, 2024 at 5:13 PM David Woon <david.woon@lacity.org> wrote:

Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

On Wed, Jan 24, 2024 at 2:02 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Wednesday, January 24, 2024 at 11:31:30 AM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing for the rich. I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.

Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws, regulations, building plans, and permits.

All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Monday, January 22, 2024 at 12:18:50 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the public. As an example of what is expected of a developer in terms of indemnification, I've attached a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave](#). Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if for some reason they still appear blank for you and I will find another way to get you the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance. However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the development timeline advances, Meyer, furthering the conversation you had with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that would prove these statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a sham. Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although elsewhere you admit there are no final plans, and no final permits are attached or cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City's permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says **“within fault zone.”**

It also is within a “poorly constrained” Slip Zone per Zimas, and your experts admit that the project currently only has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting **our** personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their misconduct. It is simply logic: If they do not anticipate violating their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and copies as soon as they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block, which

is the affected area, by burying it in reams of irrelevant general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block**.

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know about narrow streets in Salt Lake City and the other few cities studied.**

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the “Alquist-Priolo Fault Study Zone.” This does not mean that the fault runs through the property. The fault is actually nowhere near the property; **there is no trace of fault near the property, just the generously drawn Study Zone.**

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property’s rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City’s approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this district. https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf. **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct, another example of their bad faith in pursuing this. They need have no fear

of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of enriching themselves. Spectrum does not need to mitigate; it is solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large number of

trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your construction. None of the alleged abatement devices **is** in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, "any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee."

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction;

no work at night or on the Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City. The

project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant effect relating to transportation**, and further analysis of the project's VMT contribution would not be warranted."*

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone. We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study area, which itself is a large buffer

around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done. When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department. LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they receive the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will

not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development. Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:
Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:
I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:
Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:
Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will Inmake it on time to make comments if I'm there by 8?

--

Jesi Harris
Sr Project Manager + Partner
M: 704.277.7332

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Kevin Scott
Associate Planner/Policy Analyst
M: 651.210.3652

Brian Silveira & Associates | Venice, California | bsilveira.associates

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David Woon
Pronouns: He, His, Him
Planning Assistant
Los Angeles City Planning
200 N. Spring St., Room 763
Los Angeles, CA 90012
T: (213) 978-1368 | Planning4LA.org



David Woon <david.woon@lacity.org> Fri, Jan 26, 2024 at 8:52 AM
To: Meyer Shwarzstein <meyer@brainstormmedia.com>
Cc: Jesi Harris <jesi@bsilveira.associates>, Kevin Scott <kevin@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>,

"hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, shelly rothschild <rothschildlaw@yahoo.com>

Good Morning Shelly and Meyer,

A hearing for this Project has not yet been scheduled. If you would like to receive notice of any future hearings and the determination letter, please complete the Interested Parties Form that can be found [here](#).

If there are neighbors who are interested in providing written comments, they can do so by emailing me at david.woon@lacity.org.

Best,

David

On Thu, Jan 25, 2024 at 9:00 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thank you David.

There are other neighbors who are interested in staying engaged regarding this project. Should we encourage them to write to you and your team?

We appreciate the challenges you face in balancing the various city needs. Thank you your consideration.

Sincerely,
Meyer

On Thu, Jan 25, 2024 at 5:13 PM David Woon <david.woon@lacity.org> wrote:

Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

On Wed, Jan 24, 2024 at 2:02 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly Rothschild
Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Wednesday, January 24, 2024 at 11:31:30 AM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing for the rich.

I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.

Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws, regulations, building plans, and permits.

All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild
Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Monday, January 22, 2024 at 12:18:50 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the public. As an example of what is expected of a developer in terms of indemnification, I've attached a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave](#). Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if

for some reason they still appear blank for you and I will find another way to get you the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance. However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the development timeline advances, Meyer, furthering the conversation you had

with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that would prove these

statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a sham. Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although

elsewhere you admit there are no final plans, and no final permits are attached or cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City's permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says "**within fault zone.**"

It also is within a "poorly constrained" Slip Zone per Zimas, and your experts admit that the project currently only has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting ***our*** personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their misconduct. It is simply logic: If they do not anticipate violating their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and

copies as soon as they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block, which is the affected area, by burying it in reams of irrelevant general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block**.

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know about narrow streets in Salt Lake City and the other few cities studied.**

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the “Alquist-Priolo Fault Study Zone.” This does not mean that the fault runs through the property. The fault is actually nowhere near the property; **there is no trace of fault near the property, just the generously drawn Study Zone.**

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property’s rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City’s approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this district. <https://planning>.

[lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf](https://www.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf). **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct, another example of their bad faith in pursuing this. They need have no fear of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of enriching themselves. Spectrum does not need to mitigate; it is solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large number of trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your construction. None of the alleged abatement devices is in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to

see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, “any agreement between us and the developers will need to be included as part of the plans. It’s the only way that a 3rd party will be able to provide us a meaningful guarantee.”

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction; no work at night or on the Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that

the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City. The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT

calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant effect relating to transportation**, and further analysis of the project's VMT contribution would not be warranted."*

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone. We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study area, which itself is a large buffer around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done. When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department. LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and

other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they receive the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development.

Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:

I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:

Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:

Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will Inmake it on time to make comments if I'm there by 8?

--

Jesi Harris

Sr Project Manager + Partner

M: 704.277.7332

--

Kevin Scott

Associate Planner/Policy Analyst

M: 651.210.3652

Brian Silveira & Associates | Venice, California | bsilveira.associates

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David Woon

Pronouns: He, His, Him

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shelly rothschild <rothschildlaw@yahoo.com>

To: Meyer Shwarzstein <meyer@brainstormmedia.com>, David Woon <david.woon@lacity.org>

Fri, Jan 26, 2024 at 8:56 AM

Cc: Jesi Harris <jesi@bsilveira.associates>, Kevin Scott <kevin@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Thank you, David!

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 26, 2024 at 08:50:58 AM PST, David Woon <david.woon@lacity.org> wrote:

Good Morning Shelly and Meyer,

A hearing for this Project has not yet been scheduled. If you would like to receive notice of any future hearings and the determination letter, please complete the Interested Parties Form that can be found [here](#).

If there are neighbors who are interested in providing written comments, they can do so by emailing me at david.woon@lacity.org.

Best,

David

On Thu, Jan 25, 2024 at 9:00 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thank you David.

There are other neighbors who are interested in staying engaged regarding this project. Should we encourage them to write to you and your team?

We appreciate the challenges you face in balancing the various city needs. Thank you your consideration.

Sincerely,
Meyer

On Thu, Jan 25, 2024 at 5:13 PM David Woon <david.woon@lacity.org> wrote:

Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

On Wed, Jan 24, 2024 at 2:02 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Wednesday, January 24, 2024 at 11:31:30 AM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing for the rich.

I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.
Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws, regulations, building plans, and permits.
All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild
Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Monday, January 22, 2024 at 12:18:50 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the

public. As an example of what is expected of a developer in terms of indemnification, I've attached a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave](#). Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if for some reason they still appear blank for you and I will find another way to get you the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance.

However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the development timeline advances, Meyer, furthering the conversation you had with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that would prove these statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a sham.

Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although elsewhere you admit there are no final plans, and no final permits are attached or cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City's permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says "**within fault zone.**"

It also is within a "poorly constrained" Slip Zone per Zimas, and your experts admit that the project currently only has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the

properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting *our* personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their misconduct. It is simply logic: If they do not anticipate violating their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those

against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and copies as soon as they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block, which is the affected area, by burying it in reams of irrelevant general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block**.

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know about narrow streets in Salt Lake City and the other few cities studied.**

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the “Alquist-Priolo Fault Study Zone.” This does not mean that the fault runs through the property. The fault is actually nowhere near the property; **there is**

no trace of fault near the property, just the generously drawn Study Zone.

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property’s rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City’s approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this district. https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf. **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct, another example of their bad faith in pursuing this. They need have no fear of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical

Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of enriching themselves. Spectrum does not need to mitigate; it is solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large number of trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your

construction. None of the alleged abatement devices **is** in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, "any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee."

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction; no work at night or on the Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not

and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City. The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and

the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant effect relating to transportation**, and further analysis of the project's VMT contribution would not be warranted."*

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone. We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study area, which itself is a large buffer around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are

for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done. When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department. LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:
As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they receive the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development. Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:
Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:
I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:
Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:
Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will I make it on time to make comments if I'm there by 8?

--

Jesi Harris
Sr Project Manager + Partner
M: 704.277.7332

--

Kevin Scott
Associate Planner/Policy Analyst
M: 651.210.3652

Brian Silveira & Associates | Venice, California | bsilveira.associates



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**shelly rothschild** <rothschildlaw@yahoo.com>

Fri, Jan 26, 2024 at 11:33 AM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>, David Woon <david.woon@lacity.org>

Cc: Jesi Harris <jesi@bsilveira.associates>, Kevin Scott <kevin@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

For the form for notices, what is the case number?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470On Friday, January 26, 2024 at 08:50:58 AM PST, David Woon <david.woon@lacity.org> wrote:

Good Morning Shelly and Meyer,

A hearing for this Project has not yet been scheduled. If you would like to receive notice of any future hearings and the determination letter, please complete the Interested Parties Form that can be found [here](#).

If there are neighbors who are interested in providing written comments, they can do so by emailing me at david.woon@lacity.org.

Best,

David

On Thu, Jan 25, 2024 at 9:00 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thank you David.

There are other neighbors who are interested in staying engaged regarding this project. Should we encourage them to write to you and your team?

We appreciate the challenges you face in balancing the various city needs. Thank you your consideration.

Sincerely,
Meyer

On Thu, Jan 25, 2024 at 5:13 PM David Woon <david.woon@lacity.org> wrote:

Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

On Wed, Jan 24, 2024 at 2:02 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Wednesday, January 24, 2024 at 11:31:30 AM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing for the rich.

I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.

Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws, regulations, building plans, and permits.

All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Monday, January 22, 2024 at 12:18:50 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background

comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the public. As an example of what is expected of a developer in terms of indemnification, I've attached a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave](#). Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if for some reason they still appear blank for you and I will find another way to get you the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance. However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the development timeline advances, Meyer, furthering the conversation you had with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that would prove these statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a sham. Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although elsewhere you admit there are no final plans, and no final permits are attached or cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City's permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says **“within fault zone.”**

It also is within a “poorly constrained” Slip Zone per Zimas, and your experts admit that the project currently only has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting **our** personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their misconduct. It is simply logic: If they do not anticipate violating their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and copies as soon as they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block,

which is the affected area, by burying it in reams of irrelevant general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block**.

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know about**

narrow streets in Salt Lake City and the other few cities studied.

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the “Alquist-Priolo Fault Study Zone.” This does not mean that the fault runs through the property. The fault is actually nowhere near the property; **there is no trace of fault near the property, just the generously drawn Study Zone.**

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property’s rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City’s approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this district. https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf. **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and

will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct, another example of their bad faith in pursuing this. They need have no fear of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of

enriching themselves. Spectrum does not need to mitigate; it is solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large number of trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your construction. None of the alleged abatement devices **is** in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, "any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee."

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees covering

that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction; no work at night or on the Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City. The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant effect relating to transportation**, and further analysis of the project's VMT contribution would not be warranted."*

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near

the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone. We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study area, which itself is a large buffer around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done. When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department. LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they receive

the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development. Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:
Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:
I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:
Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:
Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will I make it on time to make comments if I'm there by 8?

--

Jesi Harris

Sr Project Manager + Partner

M: 704.277.7332

--

Kevin Scott

Associate Planner/Policy Analyst

M: 651.210.3652

Brian Silveira & Associates | Venice, California | bsilveira.associates

**David Woon**

Pronouns: He, His, Him

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**shelly rothschild** <rothschildlaw@yahoo.com>

Fri, Jan 26, 2024 at 11:34 AM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>, David Woon <david.woon@lacity.org>

Cc: Jesi Harris <jesi@bsilveira.associates>, Kevin Scott <kevin@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

For the form for notices, who is the planner staff contact?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470On Friday, January 26, 2024 at 08:50:58 AM PST, David Woon <david.woon@lacity.org> wrote:

Good Morning Shelly and Meyer,

A hearing for this Project has not yet been scheduled. If you would like to receive notice of any future hearings and the determination letter, please complete the Interested Parties Form that can be found [here](#).

If there are neighbors who are interested in providing written comments, they can do so by emailing me at david.woon@lacity.org.

Best,

David

On Thu, Jan 25, 2024 at 9:00 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thank you David.

There are other neighbors who are interested in staying engaged regarding this project. Should we encourage them to write to you and your team?

We appreciate the challenges you face in balancing the various city needs. Thank you your consideration.

Sincerely,
Meyer

On Thu, Jan 25, 2024 at 5:13 PM David Woon <david.woon@lacity.org> wrote:

Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

On Wed, Jan 24, 2024 at 2:02 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Wednesday, January 24, 2024 at 11:31:30 AM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing for the rich.

I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.

Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws, regulations, building plans, and permits.

All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Monday, January 22, 2024 at 12:18:50 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to

curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the public. As an example of what is expected of a developer in terms of indemnification, I've attached a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave](#). Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if for some reason they still appear blank for you and I will find another way to get you the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault

rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance. However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the development timeline advances, Meyer, furthering the conversation you had with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that would prove these statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a sham. Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although elsewhere you admit there are no final plans, and no final permits are attached or cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City’s permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says “**within fault zone.**”

It also is within a “poorly constrained” Slip Zone per Zimas, and your experts admit that the project currently only has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and

all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting **our** personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their misconduct. It is simply logic: If they do not anticipate violating their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and copies as soon as they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust

or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block, which is the affected area, by burying it in reams of irrelevant general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block**.

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never

meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know about narrow streets in Salt Lake City and the other few cities studied.**

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the “Alquist-Priolo Fault Study Zone.” This does not mean that the fault runs through the property. The fault is actually nowhere near the property; **there is no trace of fault near the property, just the generously drawn Study Zone.**

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property’s rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no

setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City's approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this district. https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf. **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct, another example of their bad faith in pursuing this. They need have no fear of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of enriching themselves. Spectrum does not need to mitigate; it is solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large number of trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your construction. None of the alleged abatement devices **is** in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, “any agreement between us and the developers will need to be included as part of the plans. It’s the only way that a 3rd party will be able to provide us a meaningful guarantee.”

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction; no work at night or on the Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City. The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant***

effect relating to transportation, and further analysis of the project's VMT contribution would not be warranted."

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone. We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study area, which itself is a large buffer around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done. When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department. LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact

of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the

property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they receive the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development. Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:

I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:

Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:

Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will I make it on time to make comments if I'm there by 8?

--

Jesi Harris*Sr Project Manager + Partner*

M: 704.277.7332

--

Kevin Scott*Associate Planner/Policy Analyst*

M: 651.210.3652

Brian Silveira & Associates | Venice, California | bsilveira.associates

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**David Woon**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

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Los Angeles, CA 90012

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Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 763

Los Angeles, CA 90012

T: (213) 978-1368 | Planning4LA.org**David Woon** <david.woon@lacity.org>

Fri, Jan 26, 2024 at 11:54 AM

To: shelly rothschild <rothschildlaw@yahoo.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Jesi Harris <jesi@bsilveira.associates>, Kevin Scott <kevin@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Hi Shelly,

The case numbers associated with this Project are:

CPC-2023-6115-DB-HCA

VTT-84089-SL-HCA

The planner staff contact is myself, David Woon.

You can list one of these, and the form will go through.

David

On Fri, Jan 26, 2024 at 11:33 AM shelly rothschild <rothschildlaw@yahoo.com> wrote:

For the form for notices, what is the case number?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 26, 2024 at 08:50:58 AM PST, David Woon <david.woon@lacity.org> wrote:

Good Morning Shelly and Meyer,

A hearing for this Project has not yet been scheduled. If you would like to receive notice of any future hearings and the determination letter, please complete the Interested Parties Form that can be found [here](#).

If there are neighbors who are interested in providing written comments, they can do so by emailing me at david.woon@lacity.org.

Best,

David

On Thu, Jan 25, 2024 at 9:00 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thank you David.

There are other neighbors who are interested in staying engaged regarding this project. Should we encourage them to write to you and your team?

We appreciate the challenges you face in balancing the various city needs. Thank you your consideration.

Sincerely,
Meyer

On Thu, Jan 25, 2024 at 5:13 PM David Woon <david.woon@lacity.org> wrote:

Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

On Wed, Jan 24, 2024 at 2:02 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Wednesday, January 24, 2024 at 11:31:30 AM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing for the rich.

I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.

Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws,

regulations, building plans, and permits.

All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Monday, January 22, 2024 at 12:18:50 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the public. As an example of what is expected of a developer in terms of indemnification, I've attached

a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave.](#) Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if for some reason they still appear blank for you and I will find another way to get you the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance.

However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the development timeline advances, Meyer, furthering the conversation you had with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that would prove these statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a

sham. Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although elsewhere you admit there are no final plans, and no final permits are attached or cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City's permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says "**within fault zone.**"

It also is within a "poorly constrained" Slip Zone per Zimas, and your experts admit that the project currently only has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the

properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting **our** personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their misconduct. It is simply logic: If they do not anticipate violating their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those

against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and copies as soon as they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block, which is the affected area, by burying it in reams of irrelevant general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block**.

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know about narrow streets in Salt Lake City and the other few cities studied.**

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near the

property; **there is no trace of fault near the property, just the generously drawn Study Zone.**

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property’s rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City’s approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this

district. [https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-](https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf)

[4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf](https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf). **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct, another example of their bad faith in pursuing this. They need have no fear of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly

common. The supporting document would be the Categorical Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of enriching themselves. Spectrum does not need to mitigate; it is solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large number of trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your

construction. None of the alleged abatement devices **is** in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, "any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee."

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction; no work at night or on the Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was

checked and approved by the City. The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant effect relating to transportation**, and further analysis of the project's VMT contribution would not be warranted."*

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone. We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study

area, which itself is a large buffer around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done.

When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department. LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they receive the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development. Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:
Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:
I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:
Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:
Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will I make it on time to make comments if I'm there by 8?

--

Jesi Harris
Sr Project Manager + Partner
M: 704.277.7332

--

Kevin Scott
Associate Planner/Policy Analyst
M: 651.210.3652

Brian Silveira & Associates | Venice, California | bsilveira.associates

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**David Woon**

Pronouns: He, His, Him

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**shelly rothschild** <rothschildlaw@yahoo.com>

Fri, Jan 26, 2024 at 12:09 PM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>, David Woon <david.woon@lacity.org>

Cc: Jesi Harris <jesi@bsilveira.associates>, Kevin Scott <kevin@bsilveira.associates>, Mayra Guevara

<mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>,

"hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Thanks! I submitted it under both of my emails to make sure I get notice.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 26, 2024 at 08:50:58 AM PST, David Woon <david.woon@lacity.org> wrote:

Good Morning Shelly and Meyer,

A hearing for this Project has not yet been scheduled. If you would like to receive notice of any future hearings and the determination letter, please complete the Interested Parties Form that can be found [here](#).

If there are neighbors who are interested in providing written comments, they can do so by emailing me at david.woon@lacity.org.

Best,

David

On Thu, Jan 25, 2024 at 9:00 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Thank you David.

There are other neighbors who are interested in staying engaged regarding this project. Should we encourage them to write to you and your team?

We appreciate the challenges you face in balancing the various city needs. Thank you your consideration.

Sincerely,
Meyer

On Thu, Jan 25, 2024 at 5:13 PM David Woon <david.woon@lacity.org> wrote:
Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

On Wed, Jan 24, 2024 at 2:02 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:
How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly Rothschild
Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Wednesday, January 24, 2024 at 11:31:30 AM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing for the rich.

I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.
Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws, regulations, building plans, and permits.
All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild
Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Monday, January 22, 2024 at 12:18:50 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the public. As an example of what is expected of a developer in terms of indemnification, I've attached a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave](#). Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if for some reason they still appear blank for you and I will find another way to get you the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance. However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the development timeline advances, Meyer, furthering the conversation you had with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that would prove these statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of

dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a sham. Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although elsewhere you admit there are no final plans, and no final permits are attached or cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City’s permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says “**within fault zone.**”

It also is within a “poorly constrained” Slip Zone per Zimas, and your experts admit that the project currently only has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting ***our*** personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their misconduct. It is simply logic: If they do not anticipate violating their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and copies as soon as they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block, which is the affected area, by burying it in reams of irrelevant general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block**.

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you

cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know about narrow streets in Salt Lake City and the other few cities studied.**

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the “Alquist-Priolo Fault Study Zone.” This does not mean that the fault runs through the property. The fault is actually nowhere near the property; **there is no trace of fault near the property, just the generously drawn Study Zone.**

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City's approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this district. https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf. **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct, another example of their bad faith in pursuing this. They need have no fear of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers

pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of enriching themselves. Spectrum does not need to mitigate; it is solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which

you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large number of trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your construction. None of the alleged abatement devices **is** in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, “any agreement between us and the developers will need to be included as part of the plans. It’s the only way that a 3rd party will be able to provide us a meaningful guarantee.”

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction; no work at night or on the Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City. The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT

calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant effect relating to transportation**, and further analysis of the project's VMT contribution would not be warranted."*

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone. We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study area, which itself is a large buffer around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done. When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department. LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and

other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they receive the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development.

Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:

I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:

Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:

Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will Inmake it on time to make comments if I'm there by 8?

--

Jesi Harris

Sr Project Manager + Partner

M: 704.277.7332

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Kevin Scott

Associate Planner/Policy Analyst

M: 651.210.3652

Brian Silveira & Associates | Venice, California | bsilveira.associates

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LOS ANGELES
CITY PLANNING

David Woon

Pronouns: He, His, Him

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Kevin Scott <kevin@bsilveira.associates>

Mon, Jan 29, 2024 at 10:35 AM

To: shelly rothschild <rothschildlaw@yahoo.com>, Meyer Shwarzstein <meyer@brainstormmedia.com>

Cc: David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Meyer,

I appreciate your taking time to stay engaged on this project right now. Without knowing the details of your daughter's condition, it sounds like you and your family are going through an incredibly difficult period, and I wish you strength and hope in that.

I know you're probably tired of hearing me go on about this point, but at the end of the day, the need for more housing in LA has to be prioritized. And no one is suggesting that this project alone will fix, or even make a dent, in a crisis that's been decades in the making. The situation we find ourselves in is largely due to a hyper-local concentration of decision-making power—a regime of opposition to new construction that dominated the discourse and influenced elected officials and planners for generations. The upshot is that we fell way behind as a city. This project represents a tiny piece in a much larger response to the housing crisis, a response that needs to happen all over the city and may take many years for its benefits to be fully realized.

Your tradition of planting trees in your yard every year is truly beautiful, and it saddens me to think some of them could be harmed by receiving less sunlight. I wish I had a satisfying answer to that. But one broader way to look at the environmental issue, which I admit doesn't address your specific concern, is that building housing more densely in urban areas, such as your neighborhood, ultimately preserves open space by limiting urban sprawl. While the need to create and preserve green space within a city like Los Angeles is incredibly important, the strategy of building in the outskirts of the city, instead of where there is already development, clearly has serious implications for greenhouse gas emissions and vulnerability to wildfires as well as traffic and transportation safety impacts.

In regards to the height of the buildings, again this neighborhood is zoned for multifamily dwellings, and this zoning has a height limit of 45 feet, which is essentially four stories. The only reason that we are using a density bonus request to go up to 48'3" is because of the slope of the lot. Since the 1940's, when many of the houses on your block were built, single family homes were sufficient to house everyone who wanted to live there. That's not the case anymore. There's much more demand for housing in the neighborhood.

Shelly, to your point about the price of the units – again, we can't say what these units will cost at this point, there is too much uncertainty to be able to project that. What we can say is that land, labor, and materials are incredibly expensive in Los Angeles, and those are factors in the price we can't control. For perspective, however, we had a licensed real estate agent put together some comp reports of new home sales in the area. These reports reflect new construction (built up to 2021) within 1 mile of the project site, and show the massive difference between condo/small lot home types and single family homes on standard lots. They show that most condo and small lot homes are selling for around \$1.5M while the single family homes on larger lots are selling for around \$4.5M.

While you're right that the median Angeleno is probably not going to be able to afford new construction of any type, that's frankly true everywhere in Los Angeles. However, even construction of market rate units relieves pressure on the housing market, slowing price growth.

I really hope that we can find some common ground here, and have a conversation. I previously mentioned that we're open to talking about internet service, construction hours, getting you permits once they're issued, and Meyer, about power banking for your solar and your landscaping suggestions. Would you be available this week tomorrow,

Wednesday, or Thursday afternoon to discuss these issues? Please let me know if there's a time that works for you and I can set up a Zoom call.

Thank you,
Kevin

On Fri, Jan 26, 2024 at 12:09 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

Thanks! I submitted it under both of my emails to make sure I get notice.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 26, 2024 at 08:50:58 AM PST, David Woon <david.woon@lacity.org> wrote:

Good Morning Shelly and Meyer,

A hearing for this Project has not yet been scheduled. If you would like to receive notice of any future hearings and the determination letter, please complete the Interested Parties Form that can be found [here](#).

If there are neighbors who are interested in providing written comments, they can do so by emailing me at david.woon@lacity.org.

Best,

David

On Thu, Jan 25, 2024 at 9:00 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thank you David.

There are other neighbors who are interested in staying engaged regarding this project. Should we encourage them to write to you and your team?

We appreciate the challenges you face in balancing the various city needs. Thank you your consideration.

Sincerely,
Meyer

On Thu, Jan 25, 2024 at 5:13 PM David Woon <david.woon@lacity.org> wrote:

Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

On Wed, Jan 24, 2024 at 2:02 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Wednesday, January 24, 2024 at 11:31:30 AM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing

for the rich.

I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.

Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws, regulations, building plans, and permits.

All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Monday, January 22, 2024 at 12:18:50 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would

be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the public. As an example of what is expected of a developer in terms of indemnification, I've attached a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave](#). Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if for some reason they still appear blank for you and I will find another way to get you the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance. However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the development timeline advances, Meyer, furthering the conversation you had with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that would prove these statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with

the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a sham. Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although elsewhere you admit there are no final plans, and no final permits are attached or cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City's permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says **“within fault zone.”**

It also is within a “poorly constrained” Slip Zone per Zimas, and your experts admit that the project currently only

has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting **our** personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their

misconduct. It is simply logic: If they do not anticipate violating their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and copies as soon as they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block, which is the affected area, by burying it in reams of irrelevant

general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block**.

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know**

about narrow streets in Salt Lake City and the other few cities studied.

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the “Alquist-Priolo Fault Study Zone.” This does not mean that the fault runs through the property. The fault is actually nowhere near the property; **there is no trace of fault near the property, just the generously drawn Study Zone.**

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property’s rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City’s approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this district. https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf. **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct, another example of their bad faith in pursuing this. They need have no fear of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of enriching themselves. Spectrum does not need to mitigate; it is solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large number of trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your construction. None of the alleged abatement devices **is** in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, "any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee."

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction; no work at night or on the Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs

Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City. The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant effect relating to transportation**, and further analysis of the project's VMT contribution would not be warranted."*

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins

Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone. We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study area, which itself is a large buffer around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done.

When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department. LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be

permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they receive the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development. Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:
Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:

I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:
Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:
Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will I make it on time to make comments if I'm there by 8?

--

Jesi Harris

Sr Project Manager + Partner
M: 704.277.7332

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Kevin Scott

Associate Planner/Policy Analyst

M: 651.210.3652

Brian Silveira & Associates | Venice, California | bsilveira.associates

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**David Woon**

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

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2 attachments**Comps SFR-1904 Preuss Rd.pdf**

5K

**Comps Condos & SLD-1904 Preuss Rd.pdf**

7K

shelly rothschild <rothschildlaw@yahoo.com>

Mon, Jan 29, 2024 at 10:58 AM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>Cc: David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara<mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>,"hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Hoping to be well enough to respond in near future.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470On Monday, January 29, 2024 at 10:35:55 AM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Meyer,

I appreciate your taking time to stay engaged on this project right now. Without knowing the details of your daughter's condition, it sounds like you and your family are going through an incredibly difficult period, and I wish you strength and hope in that.

I know you're probably tired of hearing me go on about this point, but at the end of the day, the need for more housing in LA has to be prioritized. And no one is suggesting that this project alone will fix, or even make a dent, in a crisis that's been decades in the making. The situation we find ourselves in is largely due to a hyper-local concentration of decision-making power—a regime of opposition to new construction that dominated the discourse and influenced elected officials and planners for generations. The upshot is that we fell way behind as a city. This project represents a tiny piece in a much larger response to the housing crisis, a response that needs to happen all over the city and may take many years for its benefits to be fully realized.

Your tradition of planting trees in your yard every year is truly beautiful, and it saddens me to think some of them could be harmed by receiving less sunlight. I wish I had a satisfying answer to that. But one broader way to look at the environmental issue, which I admit doesn't address your specific concern, is that building housing more densely in urban areas, such as your neighborhood, ultimately preserves open space by limiting urban sprawl. While the need to create and preserve green space within a city like Los Angeles is incredibly important, the strategy of building in the outskirts of the city, instead of where there is already development, clearly has serious implications for greenhouse gas emissions and vulnerability to wildfires as well as traffic and transportation safety impacts.

In regards to the height of the buildings, again this neighborhood is zoned for multifamily dwellings, and this zoning has a height limit of 45 feet, which is essentially four stories. The only reason that we are using a density bonus request to go up to 48'3" is because of the slope of the lot. Since the 1940's, when many of the houses on your block were built, single family homes were sufficient to house everyone who wanted to live there. That's not the case anymore. There's much more demand for housing in the neighborhood.

Shelly, to your point about the price of the units – again, we can't say what these units will cost at this point, there is too much uncertainty to be able to project that. What we can say is that land, labor, and materials are incredibly expensive in Los Angeles, and those are factors in the price we can't control. For perspective, however, we had a licensed real estate agent put together some comp reports of new home sales in the area. These reports reflect new construction (built up to 2021) within 1 mile of the project site, and show the massive difference between condo/small lot home types and single family homes on standard lots. They show that most condo and small lot homes are selling for around \$1.5M while the single family homes on larger lots are selling for around \$4.5M.

While you're right that the median Angeleno is probably not going to be able to afford new construction of any type, that's frankly true everywhere in Los Angeles. However, even construction of market rate units relieves pressure on the housing market, slowing price growth.

I really hope that we can find some common ground here, and have a conversation. I previously mentioned that we're open to talking about internet service, construction hours, getting you permits once they're issued, and Meyer, about power banking for your solar and your landscaping suggestions. Would you be available this week tomorrow, Wednesday, or Thursday afternoon to discuss these issues? Please let me know if there's a time that works for you and I can set up a Zoom call.

Thank you,
Kevin

On Fri, Jan 26, 2024 at 12:09 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:
Thanks! I submitted it under both of my emails to make sure I get notice.

Shelly Rothschild
Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 26, 2024 at 08:50:58 AM PST, David Woon <david.woon@lacity.org> wrote:

Good Morning Shelly and Meyer,

A hearing for this Project has not yet been scheduled. If you would like to receive notice of any future hearings and the determination letter, please complete the Interested Parties Form that can be found [here](#).

If there are neighbors who are interested in providing written comments, they can do so by emailing me at david.woon@lacity.org.

Best,

David

On Thu, Jan 25, 2024 at 9:00 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Thank you David.

There are other neighbors who are interested in staying engaged regarding this project. Should we encourage them to write to you and your team?

We appreciate the challenges you face in balancing the various city needs. Thank you your consideration.

Sincerely,
Meyer

On Thu, Jan 25, 2024 at 5:13 PM David Woon <david.woon@lacity.org> wrote:
Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

On Wed, Jan 24, 2024 at 2:02 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:
How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly Rothschild
Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Wednesday, January 24, 2024 at 11:31:30 AM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing for the rich.

I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.

Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws, regulations, building plans, and permits.

All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Monday, January 22, 2024 at 12:18:50 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the public. As an example of what is expected of a developer in terms of indemnification, I've attached a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave](#). Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if for some reason they still appear blank for you and I will find another way to get you the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse

income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance. However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the development timeline advances, Meyer, furthering the conversation you had with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that would prove these statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a sham. Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although elsewhere you admit there are no final plans, and no final permits are attached or cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City's permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says **“within fault zone.”**

It also is within a “poorly constrained” Slip Zone per Zimas, and your experts admit that the project currently only has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting **our** personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their misconduct. It is simply logic: If they do not anticipate violating

their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and copies as soon as they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block, which is the affected area, by burying it in reams of irrelevant general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block**.

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know about narrow streets in Salt Lake City and the other few cities studied.**

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the “Alquist-Priolo Fault Study Zone.” This does not mean that the fault runs through the property. The fault is actually nowhere near the property; **there is no trace of fault near the property, just the generously drawn Study Zone.**

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property’s rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City’s approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this district. https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf. **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct,

another example of their bad faith in pursuing this. They need have no fear of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of enriching themselves. Spectrum does not need to mitigate; it is

solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large number of trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your construction. None of the alleged abatement devices **is** in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, "any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee."

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees

covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction; no work at night or on the Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City. The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant effect relating to transportation**, and further analysis of the project's VMT contribution would not be warranted."*

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near

the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone. We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study area, which itself is a large buffer around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done.

When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department. LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they receive

the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development. Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:
Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:
I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:
Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:
Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will I make it on time to make comments if I'm there by 8?

--

Jesi Harris
Sr Project Manager + Partner
M: 704.277.7332

--

Kevin Scott
Associate Planner/Policy Analyst
M: 651.210.3652

**David Woon**

Pronouns: He, His, Him

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**Meyer Schwarzstein** <meyer@brainstormmedia.com>

Mon, Jan 29, 2024 at 2:33 PM

To: Kevin Scott <kevin@bsilveira.associates>

Cc: shelly rothschild <rothschildlaw@yahoo.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Thanks, Kevin.

I'm pretty busy this week - next week would be better for me.

Meyer

On Mon, Jan 29, 2024 at 10:35 AM Kevin Scott <kevin@bsilveira.associates> wrote:

Meyer,

I appreciate your taking time to stay engaged on this project right now. Without knowing the details of your daughter's condition, it sounds like you and your family are going through an incredibly difficult period, and I wish you strength and hope in that.

I know you're probably tired of hearing me go on about this point, but at the end of the day, the need for more housing in LA has to be prioritized. And no one is suggesting that this project alone will fix, or even make a dent, in a crisis that's been decades in the making. The situation we find ourselves in is largely due to a hyper-local concentration of decision-making power—a regime of opposition to new construction that dominated the discourse and influenced elected officials and planners for generations. The upshot is that we fell way behind as a city. This project represents a tiny piece in a much larger response to the housing crisis, a response that needs to happen all over the city and may take many years for its benefits to be fully realized.

Your tradition of planting trees in your yard every year is truly beautiful, and it saddens me to think some of them could be harmed by receiving less sunlight. I wish I had a satisfying answer to that. But one broader way to look at the environmental issue, which I admit doesn't address your specific concern, is that building housing more densely in urban areas, such as your neighborhood, ultimately preserves open space by limiting urban sprawl. While the need to create and preserve green space within a city like Los Angeles is incredibly important, the strategy of building in the outskirts of the city, instead of where there is already development, clearly has serious implications for greenhouse gas emissions and vulnerability to wildfires as well as traffic and transportation safety impacts.

In regards to the height of the buildings, again this neighborhood is zoned for multifamily dwellings, and this zoning has a height limit of 45 feet, which is essentially four stories. The only reason that we are using a density bonus request to go up to 48'3" is because of the slope of the lot. Since the 1940's, when many of the houses on your block were built, single family homes were sufficient to house everyone who wanted to live there. That's not the case anymore. There's much more demand for housing in the neighborhood.

Shelly, to your point about the price of the units – again, we can't say what these units will cost at this point, there is too much uncertainty to be able to project that. What we can say is that land, labor, and materials are incredibly expensive in Los Angeles, and those are factors in the price we can't control. For perspective, however, we had a licensed real estate agent put together some comp reports of new home sales in the area. These reports reflect new construction (built up to 2021) within 1 mile of the project site, and show the massive difference between condo/small lot home types and single family homes on standard lots. They show that most condo and small lot homes are selling for around \$1.5M while the single family homes on larger lots are selling for around \$4.5M.

While you're right that the median Angeleno is probably not going to be able to afford new construction of any type, that's frankly true everywhere in Los Angeles. However, even construction of market rate units relieves pressure on the housing market, slowing price growth.

I really hope that we can find some common ground here, and have a conversation. I previously mentioned that we're open to talking about internet service, construction hours, getting you permits once they're issued, and Meyer, about power banking for your solar and your landscaping suggestions. Would you be available this week tomorrow, Wednesday, or Thursday afternoon to discuss these issues? Please let me know if there's a time that works for you and I can set up a Zoom call.

Thank you,
Kevin

On Fri, Jan 26, 2024 at 12:09 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

Thanks! I submitted it under both of my emails to make sure I get notice.

Shelly Rothschild
Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 26, 2024 at 08:50:58 AM PST, David Woon <david.woon@lacity.org> wrote:

Good Morning Shelly and Meyer,

A hearing for this Project has not yet been scheduled. If you would like to receive notice of any future hearings and the determination letter, please complete the Interested Parties Form that can be found [here](#).

If there are neighbors who are interested in providing written comments, they can do so by emailing me at david.woon@lacity.org.

Best,

David

On Thu, Jan 25, 2024 at 9:00 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Thank you David.

There are other neighbors who are interested in staying engaged regarding this project. Should we encourage them to write to you and your team?

We appreciate the challenges you face in balancing the various city needs. Thank you your consideration.

Sincerely,
Meyer

On Thu, Jan 25, 2024 at 5:13 PM David Woon <david.woon@lacity.org> wrote:

Thank you Shelly and Meyer for your comments. They will be added to our records.

Best,

David

On Wed, Jan 24, 2024 at 2:02 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

How do you think the media will react to Los Angeles approving 11 luxury townhouses that will be sold at **\$2,000,000.00 each** as "affordable" housing?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Wednesday, January 24, 2024 at 11:31:30 AM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

I am not well: the physical and emotional stress of this project, destroying my home and block, is killing me, all to satisfy the greed of a developer who seeks to build **UNaffordable** luxury housing for the rich.

I will reply when I am feeling better. In the meantime, when is the next hearing/meeting about this project?

Someone needs to subpoena the tax returns and bank account records of those who may be paying off, and who may be paid off, to approve this monstrosity.

Someone needs to investigate all prior complaints and claims against this developer and his phony alter egos, due to their history of prior litigation alleging violations of California and LA laws, regulations, building plans, and permits.

All of this should be done before any approvals are solicited, and copies provided to the poor souls whose lives will be irreparably damaged so that this developer can get even richer.

How does it feel to injure, damage, and harm old, sick, and disabled people, families struggling with cancer, just to line your pockets with big bucks at their expense? Shame on you and any LA officials who approve this!

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Monday, January 22, 2024 at 12:18:50 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly and Meyer,

Thank you for your patience as we put together a reply to your email. I want to start by reiterating something that we've mentioned here before, and at the Neighborhood Council meeting as well-- The neighborhood is changing, and I'm sure what you're seeing on your block makes that abundantly obvious. There will certainly be annoyances, some temporary, some permanent, as a neighborhood zoned for multi-family housing transitions from mostly single-family homes to a mix of single-family and multi-family home types. This transition is happening in neighborhoods like yours all over the city, and the reality is that you're right, there will not be zero effects, and densification means more competition for parking in almost all circumstances. These reasons are not sufficient to curtail the construction of new homes. Cities need to be able to respond to the demand for more housing by creating supply, and the housing crisis we experience in LA is primarily a result of LA's historic sclerosis in building more supply.

The point is, the transition that's happening is not something we believe should stop. But we want to find areas of common ground to help ease that transition to an extent that's reasonable, so I will try to respond to the points you made that I haven't responded to already below:

You mentioned the State and City's goals for housing not being specific to your block. The City of LA's RHNA allocation is explained here and it mentions an emphasis on building more housing in "High Resource" neighborhoods being part of the goal. If you use [this tool](#), which catalogs adequate sites for more housing in the City, and find your block, you'll see that the properties on Preuss come in as orange, meaning it's been identified as a potential site for future housing. Also, the background comes in dark gray, meaning that it's among the highest resourced areas in the City. I've attached a screenshot, and although it's a bit difficult to read because of the dark gray, you use the tool yourself to find your block, and toggle the "Adequate Sites Inventory" and "TCAC/HCD Opportunity Areas" on and off to see. I would also point out that as far as your block is concerned, using the Small Lot ordinance, this project is actually much smaller than what would be legal to build using the Density Bonus law, and is still building single-family homes, and not several dozen smaller apartments.

It is common practice in development all over the city for an LLC to be created for a new housing project, and Marc will be required to abide by all laws and regulations governing an LLC as a developer. The entitlement and permitting processes themselves are designed to avoid risk to the public. As an example of what is expected of a developer in terms of indemnification, I've attached a City Planning Letter of Determination - the document that grants the entitlement - for another of our projects at [1854 Pandora Ave](#). Refer to condition #40 on page C-5.

That attached LOD also will give you an idea of what some standard "Conditions of Approval" are for a development. This might shed some light on some of the concerns you mentioned in the previous email about the permitting process and enforcement of City regulations during the building process.

Regarding the Geology report, I have re-attached the City's Letter of Approval and double-checked that all 6 pages are viewable. We are certainly not trying to hide anything, so please let me know if for some reason they still appear blank for you and I will find another way to get you

the letter. And yes, the project will be subject to all 47 of those conditions. We are able and happy to get you permits when they are issued, but no permits can be issued until the entitlement process is complete. We expect the entitlement portion of this process to be complete sometime in Q1 or Q2 of this year, and then after that it can take 12-18 months to get all the permits.

We are also happy to send you final plans for the project, but these will not be final until all the permits have been issued and the city has had a chance to weigh in on every detail.

In regards to the Fault Zone, the geologic report completely acknowledges the Fault Zone, that Fault Zone does not necessarily preclude construction in those areas, since not all areas of the Fault Zone are active. Page 46 of that report shows a map of the zone, and there is certainly no lack of development, old and new alike, in that area. This is true of myriad properties labeled on ZIMAS as being in a "Slip Zone" and "Poorly Contained." These are general descriptions of a Fault Zone, and only a small corner of the property is in a Fault Zone. The purpose of the Alquist Priolo Act is to identify areas where there is the potential for risk, and require studies like the one completed to determine whether and how construction should proceed. If there was a trace of an active fault rupture, the report would say so and I imagine construction would not be allowed, but the report and approval letter say otherwise. The report's conditions that you mentioned are the roadmap for *how* to proceed given the situation, and those conditions will be adhered to.

And regarding your question about the automobile access via the alley and the 5 ft setback, it is the livable spaces which are required to be setback 5 ft from the study area, not driveways.

With respect to CEQA, we believe this project qualifies as a Class 32 infill development. The person who prepares these reports is an environmental planner with years of experience and a Masters in Environmental Planning and Analysis from USC. However, ultimately, the City is the Lead Agency and the City approves the review that our environmental planner conducts.

Further, the threshold for the acceptable levels of dust is set by the SCAQMD, and projects of this scale are very well below that threshold. You can read about their methodology [here](#). As for noise, the threshold for acceptable noise is set by the Los Angeles Municipal Code.

As far as the Community Plan you reference, there is much in the plan that mentions creating multi-family housing, and suggests creating new homeownership opportunities and for diverse income levels.

Regarding your mention of contract rights as they pertain to internet access, the applicants are developing private property in an urban area, and in accordance with the Small Lot Ordinance. However, we are certainly willing to work with you on this issue, keeping in mind the project's timeline.

As for the hours of operation during construction, the City provides allowable hours of operation that will be adhered to. A conversation about how to mitigate these hours within reason is also one we're willing to have with you.

Shelly and Meyer, I think that from here on out, a back-and-forth email exchange attempting to reconcile a broad array of points is not a good use of time-- yours or ours. There are places where we've said we'd like to work with you. The issue of the internet, the construction hours, getting you copies of permits as the development timeline advances, Meyer, furthering the

conversation you had with Marc about power banking for your solar panels--these are negotiable, and of course any agreements made will be in writing.

I know that this project has been a great source of stress for both of you, and Shelly especially so because of your health situation. I truly appreciate your willingness to discuss these matters with the civility and regard you've shown, and I hope we can continue to connect and find areas to agree on.

Thank you,

On Fri, Jan 5, 2024 at 3:56 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:

There are some corrections below. I missed them because I am very physically and emotionally stressed by this project.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Friday, January 5, 2024 at 03:28:15 PM PST, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi Kevin and Jesi

Our Responses to Your Replies:

-Your Reply: “So in regards to the idea of scaling down the project, that’s not something that’s on the table.”

Our Response: This unilateral, absolute refusal is the quintessential embodiment of the applicants acting in bad faith.

Per Meyer: “If revising the project is not open for discussion, what is it exactly that we’re discussing?”

These emails are nothing more than a phony PR ploy to make it look like the developers are willing to talk to us, when, in fact, it is a nothing more than a fake, false, and meaningless gesture.

-Your Reply: You refer to “Regional Housing Needs Assessment housing goals,” and state that “this project is completely in line with the City and State’s policy goals to densify multi-family zoned neighborhoods.”

Our Response: These conclusory statements have no evidentiary support. You do not cite or attach anything that

would prove these statements to be true or applicable **to our block**. Accordingly, they have no weight or merit.

To the contrary, if LA needs Affordable Housing, it is not \$2 million luxury townhouses. These may be purchased by foreign investors, who may lease each unit to tenants for thousands of dollars of monthly rent, which is hardly “affordable” for most LA residents.

Get honest: This is a greedy developer who is willing to damage, torment, and harass his elderly, sick, and disabled neighbors in return for making a buck.

-Your Reply: the project applicants are Marc and Risa Dauer, **under** the firm Preuss Development, LLC.

Our Response: You did not answer our question. What does “under” mean? Nothing This is evasive and does not answer us: “Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?”

Again, which of these parties are responsible for and liable if there is a violation of regulations, permits, agreements, and plans, as these same developers allegedly already violated before with the one of the same properties? Who is liable when this project interferes with and/or damages our property?

We also need to know who will be liable if the developers file bankruptcy. Their LLC has limited liability, as its name reflects. As such, the individual developers seek to escape responsibility by hiding behind an alter ego that may have little or no assets, a sham. Thus, we need to know who is liable; what are their assets; and review their financial statements.

-Your Reply: As for the owners being willing to indemnify project risks,

Our Response: No answer to our question, which means no. Just conclusory statements that the project has permits, although

elsewhere you admit there are no final plans, and no final permits are attached or cited. Even the one alleged approval is subject to 47 conditions and will be rendered nugatory if not satisfied.

-Your Reply: The City's permitting process is meant to minimize that risk and protect neighboring residents from harms.

Our Response: Please identify with specificity each and every measure that the City and the developers are currently taking to minimize the risk and protect neighboring residents such as 1908 Preuss Road.

-Your Reply: As part of that process, the development team hired consultants to obtain the Geological and Methane reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City.

-Our Response: Your reports were based on there not being a fault zone. That is categorically false. Per Zimas, this project is located in an actual fault zone. I quoted it word for word in my last email and you ignored it. It says **“within fault zone.”**

It also is within a “poorly constrained” Slip Zone per Zimas, and your experts admit that the project currently only has **uncertified** fill. When will this be remedied if ever?

In point of fact, there was an earthquake last week, and it shook my second floor, my office, and bedroom. It was only 4.1, and I still was tossed up and down in my bed.

In addition, these methane and earthquake reports are primarily based on illegal tests conducted long ago in 2017 on one of the properties apparently without permits and required approvals. This was alleged in a lawsuit against the applicants, who apparently have a history of violating regulations and damaging those who live on the premises. Although those lawsuits were settled or defaulted due to years of litigious harassment by the

applicants, they may reflect a history of misconduct by applicants and therefore require that guarantees be provided.

Moreover, I saw only one alleged approval only yesterday while being sick. I have not had a chance to fully review, but I note that it is subject to 47 conditions, which may never happen, and it is missing attachments. It is thus completely illusory.

If there other approvals, especially "as is," without 47 conditions, please provide them.

We also need to know when the final plans will be completed and submitted, and if the applicants will guarantee that the actual construction will be in absolute compliance with those plans and all permits and approvals. Please provide us with copies of the final plans as soon as they are completed as well as all other approvals and backup.

In short, the applicants are putting ***our*** personal assets and homes at risk, and as such, they should stand behind this project by putting their own personal assets and homes at risk through a secured guaranty, indemnity, bond, or letter of credit.

I learned in previously practicing law for 46 years, that a party who will not guarantee a project is a party that assumes it will default or breach and wants to escape liability for their misconduct. It is simply logic: If they do not anticipate violating their agreements, there is no reason not to guarantee their compliance.

Plus, we hereby request that you provide us with copies of all claims and complaints filed against each of the applicants and the LLC by third parties regarding their projects including those against the other limited liability entities used by the applicants. On information and belief, there are many such alter egos.

-Your Reply: The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

Our Response: When exactly will these be obtained? Please provide the actual dates that each permit will be acquired and copies as soon as they are issued, with all conditions thereto and all current efforts to comply with those conditions.

-Your Reply: The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance

Our Response: The Categorical Exemption you sent me is merely your lobbyist report. It is not an approval, and it is not by an expert. It is filled with conclusory statements based on general statistics and does not take into account the unique character of our block or neighbors. Plus, none of the devices to counter noise, dust or pollution has been contracted. They are merely speculative and thus uncertain of completion.

-Your Reply: as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Our Response: Your report is 75 pages long. It is subjective PR by a lobbyist and obfuscates any specific relevance to our block, which is the affected area, by burying it in reams of irrelevant general data. Please reply with a specific citation for each of your statements above as to these laws and **our block**.

-Your Reply: we expect on-street parking to become less abundant.

Our Response: Thank you for this admission that your project will adversely affect the already intolerable parking our block.

-Your Reply: Another reference to the Categorical Exemption document about average, general conditions, ignoring the impact on our specific block.

Our Response: This report is nothing more than a subjective, biased, conclusory propaganda report by a lobbyist, not an expert, that buries the impact on us by using 75 pages of general data. Hire an expert to view and analyze conditions on **our specific block.**

-Your Reply: And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. In support, you cite the study done by the Johns Hopkins Bloomberg School of Public Health

Our Response: This is so disingenuous. You are stating, based on sheer speculation, that unknown people will drive more slowly on our block, people who you do not know and who you may never meet, and that there is no danger in our particular narrow street for children, guests, and people walking on our block to worship? As such, give us this as a personal guarantee in writing.

FYI: the study done by the Johns Hopkins Bloomberg School of Public Health did not examine this issue in Los Angeles. It was not one of the only 7 cities on which this report was based. As such, it is inapplicable and irrelevant, **unless you want to know about narrow streets in Salt Lake City and the other few cities studied.**

-Your Reply: As to your question about a mistake in the Earthquake Report, I think I can provide some clarification.

There is a portion of the parcel located in the “Alquist-Priolo Fault Study Zone.” This does not mean that the fault runs through the property. The fault is actually nowhere near the property; **there is no trace of fault near the property, just the generously drawn Study Zone.**

-Our Response: I have put the addresses for the project in Zimas several times. Each time, it states that the property actually is in a fault zone, “within fault,” and that the fault runs through the properties. It is disturbing you deny this as that is a lie. We therefore question your credibility as to all other statements.

As noted, it also is in a Slip Zone and “poorly constrained,” per Zimas.

In addition, as noted above, I personally experienced an earthquake last week at 1908 Preuss Road.

-Your Reply: We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property’s rear boundary.

Our Response: How is this possible when they are building another entrance in the rear alley for this project? There is no setback of this alley. **Please explain in writing.**

-Your Reply: I have also attached the City’s approval letter, recognizing the validity of the Geology report.

Our Response: Query why are we only just receiving this yesterday? It is dated eight months ago and kept hidden.

In addition to hiding the report, only 2 pages of the six-page attachment are provided. Please provide all pages of the 6-page attachment.

We have not had sufficient time to review this alleged approval, but I note that it is entirely illusory as it is based on 47 detailed conditions, expansive requirements, and future and further inspections, plans, construction, and approvals that may never take place. It is the equivalent of approving a constantly moving target, an imaginary wish list, based solely on speculation.

We note, for example, that the current foundation is based on **uncertified** fill, which must be replaced; noise and pollution controls are based on future contracts, never signed; and the consent of neighbors will be required. We do **NOT** consent. There may be other issues, and we need more time to review.

We also need to review and get your input on whether the project is consistent with the Community Plan for this district. https://planning.lacity.gov/odocument/78984e0b-a63d-4533-ba57-4f84b8fd7696/West_Adams-Baldwin_Hills-Leimert_Community_Plan.pdf. **Please provide your input. Per Meyer, it is not consistent with the Plan.**

-Your Reply: LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Our Response: A prior lawsuit filed against these developers by tenants **actually living on the premises** alleged that they conducted work on the property without permits and contrary to regulations and representations. Accordingly, there must be secured personal guarantees that this will not reoccur on this project, which is located on the same property.

A refusal by these profiteers to provide a guarantee is tantamount to an admission that the developers do NOT intend to comply and will NOT stand behind this project. Rather, it appears that they seek to escape and evade liability for any and all misconduct, another example of their bad faith in pursuing this. They need have no fear of guaranteeing their own work unless they know it will be faulty and in breach of their obligations.

-Your Reply: Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the

part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and **which is subject to review by the City.**

Our Response: As noted above, the Categorical Exemption is a puff piece of propaganda by a lobbyist, not a report by an expert, and relies on general statistics rather than percipient witnesses of the particular and special circumstances on our block, who can attest to the contrary. **It also is subject to review by the City.**

-Your Reply: To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access.

This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate.

Our Response: This is the equivalent of a blatant admission that the developers will be engaging in tortious interference with our internet contracts, which is actionable under California law.

It is a general principle of law that if you damage or diminish the contract rights of others, you must compensate them in full for this conduct.

In this regard, the developers are destroying the contract rights of private parties with Spectrum and others for the sole purpose of enriching themselves. Spectrum does not need to mitigate; it is solely the developers who have taken unilateral action that has interfered with their services.

We also request that this issue be specifically addressed in any further hearings or filings. It is my understanding that one of the fundamental concerns of city planning and zoning is to protect

the location's existing neighbors and services, not just to enrich a greedy developer.

Please contact Spectrum ASAP about how you will ameliorate this and report back.

-Your Reply: As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used.

Our Response: You are admitting that you are seeking approval for a project based solely on speculative future contracts, which you have not signed, or spent a penny, and which may never take place.

-Your Reply: As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

Our Response: Please provide citations for thresholds set by the city for **this particular block**.

Plus as noted, Zimas reveals that the project is in a Slip Zone: "Right Lateral - Strike Slip; Poorly Constrained." This is never addressed.

-Your Reply: We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us.

Our Response: Thank you for this admission that the project will acutely impact us as immediate neighbors including a deleterious impact on my health as an elderly cancer patient who will be suffering noise and breathing dust and pollution for long term construction next door. This project will use a large

number of trucks and equipment for removal and building, at all hours and days, including at night and on our Sabbath. Our required rest, recovery, and our medical condition will be severely affected by the constant damage inflicted on our lives and property by your construction. None of the alleged abatement devices **is** in effect or even the subject of a contract. None is specifically identified for use as to 1908 Preuss Road, our home. You never replied to our questions regarding the specious allegation that it only will affect our "unused property."

-Your Reply: I know there are several other development projects happening near you and I imagine it must feel incredibly jarring to see the neighborhood changing so rapidly.

Our Response: As you well know, these **other** projects are not immediately next to our house and do not place it in immediate jeopardy. They do not destroy our internet access, create an immediate risk of subsidence, methane, dust, noise, and pollution. They do not directly and proximately interfere with our property and our lives as yours does.

In short, it is disingenuous and is just hiding the ball for you to raise this issue, while ignoring the proximate and immediate impact of your own project.

-CONCLUSION: Per Meyer, "any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee."

-In sum, we need those who are building and profiting from this project to the tune of **\$22,300,000.00** to personally indemnify, provide a bond, letter of credit and/or secured guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without or in violation of permits and not in accord with all regulations, and the community plan; no increased noise, dust and pollution from the construction; no work at night or on the

Sabbath; no impact on internet service, and no increase in traffic and parking issues.

If instead these profiteers seek to escape liability for this project by refusing to provide guarantees, they have shown that they do not and will not stand behind it, to the severe detriment to the lives, health, and property of their neighbors, and for no reason other than their unconscionable greed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Fri, Jan 5, 2024 at 2:04 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

Further to my email from yesterday, Shelley and I have reviewed the LA City plan for our area and it appears that this development would run counter to the goals set out in that document. At the very least, we now know that the project is not supported by the neighborhood. That doesn't take into consideration so many of the other specific elements stipulated therein.

I think it's increasingly clear that development is needed in Los Angeles but not at the expense of everything else.

On Thu, Jan 4, 2024 at 1:23 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I'm confused. If revising the project is not open for discussion, what is it exactly that we're discussing?

Also, any agreement between us and the developers will need to be included as part of the plans. It's the only way that a 3rd party will be able to provide us a meaningful guarantee.

On Thu, Jan 4, 2024 at 12:47 PM Kevin Scott <kevin@bsilveira.associates> wrote:

Shelly,

I will try my best to answer your questions here.

So in regards to the idea of scaling down the project, that's not something that's on the table. We don't believe 12 units in a multi-family zoned neighborhood destroys the block, even if it's different from most of what's been there previously. Building more housing during a housing crisis is essential, even if it's mostly market rate housing. In fact, according to the State of California, the majority of the housing needed to reach the state's Regional Housing Needs Assessment housing goals is market rate, and this project is completely in line with the City and State's policy goals to densify multi-family zoned neighborhoods.

Next, the project applicants are Marc and Risa Dauer, under the firm Preuss Development, LLC.

As for the owners being willing to indemnify project risks, the project will comply with all standard City practices for development, but will not go beyond those practices. There is, of course, risk involved in building any project anywhere. The City's permitting process is meant to minimize that risk and protect neighboring residents from harms. As part of that process, the development team hired consultants to obtain the Geological and Methane

reports I previously sent you, and those consultants are responsible for their process - which was checked and approved by the City. The project will, of course, obtain all additional required permits before building, and comply with all regulations during construction.

The Categorical Exemption document I sent you also shows that any increases in noise and dust will be below the level of significance, as defined by the Los Angeles Municipal Code and the South Coast Air Quality Management District, respectively. This document uses standards set and verified by the City.

Additionally, we have never claimed that the project will not affect parking and traffic on the street. The project is following the City's requirement of 2 off-street parking spaces per single-family dwelling. However, as multi-family neighborhoods in Los Angeles densify to meet our desperate need for housing, we expect on-street parking to become less abundant.

As for traffic, again, I would refer you to the Categorical Exemption document, and the portion that shows average increase in Daily Trips and VMT (Vehicle Miles Traveled). The VMT calculator was designed by the City's Department of Transportation and the Categorical Exemption memo that uses it was reviewed by the City. See excerpt below:

- *"The VMT Calculator (included as Attachment B) determined that the project's 12 new townhouse uses would generate 47 average daily trips (ADT) and 320 daily VMT. Additionally, the project would remove the two existing single-family residences, which currently generate a combined total of 15 ADT and 106 daily VMT. Therefore, the project would result in a project-related net increase of 32 ADT and 214 daily VMT, which would be below the City's screening criterion of 250 ADT for a VMT analysis to be required. As such, the VMT generated by the project **would not result in a significant effect relating to transportation**, and further analysis of the project's VMT contribution would not be warranted."*

And like you said, two cars often cannot pass each other without one pulling over. However, the effect of this will be that people will need to drive *more slowly*. Wider streets where cars are going much faster are much more dangerous to pedestrians and motorists alike than slower, narrower streets. [Here's a link](#) to a summary of a study done by the Johns Hopkins Bloomberg School of Public Health extolling what is now common knowledge in the transportation design world.

As to your question about a mistake in the Earthquake Report, I think I can provide some clarification. There is a portion of the parcel located in the "Alquist-Priolo Fault Study Zone." This does not mean that the fault runs through the property. The fault is actually nowhere near the property, as the study area contains a generous buffer zone around where any traces of that fault run. However, because a portion of the parcel is in that buffer zone, it is required that the building footprint have an *additional buffer* of 5' from the edge of that zone.

We are certainly following that requirement by making the rear unit smaller and maintaining a five-foot setback from the edge of the Alquist-Priolo Fault Study Zone that runs across the property's rear boundary. So in essence, the city's requirement is that there be a 5' buffer from the study area, which itself is a large buffer around any traces of the fault. I have also attached the City's approval letter, recognizing the validity of the Geology report.

The requirement of the Alquist-Priolo Act that you're referring to about developed properties needing to disclose proximity to a fault to prospective buyers will be adhered to once units are for sale, but again, there is no trace of fault near the property, just the generously drawn Study Zone.

Regarding potential changes in the project and what they might mean vis-a-vis the reports obtained, all projects in Los Angeles have these reports done before the "final plans" are done.

When the city issues a development permit, there are conditions that say that the plans used in development have to match the plans approved by the planning department.

LADBS checks at every single phase of the construction to make sure that the plans are followed, and they make sure nothing is changed that could affect the validity of previously obtained Geological (and other) reports. We assure you that the process accounts for this, and the city monitors what's being built.

Your question about zero supporting documents under the case number ENV-2023-6517-EAF is an error on the part of the City. They simply haven't uploaded it, and this is fairly common. The supporting document would be the Categorical Exemption memo, which you have and which is subject to review by the City.

To the question of the internet, unlike the impact new development has on public goods like parks, which developers pay development fees to mitigate, no report is required on the impact of the new units on internet access. This is a privately transacted good and is the responsibility of the private provider to mitigate. However, we would be willing to reach out to Spectrum to look into ways to ensure internet speed is adequate. Let's chat about this.

As to your query about noise control devices, it is much too early in the process for any of those contracts to be made. I can refer you to page 24 and 25 of the Categorical Exemption memo for examples of the types of noise abatement materials used. As is true of any construction in any urban area, there will not be zero impact on surrounding properties, however this project is below the threshold set by the city that would make additional impact studies and further mitigation required.

We realize that as an immediate neighbor of the development, its impacts will affect you more acutely than others. And Shelly, your health is certainly a concern to us. I know there are several other development projects happening near you and I imagine it must feel

incredibly jarring to see the neighborhood changing so rapidly. I hope that although we might not be able to eliminate all of your concerns, we can at least keep communication lines open and find common ground on some matters.

Please let me know when you're available to continue the conversation about the proposed project.

Best,

On Tue, Jan 2, 2024 at 3:50 PM shelly rothschild <rothschildlaw@yahoo.com> wrote:
As preliminary matters:

-Would the owners be willing to scale down the development? As presently projected, this massive project will destroy our block for the sole purpose of making more money for the developers. "Affordable housing" and "density bonuses" incentives are not intended or designed to provide more luxury housing for the 11 rich people who can afford to pay \$2 million for each unit..

-Who are the parties liable for this project: the individual Dauers or the single asset LLC, or both?

-Would the owners be willing to personally indemnify, provide a bond, letter of credit and personal guarantees covering that: there will be no subsidence, no increased earthquake damage risk, no release of methane, no building without permits and not in accord with all regulations, no increased noise, dust and pollution from the construction, no impact on internet service, and no increase in traffic and parking issues?

This would require personal liability, secured by their personal assets, along with protections in case they file for bankruptcy.

I would need to see the personal financial statements of the parties behind the project to ensure they can follow through with such guarantees.

-Would the owners be willing to correct the mistake in their earthquake report that the project is not in an earthquake zone. It is, and this error is misleading and disturbing. Per Zimas, the property is located in the Alquist-Priolo Earthquake Fault Zone, "a regulatory zone that encompasses surface traces of active faults that have a potential for future surface fault rupture. There is an active fault present within the zone and the fault may pose a risk of surface fault rupture to existing or future structures. If the property is not developed, a fault study may be required before the parcel can be subdivided or before most structures can be permitted. For developed property, the Alquist-Priolo Act requires that the seller disclose to a prospective buyer that the property is situated within an earthquake fault zone." Not disclosed.

-The reports of the experts are primarily based on tests done long ago in 2017, and allegedly without the required permits and approvals. They may be unreliable. This is not disclosed.

-The experts' reports state that their findings do not apply if there are any changes made in or after the final plans. As such, the owners cannot rely on the experts' reports until they receive the final plans and the owners must guarantee no changes will be made in the actual construction.

-One of the cases on this project cited in your notice has no documents whatsoever filed in support: "0 Initial Submittal Documents found for Case Number: ENV-2023-6517-EAF." We need to see these documents.

-The traffic and parking statements are by your firm, as lobbyists, not by experts. They are conclusory, rely on general statistics, and do not take into account percipient witnesses who live on the block. The block is so narrow that two cars in traffic usually cannot pass each other at the same time and one has to pull over. The parking situation is known to be intolerable. The street often has children playing and people walking to places of worship, making increased traffic hazardous. The owners of the apartments may each rent them to numerous subtenants, who will not have sufficient parking. The project also will affect the narrow alley and neighboring streets as there will be an entrance in the alley. None of this is taken into account.

-Per Meyer, the project will adversely affect the internet of those living on the block. I saw no report on this adverse impact.

-The report on the construction cites my address, 1908 Preuss Road, several times with conclusory statements that the impact on us will not be substantial or will be ameliorated by controls contracted for by the developer. I need to see backup for these statements along with specific contracts that have been entered into to reduce this impact. For example, you state that certain materials will be used for noise control. In addition, you state that the imposing construction will be near an area on our property that is not in use. To the contrary, we use all of our property, inside and out, and none of it is subject to intrusive development. Please identify each specific location on our property that will be impacted by your project and the specific efforts that will guarantee no adverse impact.

-I would like to have a written response to each of the above before a call.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Tuesday, January 2, 2024 at 02:47:41 PM PST, Kevin Scott <kevin@bsilveira.associates> wrote:

Oh yeah, no problem. I was actually thinking maybe later this week or sometime next week, depending on when everyone is free.

On Tue, Jan 2, 2024 at 2:45 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Just back last night - I'm sorry but I have plans this evening.

On Tue, Jan 2, 2024 at 2:42 PM Kevin Scott <kevin@bsilveira.associates> wrote:
Hey Meyer and Shelly,

Meyer, I'm not sure if you're back in town yet, and I hope you've had a great trip, but I'm wondering if you two would like to schedule a zoom meeting with our team. Shelly and I had talked about doing that previously on a different email thread, but seeing as you're close neighbors, maybe we could just all talk at once.

Lemme know what you think!

On Fri, Dec 22, 2023 at 3:19 PM Kevin Scott <kevin@bsilveira.associates> wrote:
I was surprised too, that really was a lot of people. And I understand your feelings about the project, and we will be in touch! Enjoy Hawaii!

On Fri, Dec 22, 2023 at 1:01 PM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:
Thanks for your note, Kevin.

I'm sure this isn't the end.

Even I was surprised by the number of people who came out and the resistance to the project by SORO. I agree with the sentiment of all of those who came.

If I were Sim, I'd scale back the project and try to win support from the neighbors for a more modest development.

If this turns into a negotiation between the neighbors and Sim, any agreements between us and him will need to be part of the approved plans so we don't enter into a fight if and when the project is approved.

Until then, I'm off to Hawaii where I hope to have more pleasant things to consider.

Happy new year,
Meyer

On Fri, Dec 22, 2023 at 11:51 AM Kevin Scott <kevin@bsilveira.associates> wrote:
Hi Meyer,

I wanted to reach out to thank you for coming out to the meeting last night. Please know that our team is here if you have any questions or concerns or ideas going forward.

Happy Holidays!

On Thu, Dec 21, 2023 at 9:49 AM Jesi Harris <jesi@bsilveira.associates> wrote:
Hi, Meyer,

Looking at the agenda (attached), it would appear that the 1904-1906 Preuss item is near the bottom so I'd suspect that you'd be on time to comment at 8pm but I can't promise anything since I've never been to a SoRo General Board meeting and I'm not sure how likely they are to, say, take items out of order or move through the other agenda items rather quickly.

I can text you when the item is coming up if that's helpful. I can also let the Board know that we'd like to wait on their discussion of the item if you're on the way when the item comes up.

Best,
Jesi

On Thu, Dec 21, 2023 at 8:26 AM Meyer Shwarzstein <meyer@brainstormmedia.com> wrote:

I have a previously scheduled meeting tonight at 7pm. I may be able to get out by 7:30. Will I make it on time to make comments if I'm there by 8?

--

Jesi Harris
Sr Project Manager + Partner
M: 704.277.7332

--

Kevin Scott
Associate Planner/Policy Analyst
M: 651.210.3652

Brian Silveira & Associates | Venice, California | bsilveira.associates

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**David Woon**

Pronouns: He, His, Him

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**Meyer Shwarzstein** <meyer@brainstormmedia.com>

Sun, Feb 4, 2024 at 5:06 PM

To: Kevin Scott <kevin@bsilveira.associates>

Cc: shelly rothschild <rothschildlaw@yahoo.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Dear Kevin,

I haven't gotten a reply. In the meantime, I've thought long and hard about your note.

For the record, we're living on a different property than we bought. It was rezoned without our knowledge or input.

Overall, it is increasingly clear that we're merely statistics in a game and, despite the polite verbiage, there is no real sympathy or humanity. All of the empowered parties are casting aside our individual needs. Okay, so a couple of neighbors don't matter. But the Neighborhood Council is against this plan. I'm naive enough to be shocked that the neighborhood group's opinion is being cast aside. What is the point of neighborhood councils? Are only helpful if they rubber-stamp projects that the developers and city want?

Someone on your team told me that the life expectancy of a house is 80 years old. So, all old houses are to be torn down - that's good for the environment?

I assume the same is true for people too. We are all senior citizens. It feels like we're being treated like collateral damage in your employment of \$2 million homes in the supposed war against homelessness. Thankfully, my wife and I are healthy, but Shelly is fighting a terminal illness and this construction will likely exacerbate her situation. That makes me angry.

Is this the kind of city you prefer? One where the elderly and the sick are recklessly cast aside for taxes and profit along with their homes and their neighborhoods? Clearly, the answer is "yes".

The statistics/studies are great tools used to justify all kinds of things. As I think I mentioned, I studied solar energy in college and I stay abreast of the statistics related to the environment. There is not one thing in this project that helps the environment or the city. Yes, density in cities like New York which have great public transportation can make sense. It's a walking city. LA isn't - and the public transportation is just not that good. Meanwhile, it appears that this city is stuffing units into small spaces to score political points.

Your comps only emphasize a completely different point. Where you live matters. The expensive homes are on the other side of Robertson - in the Beverlywood Homeowners Association area. You've proven that it's the wealthy who call the

shows. Indeed. How many MFDs are going up in that neighborhood? It's only a block away from our house. On the other side of the tracks...um....Robertson.

As for the details of our situation (without addressing issues of noise, convenience and how the construction will affect our health):

- Less sunlight will mean that our solar power creation will be diminished substantially. Will storage make up the difference?
- There will be a huge loss of trees - both from the ones that are cut on the developed property and the choking of the ones on our land.
- We will lose privacy. Sim talked about putting up a fence between our properties and bamboo near the buildings (not near the fence).
- There will be much less parking on the street and the already-bad traffic will be much worse. I walk - it's already dangerous to do so in this neighborhood.
- Our driveway gate is attached to the current structure. What will happen when it's torn down?
- There is only one high-speed internet provider in this neighborhood, Spectrum. They told me that our speeds will diminish once the units are populated.
- The developers gardeners have attached a garden hose to our ADU - over the property line. The trash cans are also routinely backed up to that wall. I use the ADU quite a bit so I'm aware of this. I wonder how that will be addressed with the new development.

I don't know how you plan to address all of these issues. Money can't buy everything.

Sincerely,
Meyer

Kevin Scott <kevin@bsilveira.associates>

Tue, Feb 6, 2024 at 2:29 PM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>

Cc: shelly rothschild <rothschildlaw@yahoo.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

Meyer,

I appreciate your thoughtful email and continued engagement. I understand you're angry and still not satisfied with our position here, but I think we've responded as thoroughly as we can to the questions you've brought up regarding this project's relationship to our City and regional planning direction. I want to reiterate that we're not saying one housing project will change the trajectory of the crisis in Los Angeles. The homelessness you see in LA is the tip of the iceberg -- a symptom of the lack of sufficient housing to meet existing demand at every income level. This must be addressed on a massive scale, all over the city, one project at a time. Realizing a Los Angeles that's different from the one we have now, one with more density and better transit, requires a long-term vision that this project aligns with.

Many of the issues in your bullet points are ones we could talk about in a meeting, along with the issues we previously outlined. I'm not sure if Meyer, you and Shelly would want to be on the same Zoom call or separate ones. I had been waiting to hear from both of you to find a time that would work. Meyer, if you prefer, we can find a time this week to meet.

Best,
Kevin
[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Tue, Feb 6, 2024 at 2:36 PM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>

Cc: David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

Hi Kevin, I still am battling Shingle, this time on my hand. I still hope to respond later this week. Please let me know if a meeting or hearing is scheduled.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

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Meyer Shwarzstein <meyer@brainstormmedia.com>

Tue, Feb 6, 2024 at 3:42 PM

To: Kevin Scott <kevin@bsilveira.associates>

Cc: shelly rothschild <rothschildlaw@yahoo.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

I don't think there's a need to reiterate what has already been said.

I don't believe that you're working on this project in my interest as a citizen of Los Angeles - you are gainfully employed by a developer who has hired you to get a job done. That's understandable but, if you were as responsive to the wishes of the neighborhood as you were to your client and the city, this project would look different than it does now.

While there isn't redlining, there are some neighborhoods that are off limits and others that are not. Clearly, some places, neighborhoods and people are being treated differently. If and when we're all treated the same, we can talk about the common good. Clearly, this development would never happen in Beverlywood. We're conveniently outside of that beautiful zone.

As for scheduling...

Last week, you suggested a call for last week. I wrote on the 29th letting you know that this week would be better and I didn't hear from you. In your reply to my email of February 4th, you suggested that you were waiting to hear from me. That is not the case.

As to your question, I'm okay participating with Shelley. Is there an impending deadline? What is the projected timeline?

[Quoted text hidden]

Kevin Scott <kevin@bsilveira.associates>

Tue, Feb 6, 2024 at 4:48 PM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>

Cc: shelly rothschild <rothschildlaw@yahoo.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

For clarification, I meant that I was waiting to hear back from both you and Shelly before finding a time. Shelly, with your current health difficulties, would you be up for being part of a meeting this week? Or would you rather we schedule one with Meyer, let you know, and you can make the decision to attend or not closer to the meeting?

There is no impending deadline, and there is still no hearing scheduled with the city.

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Tue, Feb 6, 2024 at 5:46 PM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>

Cc: David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

Kevin, it was never my understanding that you were waiting to hear back **from me** in order to do a call **with Meyer**.

In fact, it is my understanding that you have been negotiating alone with Meyer to offer him a separate deal that does not include my property.

Divide and conquer.

Silence and isolate the opposition.

For the sole purpose of permitting your client to build and sell 11 homes for **\$2 million each** under the false pretense of creating "**affordable housing**" in LA, while destroying our neighborhood in the name of greed.

It is this what city planning is about in LA: Letting greedy developers destroy Los Angeles, by driving out existing residents, destroying less affluent neighborhoods so a few can get richer at their expense?

To preserve rich areas like Beverlywood, where this developer lives, free from any such projects; targeting instead poorer prey in LA like those in my area? Is this what LA stands for?

In fact, that inequality is why it is projected that 1.7 million people will be leaving LA in the next few years. This is NOT affordable housing:

Who can afford these \$2,000,000.00 homes? Foreign investors, who then will lease them out at exorbitant rentals.

The same thing has happened in other cities, where they have had to enact laws to stop foreign speculators and greedy developers from destroying their neighborhoods.

NB: Vancouver's Speculation tax.

You already told us that you will not even discuss any changes to this project-the very epitome of bad faith. What is the purpose of a call if you will do nothing to help us?

It is just a gimmick, a false pretense, so that you can say you spoke to us before destroying our lives.

I am fighting Shingles, an extremely painful condition, brought on by the stress of this project. I will respond as soon as I can. When I do, I want to see a real proposal of specific remedies for each of the issues: constructive ideas, not PR, not games, but solutions.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

Meyer Shwarzstein <meyer@brainstormmedia.com>

Tue, Feb 6, 2024 at 6:23 PM

To: Kevin Scott <kevin@bsilveira.associates>

Cc: shelly rothschild <rothschildlaw@yahoo.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

Got it. I'm overwhelmed this week, let's schedule something next week. How's midday next Wednesday?

[Quoted text hidden]

Kevin Scott <kevin@bsilveira.associates>

Thu, Feb 8, 2024 at 11:28 AM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>

Cc: shelly rothschild <rothschildlaw@yahoo.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

Hey Meyer, looks like noon on Wednesday will work for us. I'll send a zoom invite if that works for you.

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 8, 2024 at 11:36 AM

To: Kevin Scott <kevin@bsilveira.associates>, Meyer Shwarzstein <meyer@brainstormmedia.com>
Cc: David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

Please send Zoom invitation to me too.

Sent from Yahoo Mail for iPhone

[Quoted text hidden]

Meyer Shwarzstein <meyer@brainstormmedia.com>

Thu, Feb 8, 2024 at 2:30 PM

To: Kevin Scott <kevin@bsilveira.associates>
Cc: shelly rothschild <rothschildlaw@yahoo.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

That works for me.

[Quoted text hidden]

Kevin Scott <kevin@bsilveira.associates>

Thu, Feb 8, 2024 at 3:09 PM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>
Cc: shelly rothschild <rothschildlaw@yahoo.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

Sounds good, I'll send out that invite to everyone.

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Fri, Feb 16, 2024 at 10:00 AM

To: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>
Cc: David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Brian Silveira <brian@bsilveira.associates>

Without waiving our objections to the project previously stated or that may be stated by us, by Meyer, and other neighbors, and without limitation to requesting additional remediation, we need the following mitigation measures and request specific details on how they will be completed on our upcoming call:

-Impact on internet; you said you would contact Spectrum; did you? Result? Since I am disabled and we are home all day, the internet is our contact with the world, work, friends and family.

-Impact on privacy, trespass by workers, looking into our rooms and yards - Install new front and green fences between our properties, and bamboo, same as requested by Meyer

-No late night construction work. We are elderly and I am battling cancer for the second time.

-No work on Shabbat and Jewish holy days. The developer should not desecrate our religion.

-No entry into our property by construction workers and equipment, and residents.

- Include us on all developer and contractor insurance in case they damage our property.
- Immediate notice to us by email and text of any damage to our property.
- Enter into a covenant/contract with us that they will fix any damage they cause to our property and/or let us hire someone and they pay.
- They will install Infill and Shoring if they cause subsidence. Recent rains and spate of earthquakes may increase impact since their 2017 reports.
- They need a Traffic Control Plan. Two cars cannot pass each other currently on our block.
- The need an Emergency Response plan in case something goes wrong, i.e., earthquake, subsidence, cut off of utilities, flooding, methane release.
- They should check with all utilities about location underground that may be disturbed by construction and impact us and make plans to ensure all keep working.
- Immediate notice to us by email and text of any damage to or cessation of utilities.
- Use of only licensed contractors; provide us with name and contact info.
- Obtain all required permits, approvals, and consents, and strictly abide by all conditions therein. In prior litigation, it was alleged that this developer does not do so.
- Give notice to us by email and text of work schedule, days and times.
- Provide good drainage into street so no flooding onto our lots.
- Install mitigation measures re shaking caused by construction that may damage our homes.
- No parking overnight of vehicles/machines on our street.
- No blocking of our street by their vehicles and equipment at any time.
- Clean up lot each day; remove garbage, cover equipment: put away tools and anything that could be dangerous used to cause damage.
- No outhouse next to our properties: smell, disease.
- Would like to have them advocate for the city to require preferred parking permit
- Mitigate project and construction blocking our views, essential to our right to quiet enjoyment.
- They must enter into mitigation/remediation contracts to reduce noise and dust control. We are home all day. I have head and neck cancer; asthma; and no immunity. Provide us with fully signed copies as to all such measures.
- Nothing will impinge on or overhang our property.
- Contrary to their noise report, we use all areas of our property.
- Provide us immediately with copies of all permits and final plans when and as issued.
- Advise us immediately of any changes to plans and reports.
- No parties on roof tops. Noise, danger of thrown items onto our lots; no privacy for us.

-Immediate notice by email and text, not snail mail, and not buried in an lengthy list of all projects in LA, of any and all hearings or meetings on the project, including without limitation, the case being handled by Steve Ruiz, not David Woon, ENV-2023-6117-EAF. I emailed the planning person, Steve Ruiz, to ask for when hearing would be set, but never heard back

-Many of the reports you sent us or submitted as grounds for approval are based on old data from 2017, 2018, 2019, and 2021. Update reports to bring current.

-Some of prior expert reports relied on are only for 1904 and do not include 1906 Preuss, which adjoins our property. Update reports to include 1906.

-Prior reports relied upon also were for a smaller project, fewer buildings. These reports also do not take into account recent torrential rains; flooding; and swarms of earthquakes in LA. They should update.

-The report they sent us on 1854 Pandora is inapplicable since that property is not in our area and under a different Community Plan; it was already a duplex/triplex site, not single residence housing; it was 1 building, not 4.

-One chart they sent, Housing Element-Adequate Sites, is incomprehensible. It is just orange blobs. They should replace it with one that could be reviewed.

The foregoing does not constitute a waiver of any other objections that have stated or may be stated against this project by us, Meyer or other neighbors. It is also without limitation to other mitigation measures that we may suggest going forward.

We have lived on this block for 37 years in a single family residence that we chose for its peace, quiet, and expansive city views, so that we can age in place. It is a narrow street that cannot accommodate more traffic or parking. We are disabled, elderly, sick, and battling cancer. Under California law, we have the right to quiet enjoyment of our property. This project of eleven \$2 million apartments will destroy it and is not affordable housing. These luxury residences may only be affordable by rich foreign investors, not LA residents. It is a sign of the inequality that governs Los Angeles-the developer lives in Beverlywood, but he does not build there, to protect his rich neighbors from what he inflicts on poorer areas, while "the aging in place" guaranteed to us by our Community Plan is destroyed. That inequality is one of the reasons why an estimated 1.7 million people will leave LA in the near future.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

Brian Silveira <brian@bsilveira.associates>

Fri, Feb 16, 2024 at 11:09 AM

To: shelly rothschild <rothschildlaw@yahoo.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Hi Shelly,

I don't believe we've spoken/emailed before - I've thus far been an observer. It's a pleasure to connect with you.

The next step for us is a zoom meeting or an in-person meeting as a show of good faith for all parties involved. We're happy to wait for a day/time that's convenient for you and Meyer.

We absolutely would like to address your concerns, but this really ought to be a conversation.

[Quoted text hidden]

--

Brian Silveira

Founder + Principal

M: 310.753.1090

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Fri, Feb 16, 2024 at 11:19 AM

To: Brian Silveira <brian@bsilveira.associates>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Hi Brian. We have a preliminary Zoom call set up by Kevin on February 22. It is a short call, so I wanted to get my concerns on record, as my urban planning professor, George Lefcoe, taught me to do.

I also want to memorialize them in case I am unavailable. My daughter just underwent surgery overseas and is having problems in recovery. I am battling cancer for the second time, after metastatic breast cancer, and now head and neck cancer. I also have Shingles on my hand and painful lesions in my mouth, which can make writing and speaking difficult. I know this will be a process and I welcome the chance to work with your team to mitigate and remediate.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

Brian Silveira <brian@bsilveira.associates>

Fri, Feb 16, 2024 at 11:54 AM

To: shelly rothschild <rothschildlaw@yahoo.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Hi Shelly,

You are on record, and I look forward to chatting with you on the 22nd.

Wishing you and your daughter strength and healing.

Brian

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Fri, Feb 16, 2024 at 11:58 AM

To: Brian Silveira <brian@bsilveira.associates>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>

Thank you Brian!

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 22, 2024 at 7:29 AM

To: Brian Silveira <brian@bsilveira.associates>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Before the call today, I would like to know if you are going to provide my adjoining property with any specific remediation or mitigation for the items I listed, or instead if you are just going to tell me again that everything is "off the table?" Thanks.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

Brian Silveira <brian@bsilveira.associates>

Thu, Feb 22, 2024 at 7:51 AM

To: shelly rothschild <rothschildlaw@yahoo.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Hi Shelly,

We will discuss everything on the call. Thanks!

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 22, 2024 at 7:55 AM

To: Brian Silveira <brian@bsilveira.associates>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Hi Brian, I am trying to find out if the call is just PR or will actually offer solutions. Please advise. This situation is giving chest pains from stress.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

Brian Silveira <brian@bsilveira.associates>

Thu, Feb 22, 2024 at 7:57 AM

To: shelly rothschild <rothschildlaw@yahoo.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Hi Shelly,

The call is definitely not just PR.

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shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 22, 2024 at 8:28 AM

To: Brian Silveira <brian@bsilveira.associates>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Thanks, accordingly, I will expect you to offer specific solutions for each of the items I listed.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 22, 2024 at 9:06 AM

To: Brian Silveira <brian@bsilveira.associates>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Hi Brian, someone taped a piece of paper on our house yesterday saying our water would be turned off for two days to put in a new meter.

It was not mailed and could have been typed on any computer. I have tried but cannot reach LADWP.

Does this notice relate to your contiguous project? Are you turning off our water for two days?

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

Susan Kahn <susan@brainstormmedia.com>

Thu, Feb 22, 2024 at 9:29 AM

To: shelly rothschild <rothschildlaw@yahoo.com>, Brian Silveira <brian@bsilveira.associates>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Hi Shelley – we also got a notice on our door yesterday; however it says the water will be off from 9 to 3 on one day, 2/23 (tomorrow). And it indicates for water meter or water main.

-

--

Susan Kahn

from: [shelly rothschild](#)

Sent: Thursday, February 22, 2024 9:06 AM

To: [Brian Silveira](#)

Cc: [Meyer Shwarzstein](#); [Kevin Scott](#); [David Woon](#); [Jesi Harris](#); [Mayra Guevara](#); [Susan Kahn](#); [barkh1234@gmail.com](#); [hakeem.parke-davis@lacity.org](#); [steve.ruiz@lacity.org](#)

Subject: Re: 1904-1906 Preuss Rd

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Last week, you suggested a call for last week. I wrote on the 29th letting you know that this week would be better and I didn't hear from you. In your reply to my email of February 4th, you suggested that you were waiting to hear from me. That is not the case.

[Quoted text hidden]

[Quoted text hidden]

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[Quoted text hidden]

Brian Silveira & Associates | Venice, California | bsilveira.associates

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Brian Silveira
Founder + Principal
M: 310.753.1090

Brian Silveira & Associates | Venice, California | bsilveira.associates

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--

Brian Silveira
Founder + Principal
M: 310.753.1090

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 22, 2024 at 9:35 AM

To: Brian Silveira <brian@bsilveira.associates>, Susan Kahn <susan@brainstormmedia.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Thanks Susan! Our says to 2/24 and only water meter. Can you tell who sent it? On cameras? I am home-bound, struggling with cancer, need water, and it does not take 6 hours to change a water meter.

Shelly RothschildEmail: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 22, 2024 at 9:36 AM

To: Brian Silveira <brian@bsilveira.associates>, Susan Kahn <susan@brainstormmedia.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

We also did not get notice by mail or by water alerts we get from LA, which makes this suspicious.

Shelly RothschildEmail: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 22, 2024 at 9:39 AM

To: Brian Silveira <brian@bsilveira.associates>, Susan Kahn <susan@brainstormmedia.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Cameras show man wearing unidentified vest taping at 10:21 am yesterday.

Shelly RothschildEmail: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 22, 2024 at 9:40 AM

To: Brian Silveira <brian@bsilveira.associates>, Susan Kahn <susan@brainstormmedia.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

He is wearing a construction company vest.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 22, 2024 at 9:43 AM

To: Brian Silveira <brian@bsilveira.associates.com>, Susan Kahn <susan@brainstormmedia.com>

Cc: Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates.com>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Pictures below. Brian, is he yours?

Shelly Rothschild

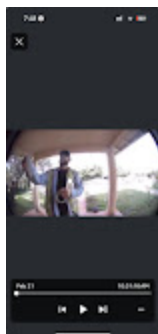
Email: rothschildlaw@yahoo.com Phone: 310-622-3470

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2 attachments



WhatsApp Image 2024-02-22 at 9.41.43 AM.jpeg
54K



WhatsApp Image 2024-02-22 at 9.42.05 AM.jpeg
53K

Brian Silveira <brian@bsilveira.associates.com>

Thu, Feb 22, 2024 at 9:53 AM

To: shelly rothschild <rothschildlaw@yahoo.com>

Cc: Susan Kahn <susan@brainstormmedia.com>, Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates.com>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates.com>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Hi Shelly,

It sounds from your description like someone from LADWP posting a notice of temp water shutoff. Whoever it is, it has nothing to do with us or this project.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

shelly rothschild <rothschildlaw@yahoo.com>

Thu, Feb 22, 2024 at 9:58 AM

To: Brian Silveira <brian@bsilveira.associates>

Cc: Susan Kahn <susan@brainstormmedia.com>, Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, "barkh1234@gmail.com" <barkh1234@gmail.com>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, "steve.ruiz@lacity.org" <steve.ruiz@lacity.org>

Thanks!

[Sent from Yahoo Mail for iPhone](#)

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Siamak & Soroh Barkhordar <barkh1234@gmail.com>

Thu, Feb 22, 2024 at 11:44 AM

To: shelly rothschild <rothschildlaw@yahoo.com>

Cc: Brian Silveira <brian@bsilveira.associates>, Susan Kahn <susan@brainstormmedia.com>, Meyer Shwarzstein <meyer@brainstormmedia.com>, Kevin Scott <kevin@bsilveira.associates>, David Woon <david.woon@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Mayra Guevara <mayra.guevara@lacity.org>, Susan Kahn <susan@brainmedia.com>, hakeem.parke-davis@lacity.org, steve.ruiz@lacity.org

Thank you for everybody's feedback.

We would like to express our understanding why another Multiunit is not the right choice for this neighborhood.

The street is already too saturated with cars.

Even if they make parking, people will have people come over. In addition in case of an emergency we need to have available room for cars so that people who want to help are able to do so without blocking the street. At this point already many times construction vehicles are blocking the roads making it already a danger for a case of emergency.

Whoever wants to approve, this project will be liable in case of a life-threatening emergency. I don't think anyone wants to be responsible for that. Therefore, we are asking you to please think it over make the right choice for your own sake.

Thank you for your understanding

Sent from my iPhone

On Feb 22, 2024, at 9:58 AM, shelly rothschild <rothschildlaw@yahoo.com> wrote:

Thanks!

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Brian Silveira & Associates | Venice, California | bsilveira.associates

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Brian Silveira
Founder + Principal
M: 310.753.1090

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Brian Silveira & Associates | Venice, California | bsilveira.associates

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Brian Silveira
Founder + Principal
M: 310.753.1090

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David Woon <david.woon@lacity.org>

Preuss Road Development - Issues I've raised related to the impact on our property

Meyer Shwarzstein <meyer@anotherbrainyidea.com>

Mon, Apr 15, 2024 at 10:19 AM

To: David Woon <david.woon@lacity.org>

Cc: Shelly Rothschild <rothschildlaw@yahoo.com>, Susan Kahn <susan@brainmedia.com>, hakeem.parke-davis@lacity.org, Mayra Guevara <mayra.guevara@lacity.org>, Jesi Harris <jesi@bsilveira.associates>, Kevin Scott <kevin@bsilveira.associates>, Brian Silveira <brian@bsilveira.associates>, Barkhordar <barkh1234@gmail.com>, Michael Lynn <michaelynn@soronc.org>, Terry Gomes <terrencegomes@soronc.org>, Amy Morando <akmorando@yahoo.com>, Grace Yoo <grace@graceforla.com>, heather.hutt@lacity.org

Dear David,

I assume that the hearing has not yet been scheduled. Unfortunately, I will be out of town for much of the next four weeks. Is there some way I can provide some input into the hearings without attending them in person?

It's been a couple of weeks since Brian told me that he would get back to me (see below) but I have not received a reply.

After months of back-and-forth, the developer has not come back with recommendations which address fundamental concerns such as access to our ADU, the border along our property line or the impact on our solar energy collection system.

Months ago, when I raised the solar issue with the developer directly, he assured me that he'd work with us to mitigate the damage. All Brian offered was a \$6k battery storage unit which will not address the fundamental issue - the buildings he intends to build will block sunlight part of the year (a \$30,000 problem). The developer also told me that he'd work with us on the green wall to enhance the project's appearance. We've received no solution which takes into consideration the shade it will produce on our trees.

While us neighbors are angry and frustrated that our concerns aren't being addressed, we also know that we're running against the prevailing tide which believes in overriding any neighborhood concerns related to housing development.

But does that give developers a license to damage the environment, diminish access to property and have the exclusive right to say as to what can stand as a border between the properties?

How far will you go?

Perhaps I'm a fool to think so, but I refuse to believe that the city intends to completely abandon its role as a representative of its citizens.

Thank you again for your time, attention and consideration.

Sincerely,
Meyer Shwarzstein
1902 Preuss Road

[Quoted text hidden]



David Woon <david.woon@lacity.org>

<https://share.ring.com/7573484f-e807-4839-be98-43904fb8c6cd.mp4>

2 messages

shelly rothschild <rothschildlaw@yahoo.com>

Thu, May 9, 2024 at 6:23 AM

To: David Woon <david.woon@lacity.org>, Terrence Gomes <terrence.gomes@lacity.org>, "danielfain@gmail.com" <danielfain@gmail.com>, Meyer Shwarzstein <meyer@anotherbrainyidea.com>, Barkhordar <barkh1234@gmail.com>, sharon ross <rosssharon@aol.com>, Kevin Scott <kevin@bsilveira.associates>, Brian Silveira <brian@bsilveira.associates>, Jesi Harris <jesi@bsilveira.associates>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Mayra Guevara <mayra.guevara@lacity.org>, Michael Lynn <michaellynn@soronc.org>, Susan Kahn <susan@brainmedia.com>, Amy Morando <akmorando@yahoo.com>, Grace Yoo <grace@graceforla.com>, "heather.hutt@lacity.org" <heather.hutt@lacity.org>

Click on link above to view video of cars parked at illegal airbnb immediately next to us, recorded by our front door cameras. It shows the developer breaking the law and the fact that the illegal airbnb is almost directly on top of our yard. No fences, not hedges. Now think about demolition, construction, trucks, parking, equipment, toilets, noise, dust, vibration, subsidence, methane, air pollution, and constant invasion, traffic and parking of the foregoing plus workers, residents, guests and invitees of a massive project, who will destroy our property, trespass, and invade our privacy for almost 2 years during construction, and forever thereafter.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470**shelly rothschild** <rothschildlaw@yahoo.com>

Thu, May 9, 2024 at 6:24 AM

To: David Woon <david.woon@lacity.org>, Terrence Gomes <terrence.gomes@lacity.org>, "danielfain@gmail.com" <danielfain@gmail.com>, Meyer Shwarzstein <meyer@anotherbrainyidea.com>, Barkhordar <barkh1234@gmail.com>, sharon ross <rosssharon@aol.com>, Kevin Scott <kevin@bsilveira.associates>, Brian Silveira <brian@bsilveira.associates>, Jesi Harris <jesi@bsilveira.associates>, "hakeem.parke-davis@lacity.org" <hakeem.parke-davis@lacity.org>, Mayra Guevara <mayra.guevara@lacity.org>, Michael Lynn <michaellynn@soronc.org>, Susan Kahn <susan@brainmedia.com>, Amy Morando <akmorando@yahoo.com>, Grace Yoo <grace@graceforla.com>, "heather.hutt@lacity.org" <heather.hutt@lacity.org>

You will need to cut and paste and play the link.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

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David Woon <david.woon@lacity.org>

Pictures of Illegal Airbnb today by applicant next to us and impinging on our property

1 message

shelly rothschild <rothschildlaw@yahoo.com>

Thu, May 9, 2024 at 8:10 AM

To: David Woon <david.woon@lacity.org>, "danielfain@gmail.com" <danielfain@gmail.com>, Brian Silveira <brian@bsilveira.associates>, Kevin Scott <kevin@bsilveira.associates>, Jesi Harris <jesi@bsilveira.associates>, Meyer Shwarzstein <meyer@anotherbrainyidea.com>, Barkhordar <barkh1234@gmail.com>, sharon ross <rosssharon@aol.com>, Yosef Yekutieli <yosef5858@yahoo.com>

1906 Preuss is part of applicant's project seeking approval: pictures show that he violates LA law and impinge on our property.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

2 attachments



IMG_4333.jpg
3947K



IMG_4332(2).jpg
4592K



David Woon <david.woon@lacity.org>

Re: 1904-1906 Preuss Road Hearing May 22: Why is the illegal airbnb extremely relevant to project approval?

shelly rothschild <rothschildlaw@yahoo.com>

Thu, May 9, 2024 at 2:01 PM

To: Daniel Fain <danielfain@gmail.com>, David Woon <david.woon@lacity.org>

Cc: Barkhordar <barkh1234@gmail.com>, sharon ross <rossharon@aol.com>, Meyer Shwarzstein <meyer@anotherbrainyidea.com>, Alanna Barak <alannabarak@gmail.com>, Dan Gerber <mrdangerber@gmail.com>

Hi David: the illegal airbnb further demonstrates the pattern of the applicant's not observing city laws.

In my view and those of my concerned neighbors, he cannot be trusted to follow any conditions or restrictions placed by planners on the project for which he seeks approval.

We are worried that the applicant may be engaging in further illegal conduct, such as by housing human trafficking victims in the airbnb.

The lawlessness of applicant further is alleged in the complaints filed against the applicant that are quoted in the comments I submitted.

The planners need to know with whom they are dealing, before they approve his project, which will adversely affect our neighborhood.

They may not be able to rely on any representations, warranties, or agreements by or with applicant.

That should be considered in granting approvals that require such reliance.

Yes, I am scared by the van loads of strange people, being brought by applicant into the illegal airbnb house that is practically on top of my home.

Please consider whether this applicant is someone that LA wants to reward by approving more projects.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

On Thursday, May 9, 2024 at 01:42:00 PM PDT, David Woon <david.woon@lacity.org> wrote:

Hi Mr. Fain,

I am unaware of any Airbnb activities that may be happening on this site. As the project planner for the proposed project, my role is to process the requested entitlements which include the subdivision of two lots into 12 small lots for the construction of a 12-unit small lot development and the requested Density Bonus Incentive and Waiver of Development Standard.

You can contact the Applicant directly about the use of the property for Airbnb. You can also contact and obtain more information from our Home Sharing Unit by clicking on the following link:

<https://planning.lacity.gov/plans-policies/initiatives-policies/home-sharing>

Thank you,

David

On Thu, May 9, 2024 at 12:34 AM Daniel Fain <danielfain@gmail.com> wrote:

Hi David,

Thank you so much for your help and time!

Has the city, zoning or other regulatory committees been appraised of and tracking the land owners/developers potentially illegal Air bnb activity that has persisted and clearly been active in both residences ?

Given the complexity of how the Air bnb system has been navigated and run under management through property managers, foreign visitors, construction employees, cleaning crews, etc, I would happen to suggest that no material has been presented regarding any of the activity. Albeit years worth of commercial activity run in the seemingly presented appearance of residential dwellings, in which none of the owners live, or reside, given their residences listed elsewhere.

Thank you again so much for putting this together and compiling so many of the local residential opinions, perspectives, and understandings of the proceedings.

We really appreciate all of your help!
Stay safe!

Warmly
Mr Daniel Fain

On Mon, May 6, 2024, 9:58 AM shelly rothschild <rothschildlaw@yahoo.com> wrote:

FYI

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470

----- Forwarded Message -----

From: Meyer Shwarzstein <meyer@anotherbrainyidea.com>

To: David Woon <david.woon@lacity.org>

Cc: shelly rothschild <rothschildlaw@yahoo.com>

Sent: Monday, May 6, 2024 at 09:55:49 AM PDT

Subject: Re: 1904-1906 Preuss Road Hearing May 22

Thank you, David,

I intend to stay on topic and I plan to keep it brief.

I would like to share a video of the solar study provided by the developer which shows how the shade will affect our house (and solar panels) in the winter months.

Is that something I can send to you?

Meyer

On Mon, May 6, 2024 at 12:41 PM David Woon <david.woon@lacity.org> wrote:

Hi Meyer,

Members of the public will not have the opportunity to share their screens during the hearing. Therefore, if there are any visuals that you would like to share for commentary I would recommend that you send them with your comments via email.

There isn't a strict time limit on how long members of the public can speak. However, we do ask that they limit the length of their comments and keep them concise and related to the subject matter of the hearing. If the Deputy Advisory Agency or Hearing Officer finds that the comment is not related to the project, they will ask that you stay on the subject matter and may ask that you wrap up your comment.

David

On Mon, May 6, 2024 at 9:15 AM Meyer Shwarzstein <meyer@anotherbrainyidea.com> wrote:

Hi, David,

During the Zoom, will we have the opportunity to share our screen? How long will we have to talk?

Thanks again for your guidance,
Meyer

On Mon, May 6, 2024 at 12:12 PM David Woon <david.woon@lacity.org> wrote:

Good Morning Shelly,

We do not get copies of any letters or comments that were filed with the SORO. Therefore, please send me any letters or comments that you would like to have for our record by Friday, May 17th.

The May 22nd hearing date is not the final decision date for this project as the Density Bonus entitlement request will also be presented to the City Planning Commission at a future date. You can continue to provide comments after this hearing.

Best,

David

On Mon, May 6, 2024 at 8:26 AM shelly rothschild <rothschildlaw@yahoo.com> wrote:

Hi David,

As you know, I have objections to this project. The hearing is on May 22. However, I will be traveling to Israel on a 15-hour flight on May 15, arriving May 16. I am 75 years old and disabled. It takes me a while to recover from jet lag from such a long trip, and I have been battling cancer for the second time. There is a 10-hour time difference. I have new lesions in my mouth that make it painful to talk. In short, I do not think I will be able to attend the hearing by Zoom on May 22.

Do the decision-makers at the hearing on May 22 get copies of what I filed before with SORO, or do I need to send them again to you so I can get them on record? If the latter, by when must I submit them to you? I have two days of medical appointments before I leave, which is coming up soon.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470



David Woon

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 763

Los Angeles, CA 90012

T: (213) 978-1368 | Planning4LA.org



David Woon

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 763

5/10/24, 8:38 AM

City of Los Angeles Mail - Re: 1904-1906 Preuss Road Hearing May 22: Why is the illegal airbnb extremely relevant to project app...

Los Angeles, CA 90012



David Woon

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 763

Los Angeles, CA 90012

T: (213) 978-1368 | Planning4LA.org





David Woon <david.woon@lacity.org>

1904-1906 Preuss Road Hearing May 22

Meyer Schwarzstein <meyer@anotherbrainyidea.com>

Tue, May 14, 2024 at 3:42 PM

To: David Woon <david.woon@lacity.org>

Cc: shelly rothschild <rothschildlaw@yahoo.com>

Hi, David,

Here are PDF's of a couple of emails from Brian Silveira in which a) he acknowledges that we'll lose power generation due to the development and b) he refuses to mitigate the damage.

Also attached is a quote from a commercial solar company who installed a 300k system on our synagogue - this was a project that I spearheaded. As part of our deal with them, they offered residents reduced cost solar systems for our houses. Attached is a quote they gave me for our house. Even at a reduced rate, it would cost us \$28,000 to upgrade our system to mitigate the damage.

Thanks,
Meyer

[Quoted text hidden]

3 attachments

**Sunistics Quote - Solar.pdf**

101K

**Brian Silveira re Solar.pdf**

91K

**Brian Silveira re- Solar - refusal.pdf**

78K



Meyer Shwarzstein <meyer@anotherbrainyidea.com>

**Re: Preuss Road - Issue 1 - Solar: CPC-2023-6115-DB-HCA; ENV-2023-6117-EAF;
and VTT-84089-SL-HCA**

Brian Silveira <brian@bsilveira.associates>

Tue, Apr 16, 2024 at 5:46 PM

To: Meyer Shwarzstein <meyer@anotherbrainyidea.com>

Cc: Susan Kahn <susan@brainstormmedia.com>, hakeem.parke-davis@lacity.org, David Woon <david.woon@lacity.org>, Mayra Guevara <mayra.guevara@lacity.org>, Terry Gomes <Terrence.Gomes@lacity.org>, Grace Yoo <grace@graceforla.com>

Hi Meyer,

I understand that your solar will be diminished during the winter, and I really wish there were a workaround. I've spent a considerable amount of time researching options that would allow you to bank your solar. We remain open to any solution, but Marc is not willing to give you \$25k for new solar panels.

Thanks,

B

[Quoted text hidden]



Meyer Shwarzstein <meyer@anotherbrainyidea.com>

Preuss Road - Issue 1 - Solar

Brian Silveira <brian@bsilveira.associates>

Tue, Apr 16, 2024 at 3:09 PM

To: Meyer Shwarzstein <meyer@anotherbrainyidea.com>

Cc: Susan Kahn <susan@brainstormmedia.com>

Hi Meyer,

Apologies for the communication delay. I had to take some time off for personal reasons.

Marc is willing to provide the solar battery or other solar accommodations in that cost range, which I believe was around \$5-10k. The amount you quoted for new panel would not be possible, but we could contribute to that cost.

Let me know if that works and I'll have Marc put something in writing.

Thanks,

B

[Quoted text hidden]

—

Brian Silveira

Founder + Principal

M: 310.753.1090

Brian Silveira & Associates | Venice, California | bsilveira.associates



Meyer Shwarzstein <meyer@anotherbrainyidea.com>

Solar for my house

Michael Knight <mknight@sunisticsgroup.com>
To: Meyer Shwarzstein <meyer@anotherbrainyidea.com>
Cc: David Kidman <dkidman@sunisticsgroup.com>

Fri, May 3, 2024 at 3:34 PM

Hi Meyer:

It looks like a 6kW system works best for you. Ballpark pricing would be around \$28K, all-in. A recent update to the tax credits allows a new solar project to enjoy the tax benefits even if you already realized them from the prior system, so you would be eligible for the ITC on a new system at 40%.

Thanks,

Michael Knight

Senior Partner

Sunistics Group: Simply Better Energy

Cell: 323.896.3247 | Email: mknight@sunisticsgroup.com | Website: www.sunisticsgroup.com |

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 Please consider the environment before printing this email or its attachments.

[Quoted text hidden]

Meyer Shwarzstein & Susan Kahn
1902 Preuss Road
Los Angeles, CA 90034
meyer@brainmedia.com

May 19, 2024

City of Los Angeles
Department of City Planning
Attention: Mr. David Woon
david.woon@lacity.org

RE: CPC-2023-6115-DB-HCA; ENV-2023-6117-EAF; and VTT-84089-SL-HCA

Dear hearing participants,

My name is Meyer Shwarzstein, and my wife is Susan Kahn. We have lived at 1902 Preuss Road since July 2000. When we moved in, the zoning was more limited than it is now, and we appreciated the privilege of living in an ethnically diverse neighborhood largely populated with single family homes and little traffic.

All that has changed. While we have concerns about traffic, noise, pollution, the cutting down of trees, and of the politics related to the development next door, we're going to primarily focus our comments on how this development will uniquely affect us and our home.

We will refer to various documents provided under separate cover.

1. The environment: this development is damaging in many ways.

I'm a life-long environmentalist, having done solar research in college in the 1970s. As soon as we could afford to get solar panels for our house, we made the investment – realizing full well that it would take a long time to see a return on that investment. That was 15 years ago. We have owned 4 electric cars which have been powered by the solar energy produced by our home.

Once this project is built, our ability to depend on that source of energy will be damaged. As you can see from the solar study that was done by the project's developers and from the statement from Brian Silveira;

- a. the production capacity for our solar plant during many months of the year will be impeded.
- b. the only way to mitigate the damage would be by adding more panels. Unfortunately, because our system is old, the panels we'd need to add are no longer available (new or used).
- c. the only way to compensate for the loss of light would be to build a new system. Among the papers we provided is an email quote for \$28,000 from a commercial solar contractor, Sunistics. This quote is below market; as part of a deal I negotiated with Sunistics on behalf of our synagogue, they agreed to offer members solar panels at their cost. By the time the Preuss Road development is built, this deal will expire, and the cost will be much more.
- d. The California Solar Mandate instructs developers to add solar capacity to our energy grid. The city of Los Angeles has also given voice to support for alternative energy. This project fails on several counts. Instead of diminishing LA's carbon footprint, it will expand it:
 - i. They are not providing a source of alternative energy
 - ii. They are ripping out many trees and a lot of greenery to build structures which will absorb and radiate heat
 - iii. We have almost 30 trees on our property – all but two of which we've planted since we lived here – and now many of them will be shaded much of the year
 - iv. They are not using green techniques to build the structures – it will be a lot warmer near and at our house, forcing us to run our HVAC more frequently during the year.
- e. The developers offer: A battery or \$5,000. Given the extend of the damage, this offer is grossly insufficient.

2. Communication.

Brian Silveira has done a good job trying to find a middle ground on the structure of the fences between our properties and relating to our driveway gate. He's worked with the architect to provide accommodations that will work for both of us but, as of today, we haven't received any guarantees from the developer in writing. We have also not been given any assurances from the developer that we will have access to them or their representatives over the course of the project. We're on a hillside and the damage to our yard, our ADU and/or our 85-year-old home could be significant.

3. Given the limited control you have, what can do about it?

Say "no" to the zoning variances requested.

By keeping the front two units farther from the street and only 3 stories tall, there will be less shade over our house. It's not a perfect solution for the developer, for the neighbors, for the environment or for the neighborhood.

It's a compromise that encourages development and tells neighbors that our voices still count.

Thank you for your time and consideration. We appreciate having had the opportunity to comment on the project and we hope our concerns will be taken into consideration as you consider their proposal.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized combination of 'M' and 'S', followed by a long horizontal line.

Meyer Shwarzstein and Susan Kahn

5/22/24 HEARING ON PROPOSED PROJECT AT 1904/1906 PREUSS ROAD:
OBJECTION BY COTERMINOUS, ADJOINING SENIOR NEIGHBOR
SHELLY ROTHSCILD

I live at 1908 Preuss Road, directly next to, contiguous with, and adjoining the proposed project for which approvals are sought at this hearing at 1904-1906 Preuss Road. I am 75 years old, and my husband is 78. We have lived here for 38 years. I am battling cancer for the second time. and I am disabled from years of multiple spinal, hip, knee, abdomen, chest, and oral surgeries. This construction will endanger my health and destroy my home, as set forth in the Objections below.

I will be overseas on May 22 and unable to attend the hearing. Please distribute these to all decisionmakers at the hearing as my comments on the project.

-OBJECTION 1: An Updated Environmental Impact Statement was not filed for this project re subsidence of and earthquake damage to the entire block.

Our block is on a small hill that does not appear to be strong enough to hold such a massive project. It could cause the entire block of buildings on both sides to subside and fall down, destroying houses on all sides of the block. This includes my house at 1908 Preuss that is coterminous with and adjoining this massive project.

Per ZIMAS, this massive project is in Active Fault Near Earthquake Zone. A notice for this block states: "Please be advised that this parcel is located within the Alquist-Priolo Earthquake Fault Zone."

I note that the expert reports filed in support of this project are several years old; may be outdated as having been done before the recent spate of earthquakes and destabilizing torrential rains in California; and have not been updated.

In addition, a search of court files reveals a complaint was filed alleging that this applicant previously caused dangerous subsidence in other projects. It stated in relevant part that the applicant ("Defendants" in that lawsuit) destabilized the soil and foundation of Plaintiffs' property and, in the process undermined the support for Plaintiffs' property which caused damage to Plaintiffs' property:

"Defendants failed to exercise ordinary care and skill when excavating the soil and when constructing the shoring system and Defendants failed to take reasonable precautions to sustain the adjoining land of Plaintiffs in its natural state.

In addition, Defendants failed to give Plaintiffs reasonable notice of their true intentions as to the depth of the excavation, the construction of the shoring system including but not limited to, the excessive and severe vibration.

As a proximate result to Defendants excavating and construction of the shoring system in the negligent manner alleged in this complaint, Plaintiffs' land was deprived of its lateral support, and Plaintiffs' soil has subsided and slipped and the structural improvements on Plaintiffs' property have been threatened and are in danger of falling into the excavation or otherwise being damaged.

Defendants breached their duty to Plaintiffs and failed to exercise ordinary care and skill in making the excavations and failed to take reasonable precautions to sustain the adjoining land of Plaintiffs in its natural state.

As a proximate result of Defendants' Defendants' excavations, the lateral and subjacent support to Plaintiffs' land was undermined and compromised.

The property is not constructed so as to materially comply with the design criteria for earthquake and wind load resistance, as set forth in the applicable government building codes, regulations, and ordinances in effect at the time of original construction."

End of excerpts.

Although this was not the property that is the subject of the planning requests, it is located nearby, and the lawsuit was settled without trial after a massive deluge of retaliatory filings by the applicant, it may show a pattern of misconduct by applicant that may be repeated if the multiplicity of the exceptions sought by applicant is granted.

Based on the foregoing, an updated Environmental Impact Statement or other required permits must be required before any planning approvals are granted.

-OBJECTION 2: An Updated Environmental Impact Statement was not filed for this project regarding the release of deadly methane gas immediately next to us.

Per ZIMAS, this massive project is located in a Methane Buffer Zone. Review of court files reveals that a complaint was filed alleging that one of the subject properties at issue for approval previously was dug up for methane testing without the required permits. In relevant part, the Complaint alleged: "Defendant began tearing up the backyard [of 1904 Preuss Road] under the pretense of that Defendants are conducting soil analysis and methane testing without any required City of Los Angeles or State of California permits."

This involved one of the very same properties that is the subject of the approvals, 1904 Preuss Road. Although it was ultimately dismissed due to default, this was after a

massive deluge of retaliatory filings by applicant against the pro se plaintiffs, a pattern I saw before. Applicant hires a top law firm to bury their opponents with litigation against the small family or pro se plaintiffs until it is too expensive for them to continue.

This methane testing took place years ago, in 2017, and no updated methane testing may have taken place. Based on the foregoing, an updated Environmental Impact Statement and other required permits and testing must be required due to the risk of toxic methane gas release next to us before any approvals are granted.

-OBJECTION 3: NO justification has been shown to merit the grant of approvals for this massive project on this block.

The massive project sought for approvals will destroy this quiet neighborhood, which consists largely of single-family homes and some small apartments that fit into the current block design. On this block, people of all colors, all classes, all religions, and all ethnicities live together in peace and harmony, and help each other, and this project will drive them out by building the equivalent of an entire city block in the middle of one small street. We have been told that people from other areas of LA come to our block to enjoy walking there due to its unique character, which is to be annihilated.

This is “block busting.” Applicant will drive us out by building a massive project next to us to deprive us of the quiet enjoyment of our premises. We are 75 and 78 years old, seniors who want to age in place, as per the city plan for this block; we are retired, and I am disabled and battling cancer for the second time. We deserve to live in peace. This is our home and the asset we rely on to sustain us during our elder years. We are as your grandparents would have been if a greedy developer sought to displace them.

This is not a project that is designed to fix the housing problems in LA. It is a luxury project for the most part: 11 of the 12 units may be sold for as much as two million dollars each, if not more, which is beyond what most people can afford in our city. The market for which this project is being built is for outside investors who can afford multimillion dollar apartments, not LA residents.

It also may damage the value of existing houses like my home, due to the destruction of the neighborhood zeitgeist, the danger of subsidence, the hazard of methane, the hazardous increase in traffic on a tiny street, the intolerable lack of parking, and the disruption of massive buildings being constructed over a lengthy period of time.

In one of their reports, applicant admits that the following huge number of machines and equipment will be used right next to us for a considerable period of time. This constitutes constructive eviction from our home:

Demolition Concrete Industrial Saws 1 Stationary 90 Barrier 70
 Rubber Tired Dozers 1 Mobile 82 Muffler 67
 Tractors/Loaders/Backhoes 2 Mobile 80 Muffler 65 Site Preparation
 Graders 1 Mobile 85 Muffler 75
 Tractors/Loaders/Backhoes 1 Mobile 80 Muffler 65
 Grading Graders 1 Mobile 85 Muffler 75
 Rubber Tired Dozers 1 Mobile 82 Muffler 67
 Tractors/Loaders/Backhoes 1 Mobile 78 Muffler 65 Building
 Construction
 Cranes 1 Mobile 81 Muffler 66
 Forklifts 2 Mobile 75 None 75
 Tractors/Loaders/Backhoes 2 Mobile 80 Muffler 65 Paving Cement and Mortar
 Mixers 4 Mobile 79 Muffler 64 Pavers 1 Mobile 77 Muffler 62
 Rollers 1 Mobile 80 Muffler 65
 Tractors/Loaders/Backhoes 1 Mobile 78 Muffler 65 Architectural
 Coating
 Air Compressors 1 Stationary 78 Barrier 58

Review of court files reveals that a complaint was filed alleging that the applicant created unreasonable noise, dust, and disturbance in prior construction on 1904 Preuss Road, one of the parcels at issue, due to their use of heavy equipment during construction.

Moreover, there is no protection given to us by applicant from the inevitable trespass, noise, pollution, dust, theft, smelly, unhealthy portable toilets, blocking of traffic and parking, vibration, and massive invasion of privacy that we will suffer from the contractors, subcontractors, trucks, crews, and the new residents who can impinge on our property. NO fences, no hedges will be built by the applicant to screen their intrusions into our privacy and protect us from trespass.

In short, this is a massive project not suited to our neighborhood. It is block-busting. It will deprive existing residents of the enjoyment of their properties and decrease the value of their homes, their sole or major assets. It will defeat the “aging in place” for seniors like us, intended by the city plan. It will not provide affordable housing for LA residents, but rather investments for non-resident millionaires.

Is that what LA city planning seeks to achieve: to destroy the lives of its residents in favor of unaffordable apartments build by greedy developers for millionaire investors who do not live here?

There may be many other places applicant can build his project without destroying our

neighborhood, but as we are comprised of small working class and retired families, we may be viewed as “easy pickings” because we can be harassed and outspent with applicant’s pattern of retaliatory tactics if we object.

Why doesn’t the applicant build in his own home area, right across the street of Robertson in Beverlywood? Could it be that he does not want to destroy his own neighborhood? Could it be because Beverlywood would never grant approvals for this massive, intrusive project? In contrast, our block may be viewed as easy prey and an easy target, with no planning authority protecting us from intrusive and unsuitable incursions.

I note that in one of its reports supporting the project, applicant admits: "Of the nearby sensitive land uses, the property which would experience the greatest level of noise from HVAC operation would be the single-family residence to the south of 1906 Preuss Road at 1908 Preuss Road (our home). Units G, H, and I are the nearest to 1908 Preuss Road (with a composite reference noise level of 72.8 dBA) and have approximately 9 Units J, K, and L are located adjacent to the portion of 1908 Preuss Road’s property that is not developed and would therefore not impact residents inside their home." (Emphasis added)

This is a false and misleading statement: all of our property at 1908 Preuss Road is our home, used and developed. We use the front and back yards constantly as our place of rest and respite. Our children and grandchildren play there. We have planted 27 fruit trees. It is our outdoor home to enjoy our last years, and it will be rendered unusable by this project.

Where is it written in LA planning directives that LA residents are condemned to only using “the inside” of their homes and therefore are unable to enjoy their entire property? Nowhere.

Based on the foregoing, there must be found an irrefutable justification for the granting of the approvals that will destroy our home and our neighborhood. There is none.

-OBJECTION 4: No analysis was made of the parking problems this massive project will cause to existing landowners.

It almost impossible to find parking on our block under current circumstances for many times during the day. When our brother died, we had to limit condolence visits to our home because no one could find parking on our block.

Building this massive project will make it worse. A two-car garage will not be

sufficient. Each member of the family may need a car, and guests, relatives, service providers, workers, and other invitees also will need to park. The millionaire investors who buy these units probably will rent them out to a multiplicity of subtenants, who could not afford the high rents without sharing with a group of others. There is no provision for parking of these tenants, and their guests, workers, and other invitees.

This was not evaluated: the reports used by the applicant were general ones related to parking in LA and were not specific to our unique, narrow, and special block. Not only do residents on our block and their guests park on our street, but also those from adjacent streets who seek to avoid the car thefts and gang violence plaguing their areas. We all will be shut out, solely so that a greedy developer can make millions off our suffering.

Based on the foregoing, there must be an irrefutable justification for approval of a massive project on our tiny, unique block that will increase already intolerable parking problems. There is none.

-OBJECTION 5: NO analysis been done as to the impact of this project on the children playing and people walking to places of worship who live or visit on this block and will be impacted by the increased traffic on the block caused by this massive project.

Our tiny street is very narrow. Two cars cannot pass each other without one pulling aside. Increased traffic from this massive project will be a constant danger to those who live here.

Many families on this block have young children who walk or play in or near our tiny street, and guests like our grandchildren who do so when they visit. I witnessed a child being hit recently who had just stepped off the curb on our block. A car speeding down the street hit him.

In addition, many people walk on this block to nearby places of worship. They may be at risk due to the increase in traffic that may be caused by this project. A truck recently slammed into my husband as he sat in our car parked in front of our house.

This is a block where this massive, intrusive project will pose a danger to children, grandchildren, and Christian, Sikh, and Jewish worshippers living here. This has not been evaluated. My 78 year-old husband walks down Preuss Road every Friday night, Saturday, and Holy Days to pray, exposing him to the increased traffic that will be caused by this projects. He walks very slowly and in great pain because he has spinal stenosis and sciatica of his lumbar spine and bursitis of his hip. I use a walker and cane.

On our narrow little street, we would not be able to dodge the newly increased traffic of Ferraris, Lamborghinis, and Porsches that will be coming from the new Levittown to be built on our block, if this project is approved.

The applicant's reports justify this increase in traffic by referring to general traffic conditions in our city, not our specific street. He relies on a report that does not even relate to Los Angeles, but rather to different cities.

He says we should ride bicycles and give up our cars, to reduce traffic, with no thought of how difficult that would be for 75 and 78 year old seniors, especially me, an old lady fighting cancer, and disabled from years of multiple spine, hip, knee, abdominal, chest, and oral surgeries. This is ludicrous: Why should we suffer, we who live here and cannot walk without pain, not to mention ride bicycles to distant cancer appointments, so he can make millions.

Our tiny, special, unique, narrow street should be preserved for the safety of those who live here. It will be destroyed by this project, so that a greedy developer can make a buck. Is this what LA city planning is intended to achieve?

Based on the foregoing, there must be an irrefutable justification for granting the approvals to create an unreasonable risk to our children, grandchildren, seniors, the disabled, and those seeking to pray in safety, a risk that will be caused by the increased traffic produced on our narrow block by this massive project.

-OBJECTION 6: The project will severely diminish our internet access in our homes, drastically affecting the livelihood and lives of those who live here.

We live in an era where people work remotely from their homes using the internet; children use the internet to learn at home; alarm and security systems that protect us use the internet; and everyone's source of information, news and entertainment is obtained through the internet in their homes, including movies, music, games, work and school research, elections, concerts, politics, city laws, and books for all ages.

Due to the massive nature of the project, it may detrimentally affect the crucial internet access and internet speed on our block, which is essential for me and other residents, as our sole source of the above information. This has been addressed with the applicant's lobbyists, who have offered no solution. They say that we must do the work, which they imposed on us, to contact our internet providers and pay for improvements that they unilaterally have caused to be needed.

To the contrary, it is a cardinal principle of California law that those who destroy the

quiet enjoyment of others must compensate them or pay for the needed resolution. themselves. Destroying our quiet enjoyment to make millions, and then forcing those who are injured to pay themselves for the damage inflicted is antithetical to our laws.

I note that SORO NC did not approve this project and urged its rejection. Although advisory, SORO NC is in charge of preserving and protecting its residents and their quality of life, including mine and my neighbors. As such, SORO NC's views and recommendations should be given some weight by LA City Planning.

Moreover, in one of the conditional approvals of this project, it is required that the applicant get the notarized consent of adjoining neighbors. We are adjoining neighbors, and for all of our objections, we do not consent.

FYI, the applicant will urge approval based on the existence other projects being built on our block. These projects are not directly contiguous and adjoining to our home as applicant's project will be. We further received no notice and opportunity to be heard as to these other projects, in violation of our right to due process to oppose them.

-OBJECTION 7: THE PROJECT WILL VIOLATE OUR FIRST AMENDMENT RIGHT TO FREEDOM OF RELIGION.

We have asked the applicant not to engage in construction on our Sabbath and Holy Days, on which I use our home, directly next door, to pray because I cannot walk to temple and on which we recite psalms on our day of rest, and engage in quiet meditation.

He refuses. He says it is up to his contractor, and therefore, he can and will use all of those demolition and construction activities, his multiplicity of trucks, machines and equipment to destroy the practice of our religion. He offered us a week in a hotel, but never put it in writing, and construction may last at least 12-18 months.

Moreover, it is untrue that it solely up to the contractor to decide whether to destroy the practice of our religion. The contractor is merely the agent of the applicant that he hires to work **for him** on **his** property and at **his** instructions. The applicant can control the days and time of work through his agreements with his contractor, who must comply. Plus, as the principal of the agent contractor, the applicant is responsible and liable for his agent's actions.

Thus, the applicant's activities, virtually on top of our home, will interfere with the practice of our religion, in violation of the First Amendment to the US Constitution.

-CONCLUSION: Based on all of the foregoing objections, the project at issue

should not be approved.

-Shelly Rothschild for herself and all other residents of Preuss Road, who will be irreversibly injured by approval of this massive project of \$2 million, unaffordable, apartments for the benefit of non-resident millionaires and a greedy developer.

End of Document

Regarding: VTT-84089-SL-HCA-1A

Hi, David,

We are asking you to direct the developer to make modifications in consideration of our concerns before you approve the project.

Please consider the following:

1. We've made you aware of our concerns about our ability to produce solar energy. The investment we made into putting solar panels on our property will be negatively affected by the project. The developer has acknowledged this and they offered to buy us a battery - unfortunately, that wouldn't address the principal problem. We will lose the capacity to generate power because of the shade created by the new buildings. If we overproduced energy all year round that could be a solution, but we don't. We don't understand why this request is continually ignored.

2. We've asked about the boundaries between our property, about the gate that's attached to the current building, and other construction issues. None of these have been addressed in writing by the developer.

3. Heather Hutt, in the attached letter outlined many other concerns. These were relevant at the time of its writing and, now that more properties are being developed on our block, that has only become more relevant.

We understand that the city and the state have determined to aggressively develop parts of LA, notwithstanding how such development may affect the neighbors or the neighborhood.

To those of us living in the neighborhoods currently zoned for multifamily housing (the zoning for our house changed after we moved here in 2000), we feel like we're being treated like statistics, not people. Our values are discounted, and our presence is ignored. The principal supersedes any and all of our individual interests, or those of our neighborhood.

4. In addition to the principal issues related to the development of the property, we're now facing a personal issue.

We've been told that our 40-year-old daughter has less than 12 months to live. She plans to spend the last months of her life in our home. If this development proceeds quickly, the last part of her life will be disrupted by it.

I don't understand how a city can ignore the many in favor of the few. I don't understand what the point of a city government is if not to protect and consider its citizenry.

The whole point of civil society is to maintain civility - that's the basis for civilization. That means that the society must consider the voices of all of its individuals - not just the collective.

This battle has been long and frustrating. We know that going up against City Hall is a Sisyphean task - but we have a lot to fight for. We have one life, one home and...one last plea - on behalf of our daughter.

Sincerely,
Meyer
1902 Preuss Road

OBJECTION BY ADJACENT, CONTIGUOUS PROPERTY OWNER SHELLY ROTHSCILD
TO APPROVAL OF PROJECT TO BE HEARD ON APRIL 24, 2025

-Project Address: 1904 – 1906 South Preuss Road, Los Angeles, CA 90034 (“Project” or “PROJECT”)

-Case No.: VTT-84089-SL-HCA-1A

-Council District: 10 – Hutt (who opposes this Project); Neighborhood Council: SORO (which opposes this Project) CEQA: ENV-2023-6117-CE

-Community Plan: West Adams – Baldwin Hills – Leimert Community Plan (“COMMUNITY PLAN” or “CP”)

-Related Cases: VTT-84089-SL-HCA; CPC-2023-6115-DB-HCA; ADM-2023-6116-SLD; ENV-2023-6117-CE

-Applicant: Marc & Risa Dauer, Preuss Development, LLC; Representative: Kevin Scott, Brian Silveira & Associates

- Objection by Shelly Rothschild (aka Shelly Yekutieli on behalf of herself and husband Yosef Yekutieli

We live at 1908 South Preuss Road, a single-family home, that is adjacent to, contiguous with, and directly next to the Project. We object to approval of this Project, which is to be heard on April 24, 2025.

-VIOLATION OF REQUIRED CONSIDERATION ON REMAND: On November 24, 2024, the Project was remanded back to the City Planning Commission for further consideration by the City Council. However, there is no evidence that this further consideration ever took place; that any findings were made; or that any changes or ameliorations were made on this remand.

-NO CONSIDERATION HAS BEEN MADE AS TO RECENT DEVELOPMENTS THAT HAVE EXACERBATED THE DANGERS OF THIS PROJECT INCLUDING INCREASED EARTHQUAKE AND FLOODING ACTIVITY, AND OTHER MASSIVE NEW BUILDINGS ON THE BLOCK THAT WILL FURTHER INCREASE TRAFFIC AND LACK OF PARKING. The Project is based on outdated reports as to earthquake, flooding, parking, and traffic issues, which reports were undertaken years ago and are no longer applicable. In the recent past, there has been a marked increase in earthquake and flooding activity in Los Angeles, and other massive new buildings approved for our block that will increase traffic and lack of parking to punitive levels, making our block unlivable for residents of our neighborhood. There should be no consideration of this Project without first requiring updated reports that take into account these recent events.

-THIS PROJECT FLAGRANTLY DISREGARDS REJECTION OF THIS PROJECT BY OUR COUNCILMEMBER HEATHER HUTT AND BY THE SORO NEIGHBORHOOD COUNCIL, WHICH ARE UNIQUELY QUALIFIED AND CHARGED WITH ITS ASSESSMENT. City Council 10 representative, The Honorable Heather Hutt, and the South Robertson Neighborhoods Council both are responsible for and represent the location of the Project. In this regard, when this development was brought before the South Robertson Neighborhood Council for review, SORO NC not only rejected it but also opposed any further approvals. The Council District 10 representative, Heather Hutt also opposed the Project. Her opposition is included below in this objection . This Project therefore totally disregards the voice of the stakeholders in and representatives of the Project location, the only ones uniquely qualified to assess this development, and absolutely fails to be responsive to our community, its governing neighborhood council, and the City Council.

-THE PROJECT IGNORES THE LIE THAT THIS DEVELOPMENT WILL INCREASE AFFORDABLE HOUSING. TWO -MILLION -DOLLAR APARTMENTS ARE NOT AFFORDABLE HOUSING FOR LOS ANGELES. The Project will contain 12 apartments, only one of which may be affordable. It is estimated that each of the 11 other units will be sold for \$2,000,000.00 or more. The affordable housing shortage in LA is not for the luxury homes with terraces and hot tubs that the Applicant is building. In short, the purpose of this Project is to create luxury housing to be sold for multiple millions each, not affordable housing for LA residents.

-THE PROJECT VIOLATES THE COMMUNITY PLAN: Per LA regulations: "Each Planning Case approved must contain a finding that it conforms to both the General, Community, and Specific Plans." Here, no such finding can be made because the PROJECT abrogates the goals, standards, requirements, and policies of the COMMUNITY PLAN.

-CONTRARY TO THE CP, THE PROJECT DOES NOT MAINTAIN THE EXISTING RELATIONSHIP TO OUR ADJACENT HOME: Per CP G4, all development must maintain the existing relationship to adjacent buildings – "Houses should be designed in a manner which is sensitive to the massing and siting of adjacent structures. In particular, the taller portions of new houses should be kept to a minimum and should endeavor not to "broadside" the outdoor spaces of adjacent properties." All this will be destroyed by the Project. We live in an adjacent building at 1908 Preuss Road and have lived there for almost 39 years. During this time, the houses next to us at the Project were low level single-family residences. As such, the approval by the Project of building four (4) immense towers of 4 stories each, that will impinge upon and drastically overshadow our single-family house, does NOT maintain the relationship to our adjacent home, in violation of the Community Plan.

-CONTRARY TO THE CP, THE PROJECT DESTROYS THE VIEWS LONG ENJOYED BY OUR HOME AND AREA: A key goal of the COMMUNITY PLAN is to preserve and maintain existing views: See CP LU2-5; CP LU4-3. This is violated by the huge development of 4 towers of 4 stories each approved by the PROJECT that will block the views we have enjoyed in our home and area, a key reason for which we chose to buy our home almost 39 years ago, and it also will destroy a key element of our home's value, to our detriment.

-CONTRARY TO THE CP, THE PROJECT DESTROYS THE COMMUNITY PLAN GOAL OF ALLOWING EXISTING RESIDENTS TO AGE IN PLACE: The COMMUNITY PLAN guarantees existing residents like us the ability to “age in place.” See CP LU6-2: Planning must “support healthy aging in place,” and per CP LU6-3, must “promote housing practices that support aging in place.” I am 76 years old, and my husband is 78. We are seniors who planned on aging in place at 1908 Preuss Road, directly next to the Project, a goal that was assured by the Community Plan. We are disabled, unemployed, elderly, sick, and battling cancer. Under the Community Plan, our right of “aging in place” will be destroyed by the PROJECT, which surreptitiously will put into effect “urban removal” of elderly residents like us by destroying views that give value to our property, and by imposing intolerable living conditions endangering our home, privacy, safety, making us endure trespass, theft, traffic, parking, open toilets, noise, shaking, danger of subsidence, floods and methane, heavy equipment blocking streets, dust and pollution, loss of our utilities and crucial internet access, all of which will serve to force us to leave our homes, so a greedy developer can sell multimillion dollar apartments as “affordable housing.”

-CONTRARY TO THE CP, THE PROJECT DESTROYS THE NEIGHBORHOOD CHARACTER AND SCALE ESTABLISHED BY THE COMMUNITY PLAN. The COMMUNITY PLAN

requires that all development must maintain the existing character of our street. See CP LU2-3: Architectural Compatibility: must protect the character and scale of existing single-family residential neighborhoods; CP LU2-4: must consider factors such as neighborhood character; CP LU6-1: must be designed to complement neighborhood character. In this regard, the COMMUNITY PLAN establishes that our neighborhood “is characterized by single story and two-story main dwelling structures with a detached garage, featuring generous front and back yards. Most of these neighborhoods were designed and constructed in the late Nineteenth and early Twentieth centuries.” The PROJECT will destroy this established character by knocking down existing low-level single-family houses, and instead, installing directly next to us a mammoth development project, consisting of 12 apartments, in 4 new towers, each with 4 floors. The new construction looks more like a prison than a single-family residence. It will destroy the CP’s above-established character and scale of our neighborhood.

-SAFETY/NO PROTECTION FROM TRESPASS/NO PROTECTION OF PRIVACY//NO ACCESS TO INTERNET/REMOVAL OF TREES: Contrary to other construction on the other side of Preuss, the Project is being built on a hillside, where there are no other huge multistory towers. There are unique earthquake, methane, flooding, and utility issues on our little street, such as the recent increase in earthquakes, which the PROJECT disregards, based on flawed or outdated reports. In addition, our freedom from trespass, right to privacy, and our essential internet access also may be egregiously impacted by this huge development. Plus, 13 living trees that help combat LA air pollution will be uprooted. In addition, we will be injured by constant noise, dust, pollution, shaking, trespass by workers and residents, a multitude of heavy equipment blocking our streets, toilets fouling our air, and rooftop parties overlooking our homes, with no means of escape. Thus, the Community Plan’s goals for maintaining the safety and quality of life on our block will be nullified by the PROJECT.

-TRAFFIC: The PROJECT is based on traffic conditions generally in LA on main streets, and a traffic study of cities that do not include Los Angeles, ignoring the particular and specific conditions on our block. The Project is located on a block that is very narrow and has parking on both sides. As a result, it already has a huge traffic problem: Two cars cannot pass each other at the same time. To avoid major streets, cars speed down our block. Our car recently was rammed by a speeding truck while our car was parked outside our house, causing major damage that could have killed my husband sitting inside. The traffic danger is exacerbated by the fact that pedestrians use our street to walk to nearby places of worship, the elderly and children use it to cross the street, and residents use it to enjoy a stroll past our hillside homes. The PROJECT totally disregards the unique character of our block and the impact the Project will have on traffic. Not only will the Project include numerous new units, but due to the millions each will cost, many units may be rented to large groups of renters, greatly increasing the traffic on our block and impairing our safety and living conditions. This also will be exacerbated by other massive developments already approved to bust his block.

-PARKING: Our little block has an immense parking problem: there are no places to park many times during the day and night. This prevents us from having guests, creates difficulty for service personnel, and other invitees. The PROJECT will exacerbate this problem: there are only two spaces for each of 12 units, and no parking for their guests, groups of renters, service personnel, or invitees. This further will worsen an already intolerable situation but is completely disregarded by the Project. This also will be exacerbated by other massive developments already approved to bust his block.

-VIOLATION OF FIRST AMENDMENT RIGHTS: Our block uniquely contains many religious residents and establishments, including those of Jews like us, and a Chabad, which follow the Jewish Sabbath on Friday nights and Saturdays, and Jewish Holy Days. The Applicant is well-aware of this but has refused our request not to desecrate our religion by conducting work next door to us on these religious times. He easily could insert provisions in his contracts with those working on his site that control the hours and days of work, a reasonable religious accommodation, but will not do so. This is yet another surreptitious attempt to force us to move from our homes by making it impossible to practice our religion in peace, as guaranteed by the First Amendment to the US Constitution. The PROJECT violates this right by not requiring any religious accommodation.

-THE PROJECT IS WHOLLY SPECULATIVE, UNFOUNDED, AND ILLUSORY, PREMISED ON CONDITIONS THAT MAY NEVER BE SATISFIED: The PROJECT is

based on an approval that is premised on over ONE HUNDRED AND TWO (102) CONDITIONS, ALL WITH MULTIPLE SUBCONDITIONS, PLUS ADDITIONAL CONDITIONS UNDER SL-1-2/S-1, 2, AND 3, SET FORTH OVER NINETEEN (19) PAGES. Yet another condition was added by the PROJECT. Unless and until these conditions have been met in full, the PROJECT currently violates the COMMUNITY PLAN; lacks any verifiable and certain basis and foundation, and is illusory, as many or none of these conditions have been satisfied and

many never be achieved. If this Project does not complete each and every one of this fantasy lists of conditions, it will violate the Plan, destroy a heritage hillside neighborhood, and egregiously injure the health, safety, privacy, and property of existing residents. The PROJECT should not have been granted based solely on speculative promises of conditions that may never be fulfilled, especially as they are being made by a developer who has been sued for building violations before; as having only one unbuilt asset, may not have sufficient assets to satisfy any damages and/or remediation if these conditions are not met; and currently is violating Los Angeles laws by running an illegal Airbnb at the Project.

-THE PROJECT DOES NOT ADDRESS IF THE PROJECT VIOLATES APPLICABLE REGULATION, GUIDELINES, AND STANDARDS: The Project does not discuss whether it violates the Los Angeles Character Residential CPIO Development Regulations; and/or the City's Baseline Mansionization and Hillside Ordinance Guidelines and Standards; and/or the Complete Streets Guide requirement to identify how it will provide for the accommodation of all users of the roadway including motorists, pedestrians, individuals with disabilities, and seniors. It should not be approved unless and until these are addressed, written evidence is submitted on these issues, and no violations are found.

-THE DISTANT HEARING LOCATION IN ANOTHER CITY WILL MAKE IT IMPOSSIBLE FOR ME AND OTHER RESIDENTS TO ATTEND AND BE HEARD, IN VIOLATION OF OUR RIGHT TO DUE PROCESS. The hearing is being conducted in Van Nuys, a distant city that is NOT the city in which the Project is located, and is being held during rush hour, when considerable traffic may cause insurmountable difficulties in attending. I have asked to be heard via Zoom so I and other residents can attend, but it has not yet been provided and may not be offered..

-TENS OF THOUSANDS OF RESIDENTS ARE LEAVING LOS ANGELES DUE TO LUDICROUS DECISIONS LIKE THE PROJECT. BILLIONS HAVE BEEN SPENT WITH NO BENEFIT TO THOSE WHO LIVE HERE, AS EXEMPLIFIED BY THE PROJECT, AS RECOGNIZED BY OUR CITY COUNCIL MEMBER AND BY SORO NC, THIS SHOULD STOP NOW.

-We reserve the right to assert additional and new grounds for this objection, include additional evidence, and to join in objections made by others, before, during, and after the hearing.

-Letter Submitted by Councilwoman Heather Hutt into the record regarding the Project at Prior Hearing:

"The Honorable John Lee

Chair

Planning and Land Use Management Committee

200 N. Spring Street, Room 340

Los Angeles, CA 90012

RE: SUPPORT APPEAL - CF. 24-1136 - 1904-1906 SOUTH PREUSS ROAD –

VTT-84089-SL-HCA-2A

Dear Councilmember Lee,

I am writing to express my strong opposition to the proposed project at 1904-06 South Preuss Road. The project, as proposed, is inconsistent with the West Adams-Baldwin Hills-Leimert Community Plan, including the Design Guidelines, and is not physically suitable in context with the surrounding area. The project fails to provide architectural compatibility that is contextually sensitive to the prevailing neighborhood character and is designed with little regard for the existing community. Single-family homes and modest two-story multi-family residential housing largely surround the project, yet its design completely fails to follow the residential design guidelines of the community plan by providing for three story dwellings with habitable rooftops and mechanical structures that extend into the fourth story. The project also includes an introduction of an inappropriate number of new vehicles, many of which are proposed to access the development through an alley by creating a new through street from Pruess Road through the alley to the detriment of adjacent properties owners. This vehicular circulation would create a hazard to the existing property owners. Adding 12 housing units, each with a two-car garage, will significantly increase traffic on Preuss Road. This narrow street already experiences congestion, and the additional traffic will further exacerbate this issue, impacting the quality of life for existing residents and potentially hindering emergency vehicle access. Under the California Environmental Quality Act ("CEQA"), Class 32 exemptions apply only if the project is consistent with the applicable general plan designation, all applicable general plan policies, as well as with applicable zoning designation and regulations. However, this project does not apply strict conformance to the general plan, the community plan, or the zoning designation. The City's analysis does not include a VMT calculation that includes the construction and haul route phases of the project. Under CEQA, the whole of the project must be assessed. Instead, this project sought concurrent concessions to exceed the development standards, design guidelines,

and the zoning limits, in as much a CE 32 is not fitting for the project. The project will also increase hazards due to geotechnical design features being that the site is a hillside which will exacerbate the urban runoff to adjacent properties. The proposed development is on a hillside with known stability issues. The increased weight and disturbance from construction and habitation could exacerbate these issues, potentially leading to landslides or erosion, endangering both the new residents and existing homes. The sloping nature of the site raises serious concerns about water runoff and drainage. Increased impervious surfaces from the development could overwhelm existing drainage systems, lead to soil infiltration and instability, leading to flooding, erosion, and potential damage to neighboring properties. In addition, the project will contain only one affordable townhome-style condominium, which is unlikely to be feasible without a high degree of subsidy from the government. This is unacceptable in a city where affordable housing is already in short supply. The South Robertson Neighborhoods Council (SORO NC), the Neighborhood Council that covers the Project Site, rejected this development and opposed any further approvals.

The Department of City Planning disregarded the voice of the stakeholders in the community. I urge the committee to carefully consider these concerns and prioritize the well-being and quality of life of existing residents. The potential negative impacts of this project far outweigh any perceived benefits. For all of these reasons, I urge you to deny the proposed project.

Thank you for your consideration on this important matter.

Sincerely,

HEATHER HUTT

Los Angeles City Council

Councilmember, Tenth District”

THE RULE OF LAW, THE REPRESENTATIVE FORM OF GOVERNMENT FOR LOS ANGELES BY ITS CITY COUNCIL AND NEIGHBOR COUNCIL; THE ILLEGAL VIOLATION OF OUR RIGHTS UNDER THE CITY PLAN AND OF OUR RIGHTS TO THE USE, ENJOYMENT, SAFETY, AND VALUE OF OUR PROPERTY; AND ALL OF THE OBJECTIONS SET FORTH ABOVE MANDATE THE DENIAL OF APPROVAL OF THE PROJECT AT THE HEARING ON APRIL 25, 2025.

-End of Objection by Shelly Rothschild

EXHIBIT H

HOUSING ELEMENT STREAMLINING CHECKLIST

AND APPENDICES

(ENV-2023-6117-HES)

EXHIBIT I

MITIGATION MONITORING PROGRAM


INITIAL SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3a. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission’s ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

The following submissions are not integrated or addressed in the Staff Report but have been distributed to the Commission.

Material which does not comply with the submission rules is not distributed to the Commission.

ENABLE BOOKMARKS ONLINE:

**If you are using Explorer, you will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

April 14, 2025

Councilwoman Heather Hutt
Office of Council District 10
200 N. Spring Street, Room 420
Los Angeles, CA 90012

Re: 1904 & 1906 S Preuss Road, VTT-84089-SL-HCA-2A

Dear Councilwoman:

Brian Silveira & Associates is providing responses to your letter (undated) in which you express concerns about our client's proposed project at 1904 and 1906 S Preuss Road.

Our office has taken time to carefully analyze each of the concerns laid out in the letter submitted into Council File No. 24-1136 to the PLUM Committee supporting the appeal of the Vesting Tentative Tract Map No. VTT-84089-SL-HCA-2A. Further, our office has consulted with legal experts about the California Environmental Quality Act (CEQA) and the Housing Accountability Act, as they relate to this project, to ensure that we are following the correct legal process for housing development project review and approval.

In direct response to questions raised about potential environmental issues, our office has voluntarily completed the *Housing Element Streamlining Checklist Form* in order to demonstrate that the project falls within the scope of the previously-approved EIR, which was completed and certified as part of the City of Los Angeles' Housing element update.

The *Housing Element Streamlining Checklist Form* uses screening criteria and a series of mitigation measures from the program EIR mitigation monitoring program (MMP). Based on the checklist criteria, we found that several mitigation measures from the MMP required further study, including:

- (1) A Tree Report
- (2) A VMT Analysis
- (3) An Operational Noise Study
- (4) A Native Tribal, Archeological, Paleontological Resource Analysis

We hope this additional environmental analysis, along with our responses to each of the issues presented in your letter, demonstrate our commitment to following CEQA and Statewide housing laws, as well as our strong desire to address Los Angeles' well-documented housing shortage.

Issue #1: Project Consistency with the Community Plan

This is a CEQA issue

The project, as proposed, is inconsistent with the West Adams-Baldwin Hills-Leimert Community Plan, including the Design Guidelines, and is not physically suitable in context with the surrounding area. (Paragraph 1)

The project's consistency with the West Adams-Baldwin Hills-Leimert Community Plan and Design Guidelines are detailed below.

West Adams-Baldwin Hills-Leimert Community Plan

Goal LU7: A community that promotes an environment of safe, inviting, secure and high-quality multi-family neighborhoods for all segments of the community.

Policy LU7-1: Address Diverse Resident Needs. Strive for the conservation/preservation of existing assisted affordable and non-assisted housing stock and in particular rent-stabilized units, and for the development of new housing, including restricted affordable housing, to address the diverse economic and physical needs of the existing residents and projected population of the Community Plan Area to the year 2030.

The proposed development's configuration as a small lot subdivision project encourages diversity of housing typology within this multifamily neighborhood. Many adjacent properties are single family homes on quarter-acre lots. As much of the cost of new housing comes from the cost of land, the reduced footprint of these new homes allows for a price point much lower than that of newly constructed homes on full-sized lots. Additionally, each small lot home contains an elevator, a feature not common among older homes, which will allow residents with physical mobility concerns to access the entirety of each multi-story house.

Policy LU7-3: Compliance with Design Guidelines. Recommend that new multi-family residential development be designed in accordance with the adopted Citywide Residential Design Guidelines.

The project was designed in accordance with the Citywide Design Guidelines as they pertain to pedestrian-first design, 360 degree design, and climate-adapted design.

Policy LU7-6: Community Engagement. Sponsors of new development projects should initiate early and frequent communication with community residents

The Project Team for the proposed development appeared before the South Robertson Neighborhood Council on two separate occasions, and has maintained sustained communication with several of the direct neighbors of the project regarding the project's design and parameters over the course of more than eight months before its public hearing, and the six months after it.

Goal LU9: A community of neighborhoods where social capital is promoted by ensuring the provision of adequate housing for all persons regardless of income, age, racial or ethnic background.

Policy LU9-1: Affordability. Prioritize housing that is affordable to a broad cross-section of income levels and that provides the ability to live near work and achieve homeownership.

Policy LU9-2: Mixed-income Neighborhoods. Strive to eliminate residential segregation and concentrations of poverty by promoting affordable housing that is integrated into mixed-income neighborhoods.

Policy LU9-5: Housing Near Schools. Strive to provide a range of housing types and affordable housing units around schools.

The project includes one unit reserved for Very Low Income Households, offering a rare home-ownership opportunity to a family that might not otherwise be able to find one. Additionally, the project is located in what the California Department of Housing and Community Development considers a "High Opportunity Area," meaning an area that features high quality schools, higher income residents, and significant numbers of jobs within several miles. Crescent Heights Elementary, Canfield Elementary, and Shenandoah Elementary schools and Hamilton High School are all nearby, as well as job centers associated with the Kaiser Permanente Medical Center.

Goal LU10: A community that supports cohesive neighborhoods and lifecycle housing to promote health, well-being and safety.

Policy LU10-5: Minimize Displacement. Encourage that new housing opportunities minimize displacement of existing residents, in particular extremely-low, very-low and low-income households.

Policy LU10-6: Increase Homeownership. Provide for development of townhouses and other similar condominium type housing units to increase homeownership options.

Policy LU10-9: Cluster Housing. Encourage clustering of housing units to help decrease the effective cost of land per dwelling unit and utilize the natural terrain to its best advantage.

Policy LU10-10: Moderate Income Homeownership. Allow for the creation of townhouse and condominium development through new construction, conversion or adaptive reuse in order to meet the demands of moderate income residents thereby increasing access to affordable, and moderate income homeownership opportunities.

The proposed development was reviewed by the Los Angeles Housing Department to ensure compliance with SB 330 and SB 8, legislation which, among other objectives, are designed to prevent displacement of lower income individuals. The project will provide eleven market rate for-sale units and one Very-Low-Income affordable unit. The creation of both the market rate units and the affordable unit will represent twelve new homeownership opportunities within the West Adams-Baldwin Hills-Leimert Community Plan, an area with considerable demand for new housing. The Affordable unit will allow a family which may otherwise have never had the opportunity to purchase a home the chance to do so. The market rate units, developed on lots a fraction of the size typical of new single family home construction, will allow for homeownership opportunities at a price point much lower than what is typical of new construction in the area.

Goal LU11: A community where new housing is located in a manner which reduces vehicular trips and makes it accessible to services and facilities.

Policy LU11-1: Higher Density Residential Near Transit. Encourage higher residential densities near commercial centers, light rail transit stations and major bus routes where public service facilities, utilities and topography will accommodate this development.

The proposed development is located within a mile or less of multiple public transportation options, including Metro Bus Line 617 at Robertson Blvd and Sawyer St approximately 375 feet away, providing direct linkages to multiple major employment and commerce centers including downtown Culver City, the Culver City E Line Station, Beverly Grove, Cedar Sinai, as well as other lines within the Metro Rail system. The project would be located within a mile of Metro Bus Line 17 with service to West Los Angeles VA Medical Center and UCLA and within a mile and a half of the future Metro Purple Line Station.

A vast amount of research—including a recent [policy white paper](#) published by Sunrise Movement LA and several Los Angeles-based nonprofit

organizations—shows that densification of existing developed areas can have an enormous impact on a city’s aggregate greenhouse gas emissions. It states “infill housing is one of the best tools that cities and counties have to fight climate change. Building compact, walkable, and transit-oriented housing greatly reduces greenhouse gas emissions and prevents the low-density sprawl that destroys wild habitat.

UC Berkeley’s CoolClimate Network emphatically states that “ infill housing is probably the single most impactful measure that cities could take to reduce their emissions,” and “Compact communities produce less greenhouse gas emissions by allowing people to choose from an abundance of transportation options, including public transit, lessening their dependence on cars. Communities dominated by single-family homes require driving—even for the most mundane daily errand—because destinations are spread far apart. In contrast, location-efficient multifamily housing allows people to live closer to schools, jobs, and places of worship, encouraging walking, biking, or public transit use, drastically reducing their carbon emissions. This isn’t theoretical either: research shows that every 1% increase in urban population density cuts per capita CO2 emissions by 0.8%.”

West Adams-Baldwin Hills-Leimert Community Plan Multifamily Residential Design Guidelines

Site Planning G55. Main pedestrian entrances should be provided where they can be seen immediately from the primary street(s) of approach. In this regard, main pedestrian entrances should be prominent to the front of the building, providing views into an interior court- yard or focal within a landscaped front open space area. The entrance approach should further be emphasized by employing the use of specialized paving treatments such as brick, tile or other high quality materials preferably set in sand or other pervious bedding.

The proposed project includes twelve small lot homes surrounding a central driveway. The two homes with frontage along Preuss Road have main entrances oriented toward the primary street of approach and decorated with finished cedar around the doorway and natural stones at the entryway. All other homes in the project orient their main entrances toward the common pedestrian walkways along the northernmost and southernmost boundaries of the project site.

An exhibit showing the primary entrance orientation along with the materials used to emphasize them is included with this submission. The front yard is landscaped with fraiser, box-leaved holly, and St. John’s Wort bushes as well as Yoshino cherry trees and paved with permeable concrete.

G56: The design of all buildings should strive to be of a quality and character that improves community appearance by avoiding excessive variety and monotonous repetition. To achieve this, the volume of all buildings should be

composed of a vocabulary of form and shapes that employ attractive and complementary building materials and architectural features.

G57. All exterior building walls should try to provide a break in the plane, or a change in material at least every 20 feet in length and every 15 feet in vertical height. This may be achieved through simple articulation or the introduction of an architectural detail.

G58. In general, plaster or stucco finishes should not occupy more than 60% of the surface area of any exterior elevation.

G59. All buildings should feature at least three types of complimentary building materials to exterior building facades.

The project's design employs a varied facade that features dark grey ribbed metal paneling, light grey stucco, and vertical and horizontal cedar paneling, punctuated by black metal-framed articulated windows, including large three-story windows on the street-facing side of the project. The design allows for regular breaks in plane while avoiding excessive variety.

G60. Stand alone trash enclosures that are not located within the parking garage of the building should be designed to be compatible with the architectural vocabulary of the building and enclosed by a minimum five foot high, decorative masonry wall.

G61. All projects should provide a minimum of one trash area for every ten units.

G62. Each trash area should have a separate area for the containment of trash receptacles.

G63. Any trash area should be located no more than 200 feet from the most remote unit it serves.The trash and recycling receptacles serving the proposed development are located within an enclosed area at the rear of the property adjacent to the alleyway. The enclosure is designed with materials that are compatible with the architectural vocabulary of the building and enclosed by a minimum five foot high, decorative masonry wall. The development provides one trash area for every ten units based on its provision of 12 units (i.e. $0.1 \times 12 = 1.2$ which rounds down to one trash area provided). The furthest unit served by the trash receptacle area is approximately 160 feet away from it.

G64. All freestanding walls should be designed to be compatible with the overall architecture of the site and preferably provide architectural interest either through a break in the plane, or a change in material, or an opening in the

surface of the wall; in general at least every 20 feet in linear length, or, through articulation or architectural detailing, or other means.

The proposed development does not include any freestanding walls.

G65. Wherever above grade parking is provided, architectural perforations or other wall openings should be provided to allow sunlight to penetrate the interior parking area and to break up the exterior plane of the parking wall. In general, at least 10% of the exterior wall surface should consist of openings, windows, doors, etc.

The proposed project provides two parking spaces per dwelling unit in a garage situated on the ground floor of each dwelling unit. The garages all contain window openings to allow sunlight to penetrate the interior parking area and to break up the exterior plane of the parking wall.

G66. Wherever above grade parking abuts any public street, a minimum 5 foot landscaped setback should be provided along the exterior walls of the parking.

The project's proposed parking garages do not abut any public streets.

Issue #2: Project Consistency with Existing Community Character

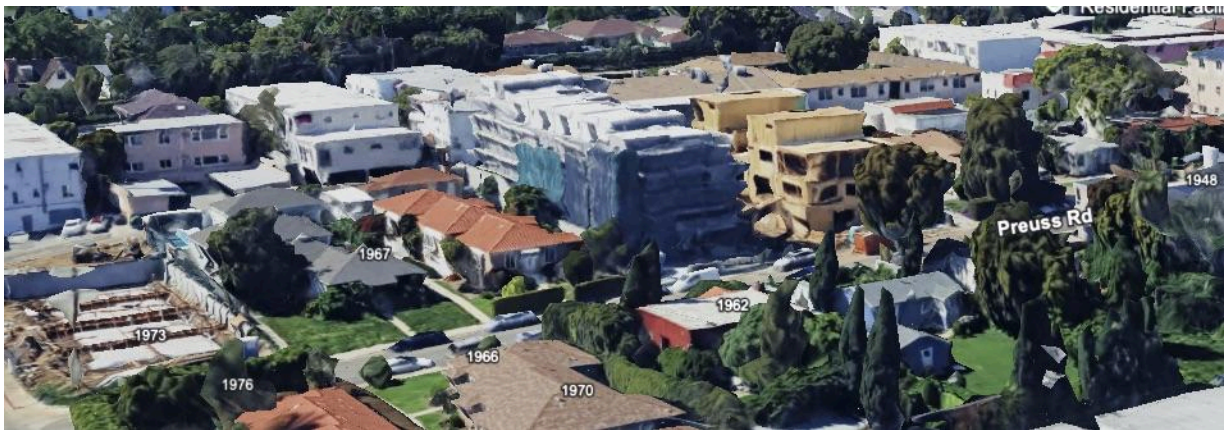
This is not a CEQA issue

The project fails to provide architectural compatibility that is contextually sensitive to the prevailing neighborhood character and is designed with little regard for the existing community. Single-family homes and modest two-story multi-family residential housing largely surround the project, yet its design completely fails to follow the residential design guidelines of the community plan by providing for three story dwellings with habitable rooftops and mechanical structures that extend into the fourth story. (Paragraph 2)

The project site is situated within a neighborhood of mostly single-family homes generally built between 1926 and 1941. The subject property was improved with single-family dwellings in 1941 and 1933. Since the time in which the neighborhood was built, the subject site as well as other properties along the block have been re-zoned to RD1.5 which allows for Low Medium Residential development. The proposed project is part of a redevelopment of the neighborhood that includes more dense dwellings for fee simple ownership, including small lot subdivisions and larger single-family homes.



A newer single-family home (located at 1930 S Preuss Road) built in 2012 that, at 33 feet in height, is clearly taller than the older single-family home beside it.



A newly constructed small lot subdivision containing six homes at 1959 Preuss Road that is consistent with the 45-foot height limit and clearly taller than the older single-family home beside it. Also pictured is a 5-unit small lot subdivision project at 1973 S Preuss Road that is planned to reach 45 feet in height and a 6-unit, four-story small lot subdivision project at 1953 S Preuss Road.

In the last thirteen years, several projects have been approved and permitted along the block between Sawyer Street and Guthrie Avenue that are taller than the older residential structures on lots adjacent to them. These projects and their heights (in some cases approximate) are listed below:

- (1) 1901 Preuss Road - A three-story, five-unit condominium project currently under construction
- (2) 1930 Preuss Road - A 33-foot tall single-family home constructed in 2012

- (3) 1931 Preuss Road - A third-story (and roof deck) addition to an existing two-story home completed in 2021
- (4) 1934 Preuss Road - A new 33-foot tall single-family home constructed in 2012
- (5) 1953 Preuss Road - A 6-unit, 4-story (44 feet tall) small lot subdivision currently under construction
- (6) 1959 - A new 45-foot tall 6-unit small lot subdivision that was recently completed
- (7) 1967 Preuss Road - A recently permitted 4-story duplex
- (8) 1973 Preuss Road - A 4-story, 45-foot tall 6-unit small lot subdivision project currently under construction

Issue #3: Project Transportation Impacts

This is a CEQA issue

The project also includes an introduction of an inappropriate number of new vehicles, many of which are proposed to access the development through an alley by creating a new through street from Pruess Road through the alley to the detriment of adjacent properties owners. This vehicular circulation would create a hazard to the existing property owners.

Adding 12 housing units, each with a two-car garage, will significantly increase traffic on Preuss Road. This narrow street already experiences congestion, and the additional traffic will further exacerbate this issue, impacting the quality of life for existing residents and potentially hindering emergency vehicle access.

The Los Angeles Department of Transportation has reviewed the proposed project, including its vehicular circulation plan, and did not find that the ingress and egress of vehicles through the alley would create a hazard to any properties or road users along the streets. However, the Applicant is willing to work with CD 10 to address any perceived issues with alley access.

The project's proposed addition of twelve dwelling units replacing two existing single-family homes would produce a net increase of 38 average daily trips (ADT) and 261 daily vehicle miles traveled (VMT). According to the Los Angeles Transportation Assessment Guidelines (TAG) a project's transportation impacts are considered

potentially significant if its operational land use would generate an increase of 250 ADT or more *and* a net increase in daily VMT. Senate Bill 743, which took effect in July 2020, changed the basis for evaluating projects' transportation effects to the overall amount that people drive instead of a roadway's resultant level of service (LOS). By this measure, the proposed project's transportation impacts are not expected to cause potentially significant environmental impacts.

Issue #4: Project Consistency with the General Plan Designation, Policies, and Regulations

This is a CEQA issue

Under the California Environmental Quality Act ("CEQA"), Class 32 exemptions apply only if the project is consistent with the applicable general plan designation, all applicable general plan policies, as well as with applicable zoning designation and regulations. However, this project does not apply strict conformance to the general plan, the community plan, or the zoning designation.

The project site is zoned RD1.5-1 which allows for Low Medium Residential development of structures up to 45 feet in height at a density of one unit per 1,500 square feet of lot area. The subject site is 17,927.4 square feet (including the half-alley which is permitted to be included in the lot area for the purposes of calculating density per LAMC 12.22. C.16.) and, therefore, the base density of the lot is 11.95 units, or 12 units rounded up ($17,927.4 / 1500 = 11.9516$). According to LAMC 12.22. A.25. (c)(7), in calculating the number of units allowable (base density and bonus density, as well as required restricted affordable units), any number resulting in a fraction shall be rounded up to the next whole number. Therefore, the project complies in terms of use, density, and height.

The only deviation from the zoning code sought for the project, as proposed, is a reduction in front yard setback as one of the two lots constituting the project site contains a 20-foot building line setback (ORD-140304). As part of its Density Bonus, in exchange for providing 8% of its base units (1 unit of 12 base units) as a covenanted housing unit affordable to Very Low Income households, the project requests an off-menu waiver of development standard to provide a 10-foot front yard setback in lieu of the 20 feet required under ORD-140304. The request for a reduced setback is the only Density Bonus Waiver of Development Standard request included in the project. The Waiver of Development Standard was approved by the City Planning Commission at its meeting of August 8, 2024.

CEQA case law precedent establishes that, under CEQA, a project does not conflict with an applicable plan if it is consistent with the overall intent of the plan and would not preclude the attainment of its primary goals. A project does not need to be in perfect

conformity with each and every policy. Any conflict with an applicable policy, plan, or regulation is only a significant impact under CEQA if the policy, plan, or regulation was adopted for the purpose of avoiding or mitigating an environmental effect, and if the conflict itself would result in a direct physical impact on the environment. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.)

The proposed project largely conforms with the policies, programs, goals, and intent of the General Plan Housing Element and its respective Community Plan (see Issue #1 above for more details of the project's compliance with the West Adams-Baldwin Hills-Leimert Park Community Plan).

Furthermore, according to California Government Code Section 65589.5 states "A local agency shall not disapprove a housing development project...for very low, low-, or moderate-income households...or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following...The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

As used in the paragraph above, a 'specific, adverse impact' means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. **Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety"** (emphasis added).

The Section goes on to specify "...the receipt of a density bonus pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision." In this case, the applicant is not proposing a density bonus beyond the subject site's base density (as defined in LAMC 12.22. A.25.) and is requesting one off-menu waiver of development standard that supports the physical feasibility of constructing the proposed Very Low Income dwelling unit.

Issue #5: Project Analysis of VMT Impacts During Construction

This is CEQA issue

The City's analysis does not include a VMT calculation that includes the construction and haul route phases of the project. Under CEQA, the whole of the project must be assessed. (Paragraph 5)

According to the Los Angeles Department of Transportation's (LADOT) Transportation Assessment Guidelines (TAG), “a project is required to analyze transportation impacts during its construction phase if the construction activities are expected to cause significant disruptions to the surrounding transportation network. This includes potential impacts such as lane closures, street parking removal, sidewalk closures, or detours that could affect vehicular, pedestrian, or bicycle traffic.” The proposed project does not involve lane or sidewalk closures, street parking removal, or detours affecting vehicular, pedestrian, or bicycle traffic. Therefore, an analysis of the project's transportation impacts during construction is not warranted nor required.

Instead, this project sought concurrent concessions to exceed the development standards, design guidelines, and the zoning limits, in as much a CE 32 is not fitting for the project. (Paragraph 5)

As stated above in response to Issue #4: The project requests one Waiver of Development Standard to support the physical feasibility of constructing the proposed twelve units, including the unit reserved for Very Low Income Households. The Waiver was approved by the City Planning Commission. According to the state's Housing Accountability Act, the granting of a Density Bonus, including associated waivers and incentives necessary to support the physical and financial feasibility of constructing the bonus and affordable units shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, or requirement.

Issue #6: Geotechnical Design Hazard

This is CEQA issue

The project will also increase hazards due to geotechnical design features being that the site is a hillside which will exacerbate the urban runoff to adjacent properties. The proposed development is on a hillside with known stability issues. The increased weight and disturbance from construction and habitation could exacerbate these issues, potentially leading to landslides or erosion, endangering both the new residents and existing homes. The sloping nature of the site raises serious concerns about water runoff and drainage. Increased impervious surfaces from the development could overwhelm existing drainage systems, lead to soil infiltration and instability, leading to flooding, erosion, and potential damage to neighboring properties. (Paragraph 6)

Soils engineering explorations were completed by a Geotechnical Engineer at the proposed project site on April 8, 2017 and January 24, 2022. A subsequent Soils Engineering Exploration Report was prepared for the property on March 24, 2023.

Geotechnical explorations of the site included excavating 5 hand-dug test pits up to 20 feet deep and field mapping. Samples of the earth materials encountered were returned to the laboratory for testing and analysis. Downhole observation of the earth materials was performed by the project geologist.

The report concludes that no trace of a fault is located on the site nor is the site located within a zone with potential for liquefaction or landsliding. It goes on to state "Due to the nature and density of the earth materials underlying the subject property and the depth to groundwater, earthquake-induced liquefaction, consolidation, and differential settlement are not likely to occur on the site." Furthermore, the report, completed by Schick Geotechnical, Inc., concludes "Based upon the referenced exploration, it is the finding of SGI that the proposed structures is <sic> feasible from a soils engineering standpoint provided the advice and recommendations contained in this report are included in the plans and are properly implemented during construction."

The Soils Engineering Exploration Report was submitted to the Los Angeles Department of Building and Safety (LADBS) Grading Division and approved by the same on May 5, 2023 (Log # 125722). The LADBS approval letter contains requirements upon which the acceptability of the referenced reports are conditioned. Among those requirements are conditions that will assure the site's geological stability including:

2. The project engineering geologist shall observe all final removal excavations to verify that the conclusions of the current fault investigation are correct and that no fault trace or evidence of ground deformation are exposed in the excavation. Each panel of the shoring excavation shall be logged prior to the installation of lagging and a field memo documenting the panel has been logged shall be prepared for review by the Deputy Grading Inspector and Building Inspector(s). A supplemental report that summarizes the geologist's observations shall be submitted to the Grading Division of the Department upon completion of the excavations. If evidence of faulting is observed, the Grading Division shall be notified and a site meeting scheduled.

4. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Development Services and Permits Program for the proposed removal of support and/or retaining slopes adjoining the public way (3307.3.2).

10. All man-made fill shall be compacted to a minimum of 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill,

it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density...

11. Existing uncertified fill shall not be used for support of footings, concrete slabs, or new fill.

12. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction.

13. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cubic yards.

14. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored.

16. Temporary excavations that remove lateral support to the public way, adjacent property, or adjacent structure shall be supported by shoring, as recommended.

18. The soils engineer shall review and approve the shoring plans prior to the issuance of the permit.

19. Prior to the issuance of the permits, the soils engineer and or the structural designer shall evaluate the surcharge loads used in the report calculations for the design of the retaining walls and shoring. If the surcharge loads used in the calculations do not conform to the actual surcharge loads, the soil engineer shall submit a supplementary report with revised recommendations to the department for approval.

20. Shoring shall be designed for a minimum EFP of 67 PCF; All surcharge loads shall be included into the design as recommended.

21. shoring shall be designed for a maximum lateral deflection of 0.5 inch, as recommended.

22. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.

23. All foundations shall derive entire support from native undisturbed alluvial terrace soils, as recommended and approved by the geologist and soils engineer by inspection.

24. Foundations adjacent to a descending slope steeper than three to one (horizontal to vertical, closed parentheses, and gradient shall be a minimum distance of 1/3 the vertical

height of the slope, but need not exceed 40 feet measured horizontally from the. Bottom to the face of the slope.

25. Buildings adjacent to ascending slopes steeper than 3H:1V in gradient shall be set back from the toe of the slope a level distance measured perpendicular to slope contours equal to one-half the vertical height of the slope, but need not exceed 15 feet.

26. Footings supported on approved compacted fill or expansive soil shall be reinforced with a minimum of four (4), ½-inch diameter (#4) deformed reinforcing bars. Two (2) bars shall be placed near the bottom and two (2) bars placed near the top of the footing.

27. The foundation/slab design shall satisfy all requirements of the Information Bulletin P/BC 2017-116 "Foundation Design for Expansive Soils."

29. Concrete floor slabs placed on expansive soil shall be placed on a 4-inch fill of coarse aggregate or on a moisture barrier membrane. The slabs shall be at least 4 inches thick, as recommended, and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.

30. The seismic design shall be based on a Site Class D, as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.

31. Retaining walls shall be designed for the lateral earth pressures specified in the section titled 'Retaining Walls' starting on page 9 of the 03/24/2023 report. All surcharge loads shall be included into the design.

32. Retaining walls higher than 6 feet shall be designed for lateral earth pressure due to earthquake motions as specified on the wall pressure analysis of the reference report.

33. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted in a non-erosive device to the street in an acceptable manner.

34. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soils report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record.

35. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector.

39. All roof, pad and deck drainage shall be conducted to the street in an acceptable manner in non-erosive devices or other approved location in a manner that is acceptable to the LADBS and the Department of Public Works; water shall not be dispersed on to descending slopes without specific approval from the Grading Division and the consulting geologist and soils engineer.

40. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LA DBS.

43. Prior to pouring concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations.

45. Installation of shoring shall be performed under the inspection and approval of the soils engineer and deputy grading inspector.

46. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations.

47. No footing/slab shall be poured until the compaction report is submitted and approved by the grading division of the Department.

Furthermore, several new developments have been built on the same slope in the past thirteen years (see 1920 and 1934 Preuss Road above under Issue #2) and none have exacerbated urban runoff or caused landslides or erosion.

Issue #7: Affordable Housing Supply

This is not a CEQA issue

In addition, the project will contain only one affordable townhome-style condominium, which is unlikely to be feasible without a high degree of subsidy from the government. This is unacceptable in a city where affordable housing is already in short supply.

The proposed project is one of very few small lot subdivisions that includes an affordable unit. The Applicant is proposing one home reserved for Very Low Income households creating an otherwise unavailable affordable homeownership opportunity in a Higher Resource neighborhood.

In consultation with the Housing Department, the likely price of the Very Low Income unit would be approximately \$123,000 if sold today. Other single-family homes in the neighborhood sell for \$1.5 to \$3 million, creating an inaccessible and inequitable housing supply which this development aims to help alleviate. Even when compared with other condominium- and townhome-style homeownership opportunities, which have sold for

between \$1.2 and \$1.5 million (averaging a \$1,328,900 sales price), the proposed Very Low Income unit will be sold for a significantly lower price.

The standard covenant used by the Housing Department will also be extended to include very-low-income renters. If the unit is rented, the tenant must be an eligible household at a qualifying monthly price, which is currently a maximum of \$1,161 per month. Other comparable three-bedroom units in the neighborhood rent for between \$4,000 and \$7,000.

The Applicant is able to provide this Very Low Income unit without direct government subsidy because of the state and local Density Bonus laws which allow the project to deviate from strict application of the development standards to support the physical feasibility of the affordable and market rate units.

The small lot subdivision development typology was created by local ordinance in Los Angeles to create lower-priced homeownership opportunities since, in urbanized areas like the one in which the project is proposed, the land itself is often the inflationary factor.

Issue #8: Neighborhood Council Opposition

This is not a CEQA issue

The South Robertson Neighborhoods Council (SORO NC), the Neighborhood Council that covers the Project Site, rejected this development and opposed any further approvals. The Department of City Planning disregarded the voice of the stakeholders in the community.

The City's neighborhood councils are valuable advisory bodies made up of dedicated volunteers who advocate for their communities on important issues.

Inevitably, neighborhood council members find themselves in opposition to State and local laws which encourage more and denser housing as a response to our housing crisis, and, as a result, some neighborhood councils vote to oppose projects which utilize those laws and ordinances, even when the project does not seek relief outside of what is customary allowed for projects under State and local law. While it is a Neighborhood Council's right to oppose a project, their position should not be interpreted as superseding larger policy efforts by the State and local government to address a housing crisis.

Since the start of 2022, the South Robertson Neighborhood Council has been presented with four housing development projects (including the subject project) and has failed to pass support motions on all four of them. In total, 186 housing units, including 31

affordable units, have been presented to the Neighborhood Council since the start of 2022.

A list of the housing projects presented to SORO NC, along with the outcome of the body's deliberations, is included below:

- (1) 8521 Horner Street - Presented and opposed on December 15, 2022 included 29 units with 6 affordable
- (2) 8787 Venice Blvd - Presented and support motion failed on March 16, 2023 included 73 units with 12 affordable
- (3) 1904-1906 Preuss Road - Presented and opposed on December 21, 2023 included 12 units with 1 affordable
- (4) 8931-8945 Helms Place - Presented and opposed on January 8, 2025 included 72 units with 12 affordable

Despite the neighborhood council's opposition to our project, the Applicant has made several changes to the project in direct response to the concerns of the community members, including but not limited to: (1) changing the size and location of windows in the rear units, (2) reducing the height of all of the units to 45 feet, (3) increasing the setbacks around the roof decks and adding landscaping to ensure privacy, (4) adding trim and articulation around the windows to create more depth and visual appeal, and (5) adding large windows to and altering the facade materials and colors of the front units to enhance the design aesthetics.

As demonstrated, the Applicant has shown a willingness to respond to the neighbors' concerns which should be recognized when evaluating this project.

The project's design before and after receiving feedback from the neighbors is shown below.

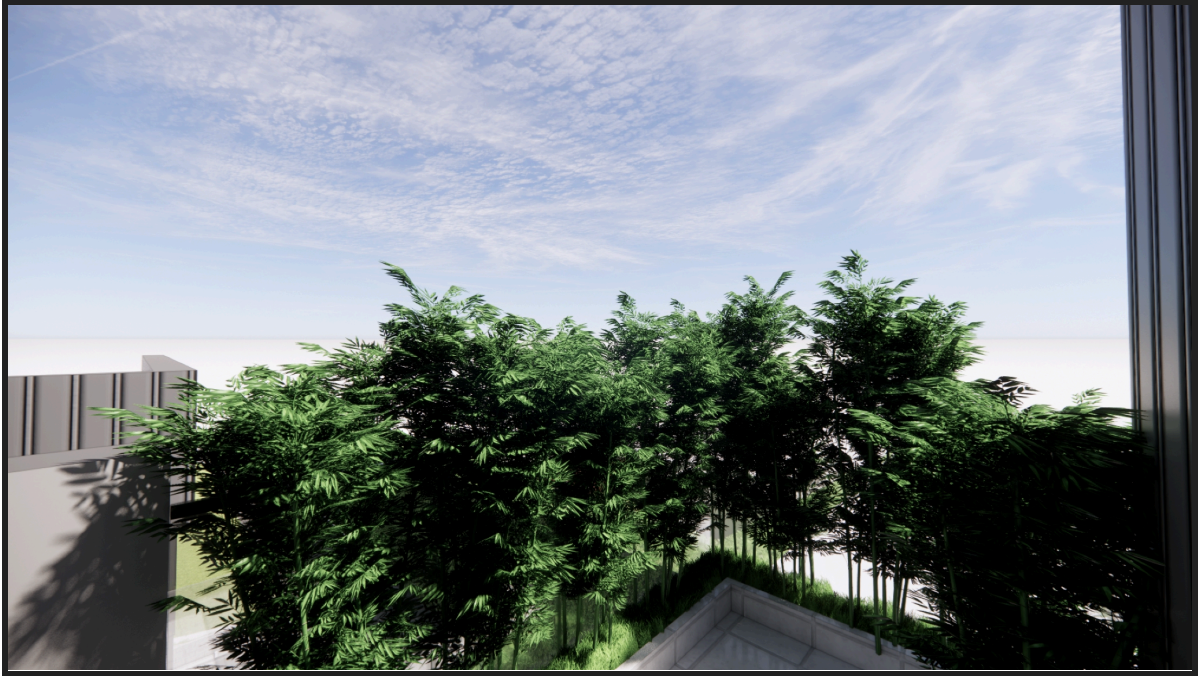
Before:



Brian Silveira & Associates – PO Box 291, Venice, CA 90294

After:





Additionally, as a condition of approval added by the City Planning Commission on August 8th, 2024, the project will coordinate with the Urban Design Studio once the project's approval is finalized in order to ensure that the neighbor's concerns about the project's design are properly addressed.

Thank you for your diligent review and consideration.

Respectfully,

Jesi Harris, Brian Silveira & Associates

List of Attachments

1. Geotechnical Report (Addendum Soils Engineering Exploration) dated March 24, 2023
2. Geology and Soils Report Approval Letter from the Los Angeles Department of Building and Safety dated May 5, 2023
3. Transportation Study Assessment from the Los Angeles Department of Transportation

ADDENDUM SOILS ENGINEERING EXPLORATION

Proposed Twelve Structures

Lots 24 Tract 12110, and Lot 44, TR1250

1904 and 1906 South Preuss Road

Los Angeles, California 90034

for

Dr. and Mrs. Dauer

SG 9402-W

March 24, 2023

SCHICK GEOTECHNICAL, INC.

7650 Haskell Avenue, Suite D, Van Nuys, California 91406 (818) 905-8011

ADDENDUM SOILS ENGINEERING EXPLORATION

Proposed Twelve Structures

Lots 24 Tract 12110, and Lot 44, TR1250

1904 and 1906 South Preuss Road

Los Angeles, California 90034

INTRODUCTION

The following report summarizes the findings of our addendum soils engineering exploration with respect to a revised development plan to include both lots. The purpose of this report is to evaluate the nature, distribution, engineering properties, and geologic structure of the earth materials underlying the site and is limited to the area of the proposed structures.

Intent

It is the intent of this report only to aid in the design and completion of the proposed project. Implementation of the "Conclusions and Recommendations" section of this report is intended to reduce certain risks associated with construction projects. The professional opinions and geotechnical advice contained in this report are subject to the general conditions described in the "Notice" section of this report.

EXPLORATION

The scope of this exploration is based on the plan provided by your architect. It is limited to the area of the proposed structures on each of the contiguous lots, as shown on the enclosed Map. The field exploration for 1904 Preuss Road was conducted on April 8, 2017, with the aid of hand labor and

field mapping. It included excavating 5 hand-dug test pits up to 20 feet deep and field mapping. Samples of the earth materials encountered were returned to the laboratory for testing and analysis. Downhole observation of the earth materials was performed by the project geologist. Office tasks included laboratory testing, engineering analysis, and the preparation of this report. Procedures and results of the laboratory testing are presented in Appendix I. The test pit logs are shown on the enclosed Table I. Surface conditions and the location of the test pits are shown on the enclosed Map. Additional field exploration was performed on 1906 Preuss on January 24, 2022 with the test pit logs included.

PROPOSED PROJECT

The previously proposed structure for 1904 Preuss was approved by the City of Los Angeles Department of Building and Safety Grading Division. The plan has been revised to include the contiguous site, 1906 Preuss Road. The required Fault Study was performed and approved for 1904 Preuss Road (*“Fault Rupture Hazard Investigation, Proposed New Residential Development, Lot 24, Tract TR 12110, 1904 Preuss Road, Los Angeles, California,”* dated, June 14, 2018). The scope of the proposed work has been revised is to include the contiguous development on 1906 Preuss Road.

REFERENCES

Previous work performed on the site includes:

“Soils Engineering Exploration, Proposed Apartment with Basement, Lot 24, Tract TR 12110, 1904 Preuss Road, Los Angeles, California,” prepared by Schick Geotechnical, Inc., dated November 15, 2017;

City of Los Angeles Department of Building and Safety, Grading Division, Review Letter, Log #101108, dated December 21, 2017;

“Fault Rupture Hazard Investigation, Proposed New Residential Development, Lot 24, Tract TR 12110, 1904 Preuss Road, Los Angeles, California,” dated, June 14, 2018;

“Response to City Review Letter, Lot 24, Tract TR 12110, 1904 Preuss Road, Los Angeles, California,” prepared by Schick Geotechnical, Inc., dated June 18, 2018;

City of Los Angeles Department of Building and Safety, Grading Division, Review Letter, Log #101108-01, dated July 12, 2018;

“Response #2 to City Review Letter, Lot 24, Tract TR 12110, 1904 Preuss Road, Los Angeles, California,” prepared by Schick Geotechnical, Inc., dated July 17, 2018;

City of Los Angeles Department of Building and Safety, Grading Division, Review Letter, Log #101108-02, dated August 21, 2018;

“Response #3 to City Review Letter, Lot 24, Tract TR 12110, 1904 Preuss Road, Los Angeles, California,” prepared by Schick Geotechnical, Inc., dated August 23, 2018;

City of Los Angeles Department of Building and Safety, Grading Division, Approval Letter, Log #101108-03, dated August 28, 2018;

Email from BOE Central District, Excavation Counter, dated December 7, 2018;

“Response to BOE Review Letter, Lot 24, Tract TR 12110, 1904 Preuss Road, Los Angeles, California,” prepared by Schick Geotechnical, Inc., dated January 23, 2019;

“Addendum Soils Engineering Exploration, Proposed Two Structures with Basement, Lot 24, Tract 12110, 1904 S. Preuss Road, Los Angeles, California 90034, dated March 1, 2021;

City of Los Angeles Department of Building and Safety, Grading Division, Approval Letter, Log #117724, dated August 3, 2021 (1904 Preuss).

SITE DESCRIPTION

The gently sloping sites are located on the east side of the street, in the City of Los Angeles, California. The existing sites are developed with a single family residence with s detached garage. Past grading associated with the construction of the existing developments consisted of placing approximately 1 to 3 feet of uncertified fill over the natural grade. Seeps, springs, and ground water were not encountered in the test pits to a depth of 20 feet.

EARTH MATERIALS

Fill

Fill blankets the sites and was encountered in the test pits to an observed depth of 1 to 3 feet. The uncertified fill consists of sandy silt which is medium brown, slightly moist, and medium dense.

Soil

The alluvial terrace is blanketed with a 2 to 3-foot thick layer of natural soil. The soil consists of sandy silt with clay binder which is dark brown, slightly moist, and medium dense.

Alluvial Terrace

Alluvial terrace encountered in the test pits consists of silty clayey sand which is light brown, moist, and stiff.

SEISMIC CONDITIONS

The Southern California region is located within a tectonically active portion of the earth's crust which has produced both small and sizeable earthquakes throughout recorded history and before. As the earth's crust continuously adjusts itself, stresses and strains are built up along discontinuities, referred to as faults. Faults can be generally classified as active, potentially active, or inactive. Faults are considered active if they have produced seismic activity within the past 11,000 years. Faults are considered potentially active if there has been seismic activity along the fault between 11,000 and 1,000,000 years. Inactive faults have not produced any seismic activity within the past 1,000,000 years. In an effort to better inform the public regarding seismic risk, the State of California passed the Alquist-Priolo Special Studies Act in 1972 following the 1971 San Fernando Earthquake. Active faults within the state were identified and zones were established limiting construction within

the zones. Following the damaging 1989 Loma Prieta Earthquake, the state enacted the Seismic Hazard Mapping Act (SHMA) in 1990. The Department of Conservation was empowered to prepare a set of maps designating areas within Los Angeles and a portion of Ventura Counties which are susceptible to seismic slope instability and liquefaction. Recently, real estate disclosure laws have been modified to require disclosure if a property is affected by the Alquist-Priolo Earthquake Fault Zoning Act and the Seismic Hazard Mapping Act. As of March 1, 1998, either the Local Option Real Estate Transfer Disclosure Statement or The Natural Hazard Disclosure Statement is required for disclosures. The subject property is not located within any special studies zone (Alquist-Priolo Act, 1972) and no known active fault crosses the site.

Following the 1994 Northridge Earthquake, the Department of Conservation, Division of Mines and Geology established areas which are considered to be susceptible to seismically-induced slope failure and liquefaction. These seismic safety zones were published as a series of maps, initially released in 1996. Liquefaction is a process in which seismic energy causes pore pressure within an area underlain by shallow groundwater (less than 40 feet deep) to exceed the overburden pressure of the soil. The result is a temporary loss of bearing capacity, causing structures to sink into the ground. This process is considered hazardous since liquefaction can result in significant structural failure.

The L.A.D.B.S. Parcel Profile Report indicates that the site is not located within a zone potential liquefaction or landsliding.

The site is located within an Alquist-Priolo Fault Study Zone. Based upon the referenced approved Fault Study and referenced approved SGI report, a trace of the fault is not located onsite. Should a nearby segment of the fault experience movement, very strong ground motion will occur. The site

is located within a methane buffer zone.

Seismic Design

The following seismic factors were obtained from the latest ASCE 7-16 website.

Seismic Factors	Value	Reference
Site Class	D	Chapter 20 of ASCE 7
Mapped Spectral Response Acceleration at 0.2 second Period (S_s)	2.06g	Figure 1613.3.1(1)/ CBC
Mapped Spectral Response Acceleration at 1.0 second Period (S_1)	0.733g	Figure 1613.3.1(2)/ CBC
Site Coefficient F_a	1.0	Table 1613.3.3(1)/CBC
Site Coefficient F_v	1.7	Table 1613.3.3(2)/CBC
Maximum Considered Earthquake Spectral Response Acceleration at 0.2 second Period (S_{ms})	2.06g	Equation 16-37/CBC
Maximum Considered Earthquake Spectral Response Acceleration at 1.0 second Period (S_{m1})	1.256g	Equation 16-38/CBC
Design Spectral Response Acceleration at 0.2 second Period (S_{ds})	1.373g	Equation 16-39/CBC
Design Spectral Response Acceleration at 1.0 second Period (S_{d1})	0.838g	Equation 16-40/CBC
Seismic Design Category	E	Chapter 20 of ASCE 7

Due to the nature and density of the earth materials underlying the subject property and the depth to groundwater, earthquake induced liquefaction, consolidation and differential settlement are not likely to occur on the site.

CONCLUSIONS AND RECOMMENDATIONS

Based upon the referenced exploration, it is the finding of SGI that the proposed structures is feasible from a soils engineering standpoint provided the advice and recommendations contained in this report are included in the plans and are properly implemented during construction.

The recommended bearing material is the dense natural alluvial terrace encountered in the test pits

at approximately 3 to 5 feet below existing grade. The following recommendations which are from the referenced approved report, remain applicable. The referenced SGI report indicates that a fault trace is not located on 1904 Preuss Road. Based upon the orientation of the fault zone shown in the approved report, 1906 Preuss Road is a greater distance from the fault. The setback from the west limit of the zone is shown on the enclosed Geologic Map. The referenced approved Fault Study is applicable for both of the sites.

FOUNDATION DESIGN

Spread/Pad Footings

Deepened continuous and/or pad footings may be used for support provided they are founded into the alluvial terrace. Continuous footings should be a minimum of 12 inches in width. Pad footings should be a minimum of 24 inches square.

The following chart contains the recommended design parameters.

Bearing Material	Minimum Embedment Depth of Footing (Inches)	Vertical Bearing (pcf)	Coefficient of Friction	Passive Earth Pressure (pcf)	Maximum Passive Earth Pressure (psf)
<i>Alluvial Terrace</i>	24	2,000	0.3	300	1,500

For bearing calculations, the weight of the concrete in the footing may be neglected. The bearing value shown above is for the total of dead and frequently applied live loads and may be increased by one third for short duration loading, which includes the effects of wind or seismic forces. When

combining passive and friction for lateral resistance, the passive component should be reduced by one third. All continuous footings must be reinforced with four #4 steel bars; two placed near the top and two near the bottom of the footings. Footings should be cleaned of all loose materials and approved by the geologist prior to placing forms, steel or concrete.

RETAINING WALLS

The proposed development will utilized a series of 'stepped' retaining walls up to 10 feet high. Retaining walls up to 10 feet high should be designed to resist an active earth pressure such as that exerted by the future compacted backfill. The 'active' pressure assumes that the retaining wall will be allowed to deflect 0.01H to 0.02H. If the retaining wall is not allowed to deflect it should be designed by the structural engineer for a restrained condition.

The recommended equivalent fluid pressure for basement retaining walls up to 10 feet high may utilize an at-rest earth pressure of 40pcf plus an induced seismic pressure of 55pcf. Perimeter retaining walls, with a zero property line condition may be designed for at-rest pressure of 67pcf, with an additional seismic induced pressure of 31pcf. A swelling surcharge should be applied from the base of the wall for the full height. Additional adjacent surcharges shall be applied by the structural engineer where they occur (see calculation for scaled surcharge) The shoring piles may be incorporated into the final wall design with shotcrete panels.

Basement walls which have horizontal movement restricted at the top shall be designed for earthquake load, taken as equivalent to the pressure exerted by a fluid plus seismically-induced earth pressure. The wall pressure stated assumes that the wall has been backfilled as outlined in the Retaining Wall Backfill section. Foundation design parameters, as given in the preceding section,

may be used for retaining walls. All loose material shall be cleared from the foundation excavations. Water shall not be allowed to pond or drain into or through the footing trench excavations.

SHORING PILES

It is anticipated that cantilevered shoring piles will be utilized to provide support for the north and south basement excavations where lateral support is removed from the adjoining sites. The shoring piles will be incorporated into the final wall design with shotcrete panels. The structural engineer should design the shoring system for a maximum deflection of ½ inch. The Geotechnical Engineer of Record should review and approve the shoring plans.

Based on the plans, the maximum height of shoring is anticipated to be approximately 10 feet when measured from the top of the excavation to the bottom of the foundations. Where the surface of the retained grade is level, it may be assumed that drained soils for temporary conditions will exert a lateral pressure equal to that developed by a fluid with a density of 67 pcf, plus scaled surcharges (ref: enclosed calculations). For the design of shoring piles spaced at least 2.5 diameters on centers, the allowable lateral bearing value (passive value) of the soils below the bottom of the excavation may be assumed to be zero at the excavated surface, increasing at the rate of 300 psf of depth, to a maximum of 2,500 psf. To develop the full lateral value, provisions should be taken to assure firm contact between the piles and the undisturbed soils. The lower portion of each soldier pile should consist of structural concrete. That portion of the pile located above the excavation bottom may consist of lean-mix concrete. The concrete used in the lower portion of the shoring pile located below the planned excavation bottom should be of sufficient strength to adequately transfer the imposed loads to the surrounding alluvial terrace. That portion of the shoring pile located below the excavated level may be used to resist downward loads, provided that the portion of the pile consists

of structural concrete, as discussed in the preceding paragraph. The frictional resistance between the concrete soldier piles and the alluvial terrace below the excavated level may be taken as equal to 700 psf.

It is recommended that the following reduction factors as recommended in the Naval Facilities Engineering Command Design Manual 7.02 be used by the Project Structural Engineer in the calculations of allowable lateral bearing pressure in the design of piles, if the center-to-center spacing between adjacent piles is less than 8 times of the pile diameters.

Ratio of Pile Center to Center Spacing	8D	6D	4D	3D
Reduction factor	1.0	0.75	0.4	0.25

D: Pile Diameter

It is recommended that the reduction factor calculated in accordance with the following equations be used by the Project Structural Engineer in the calculations of allowable vertical bearing pressure in the design of piles if the center-to-center spacing between adjacent piles is less than 3 times of the pile diameters. The illustration of the reduction factors for pile group is shown on Figure 1.

$$RF = [2 (m + n - 2) s + 4 D] / m n \pi D$$
$$s = [1.57 D m n - 2D] / [m + n - 2]$$

Where RF: reduction factor
 m: number of pile columns
 n: number of pile rows
 D: pile diameter

LAGGING

It is anticipated that lagging will be required between the shoring piles for the full height of the proposed excavation. Lagging should consist of treated lumber and be backfilled with lean-mix concrete to ensure full contact between the excavated soils and lagging boards. The shoring piles should be designed for the full anticipated lateral pressure. The pressure on the lagging, however,

will be less due to arching in the earth materials. The lagging should be designed for the recommended earth pressure but limited to a maximum value of 400 psf.

DEFLECTION

It is difficult to accurately predict the amount of deflection of a shored embankment. Due to the proximity of the offsite structures, it is recommended that the structural engineer design the temporary shoring piles and the retaining walls to prevent any deflection. To reduce deflection of the shoring piles, a greater active pressure could be used in the shoring design. Survey control markers must be provided prior to any construction, and periodically monitored by the surveyor. A pre-construction 'survey' should be performed to photograph and document the surrounding structures and site conditions.

Lateral Loads

Lateral loads may be resisted by friction at the base of the conventional foundations and by passive resistance within the alluvium. A coefficient of friction of (0.3) may be used between the foundations and within the alluvial deposits. The passive resistance may be assumed to act as a fluid with a density of (300) pounds per cubic foot. A maximum passive earth pressure of (2,500) pounds per square foot may be assumed. For bearing calculations, the weight of the concrete in the footing may be neglected. The bearing value shown above is for the total of dead and frequently applied live loads and may be increased by one third for short duration loading, which includes the effects of wind or seismic forces. When combining passive and friction for lateral resistance, the passive component should be reduced by one-third. Footings should be cleaned of all loose materials and approved by the geologist prior to placing forms, steel or concrete.

Waterproofing

Walls located below grade are susceptible to moisture penetration and no waterproofing system can guarantee 100% protection. The most effective means of providing protection against moisture penetration is application of a waterproofing system on the backside of the retaining wall, prior to backfilling. Waterproofing paints, such as Drylok, which are applied to the face of walls can sometimes be effective, but should only be considered a temporary or remedial measure. Additional applications will likely be necessary and the long term effectiveness is difficult to predict. Bentonitic clay panels have also proven to be very effective. It is recommended that the foundation contractor provide recommendations for proven waterproofing systems to be utilized.

In addition to waterproofing, other precautions can be taken to reduce the possibility of future seepage problems. Implementing and maintaining proper surface drainage control on the site and around the retaining walls is very important. Surface water ponding must be completely eliminated on the site and behind retaining walls through the proper use of area drains, roof gutters and downspouts and surface drains which conduct drainage to an approved location. A subdrain behind the retaining walls which daylights to the atmosphere is required. The subdrain should be backfilled with 3/4-inch crushed gravel to facilitate the collection of water. Positive drainage away from the footings, waterproofing, compaction of trench backfill and subdrains can help to reduce moisture intrusion.

Retaining Wall Backfill

Retaining wall backfill should be compacted to a minimum dry density of 90 percent of the maximum dry density as determined by ASTM D 1557. If the earth materials contain less than 15 percent clay, the minimum compaction must be 95 percent. The placement of the fill will require

that the existing earth materials be completely removed to expose bedrock prior to the placement of fill. Where access between the retaining wall and the temporary excavation prevents the use of compaction equipment, retaining walls should be backfilled with 3/4-inch crushed gravel to within 2 feet of the ground surface. Where the area between the wall and the excavation exceeds 24 inches, the gravel must be vibrated or wheel-rolled, and tested for compaction. The upper 2 feet of backfill above the gravel should consist of a compacted fill blanket to the surface.

FLOOR SLAB

Decking, slabs and walkways are likely to experience cracking as the result of the curing process of the concrete. Shrinkage cracks are very difficult to prevent from occurring. Expansion joints are commonly installed within exterior decks in an effort to control the location of the inevitable cracks. The recommended steel reinforcement is intended to reduce the severity of cracking and must be properly installed to ensure proper performance. Rigid or brittle floor coverings, such as tile or marble may also experience cracking during the curing process of the concrete slab underneath and/or minor settlement. Providing a slip sheet between the slab and floor covering will help to reduce cracking of the floor covering.

Floor slabs must be cast over dense alluvium or a uniform thickness of approved compacted fill. The slab must be a minimum of 4 inches thick and reinforced with a minimum of #4 bars on 16 inch centers, each way. Slabs which will be provided with a floor covering should be protected by a minimum of a 10-mil polyethylene plastic vapor barrier. The vapor barrier should be either placed beneath the concrete slab and overlying 4 inches of gravel, or sandwiched between two 2-inch layers of gravel to protect the vapor barrier from punctures and to aid in the concrete curing. The vapor barrier should be properly sealed in the joint areas. If the vapor barrier is to be placed beneath the

concrete slab, a low slump concrete should be used to minimize possible damage of the barrier caused by curling of the concrete slab.

GRADING

The following guidelines may be used in preparation of the grading plan and job specifications for floor slab support. The slab should be supported by a uniform thickness of compacted fill. SGI would appreciate the opportunity of reviewing the plans to insure that these recommendations are included.

- A. The areas to receive compacted fill shall be stripped of all fill and shall be observed by the soils engineer and/or geologist prior to placing compacted fill.
- B. Following excavation of the overburden materials, the exposed grade should then be scarified to a depth of six inches, moistened to optimum content, and recompact to 90 percent of the maximum density.
- C. Fill, consisting of soil approved by the soils engineer, shall be placed horizontally in compacted layers with suitable compaction equipment. The excavated onsite materials are considered satisfactory for reuse in the controlled fills. Any imported fill shall be observed by the soils engineer prior to use in fill areas. Rocks larger than six inches in diameter shall not be used in the fill.
- D. The fill shall be compacted to at least 90 percent of the maximum laboratory density for the material used. The maximum density shall be determined by ASTM D 1557-91 or equivalent. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, the fill shall be compacted to 95 percent relative compaction.
- E. Field observation and testing shall be performed by the soils engineer during grading to assist the contractor in obtaining the required degree of compaction and the proper moisture content. Where compaction is less than required, additional effort shall be made with adjustment of the moisture content, as necessary, until 90 percent compaction is obtained. One compaction test is required for each 500 cubic yards or two vertical feet of fill placed.

Foundation Settlement

Settlement of the foundation system is expected to occur on initial application of loading. A

settlement of ¼ to ½ inch may be anticipated. Differential settlement should not exceed ¼ inch.

Excavation Characteristics

The 20-foot deep test pit did not encounter groundwater or seepage.

DRAINAGE

Pad and roof drainage must be collected and transferred to the street in non-erosive drainage devices.

Drainage must not be allowed to pond on the pad or against any foundation or retaining wall.

Numerous area drains must be installed on the site to prevent ponding. Planters located adjacent to the structure should be waterproofed to the depth of footings and provided with area drains.

PLAN REVIEW

Formal plans ready for submittal to the Building Department must be reviewed by SGI. Any change in scope of the project may require additional work.

SITE OBSERVATION

It is recommended that all excavations be observed by the geologist or geotechnical engineer prior to placing forms, concrete, or steel. Should the observations reveal any unforeseen hazard, the geologist will provide additional recommendations. All fill that is placed must be approved, tested, and verified if used for engineered purposes. The entire length of subdrain behind retaining walls must be observed by a representative of this office and the City. All gravel backfill above the subdrain must be observed by a representative of SGI prior to placing a minimum of two feet of controlled fill as a cap. Please advise SGI at least 24 hours prior to any required site visit. All approved reports, plans, and permits must be at the site for review.

CONSTRUCTION SITE MAINTENANCE

It is the responsibility of the contractor to maintain a safe construction site per OSHA requirements.

Please call this office with any questions. This report and the exploration are subject to the following NOTICE. Please read the Notice carefully, as it limits our liability.

NOTICE

General

In the event of any changes in the design or location of any structure, as outlined in this report, the conclusions and recommendations contained herein may not be considered valid unless the changes are reviewed by us and the conclusions and recommendations are modified or reaffirmed after such review. The subsurface conditions, excavation characteristics, and geologic structure described herein and shown on the enclosed cross section have been projected from excavations on the site as indicated and should in no way be construed to reflect any variations that may occur between these excavations or that may result from changes in subsurface conditions. Fluctuations in the level of groundwater may occur due to variations in rainfall, temperature, irrigation, and other factors not evident at the time of the measurements reported herein. Fluctuations also may occur across the site. High groundwater levels can be extremely hazardous. Saturation of earth materials can cause subsidence or slippage of the site. If conditions encountered during construction appear to differ from those disclosed herein, notify us immediately so we may consider the need for modifications. Compliance with the design concepts, specifications or recommendations during construction requires the review of the engineering geologist and geotechnical engineer during the course of construction. The exploration was performed only on a portion of the site, and cannot be considered as indicative of the portions of the site not explored. This report is issued and made for the sole use and benefit of the client, is not transferable and is as of the exploration date. Any liability in connection herewith shall not exceed the fee for the exploration. No warranty, expressed or implied, is made or intended in connection with the above exploration or by the furnishing of this report or by any other oral or written statement. This report was prepared on the basis of the plan furnished. Final plans should be reviewed by this office as additional geotechnical work may be required.

Schick Geotechnical, Inc. has reviewed, concurs with, and accepts responsibility for the laboratory testing performed by Soil Labworks LLC. The laboratory test results included in Appendix I were used in preparation of this report.

March 24, 2023

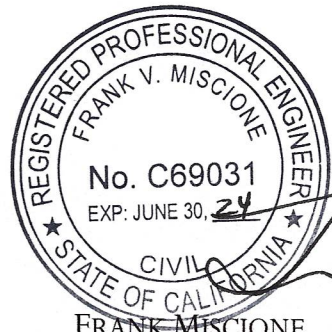
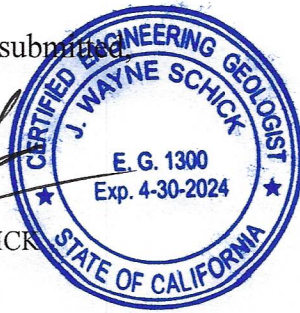
SG 9402-W

Page 18

Respectfully submitted

WAYNE SCHICK

C.E.G. 1300



FRANK MISCIONE

P.E. C69031

Enc: Appendix I - Laboratory Testing

Vicinity Map

Regional Map

Table I - Log of Test Pits

Referenced Documents

Retaining Wall Analyses

Pocket: Plot Plan and Sections

xc: (3) Addressee

SCHICK GEOTECHNICAL, INC.

7650 Haskell Avenue, Suite D, Van Nuys, California 91406 (818) 905-8011

TABLE I - LOG OF TEST PITS (1904 Preuss)

Test Pit Number	Depth (Feet)	Description
1	0 - 1	FILL: Sandy Silt, medium brown, slightly moist, medium dense
	1 - 3	SOIL: Sandy silt with clay binder, dark brown, moist, medium dense
	3 - 10	ALLUVIAL TERRACE: silty clayey sand, light brown, moist, stiff
End at 10 feet; No Water; No Caving		
2	0 - 2	FILL: Sandy Silt, medium brown, slightly moist, medium dense
	2 - 4	SOIL: Sandy silt with clay binder, dark brown, moist, medium dense
	4 - 8	ALLUVIAL TERRACE: silty clayey sand, light brown, moist, stiff
End at 8 feet; No Water; No Caving		
3	0 - 2.5	FILL: Sandy Silt, medium brown, slightly moist, medium dense
	2.5 - 5	SOIL: Sandy silt with clay binder, dark brown, moist, medium dense
	5 - 8	ALLUVIAL TERRACE: silty clayey sand, light brown, moist, stiff
End at 8 feet; No Water; No Caving		
4	0 - 3	FILL: Sandy Silt, medium brown, slightly moist, medium dense
	3 - 5	SOIL: Sandy silt with clay binder, dark brown, moist, medium dense
	5 - 8	ALLUVIAL TERRACE: silty clayey sand, light brown, moist, stiff
End at 8 feet; No Water; No Caving		
5	0 - 1	FILL: Sandy Silt, medium brown, slightly moist, medium dense
	1 - 4	SOIL: Sandy silt with clay binder, dark brown, moist, medium dense
	4 - 20	ALLUVIAL TERRACE: silty clayey sand, light brown, moist, stiff
End at 20 feet; No Water; No Caving		

TABLE I - LOG OF TEST PITS (1906 Preuss Road)

Test Pit Number	Depth (Feet)	Description
6	0 - 3	FILL: Sandy Silt, medium brown, slightly moist, medium dense
	3 - 5	SOIL: Sandy silt with clay binder, dark brown, moist, medium dense
	5 - 8	ALLUVIAL TERRACE: silty clayey sand, light brown, moist, stiff
End at 8 feet; No Water; No Caving		
7	0 - 2	FILL: Sandy Silt, medium brown, slightly moist, medium dense
	2 - 4	SOIL: Sandy silt with clay binder, dark brown, moist, medium dense
	4 - 7	ALLUVIAL TERRACE: silty clayey sand, light brown, moist, stiff
End at 7 feet; No Water; No Caving		
8	0 - 3	FILL: Sandy Silt, medium brown, slightly moist, medium dense
	3 - 5	SOIL: Sandy silt with clay binder, dark brown, moist, medium dense
	5 - 7	ALLUVIAL TERRACE: silty clayey sand, light brown, moist, stiff
End at 7 feet; No Water; No Caving		

TABLE I - LOG OF TEST PITS (1906 Preuss Road)

Test Pit Number	Depth (Feet)	Description
9	0 - 1	FILL: Sandy Silt, medium brown, slightly moist, medium dense
	1 - 4	SOIL: Sandy silt with clay binder, dark brown, moist, medium dense
	4 - 10	ALLUVIAL TERRACE: silty clayey sand, light brown, moist, stiff
	End at 10 feet; No Water; No Caving	
10	0 - 2	FILL: Sandy Silt, medium brown, slightly moist, medium dense
	2 - 5	SOIL: Sandy silt with clay binder, dark brown, moist, medium dense
	5 - 7	ALLUVIAL TERRACE: silty clayey sand, light brown, moist, stiff
	End at 7 feet; No Water; No Caving	



SL17.2499
June 28, 2017

Schick Geotechnical
7650 Haskell Avenue
Suite D
Van Nuys, California 91406

Subject: Laboratory Testing

Site: 1904 Preuss Road
Los Angeles, California

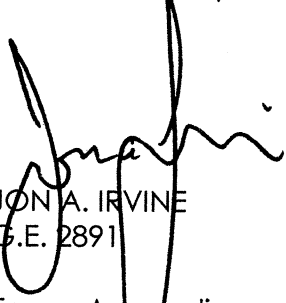
Job: SCHICK/PREUSS

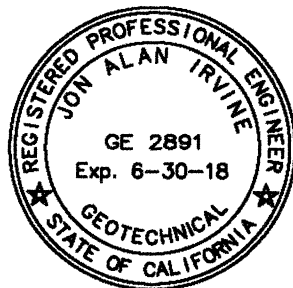
Laboratory testing for the subject property was performed by Soil Labworks, LLC., under the supervision of the undersigned Engineer. Samples of the earth materials were obtained from the subject property by personnel of Schick Geotechnical and transported to the laboratory of Soil Labworks for testing and analysis. The laboratory tests performed are described and results are attached.

Services performed by this facility for the subject property were conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions.

Respectfully Submitted:

SOIL LABWORKS, LLC


JON A. IRVINE
G.E. 2891
Enc: Appendix





SL17.2499
June 28, 2017

APPENDIX

Laboratory Testing

Sample Retrieval - Hand Labor

Samples of earth materials were obtained by driving a thin-walled steel sampler with successive blows of a drop hammer. The earth material was retained in brass rings of 2.416 inches inside diameter and 1.00 inch height. The samples were stored in closefitting, water-tight containers for transportation to the laboratory.

Moisture Density

The field moisture content and dry density were determined for each of the soil samples. The dry density was determined in pounds per cubic foot following ASTM 2937-17. The moisture content was determined as a percentage of the dry soil weight conforming to ASTM 2216-10. The results are presented below in the following table. The percent saturation was calculated on the basis of an estimated specific gravity. Description of earth materials used in this report and shown on the attached Plates were provided by the client.

Test Pit/Boring No.	Sample Depth (Feet)	Soil Type	Dry Density (pcf)	Moisture Content (percent)	Percent Saturation ($G_s=2.65$)
TP1	6	Alluvial Terrace	91.5	5.4	18
TP1	8	Alluvial Terrace	109.9	1.5	8
TP1	10	Alluvial Terrace	112.1	2.4	13
TP1	12	Alluvial Terrace	93.1	26.4	90
TP1	15	Alluvial Terrace	114.4	3.2	19

Shear Strength

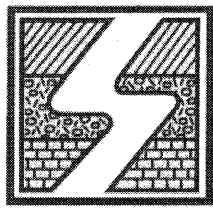
The peak and ultimate shear strengths of the alluvial terrace were determined by performing consolidated and drained direct shear tests in conformance with ASTM D3080/D3080M-11. The tests were performed in a strain-controlled machine manufactured by GeoMatic. The rate of deformation was 0.01 inches per minute. Samples were sheared under varying confining pressures, as shown on the "Shear Test Diagrams," B-Plates. The moisture conditions during testing are shown on the following table and on the B-Plates. The samples indicated as saturated were artificially saturated in the laboratory. All saturated samples were sheared under submerged conditions.

Shear Strength

Test Pit/ Boring No.	Sample Depth (Feet)	Dry Density (pcf)	As-Tested Moisture Content (percent)
TP1	6	79.0	22.4
TP1	8	109.9	21.3
TP1	10	112.1	19.3
TP1	12	93.1	26.8

Consolidation

One-dimensional consolidation tests were performed on samples of the alluvial terrace in a consolidometer manufactured by GeoMatic in conformance with ASTM D2435/D2435M-11. The tests were performed on 1-inch high samples retained in brass rings. The samples were initially loaded to approximately ½ of the field over-burden pressure and then unloaded to compensate for the effects of possible disturbance during sampling. Loads were then applied in a geometric progression and resulting deformation recorded. Water was added at a specific load to determine the effect of saturation. The results are plotted on the "Consolidation Test," C-Plates.



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LABWORKS LLC**

SHEAR DIAGRAM B-1

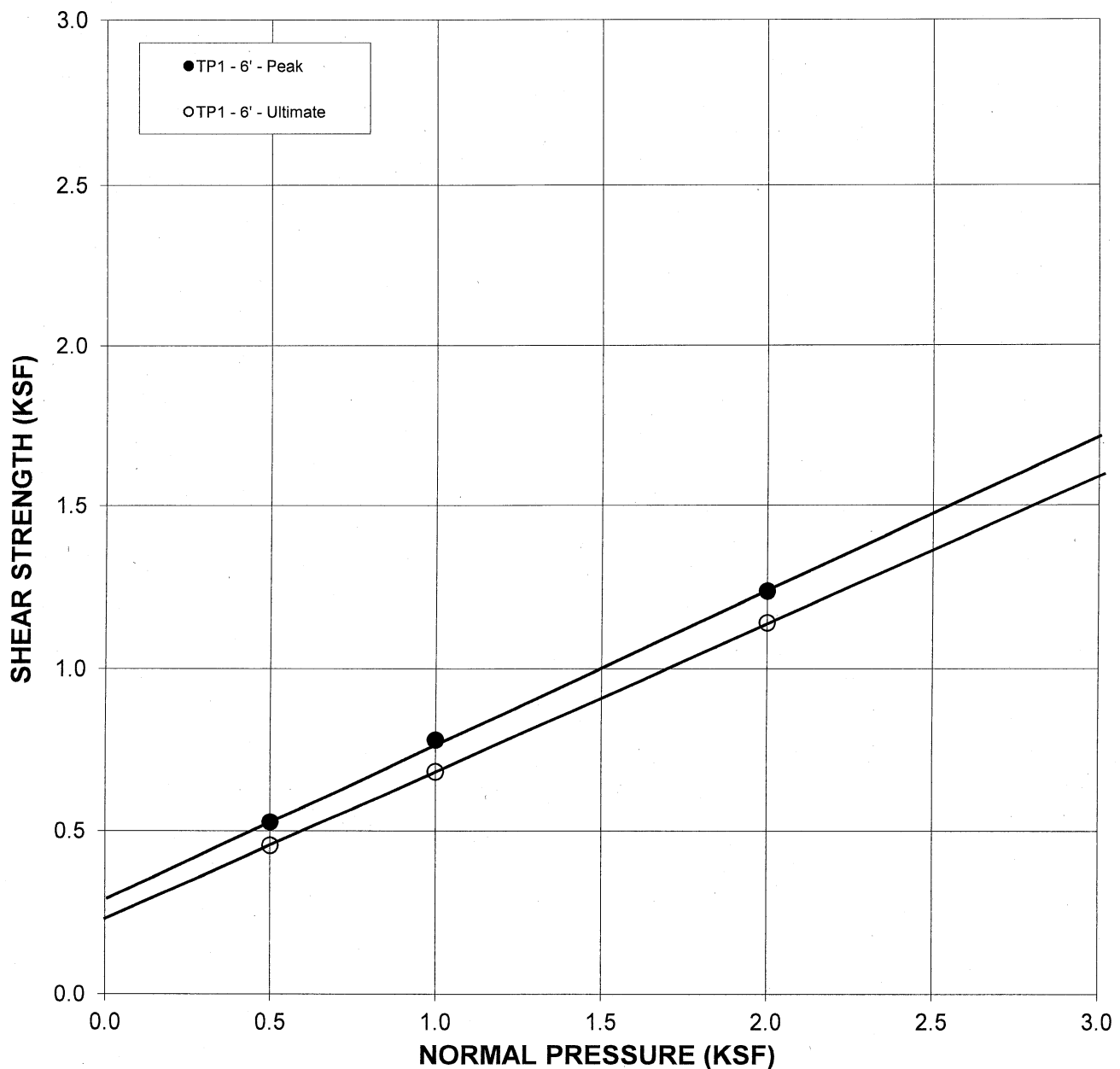
JN: SL17.2499 CONSULTANT JAI
CLIENT: Schick/1904 Preuss Road

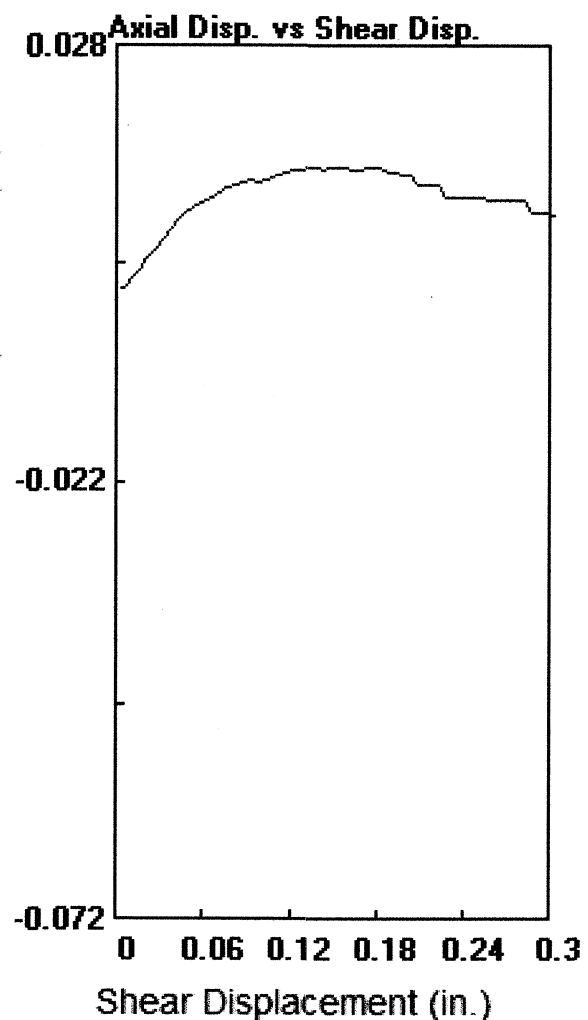
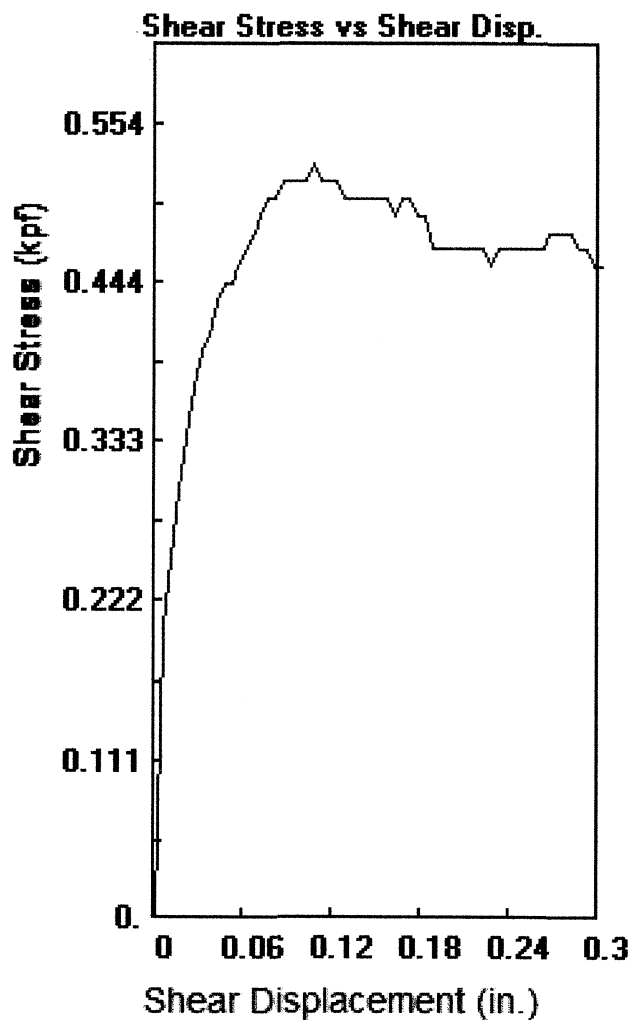
EARTH MATERIAL: ALLUVIAL TERRACE

	PEAK	ULTIMATE	
Phi Angle	25	24	degrees
Cohesion	295	230	psf

Average Moisture Content	22.4%
Average Dry Density (pcf)	91.5
Percent Saturation	73.5%

DIRECT SHEAR TEST - ASTM D-3080





Parameters

Client: SCHICK

Location: 1904 PRAUSS RD

Job # 2499

Sample: 1

Boring: TP1

Depth: 6 ft.

File: 2499TP165.dat

Stress at Max Def
528 0.106

Soil Type:AT

Technician: BF

Axial Load: 500 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 456

Maximum Load

528 psf

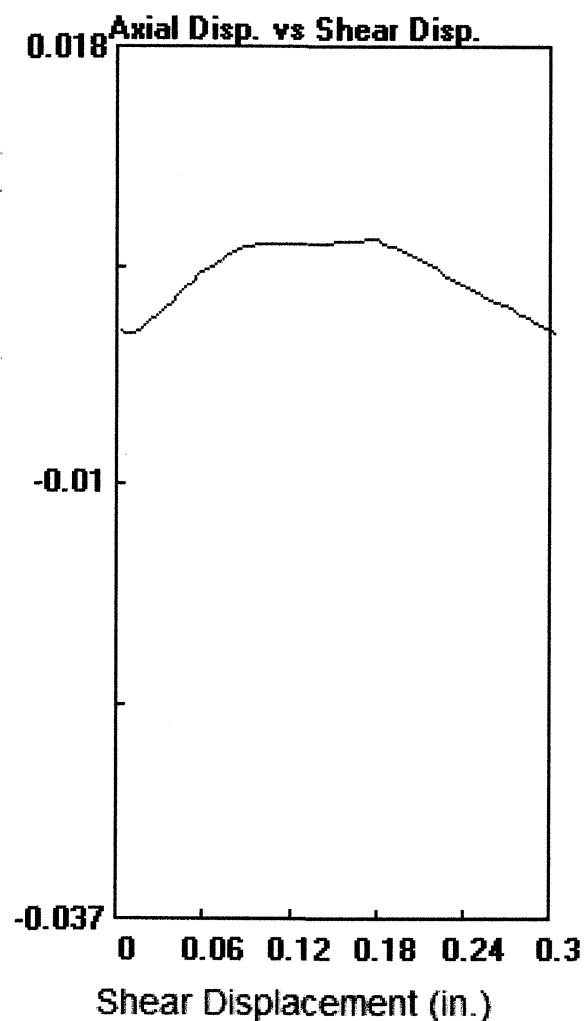
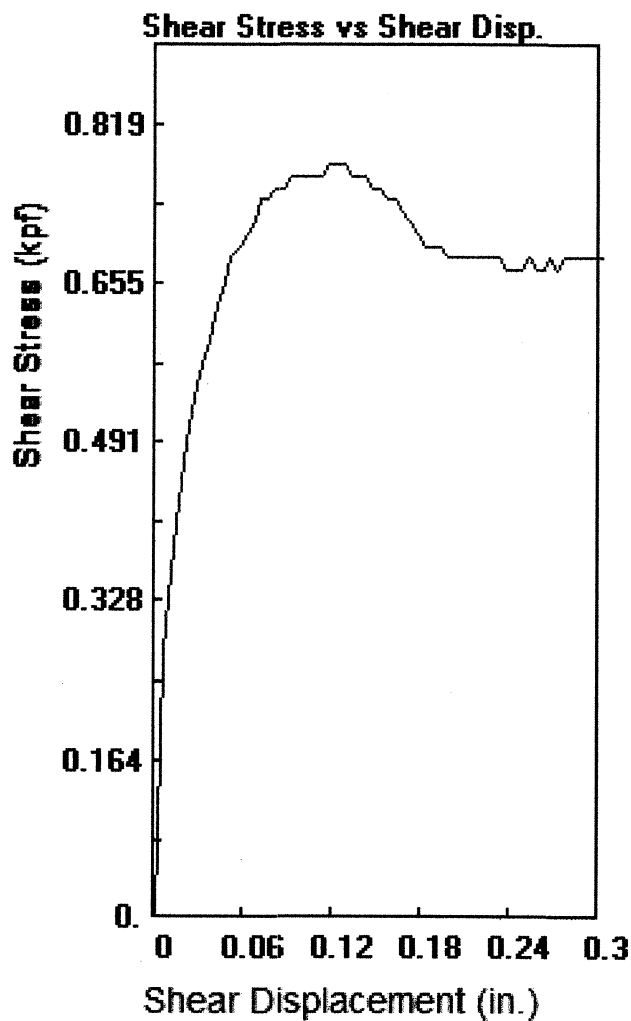
Shear Displacement at maximum Load

0.1058 in.

Date

6/26/2017

Soil Labworks



Parameters

Client: SCHICK

Location: 1904 PRAUSS

Job # 2499

Sample: 2

Boring: TP1

Depth: 6 ft.

File: 2499TP161.dat

Stress at Max Def
780 0.116

Soil Type:AT

Technician: BF

Axial Load: 1000 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 684

Maximum Load

780 psf

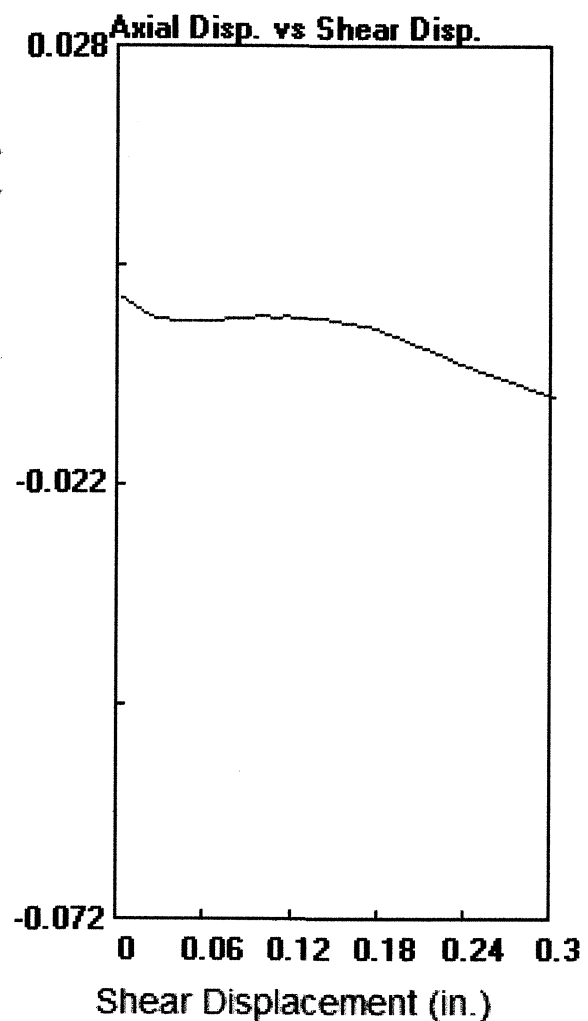
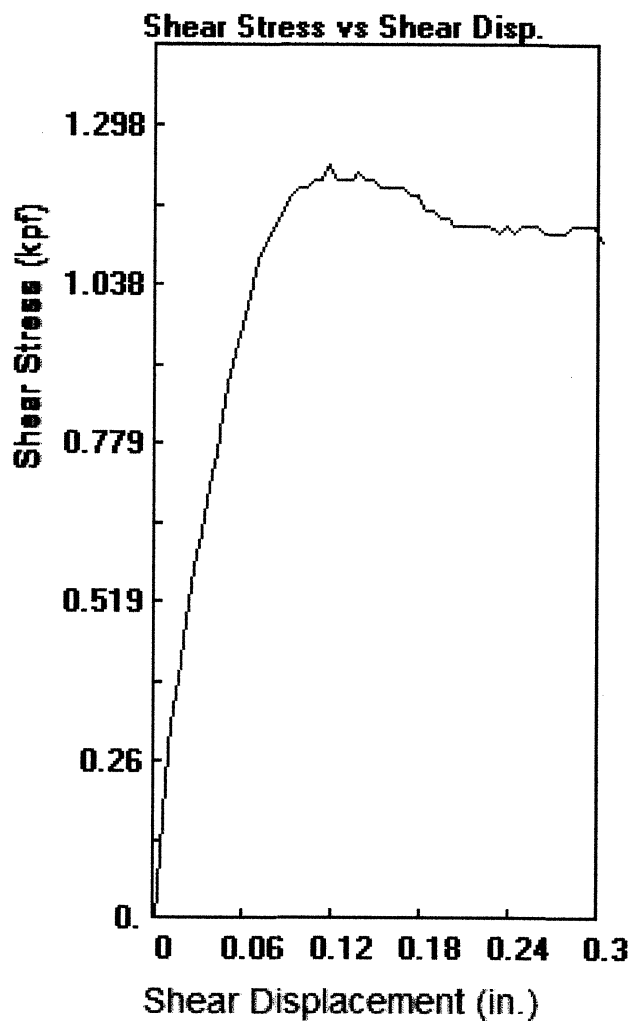
**Shear
Displacement
at maximum
Load**

0.1155 in.

Date

6/26/2017

Robertson Geotechnical



Parameters

Client: SCHICK

Location: 1904 PRAUSS RD

Job # 2499

Sample: 3

Boring: TP1

Depth: 6 ft.

File: 2499TP162.dat

Stress at Max Def
1236 0.116

Soil Type:AT

Technician: BF

Axial Load: 2000 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 1140

Maximum Load

1236 psf

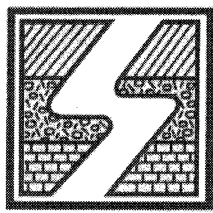
Shear
Displacement
at maximum
Load

0.1156 in.

Date

6/26/2017

Soil Labworks



**SOIL
LABWORKS LLC**

SHEAR DIAGRAM B-2

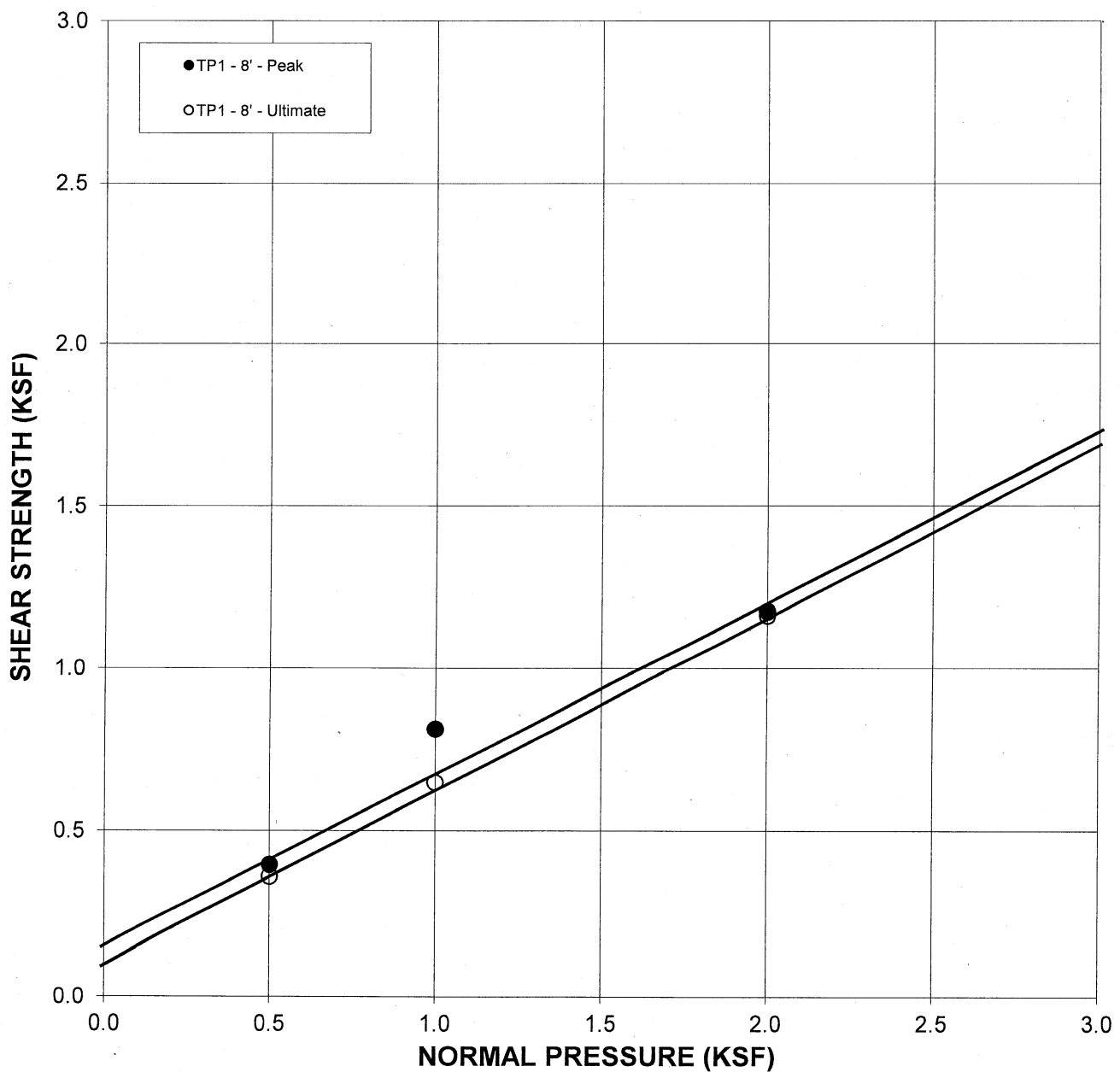
JN: SL17.2499 CONSULTANT JAI
CLIENT: Schick/1904 Preuss Road

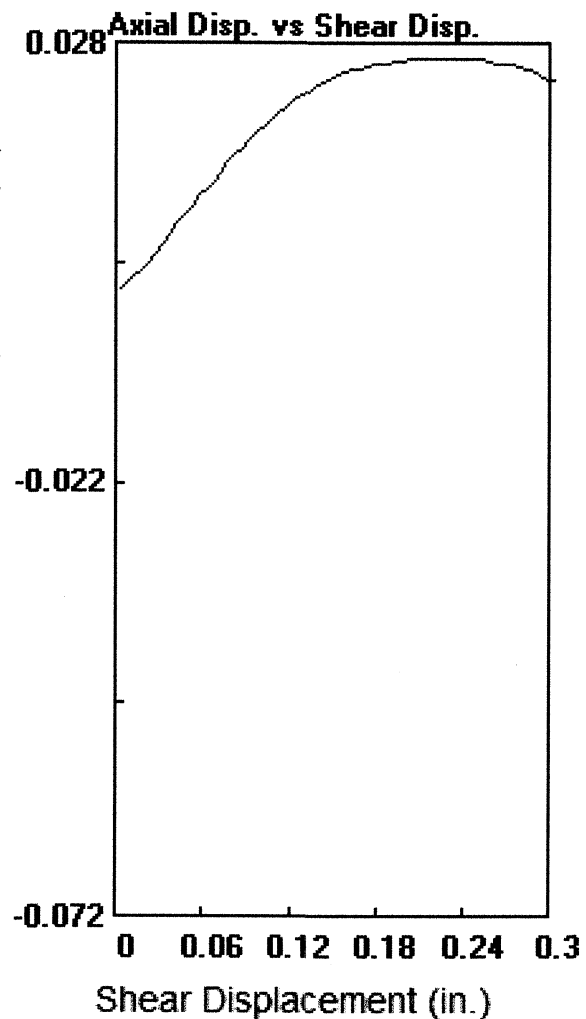
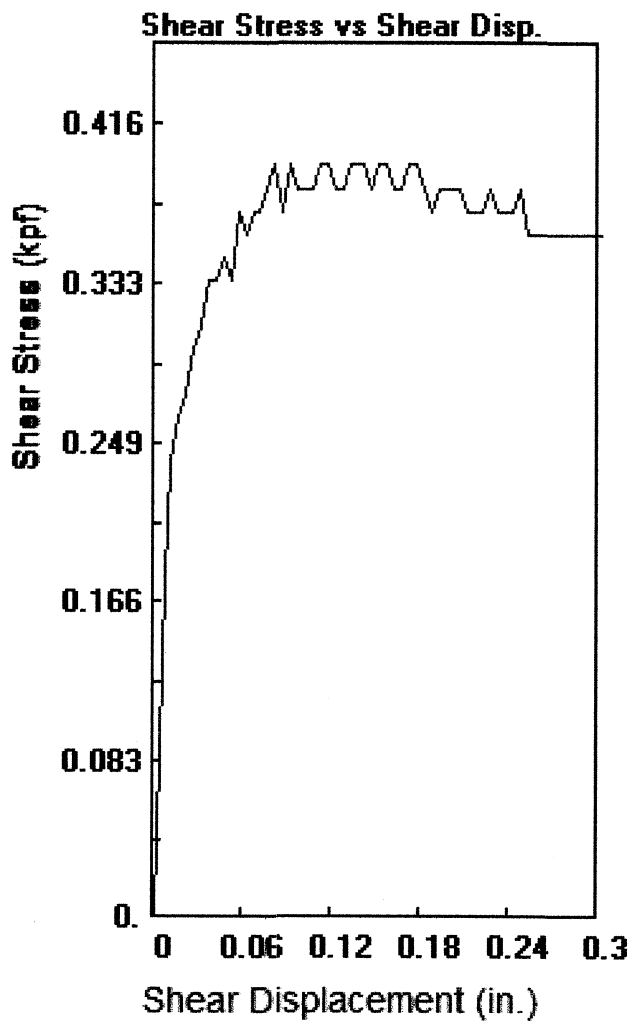
EARTH MATERIAL: ALLUVIAL TERRACE

	PEAK	ULTIMATE	
Phi Angle	27	27.5	degrees
Cohesion	150	100	psf

Average Moisture Content	21.3%
Average Dry Density (pcf)	109.0
Percent Saturation	100.0%

DIRECT SHEAR TEST - ASTM D-3080





Parameters

Client: SCHICK

Location: 1904 PRAUSS RD

Job # 2499

Sample: 1

Boring: TP1

Depth: 8 ft.

File: 2499TP185.dat

Stress at Max Def
396 0.081

Soil Type:AT

Technician: BF

Axial Load: 500 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 360

Maximum Load

396 psf

**Shear
Displacement
at maximum
Load**

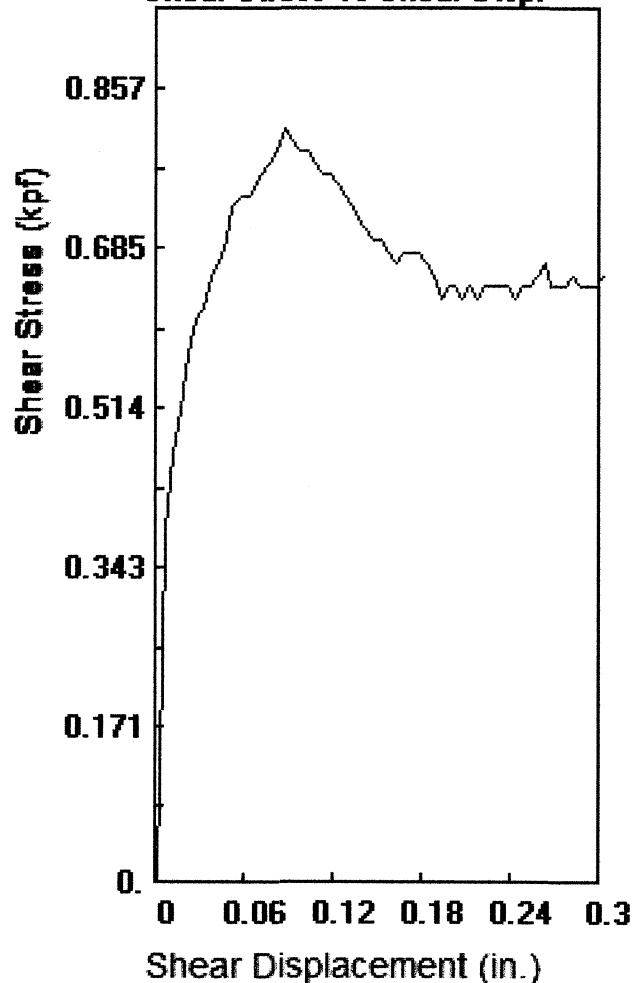
0.0807 in.

Date

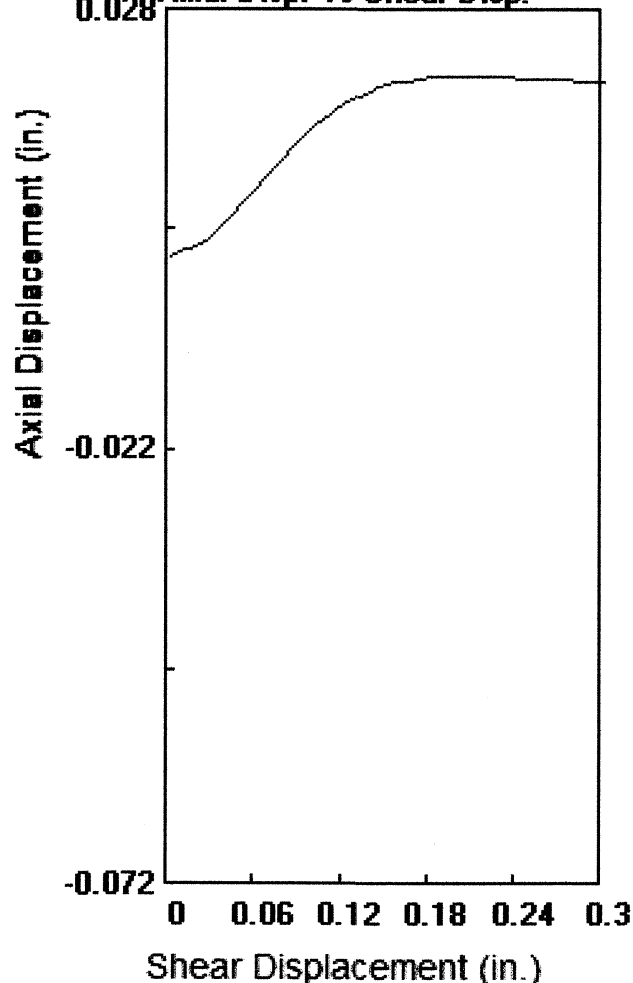
6/26/2017

Soil Labworks

Shear Stress vs Shear Disp.



Axial Disp. vs Shear Disp.



Parameters

Client: SCHICK

Location: 1904 PRAUSS RD

Job # 2499

Sample: 2

Boring: TP1

Depth: 8 ft.

File: 2499TP181.dat

Stress at Max Def
816 0.086

Soil Type:AT

Technician: BF

Axial Load: 1000 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 648

Maximum Load

816 psf

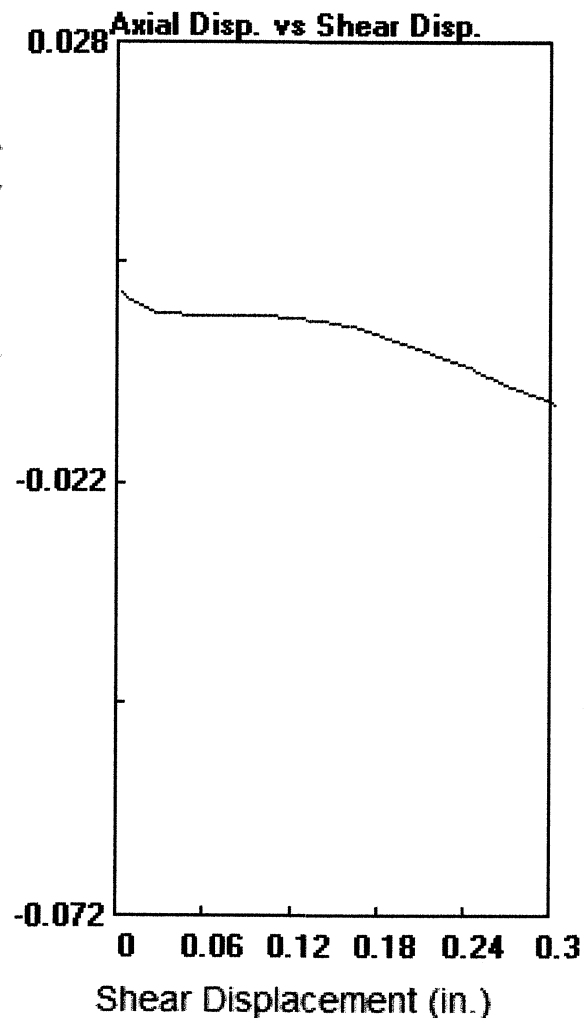
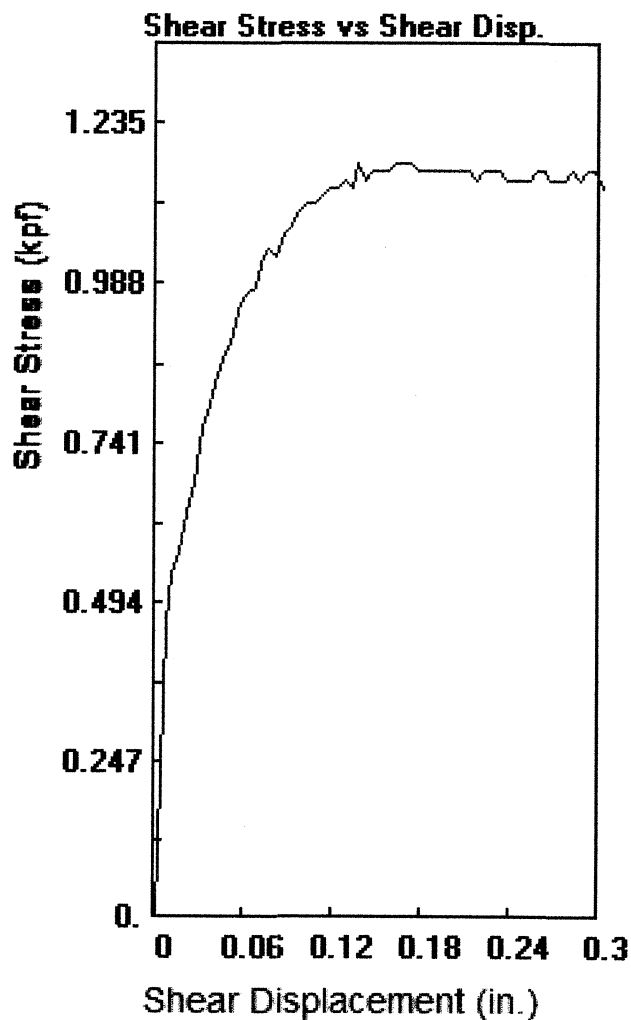
Shear Displacement at maximum Load

0.0855 in.

Date

6/26/2017

Soil Labworks



Parameters

Client: SCHICK

Location: 1904 PRAUSS RD

Job # 2499

Sample: 3

Boring: TP1

Depth: 8 ft.

File: 2499TP182.dat

Stress at Max Def
1176 0.136

Soil Type:AT

Technician: BF

Axial Load: 2000 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 1164

Maximum Load

1176 psf

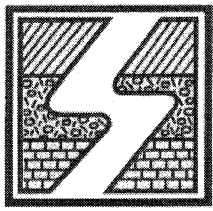
**Shear
Displacement
at maximum
Load**

0.1355 in.

Date

6/26/2017

Soil Labworks



**SOIL
LABWORKS LLC**

SHEAR DIAGRAM B-3

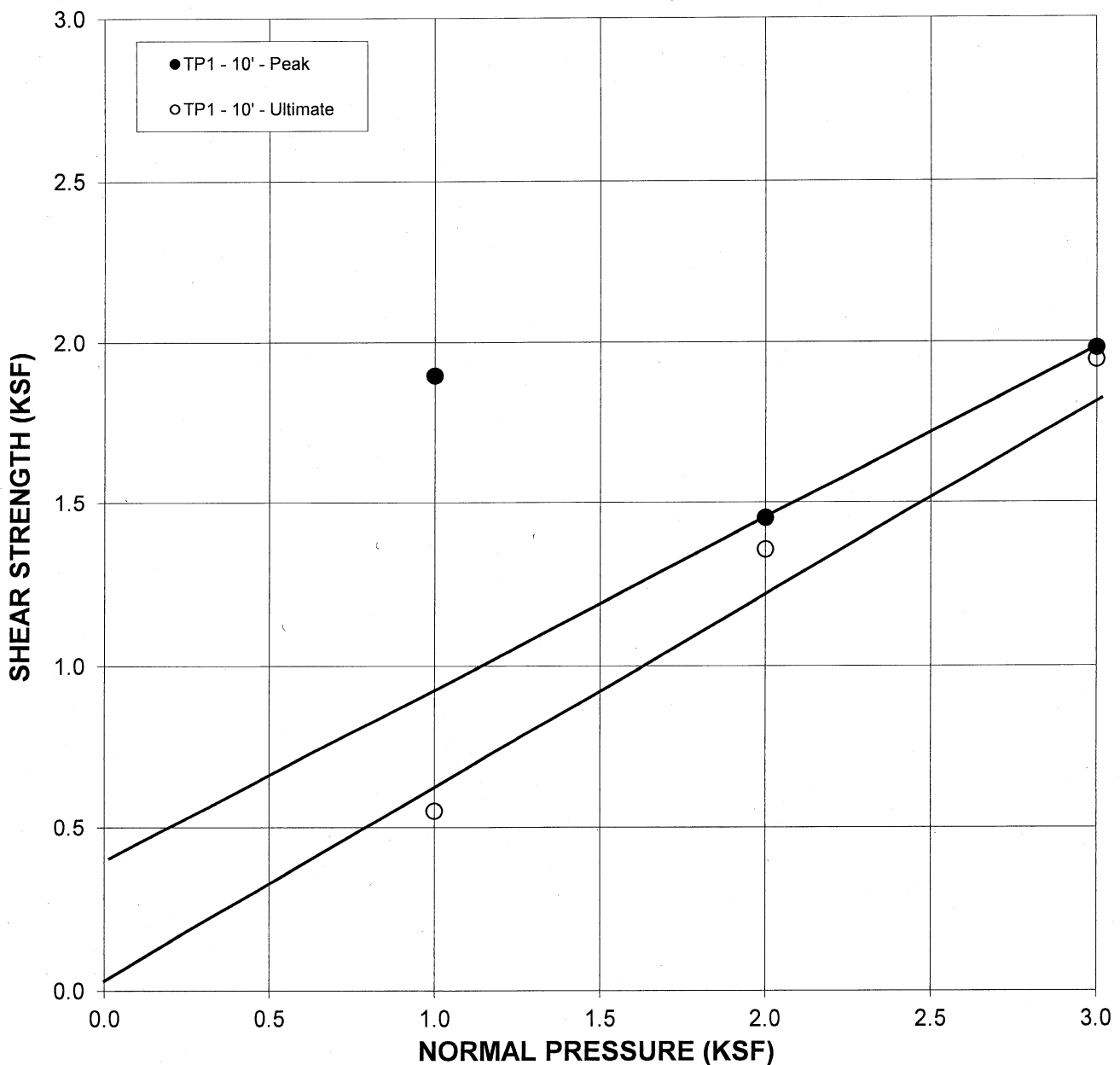
JN: SL17.2499 CONSULTANT JAI
CLIENT: Schick/1904 Prauss Road

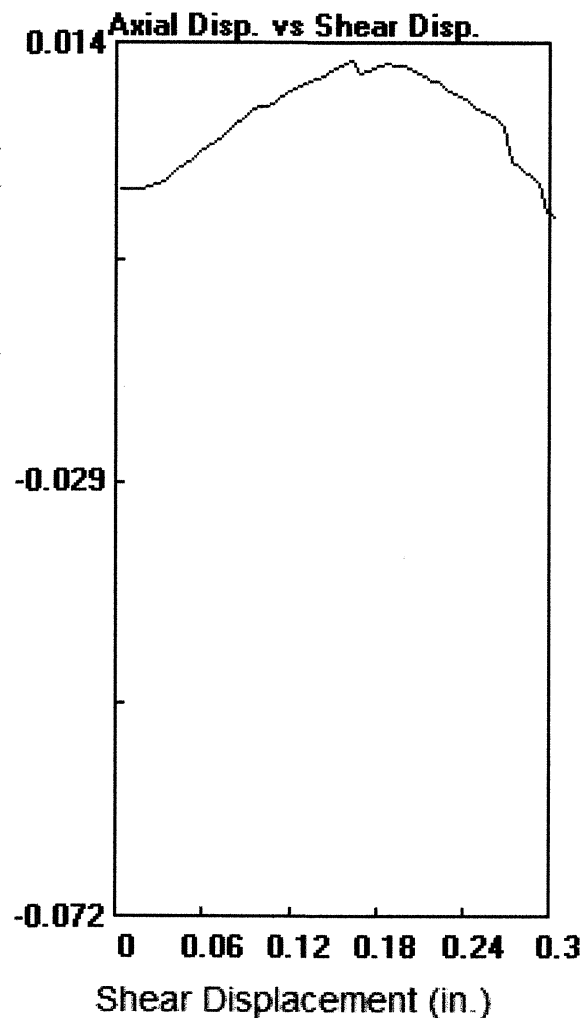
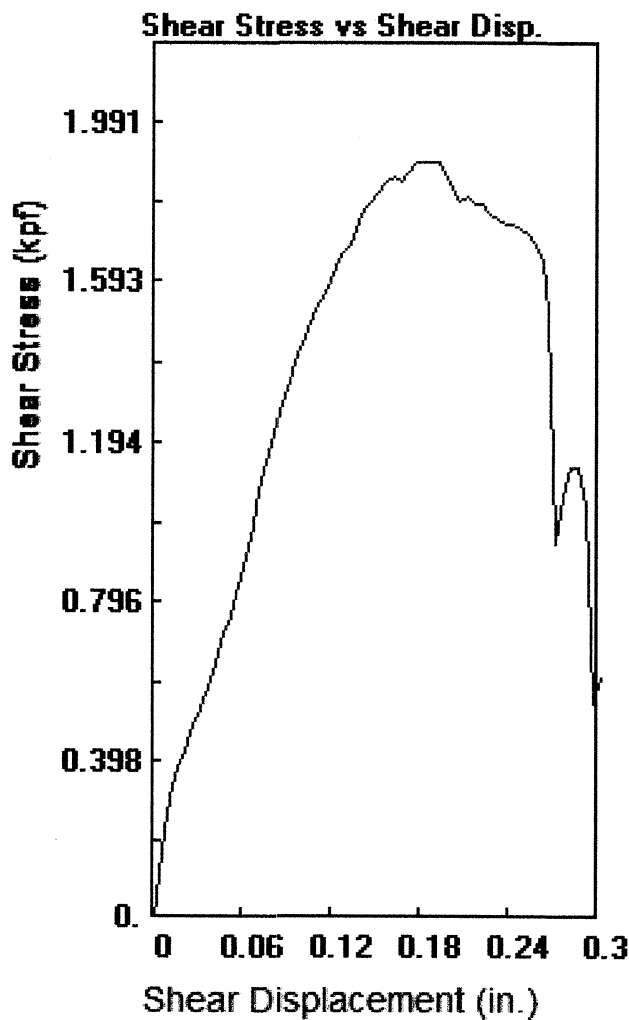
EARTH MATERIAL: ALLUVIAL TERRACE

	PEAK	ULTIMATE	
Phi Angle	27.5	30	degrees
Cohesion	400	45	psf

Average Moisture Content	19.3%
Average Dry Density (pcf)	112.1
Percent Saturation	100.0%

DIRECT SHEAR TEST - ASTM D-3080





Parameters

Client: SCHICK

Location: 1904 PRAUSS RD

Job # 2499

Sample: 1

Boring: TP1

Depth: 10 ft.

File: 2499TP1121.dat

Stress at Max Def
1896 0.176

Soil Type:AT

Technician: BF

Axial Load: 1000 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 552

Maximum Load

1896 psf

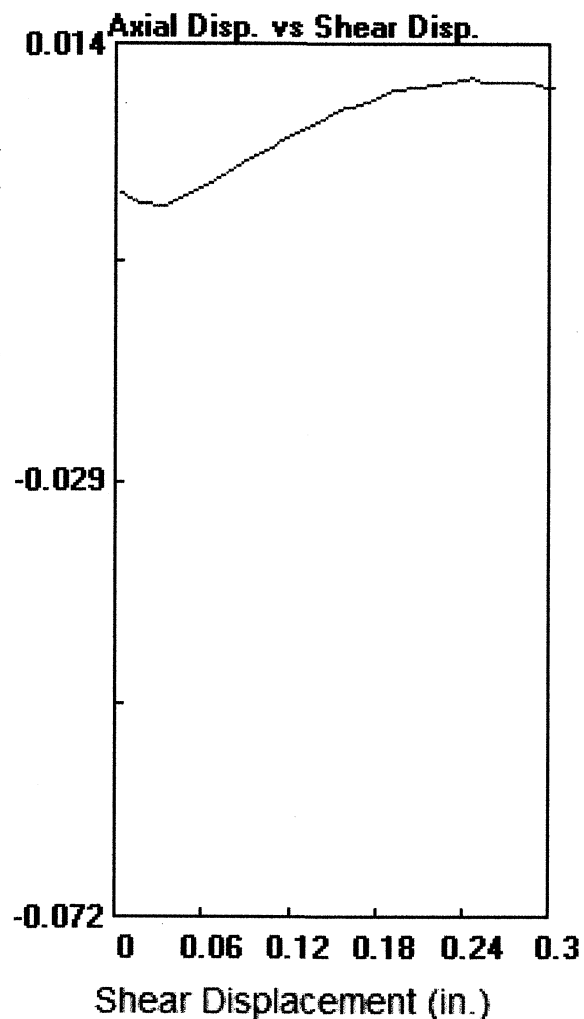
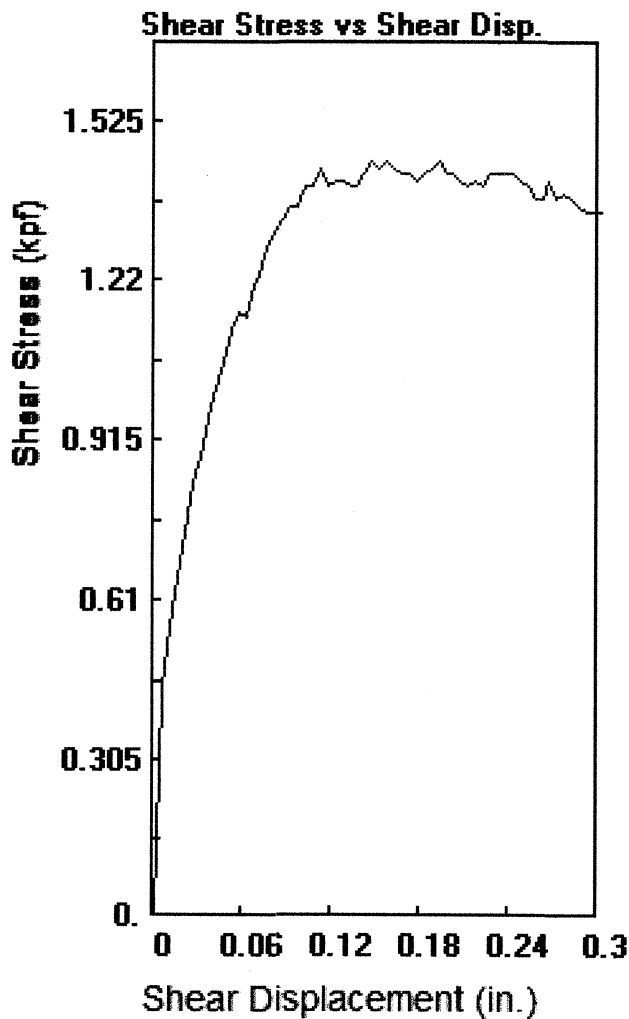
**Shear
Displacement
at maximum
Load**

0.1756 in.

Date

6/26/2017

Soil Labworks



Parameters

Client: SCHICK

Location: 1904 PRAUSS RD

Job # 2499

Sample: 2

Boring: TP1

Depth: 10 ft.

File: 2499TP1122.dat

Stress at Max Def
1452 0.146

Soil Type: AT

Technician: BF

Axial Load: 2000 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 1356

Maximum Load

1452 psf

**Shear
Displacement
at maximum
Load**

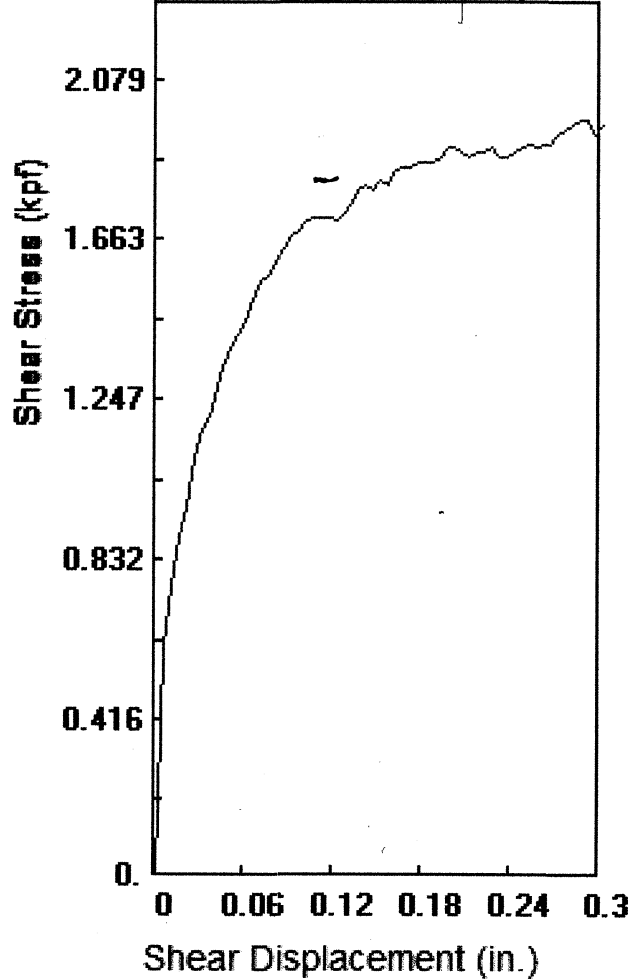
0.1457 in.

Date

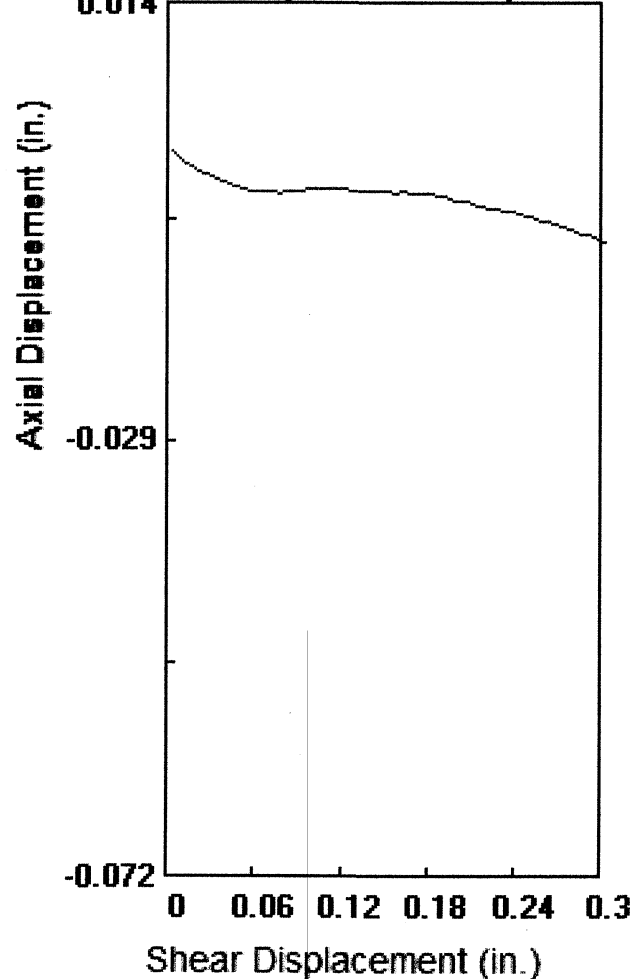
6/26/2017

Soil Labworks

Shear Stress vs Shear Disp.



Axial Disp. vs Shear Disp.



Parameters

Client: SCHICK

Location: 1904 PRAUSS RD

Job # 2499

Sample: 3

Boring: TP1

Depth: 10 ft.

File: 2499TP1123.dat

Stress at Max Def
1980 0.286

Soil Type:AT

Technician: BF

Axial Load: 3000 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 1944

Maximum Load

1980 psf

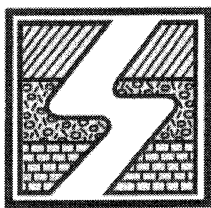
Shear
Displacement
at maximum
Load

0.2856 in.

Date

6/26/2017

Soil Labworks



**SOIL
LABWORKS** LLC

SHEAR DIAGRAM B-4

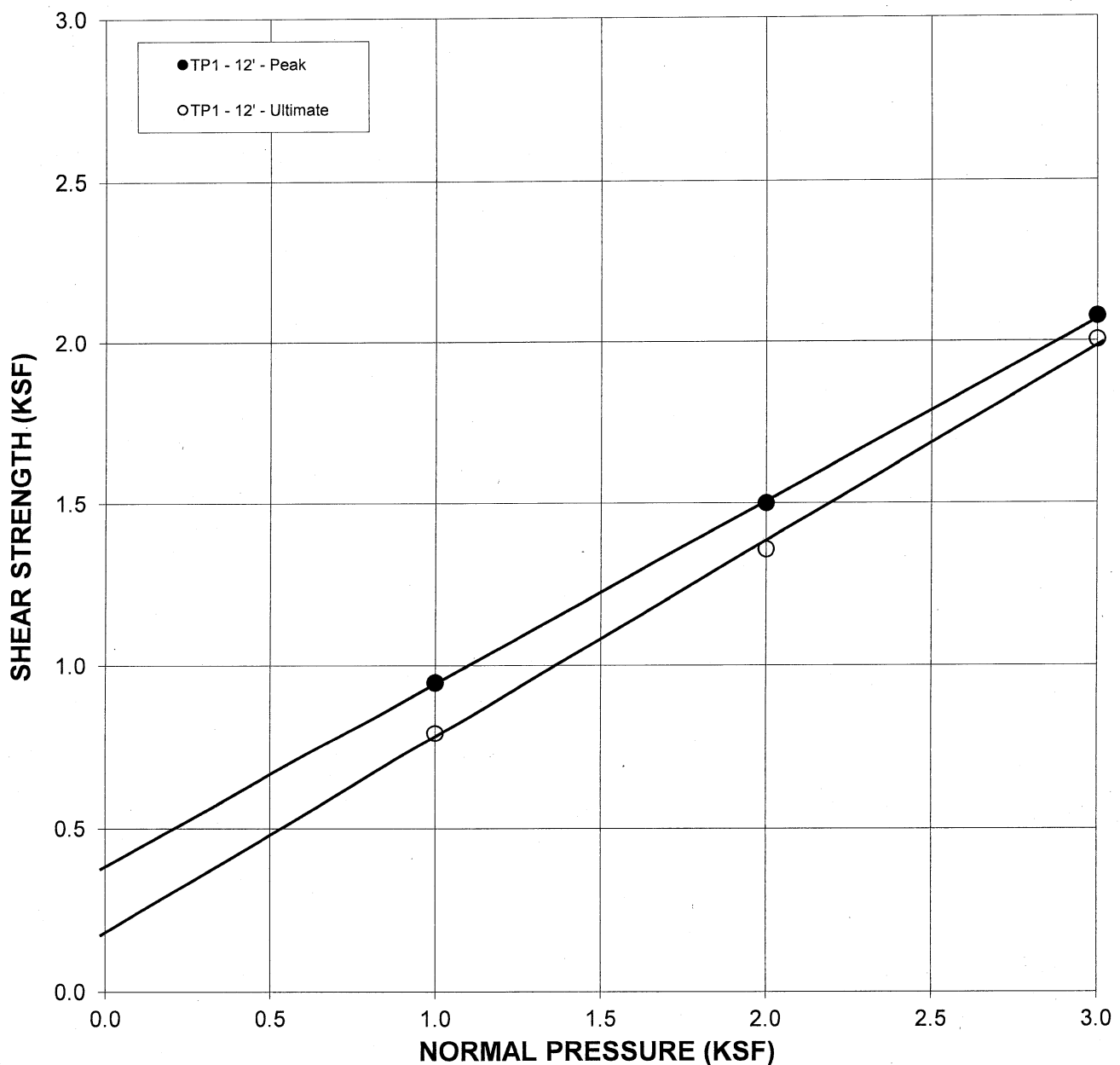
JN: SL17.2499 CONSULTANT JAI
CLIENT: Schick/1904 Preuss Road

EARTH MATERIAL: ALLUVIAL TERRACE

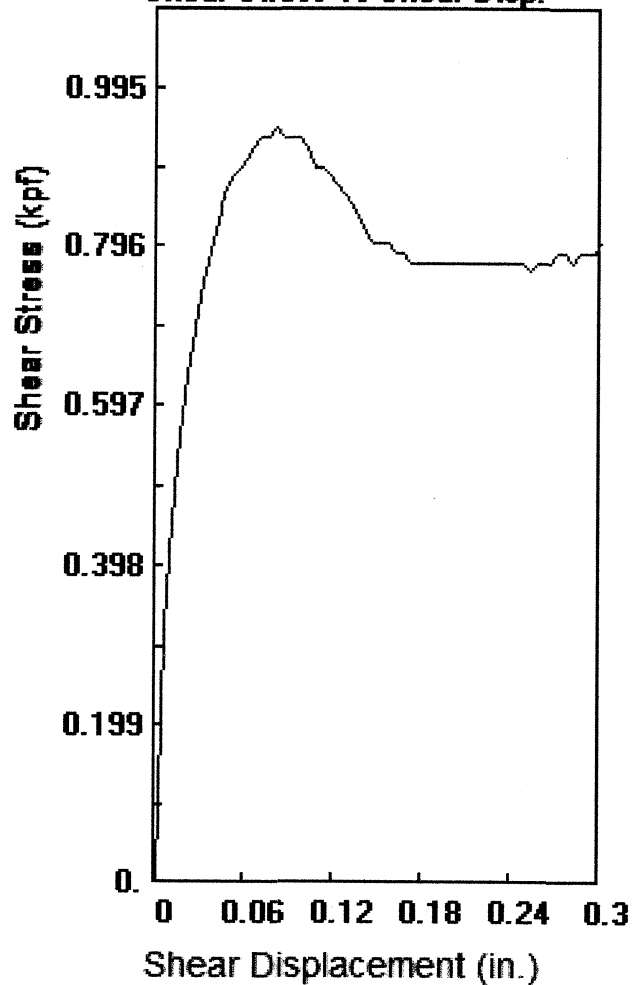
	PEAK	ULTIMATE	
Phi Angle	29	31	degrees
Cohesion	390	175	psf

Average Moisture Content	26.8%
Average Dry Density (pcf)	93.1
Percent Saturation	91.5%

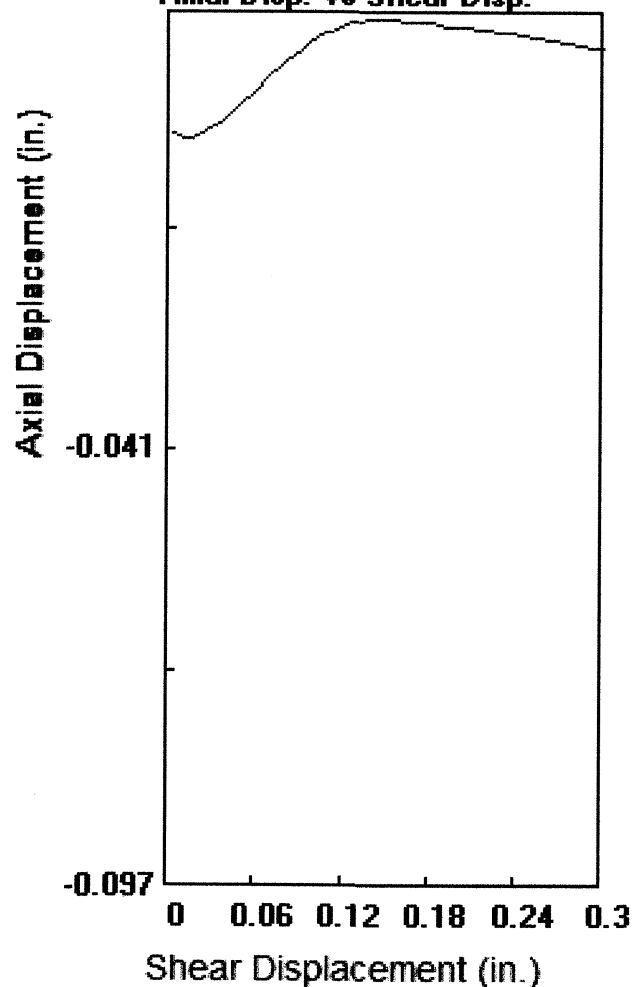
DIRECT SHEAR TEST - ASTM D-3080



Shear Stress vs Shear Disp.



Axial Disp. vs Shear Disp.



Parameters

Client: SCHICK

Location: 1904 PRAUSS

Job # 2499

Sample: 1

Boring: TP1

Depth: 12 ft.

File: 2499TP1121X.dat

Stress at Max Def
948 0.081

Soil Type:AT

Technician: BF

Axial Load: 1000 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 792

Maximum Load

948 psf

**Shear
Displacement
at maximum
Load**

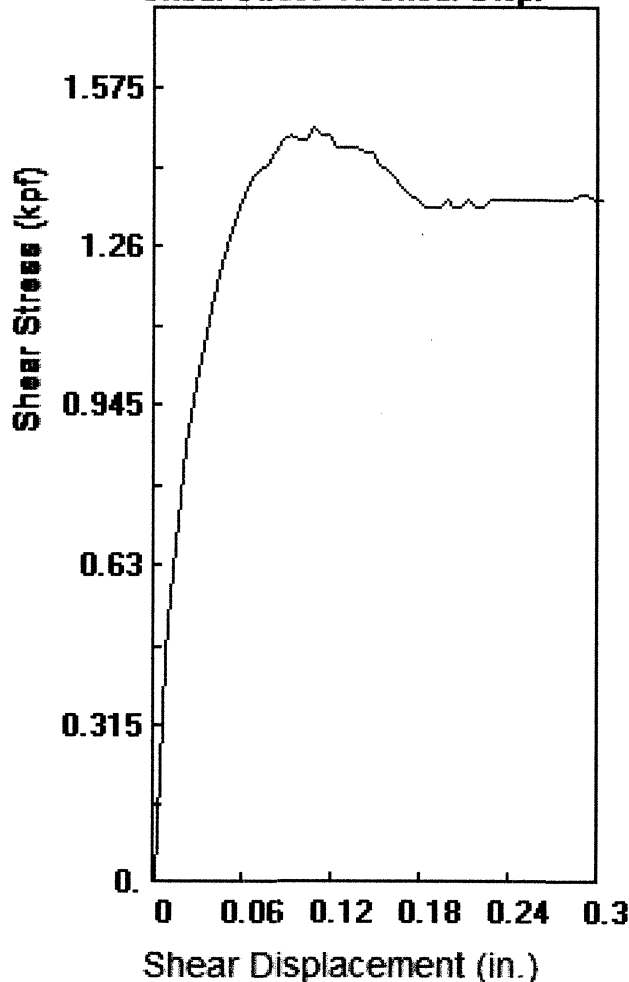
0.0806 in.

Date

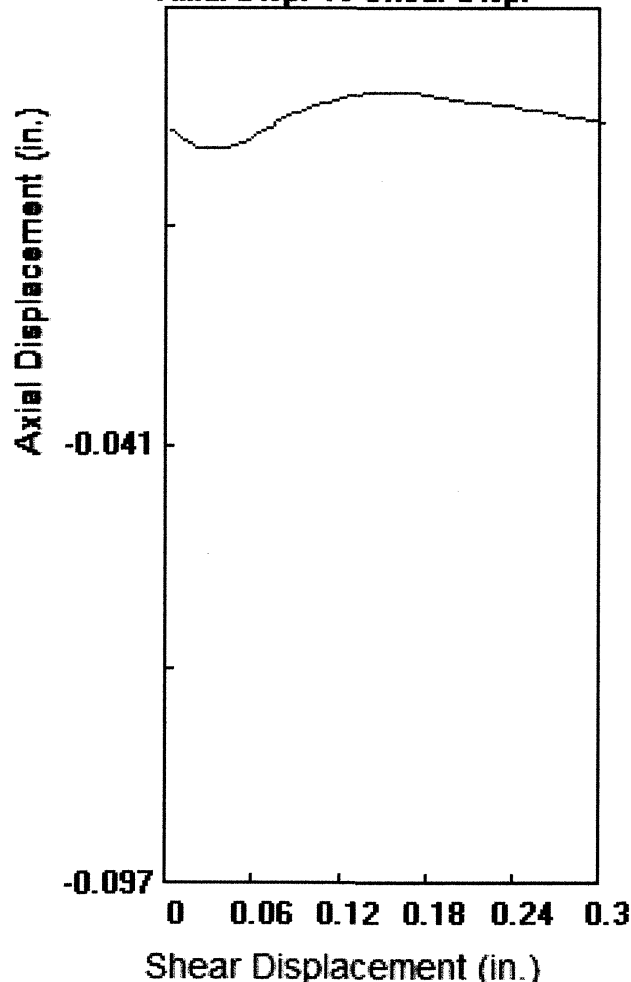
6/28/2017

Robertson Geotechnical

Shear Stress vs Shear Disp.



Axial Disp. vs Shear Disp.



Parameters

Client: SCHICK

Location: 1904 PRAUSS

Job # 2499

Sample: 2

Boring: TP1

Depth: 12 ft.

File: 2499TP1122X.dat

Stress at Max Def
1500 0.106

Soil Type:AT

Technician: BF

Axial Load: 2000 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 1356

Maximum Load

1500 psf

**Shear
Displacement
at maximum
Load**

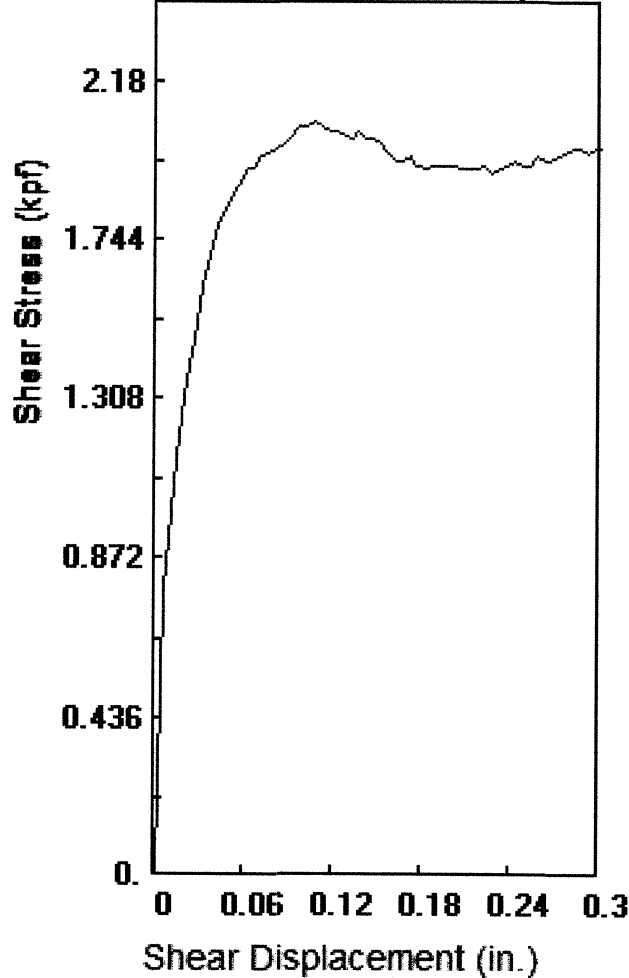
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Date

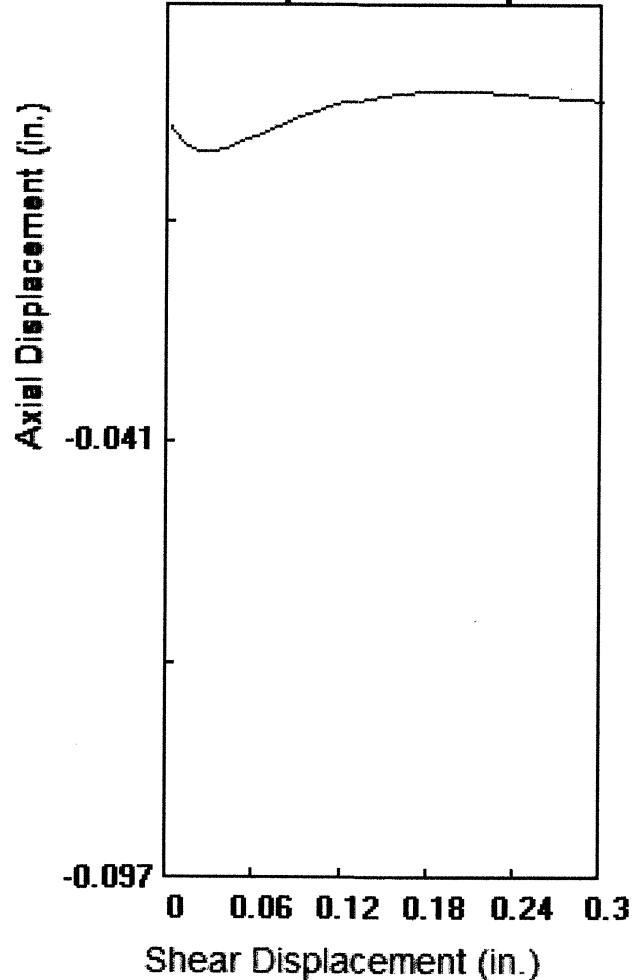
6/28/2017

Robertson Geotechnical

Shear Stress vs Shear Disp.



Axial Disp. vs Shear Disp.



Parameters

Client: SCHICK

Location: 1904 PRAUSS

Job # 2499

Sample: 3

Boring: TP1

Depth: 12 ft.

File: 2499TP1123X.dat

Stress at Max Def
2076 0.106

Soil Type:AT

Technician: BF

Axial Load: 3000 psf

Shear Rate: 0.010 in./sec.

Distance: 0.30 in.

Stress at Max Disp
0.296 2004

Maximum Load

2076 psf

Shear
Displacement
at maximum
Load

0.1056 in.

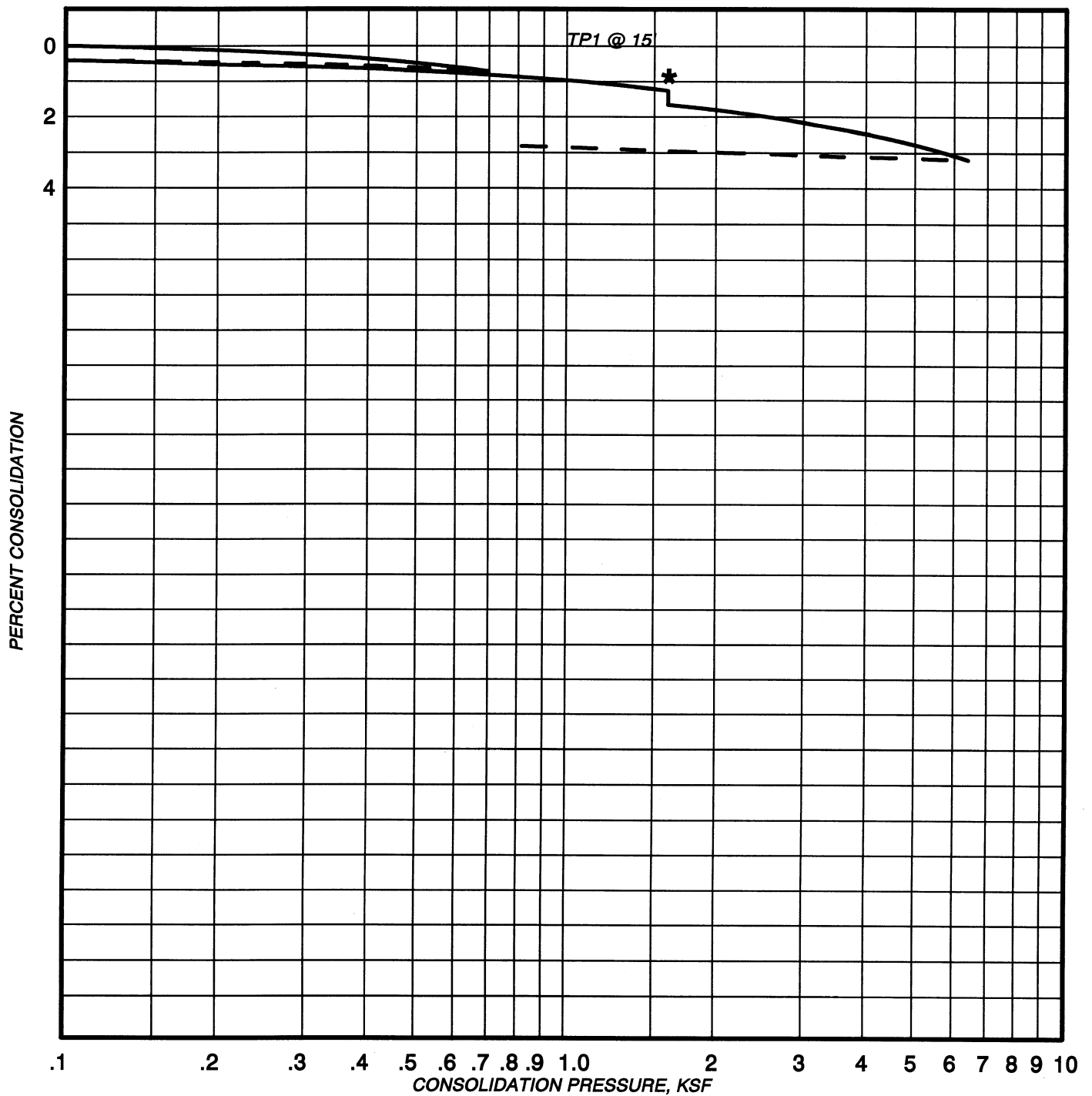
Date

6/28/2017

Robertson Geotechnical

CONSOLIDATION TEST
PROJECT: 2499 SCHICK/1904 PRAUSS ROAD
SAMPLE: TP1 @ 15'

ALLUVIAL TERRACE



* Water Added

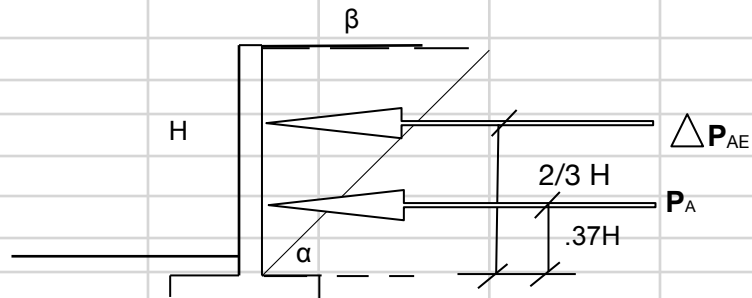
PLATE:

Spectral Combined Seismic/Static Load

Ref: Navy Design Manual 7.2 (NAVFAC)

ASSUMPTION

C =	30	Cohesion of soil (psf)
ϕ =	45	Internal angle of friction (degrees)
γ =	134	Saturated unit weight of soil (pcf)
H =	10	Height of wall (feet)
β =	1	
SDS/2.5=.55		



$$K_h = .68 * (SDS/2.5) = 0.37$$

$$K_a = 0.298$$

$$P_A = .5 * \gamma * K_a * (H)^2 = 2.00 \text{ kips}$$

$$\text{Moment Arm} = H/3 = 3.7 \text{ ft}$$

$$P_E = 1/2 * K_h * \lambda * H^2 = 2.48 \text{ kips}$$

$$\text{Moment Arm} = .6H = 6.0 \text{ ft}$$

Earthquake Design==90 pcf

At-Rest Pressure=40 pcf

EFP1=40 pcf Level Backfill

EFP2=50 pcf

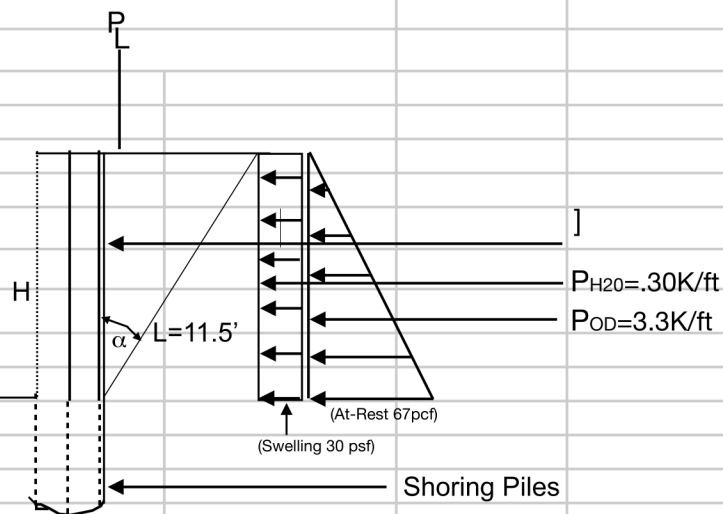
Client: Dauer
Project Number: SG 9402-W
Project Location: Preuss Rd.

SGI

SHORING ANALYSIS/Unsurcharged North Elevation

ASSUMPTIONS

C =	45	Cohesion of soil (psf)
φ =	30	Internal angle of friction (degrees)
γ =	134	Saturated unit weight of soil (pcf)
H =	10	Height of wall (feet)
α =	30	
β =	1	Angle of Backslope (degrees)



At Rest Pressure: $\sin \phi = 0.5$

$$\gamma(1-.5) = 67 \text{ pcf}$$

$$K_a = EFP/\gamma = .50$$

$$P_{H2O} = 30 \text{ psf} \cdot H = 300 \text{ psf/ft}$$

$$P_{OD} = .5 \cdot 67 \cdot H^2 = 3350 \text{ psf/ft}$$

*-Modified Boussinesq Equation Rigid Walls Fig.11, Chapter 7.2 DM7 02

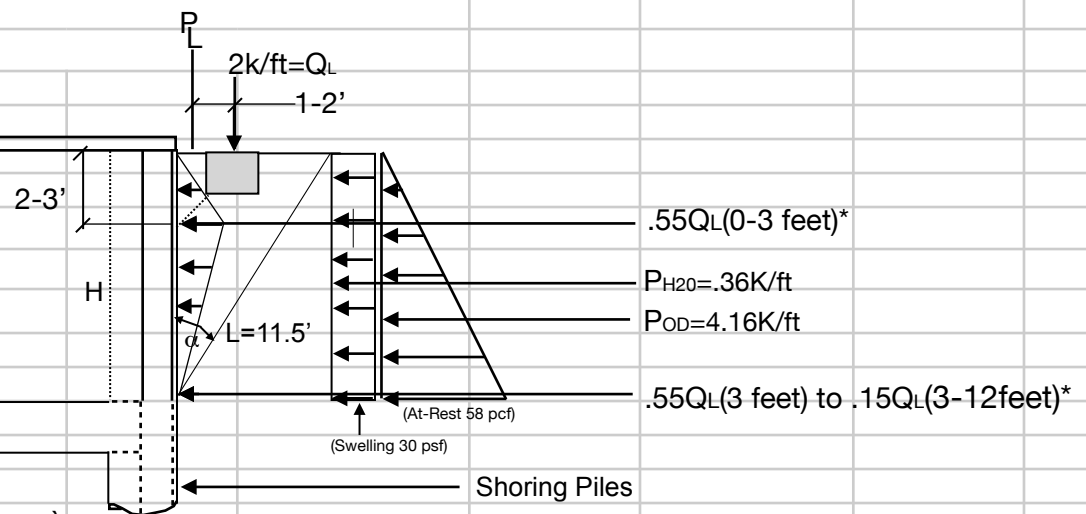
Client: Dauer
Project Number: SG 9402-W
Project Location: Preuss Road

SGI

SHORING ANALYSIS/Retaining Wall(at-rest w/swelling) South Elev. Surcharged

ASSUMPTIONS

C =	45	Cohesion of soil (psf)
ϕ =	30	Internal angle of friction (degrees)
γ =	134	Saturated unit weight of soil (pcf)
H =	10	Height of wall (feet)
α =	28	
β =	1	Angle of Backslope (degrees)



At Rest Pressure: $\sin \phi = 0.57$

$$\gamma(1-.57) = 58 \text{ pcf}$$

$$K_a = EFP/\gamma = .42$$

$$P_{H20} = 30 \text{ psf} \cdot H = 360 \text{ psf/ft}$$

$$P_{OD} = .5 \cdot 58 \cdot H^2 = 4176$$

At-Rest shoring design pressure of 58 pcf plus surcharge scaled QL* for full height of wall.

*-Modified Boussinesq Equation Rigid Walls Fig.11, Chapter 7.2 DM7 02

Client: Dauer
Project Number: SG 9402-W
Project Location: Preuss Road

SGI

REGIONAL GEOLOGIC MAP

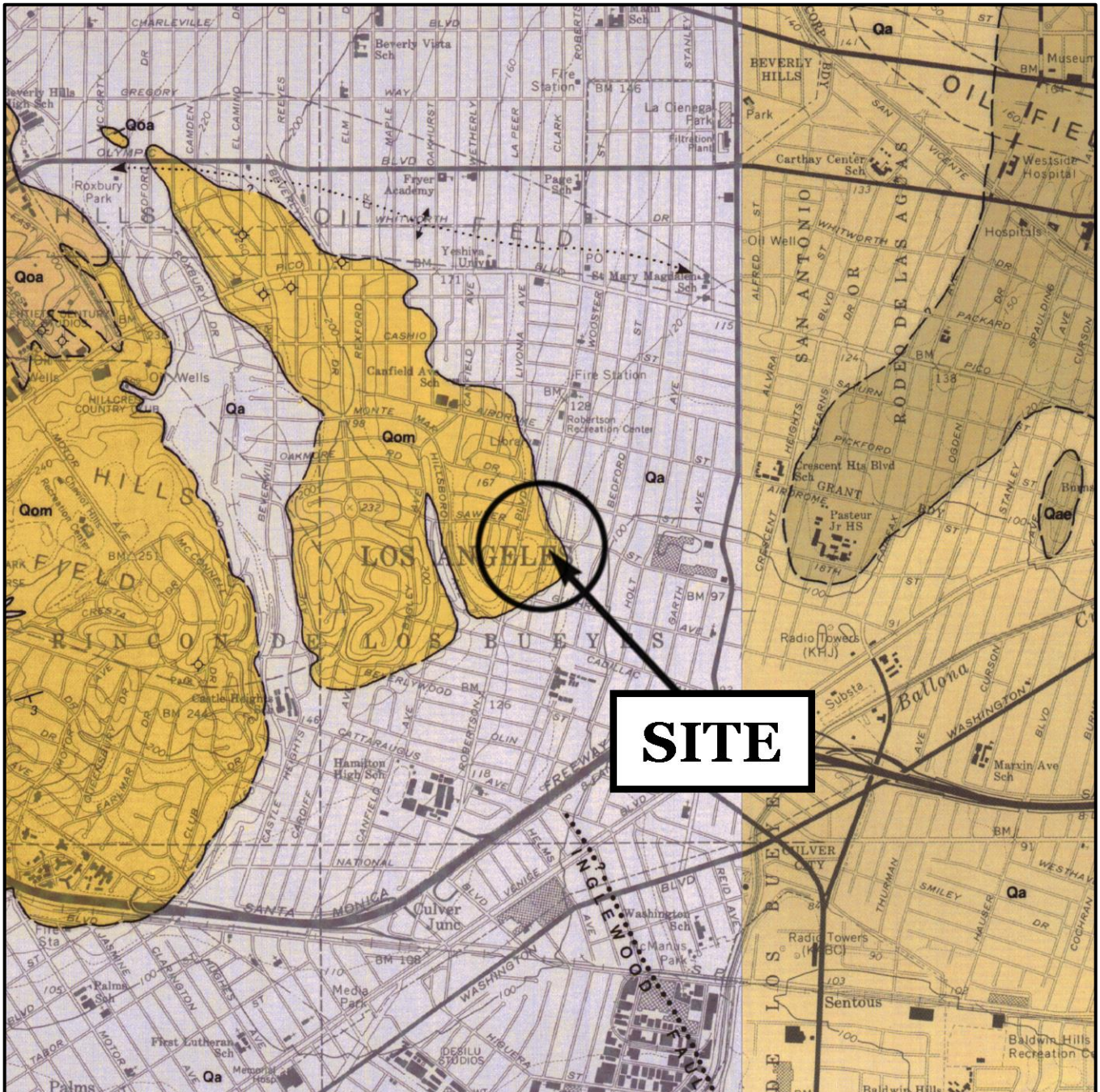


REFERENCE: Geologic Map of the Beverly Hills and Hollywood Quadrangles, Los Angeles, California, by Thomas W. Dibblee, Jr., 1991.

ADDRESS: 1904 S. Preuss Road

CLIENT: Dauer

JOB: SG 9402-W



EARTHQUAKE ZONES OF REQUIRED INVESTIGATION MAP



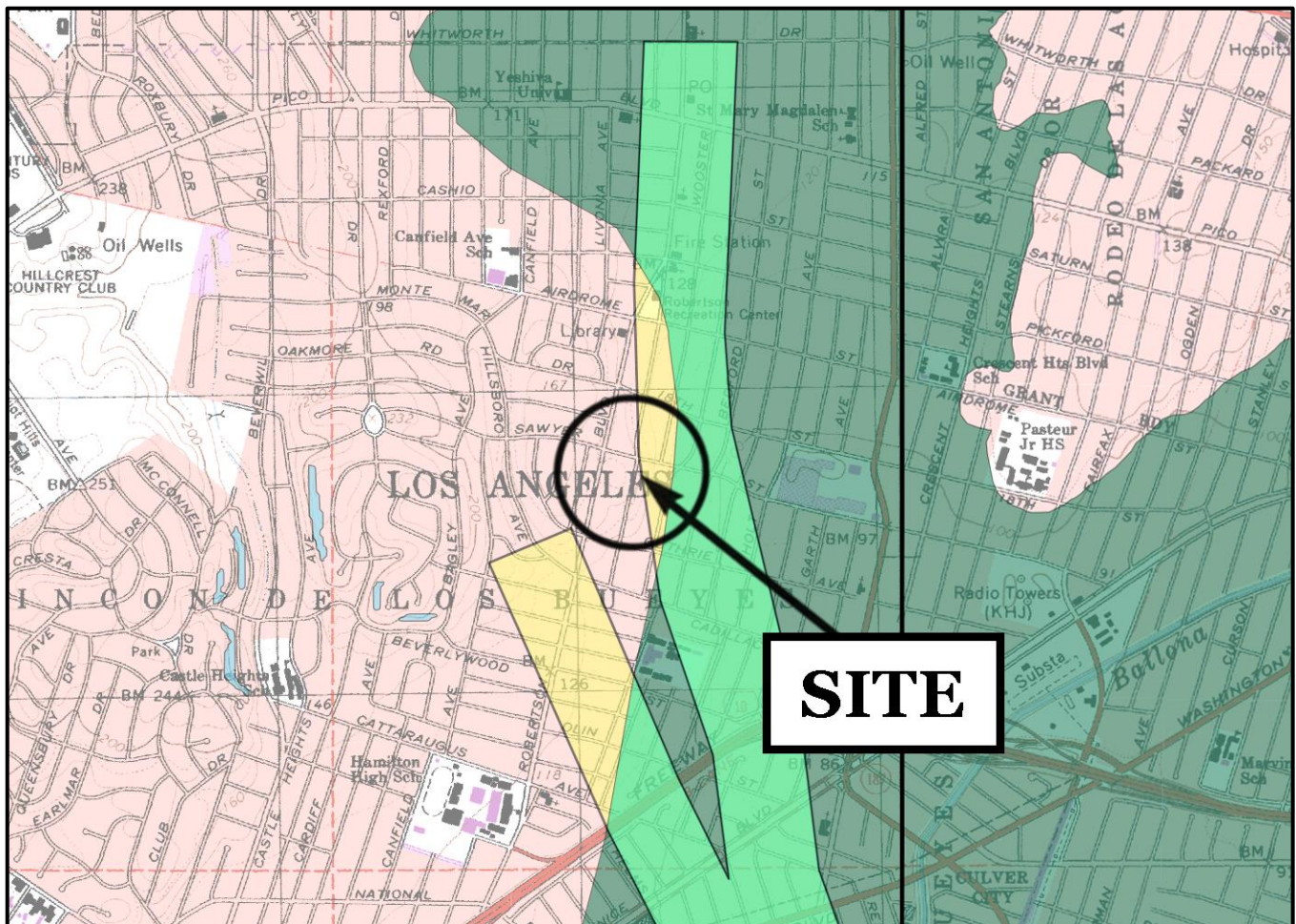
REFERENCE: Earthquake Zones of Required Investigation, Beverly Hills and Hollywood Quadrangles, California Geological Survey, John G Parrish, PhD; Seismic Hazard Zones Official Map, 1999; Earthquake Fault Zones Official Map, 2018 and 2014.

SCALE: 1 : 24000

ADDRESS: 1904 S. Preuss Road

CLIENT: Dauer

JOB: SG 9402-W



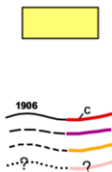
EARTHQUAKE FAULT ZONES

Earthquake Fault Zones

Zone boundaries are delineated by straight-line segments; the boundaries define the zone encompassing active faults that constitute a potential hazard to structures from surface faulting or fault creep such that avoidance as described in Public Resources Code Section 2621.5(a) would be required.

Active Fault Traces

Faults considered to have been active during Holocene time and to have potential for surface rupture: Solid Line in Black or Red where Accurately Located; Long Dash in Black or Solid Line in Purple where Approximately Located; Short Dash in Black or Solid Line in Orange where Inferred; Dotted Line in Black or Solid Line in Rose where Concealed; Query (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by fault creep.



SEISMIC HAZARD ZONES

Liquefaction Zones

Areas where historical occurrence of liquefaction, or local geological, geotechnical and ground water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Earthquake-Induced Landslide Zones

Areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Overlapping Liquefaction and Earthquake-Induced Landslide Zones
Areas that lie within zones of required investigation for both liquefaction and earthquake-induced landslides.



OVERLAPPING EARTHQUAKE FAULT AND SEISMIC HAZARD ZONES



Overlap of Earthquake Fault Zone and Liquefaction Zone
Areas that are covered by both Earthquake Fault Zone and Liquefaction Zone.



Overlap of Earthquake Fault Zone and Earthquake-Induced Landslide Zone
Areas that are covered by both Earthquake Fault Zone and Earthquake-Induced Landslide Zone.

Note: Mitigation methods differ for each zone – AP Act only allows avoidance; Seismic Hazard Mapping Act allows mitigation by engineering/geotechnical design as well as avoidance.

VICINITY MAP

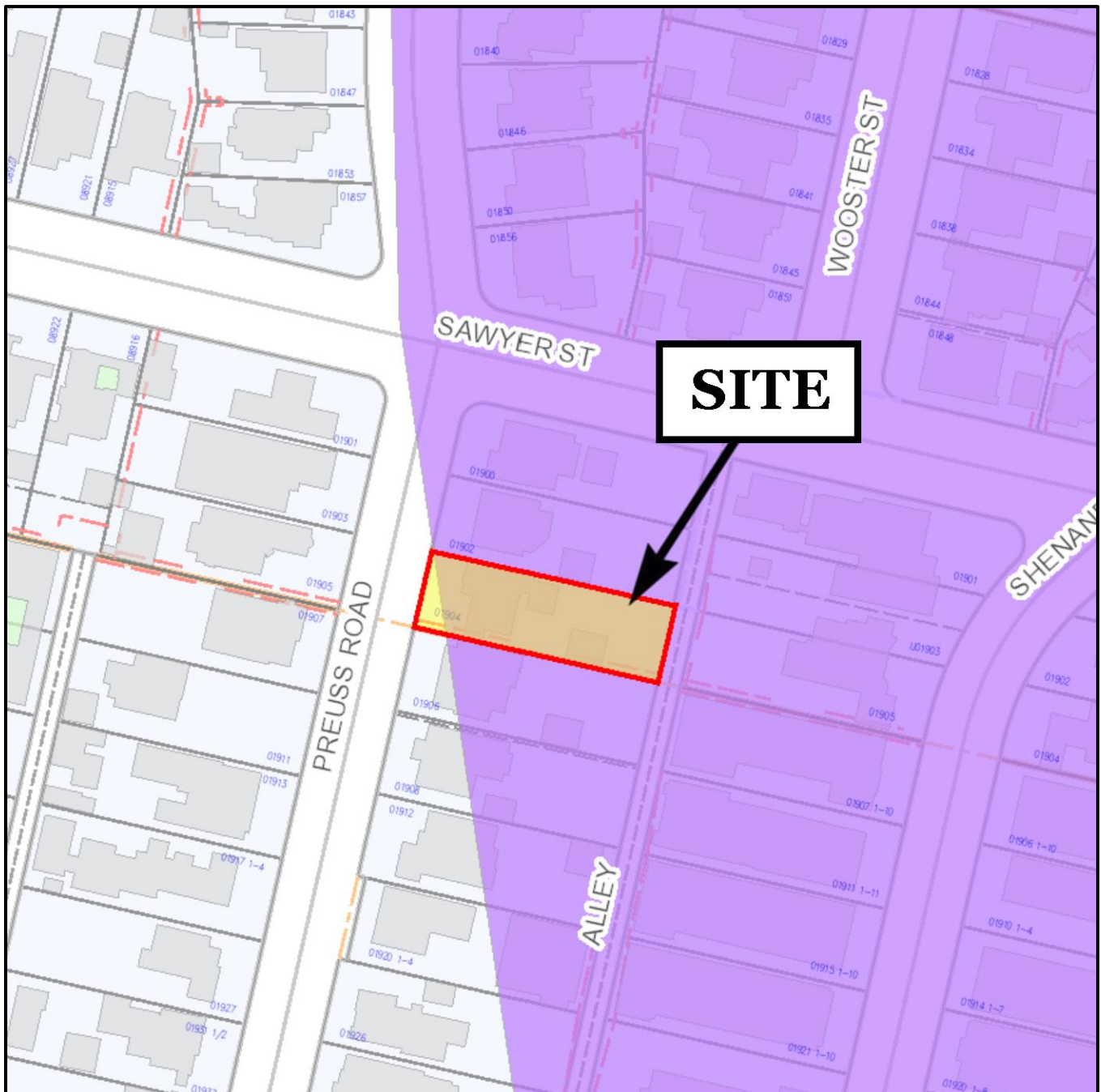
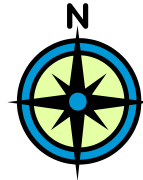
REFERENCE: City of Los Angeles Bureau of Engineering, NavigateLA website, Portion of District Map **126 B 169**.

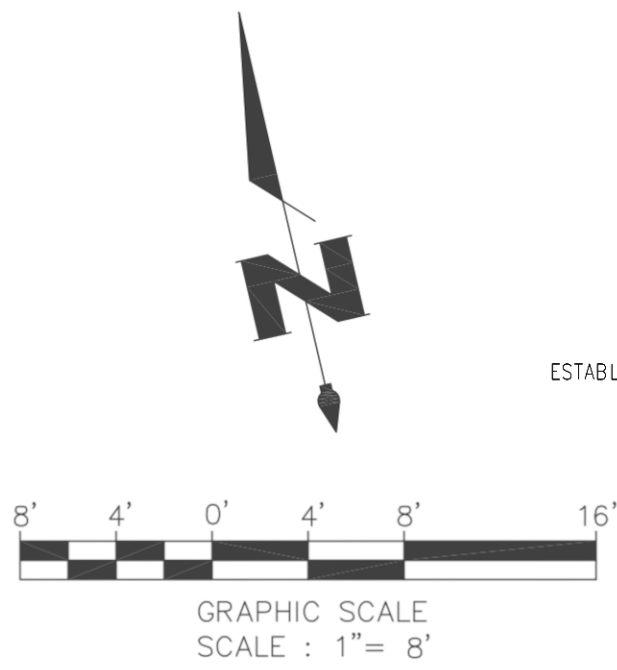
SCALE: 1" = 100'

ADDRESS: 1904 S. Preuss Road

CLIENT: Dauer

JOB: SG 9402-W





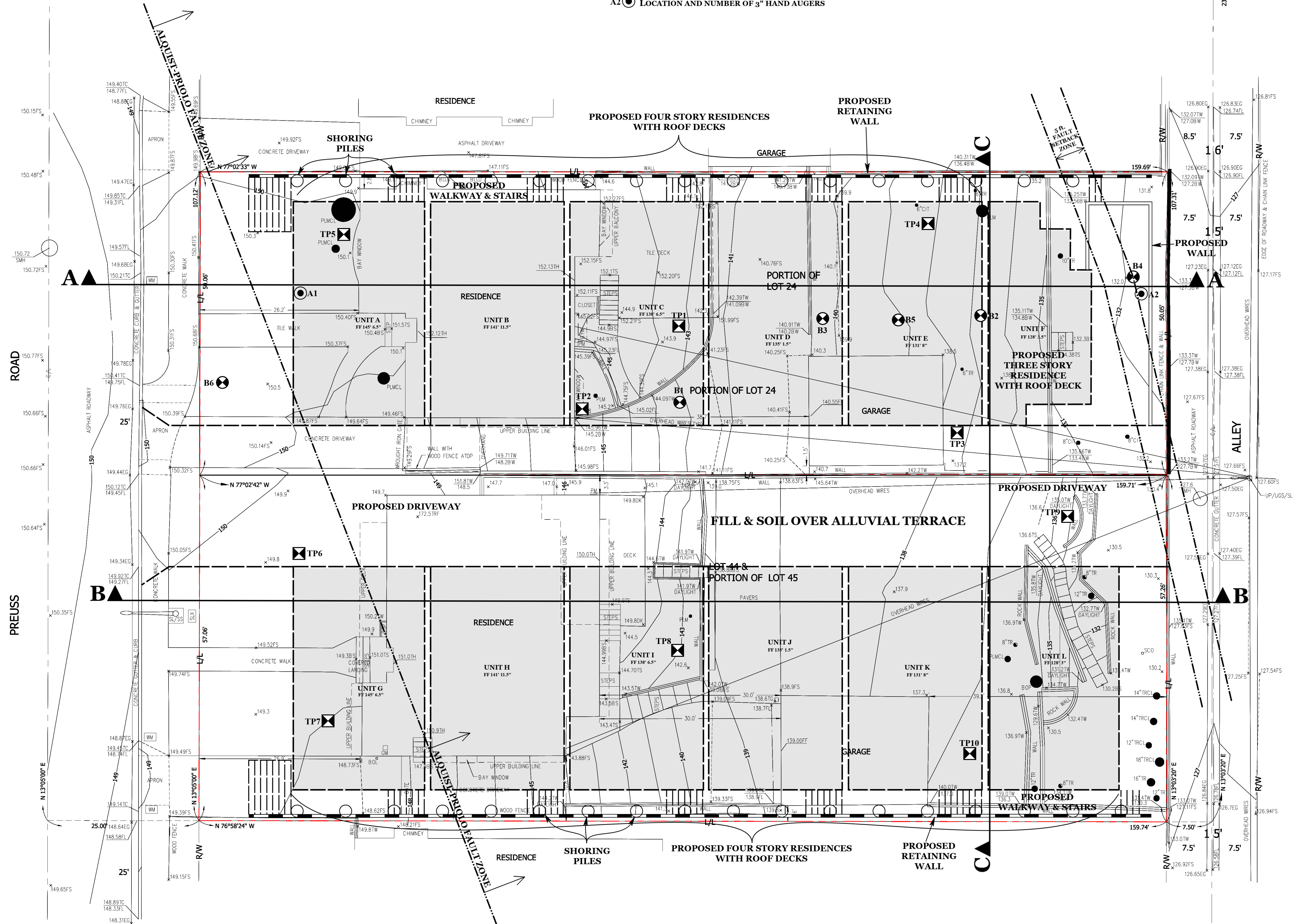
SAWYER

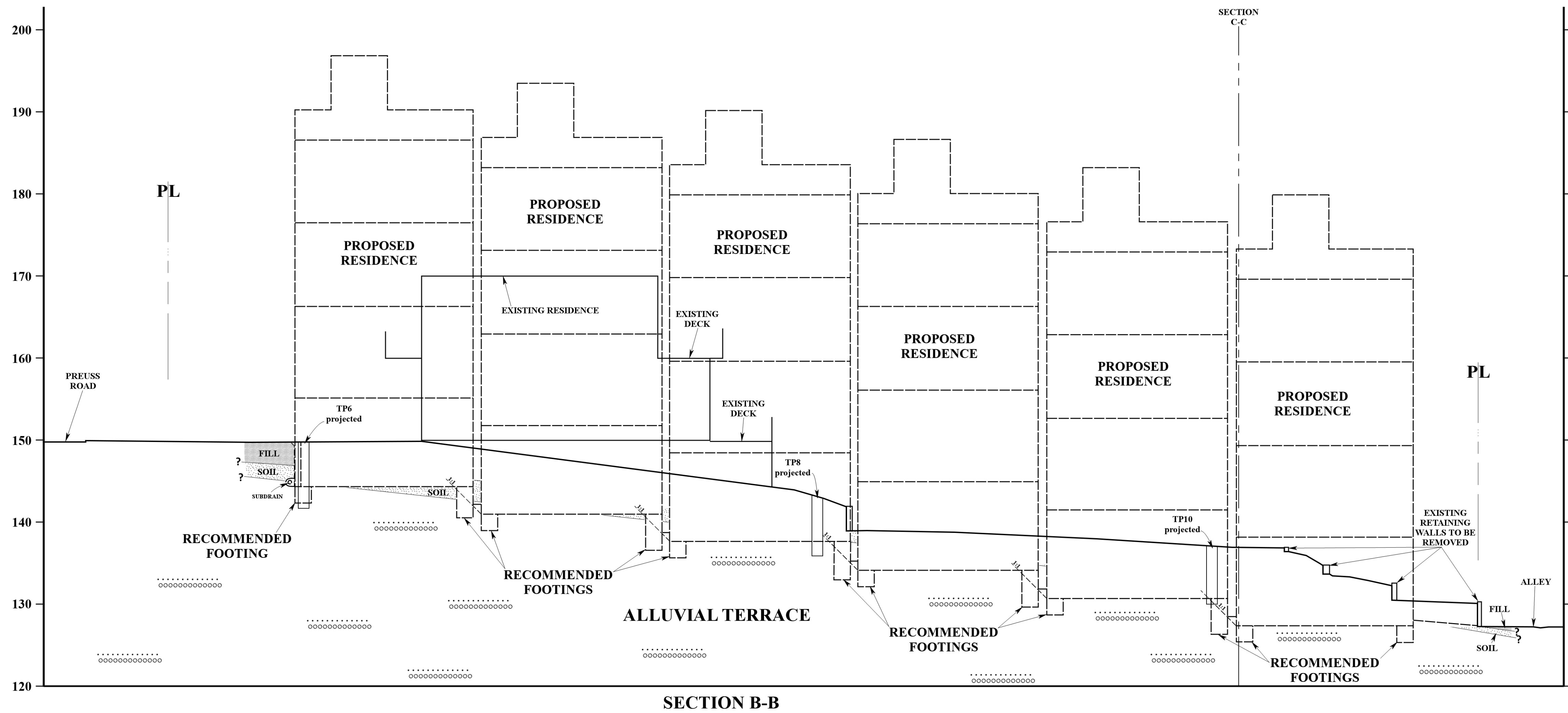
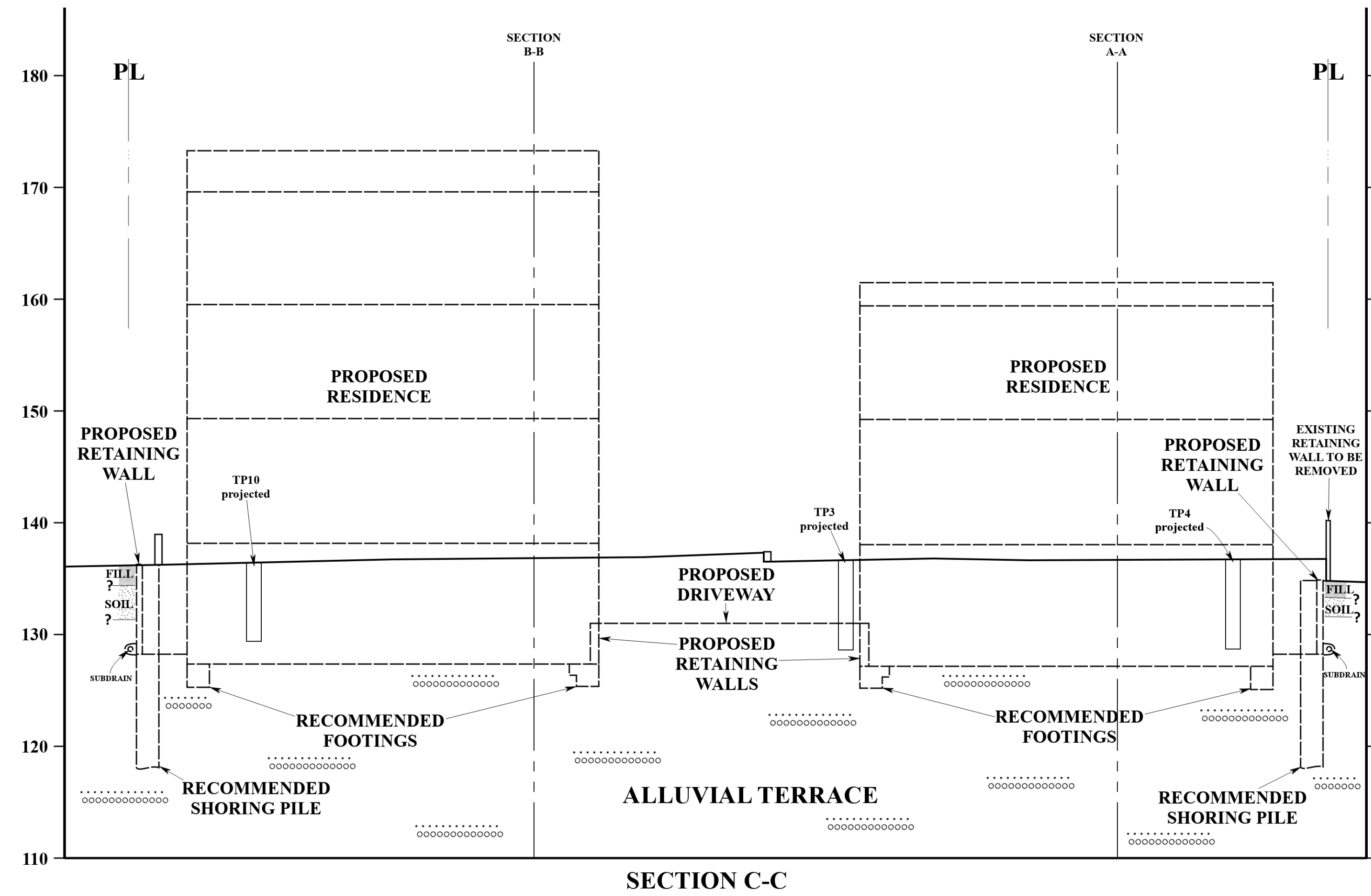
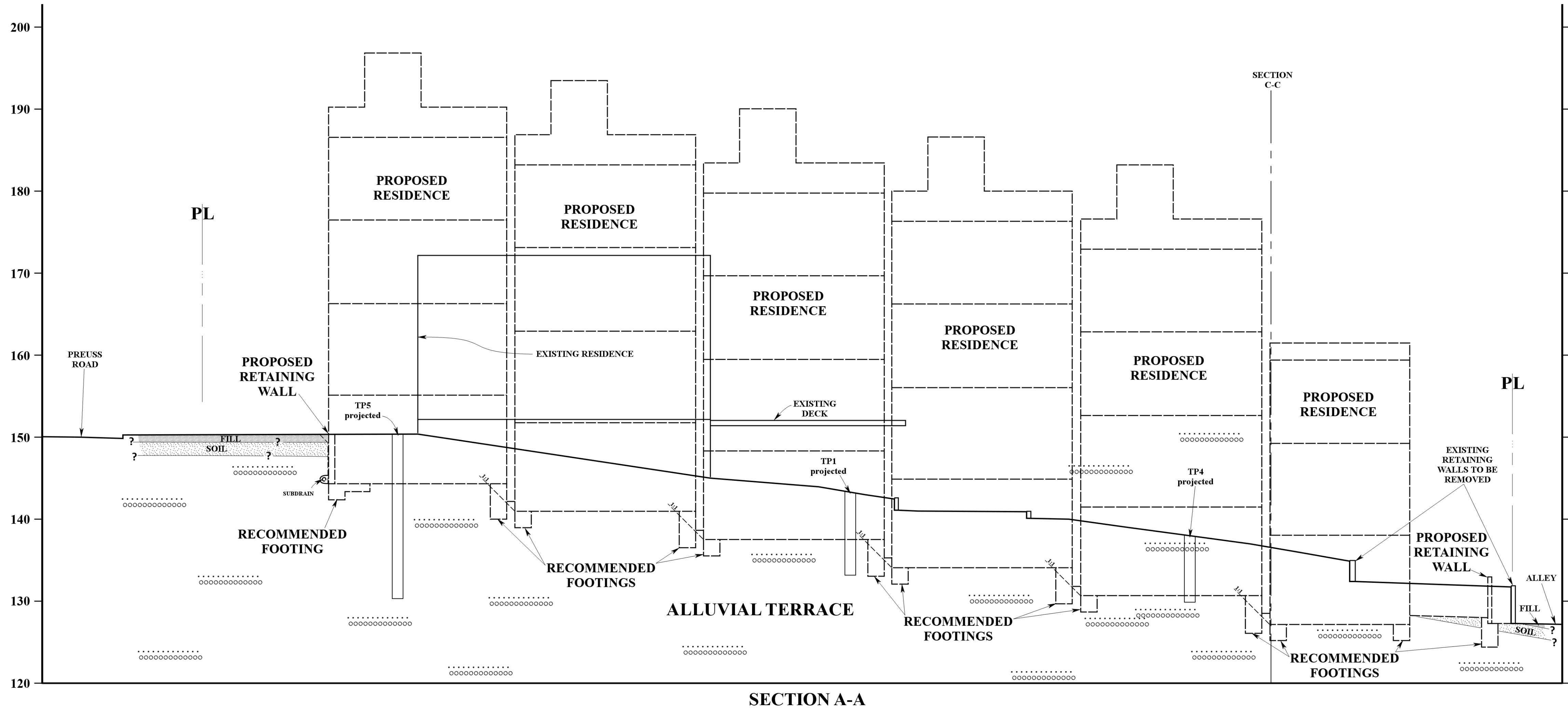
SCHICK GEOTECHNICAL, INC.

STREET

SITE MAP

- TP10 LOCATION AND NUMBER OF HAND-DUG TEST PITTS
- B6 LOCATION AND NUMBER OF BORINGS
- A2 LOCATION AND NUMBER OF 3" HAND AUGERS





BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

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

OSAMA YOUNAN, P.E.
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

JOHN WEIGHT
EXECUTIVE OFFICER

GEOLOGY AND SOILS REPORT APPROVAL LETTER

May 5, 2023

LOG # 125722
SOILS/GEOLOGY FILE - 2
AP-Newport Inglewood Fault Zone

Risa & Marc Dauer
2113 Duxbury Circle
Los Angeles, CA 90034

TRACTS: 12110 // 1250
LOTS: FR 24 // 44
LOCATION: 1904 & 1906 S. Preuss Road

<u>CURRENT REFERENCE REPORT/LETTER</u>	<u>REPORT No.</u>	<u>DATE OF DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soils Report	SG 9402-W	03/24/2023	Schick Geotechnical, Inc.
Oversized Doc(s).	"	"	"

<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT No.</u>	<u>DATE OF DOCUMENT</u>	<u>PREPARED BY</u>
Dept. Approval Letter	117724	08/03/2021	LADBS
Addendum Report	SG 9402-W	03/01/2021	Schick Geotechnical, Inc.
Dept. Approval Letter	101108-03	08/28/2018	LADBS
Response Report	SG 9402-W	08/23/2018	Schick Geotechnical, Inc.
Response Report	"	07/17/2018	"
Response Report	"	06/18/2018	"
Fault Report	"	06/14/2018	"
Geology/Soils Report	"	11/25/2017	"
Laboratory Test Report	SL17.2499	06/28/2017	Soil Labworks, LLC

The Grading Division of the Department of Building and Safety has reviewed the current reference report dated 03/24/2023 that provides recommendations for the proposed construction of twelve multi-level single family residences with basements and retaining walls. The earth materials at the subsurface exploration locations consist of up to 3 feet of uncertified fill underlain by up to 3 feet of native soil underlain by alluvium. The consultants recommend to support the proposed structures on conventional foundations bearing on native undisturbed soils.

The project is located within a Fault Zone identified by the State of California Alquist-Priolo Act. According to the referenced reports, no evidence of active fault rupture was found in the portion of the site within the limits of exploration. The reports conclude that the portion of the site to the west of the 5-foot fault setback zone is free from active fault rupture. This conclusion is predicated on subsurface data obtained from the subject site.

The Department previously conditionally approved the above previous reference reports for a surface fault rupture hazard investigation (fault report) the previously proposed construction of a 5-story multi-family structure with subterranean parking, shoring and retaining walls in a letter dated 08/28/2018, Log #101108-03 and for two, 3-level duplexes with basement and retaining walls in a letter dated 08/03/2021, Log #117724.

The referenced reports are acceptable for the currently proposed project, provided the following conditions are complied with during site development:

(Note: Numbers in parenthesis () refer to applicable sections of the 2020 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

1. No structures for human occupancy shall be located to the east of the 5-foot fault setback zone depicted on the Site Map of the 03/24/2023 report. If structures for human occupancy are proposed in this area, submit a supplemental report to the Grading Division for review and approval.
 2. The project engineering geologist shall observe all final removal excavations to verify that the conclusions of the current fault investigation are correct and that no fault trace or evidence of ground deformation are exposed in the excavation. Each panel of the shoring excavation shall be logged prior to installation of lagging and a field memo documenting that the panel has been logged shall be prepared for review by the Deputy Grading Inspector and Building Inspector(s). A supplemental report that summarizes the geologist's observations shall be submitted to the Grading Division of the Department upon completion of the excavations. If evidence of faulting is observed, the Grading Division shall be notified and a site meeting scheduled.
 3. The entire site shall be brought up to the current Code standard (7005.9).
 4. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Development Services and Permits Program for the proposed removal of support and/or retaining of slopes adjoining to public way (3307.3.2).
- 201 N. Figueroa Street 3rd Floor, LA (213) 482-7045
5. Secure the notarized written consent from all owners upon whose property proposed grading/construction access is to extend, in the event off-site grading and/or access for construction purposes is required (7006.6). The consent shall be included as part of the final plans.
 6. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans that clearly indicates the geologist and soils engineer have reviewed the plans prepared by the design engineer; and, that the plans include the recommendations contained in their reports (7006.1).
 7. All recommendations of the reports that are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
 8. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans (7006.1). Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.
 9. A grading permit shall be obtained for all structural fill and retaining wall backfill (106.1.2).
 10. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95

percent relative compaction based on maximum dry density. Placement of gravel in lieu of compacted fill is only allowed if complying with LAMC Section 91.7011.3.


11. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill (1809.2, 7011.3).
12. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction (7013.12).
13. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cubic yards (7007.1).

201 N. Figueroa Street 3rd Floor, LA (213) 482-7045

14. All loose foundation excavation material shall be removed prior to commencement of framing. Slopes disturbed by construction activities shall be restored (7005.3).
15. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the General Safety Orders of the California Department of Industrial Relations (3301.1).
16. Temporary excavations that remove lateral support to the public way, adjacent property, or adjacent structures shall be supported by shoring, as recommended. Note: Lateral support shall be considered to be removed when the excavation extends below a plane projected downward at an angle of 45 degrees from the bottom of a footing of an existing structure, from the edge of the public way or an adjacent property. (3307.3.1)
17. Prior to the issuance of any permit that authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation (3307.1).
18. The soils engineer shall review and approve the shoring plans prior to issuance of the permit (3307.3.2).
19. Prior to the issuance of the permits, the soils engineer and/or the structural designer shall evaluate the surcharge loads used in the report calculations for the design of the retaining walls and shoring. If the surcharge loads used in the calculations do not conform to the actual surcharge loads, the soil engineer shall submit a supplementary report with revised recommendations to the Department for approval.
20. Shoring shall be designed for a minimum EFP of 67 PCF; all surcharge loads shall be included into the design, as recommended.
21. Shoring shall be designed for a maximum lateral deflection of 0.5 inch, as recommended.
22. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.
23. All foundations shall derive entire support from native undisturbed alluvial terrace soils, as recommended and approved by the geologist and soils engineer by inspection.

24. Foundations adjacent to a descending slope steeper than 3:1 (horizontal to vertical) in gradient shall be a minimum distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the footing bottom to the face of the slope (1808.7.2).
25. Buildings adjacent to ascending slopes steeper than 3H:1V in gradient shall be setback from the toe of the slope a level distance measured perpendicular to slope contours equal to one-half the vertical height of the slope, but need not exceed 15 feet (1808.7.1).
26. Footings supported on approved compacted fill or expansive soil shall be reinforced with a minimum of four (4), ½-inch diameter (#4) deformed reinforcing bars. Two (2) bars shall be placed near the bottom and two (2) bars placed near the top of the footing.
27. The foundation/slab design shall satisfy all requirements of the Information Bulletin P/BC 2017-116 "Foundation Design for Expansive Soils" (1803.5.3).
28. Slabs placed on approved compacted fill shall be at least 4 inches thick, as recommended, and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.
29. Concrete floor slabs placed on expansive soil shall be placed on a 4-inch fill of coarse aggregate or on a moisture barrier membrane. The slabs shall be at least 4 inches thick, as recommended, and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.
30. The seismic design shall be based on a Site Class D, as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.
31. Retaining walls shall be designed for the lateral earth pressures specified in the section titled "Retaining Walls" starting on page 9 of the 03/24/2023 report. All surcharge loads shall be included into the design.
32. Retaining walls higher than 6 feet shall be designed for lateral earth pressure due to earthquake motions as specified on the wall pressure analysis of the reference report (1803.5.12).
33. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted in a non-erosive device to the street in an acceptable manner (7013.11).
34. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soils report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record (1805.4).
35. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector (108.9).
36. Basement walls and floors shall be waterproofed/damp-proofed with an LA City approved "Below-grade" waterproofing/damp-proofing material with a research report number (104.2.6).
37. Prefabricated drainage composites (Miradrain, Geotextiles) may be only used in addition to traditionally accepted methods of draining retained earth.
38. The structures shall be connected to the public sewer system per P/BC 2020-027.

39. All roof, pad and deck drainage shall be conducted to the street in an acceptable manner in non-erosive devices or other approved location in a manner that is acceptable to the LADBS and the Department of Public Works; water shall not be dispersed on to descending slopes without specific approval from the Grading Division and the consulting geologist and soils engineer (7013.10).
40. All concentrated drainage shall be conducted in an approved device and disposed of in a manner approved by the LADBS (7013.10).
41. Any recommendations prepared by the geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Grading Division of the Department for approval prior to use in the field (7008.2, 7008.3).
42. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading (7008, 1705.6 & 1705.8).
43. Prior to pouring concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. The representative shall post a notice on the job site for the LADBS Inspector and the Contractor stating that the work inspected meets the conditions of the report. No concrete shall be poured until the LADBS Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Grading Division of the Department upon completion of the work. (108.9 & 7008.2)
44. Prior to excavation an initial inspection shall be called with the LADBS Inspector. During the initial inspection, the sequence of construction; shoring; protection fences; and, dust and traffic control will be scheduled (108.9.1).
45. Installation of shoring shall be performed under the inspection and approval of the soils engineer and deputy grading inspector (1705.6, 1705.8).
46. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations. The representative shall post a notice on the job site for the LADBS Inspector and the Contractor stating that the soil inspected meets the conditions of the report. No fill shall be placed until the LADBS Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be included in the final compaction report filed with the Grading Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Division of the Department upon completion of the compaction. In addition, an Engineer's Certificate of Compliance with the legal description as indicated in the grading permit and the permit number shall be included (7011.3).
47. No footing/slab shall be poured until the compaction report is submitted and approved by the Grading Division of the Department.


CASEY LEE JENSEN
Engineering Geologist Associate III


DAN RYAN EVANGELISTA
Structural Engineering Associate IV

CLJ/DRE:clj/dre
Log No. 125722
213-482-0480

cc: Billy Diep, Applicant
S chick Geotechnical, Inc., Project Consultant
LA District Office

District <i>LA</i>	Log No. <i>125722</i>
--------------------	-----------------------

INSTRUCTIONS

- ## 1. LEGAL DESCRIPTION

Block: NONE Lots: 24, 44 & A PORTION OF 45

Phone (Daytime): 310-753-2311

1904-1906 PREUSS RD, LOS ANGELES, CA 90034

E-mail address: BILLY.D@BREAKFORMDESIGN.COM

6. PLAN CHECK #:

9. Previous Department actions? ☒ YES if yes, provide dates and attach a copy to expedite processing.
Dates: 08/03/2021

Position: Project Manager

(DEPARTMENT USE ONLY)

REVIEW REQUESTED		FEES	REVIEW REQUESTED	FEES
<input type="checkbox"/> Soils Engineering			No. of Lots	
<input type="checkbox"/> Geology			No. of Acres	
<input type="checkbox"/> Combined Soils Engr. & Geol.			<input type="checkbox"/> Division of Land	
<input type="checkbox"/> Supplemental			Other	
<input checked="" type="checkbox"/> Combined Supplemental	363.00		<input checked="" type="checkbox"/> Expedite	181.50
<input type="checkbox"/> Import-Export Route			<input type="checkbox"/> Response to Correction	
Cubic Yards:			<input type="checkbox"/> Expedite ONLY	
			Sub-total	544.50
			One-Stop Surcharge	129.80
			TOTAL FEE	674.30

ACTION BY: _____

Fee Due: 674.30
Fee Verified By: ML Date: 4/8/23
(Cashier Use Only)

1554629 Pd
4/10/23

ACTION BY: _____

THE REPORT IS: ☐ NOT APPROVED

☐ APPROVED WITH CONDITIONS ☐ BELOW ☐ ATTACHED

For Geology

Date _____

For Soils

Date _____



REFERRAL FORMS:

TRANSPORTATION STUDY ASSESSMENT

DEPARTMENT OF TRANSPORTATION - REFERRAL FORM

RELATED CODE SECTION: Los Angeles Municipal Code Section 16.05 and various code sections.

PURPOSE: The Department of Transportation (LADOT) Referral Form serves as an initial assessment to determine whether a project requires a Transportation Assessment.

GENERAL INFORMATION

- Administrative: Prior to the submittal of a referral form with LADOT, a Planning case must have been filed with Los Angeles City Planning.
- All new school projects, including by-right projects, must contact LADOT for an assessment of the school's proposed drop-off/pick-up scheme and to determine if any traffic controls, school warning and speed limit signs, school crosswalk and pavement markings, passenger loading zones and school bus loading zones are needed.
- Unless exempted, projects located within a transportation specific plan area may be required to pay a traffic impact assessment fee regardless of the need to prepare a transportation assessment.
- Pursuant to LAMC Section 19.15, a review fee payable to LADOT may be required to process this form. The applicant should contact the appropriate LADOT Development Services Office to arrange payment.
- LADOT's Transportation Assessment Guidelines, VMT Calculator, and VMT Calculator User Guide can be found at <http://ladot.lacity.org>.
- A transportation study is not needed for the following project applications:
 - Ministerial / by-right projects
 - Discretionary projects limited to a request for change in hours of operation
 - Tenant improvement within an existing shopping center for change of tenants
 - Any project only installing a parking lot or parking structure
 - Time extension
 - Single family home (unless part of a subdivision)
- This Referral Form is not intended to address the project's site access plan, driveway dimensions and location, internal circulation elements, dedication and widening, and other issues. These items require separate review and approval by LADOT.

SPECIAL REQUIREMENTS

When submitting this referral form to LADOT, include the completed documents listed below.

- ☐ Copy of Department of City Planning Application ([CP-7771.1](#)).
- ☐ Copy of a fully dimensioned site plan showing all existing and proposed structures, parking and loading areas, driveways, as well as on-site and off-site circulation.
- ☐ If filing for purposes of Site Plan Review, a copy of the Site Plan Review Supplemental Application.
- ☐ Copy of project-specific VMT Calculator analysis results.

TO BE VERIFIED BY PLANNING STAFF PRIOR TO LADOT REVIEW

LADOT DEVELOPMENT SERVICES DIVISION OFFICES: Please route this form for processing to the appropriate LADOT Development Review Office as follows (see [this map](#) for geographical reference):

Metro
213-972-8482
100 S. Main St, 9th Floor
Los Angeles, CA 90012

West LA
213-485-1062
7166 W. Manchester Blvd
Los Angeles, CA 90045

Valley
818-374-4699
6262 Van Nuys Blvd, 3rd Floor
Van Nuys, CA 91401

1. PROJECT INFORMATION

Case Number: CPC-2023-6115-DB-HCA, VTT-84089-SL-HCA

Address: 1904-1906 South Preuss Road

Project Description: Subdivision of two lots for the construction of a 12-unit small lot dev. and requesting a DB incentive and waiver

Seeking Existing Use Credit (will be calculated by LADOT): Yes _____ No _____ Not sure ☒

Applicant Name: Marc & Risa Dauer, Preuss Development, LLC

Applicant E-mail: docdauer@me.com

Applicant Phone: _____

Planning Staff Initials: DW

Date: 12/01/23

2. PROJECT REFERRAL TABLE

	Land Use (list all)	Size / Unit	Daily Trips ¹
Proposed ¹	Townhomes/Small Lot Homes	11	48
	Multi-family Affordable Housing	1	4
Total trips ¹ :			
a. Does the proposed project involve a discretionary action? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
b. Would the proposed project generate 250 or more daily vehicle trips ² ? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
c. If the project is replacing an existing number of residential units with a smaller number of residential units, is the proposed project located within one-half mile of a heavy rail, light rail, or bus rapid transit station ³ ? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If YES to a. and b. or c. , or to all of the above, the Project <u>must</u> be referred to LADOT for further assessment.			
Verified by: Planning Staff Name: David Woon		Phone: (213)978-1368	
Signature: <i>David Woon</i>		Date: 12/01/23	

¹ Qualifying Existing Use to be determined by LADOT staff on following page, per LADOT's Transportation Assessment Guidelines.

² To calculate the project's total daily trips, use the VMT Calculator. Under 'Project Information', enter the project address, land use type, and intensity of all proposed land uses. Select the '+' icon to enter each land use. After you enter the information, copy the 'Daily Vehicle Trips' number into the total trips in this table. Do not consider any existing use information for screening purposes. For additional questions, consult LADOT's [VMT Calculator User Guide](#) and the LADOT Transportation Assessment Guidelines (available on the LADOT website).

³ Relevant transit lines include: Metro Red, Purple, Blue, Green, Gold, Expo, Orange, and Silver line stations; and Metrolink stations.

TO BE COMPLETED BY LADOT

3. PROJECT INFORMATION

	Land Use (list all)	Size / Unit	Daily Trips
Proposed	Townhouse DU	11	
	Affordable Housing DU	1	
	Total new trips:		53
Existing	Single Family Dwelling	2	
	Total existing trips:		15
	Net Increase / Decrease (+ or -)		38

- a. Is the project a single retail use that is less than 50,000 square feet? Yes ☐ No ☒
- b. Would the project generate a net increase of 250 or more daily vehicle trips? Yes ☐ No ☒
- c. Would the project generate a net increase of 500 or more daily vehicle trips? Yes ☐ No ☒
- d. Would the project result in a net increase in daily VMT? Yes ☐ No ☒
- e. If the project is replacing an existing number of residential units with a smaller number of residential units, is the proposed project located within one-half mile of a heavy rail, light rail, or bus rapid transit station? Yes ☐ No ☒
- f. Does the project trigger Site Plan Review (LAMC 16.05)? Yes ☐ No ☐
- g. Project size:
- i. Would the project generate a net increase of 1,000 or more daily vehicle trips? Yes ☐ No ☒
- ii. Is the project's frontage 250 linear feet or more along a street classified as an Avenue or Boulevard per the City's General Plan? Yes ☐ No ☒
- iii. Is the project's building frontage encompassing an entire block along a street classified as an Avenue or Boulevard per the City's General Plan? Yes ☐ No ☒

VMT Analysis (CEQA Review)

If **YES** to **a.** and **NO** to **e.** a VMT analysis is **NOT** required.

If **YES** to both **b.** and **d.**; or to **e.** a VMT analysis **is** required.

Access, Safety, and Circulation Assessment (Corrective Conditions)

If **YES** to **c.**, a project access, safety, and circulation evaluation may be required.

If **YES** to **f.** and either **g.i.**, **g.ii.**, or **g.iii.**, an access assessment may be required.

LADOT Comments:

Please note that this form is not intended to address the project's site access plan, driveway dimensions and location, internal circulation elements, dedication and widening, and other issues. These items require separate review and approval by LADOT. Qualifying Existing Use to be determined per LADOT's Transportation Assessment Guidelines.

4. Specific Plan with Trip Fee or TDM Requirements: **Yes** ☐ **No** ☒

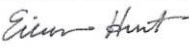
Fee Calculation Estimate: _____

VMT Analysis Required (Question b. satisfied): **Yes** ☐ **No** ☒

Access, Safety, and Circulation Evaluation Required (Question c. satisfied): **Yes** ☐ **No** ☒

Access Assessment Required (Question c., f., and either g.i., g.ii. or g.iii satisfied): **Yes** ☐ **No** ☒

Prepared by DOT Staff Name: Eileen Hunt Phone: 213-972-8481

Signature:  Digitally signed by Eileen Hunt
Date: 2024.05.24 15:16:57 -07'00' Date: 5/24/24



CITY OF LOS ANGELES VMT CALCULATOR Version 1.4

Project Screening Criteria: Is this project required to conduct a vehicle miles traveled analysis?

Project Information

Project: 1924-1906 PRECIS RD VMT RECORD SET
Scenario: 1924-1906 PRECIS RD VMT RECORD SET
Address: 1924-1906 PRECIS RD VMT RECORD SET
WWW



Existing Land Use

Existing | Single Family
Land Use Type Value Unit
Housing | Single Family 2 DU

Project Screening Summary

Existing Land Use	Proposed Project
15 Daily Vehicle Trips	53 Daily Vehicle Trips
106 Daily VMT	367 Daily VMT

Tier 1 Screening Criteria

Project will have less residential units compared to existing residential units & is within one-half mile of a fixed-rail station. ☐

Tier 2 Screening Criteria

The net increase in daily trips < 250 trips	38 Net Daily Trips
The net increase in daily VMT ≤ 0	261 Net Daily VMT
The proposed project consists of only retail land uses ≤ 50,000 square feet total.	0,000 ksf

The proposed project is not required to perform VMT analysis.

Is the project replacing an existing number of residential units with a smaller number of residential units AND is located within one-half mile of a fixed-rail or fixed-guideway transit station?

☒ Yes ☐ No

Proposed Project Land Use

Proposed | Affordable Housing - All Family
Land Use Type Value Unit
Housing | Affordable Housing - All Family 11 DU

Click here to add a single custom land use type (will be included in the above list)



**10+ CONSTITUENTS SUBMITTED THE FOLLOWING
STATEMENT TO THE CPC@LACITY.ORG INBOX FOR THE
CITY PLANNING COMMISSION'S CONSIDERATION:**

Items 09:

Case No. VTT-84089-SL-HCA-1A

Subject Line:

Support for 12-unit housing project at 1904-1906 S Preuss Rd

Email Message:

City Planning Commission,

As an advocate of YIMBY Los Angeles, I am writing to urge you to support the 12-unit small lot subdivision project at 1904-1906 S Preuss Rd in the South Robertson neighborhood. Los Angeles desperately needs more homes, and projects like this—replacing two single-family homes with twelve townhomes, including a Very Low Income affordable unit—are exactly the kind of smart growth our city needs.

This development respects local zoning, aligns with state housing laws, and provides much-needed for-sale housing in a multifamily-zoned area. The project team has worked extensively with neighbors to refine the design, ensuring it fits well within the community.

Blocking or delaying new housing only worsens our affordability crisis. I urge you to stand by your pro-housing platform and support this project when it returns to the City Planning Commission.

LUNA & GLUSHON

A Professional Corporation

DENNIS R. LUNA
(1946-2016)

16255 VENTURA BOULEVARD, SUITE 950
ENCINO, CALIFORNIA 91436
TEL: (818) 907-8755
FAX: (818) 907-8760

July 29, 2024

VIA EMAIL

Los Angeles City Planning Commission
Los Angeles City Hall
200 North Spring Street, Room 340
Los Angeles, CA 90012

Email: david.woon@lacity.org; cpc@lacity.org

Re: VTT-84089-SL-HCA/CPC-2023-6155-DB-HCA
1904 - 1906 South Preuss Road

Honorable Commissioners:

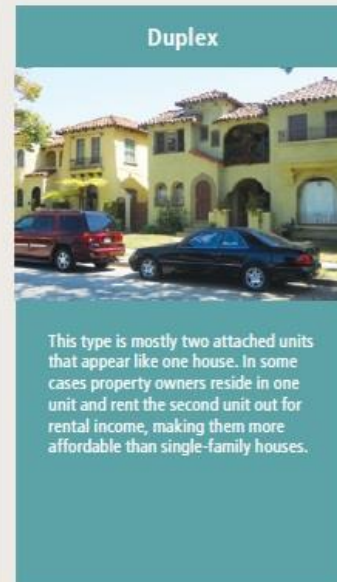
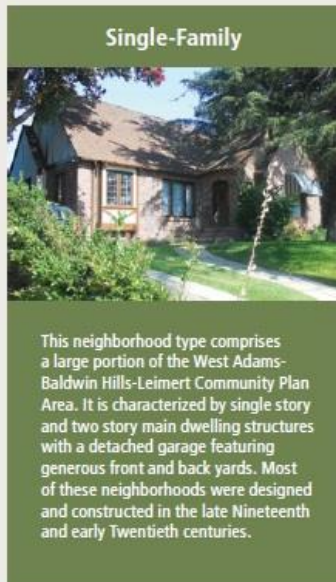
Our firm represents Appellants Concerned Residents of Shenandoah Street and Arielle Mandell (collectively, "Appellants"), the owners and residents of properties in the immediate vicinity of the proposed 12 small lot subdivision home project at 1904 - 1906 South Preuss Road (the "Project"). As set forth herein, the Project, as proposed, should not be approved because the requisite findings cannot be made in the affirmative with substantial supporting evidence. Furthermore, the Categorical Exemption proposed in connection with the Project is in error.

1. The Findings of Fact Cannot be Made in the Affirmative with Substantial Supporting Evidence
 - a. The Proposed Map and the Design and Improvement of the Subdivision will not be Consistent with the West Adams-Baldwin Hills-Leimert Community Plan, including the Design Guidelines.

The West Adams-Baldwin Hills-Leimert Community Plan ("Community Plan") sets forth the following goals and policies:

- Ensure that new construction maintains the consistent two-story character of the existing neighborhood.
-
- Preserve, conserve and enhance the positive characteristics of existing neighborhoods that are the foundation for community identity.
- Strive to protect existing single-family and low-density residential neighborhoods from encroachment by higher density residential and other incompatible uses.
- Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential, including multi-family residential densities, are proposed.
- Strive to maintain neighborhood continuity by targeting new proposed affordable housing to serve existing residents and be designed to complement established neighborhood character.
- Maintain single-family neighborhoods that address the diverse socio-economic and physical needs of current and future residents.
- Seek a high degree of architectural compatibility and landscaping for new infill development as well as additions to existing structures in order to protect the character and scale of existing single-family and multi-family residential neighborhoods.
- Recommend that any proposed development be designed to enhance and be compatible with adjacent development and topography.
- Encourage development parameters that ensure multi-family designated lands provide for adequate housing that is contextually sensitive to desirable prevailing neighborhood character.

Furthermore, the proposed Project is uniquely situated within a neighborhood made up of single-family homes and modest two-story multi-family residential housing, explicitly described for design preservation in the Community Plan. The Community Plan provides design guidelines to assist developers to maintain this “two-story” identity of the area, both for single family and multi-family residential development, in addition to visual aides:



Neighborhood Compatibility

- G1. Should respect the existing predominant or historic building patterns.
- G2. Should retain the original scale of a home at its elevation closest to the street.
- G3. Should stay consistent with the historic use of materials and details.



Mid-Century Modern architecture, Baldwin Village, 2008.



Typical well-maintained streets, Baldwin Village, 2008.

Goal LU13: A community that promotes efforts to conserve desirable neighborhood form and character as well as enhance the quality of life for residents within the Baldwin Village neighborhood.

Policies

- LU13-1 Maintain Two Story Character.** Ensure that new construction maintains the consistent two story character of the existing neighborhood. (P66)

Without a question, the Project, at its height, fails to maintain the Community Plan described and illustrated “two-story” identity of the area.

By maxing out the envelope, the Project fails to protect the existing residential neighborhood from encroachment by higher density residential and incompatible uses; fails to adequately consider neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and fails to maintain neighborhood continuity. The Project fails to provide a high degree of architectural compatibility, instead proposing a cookie cutter, “box-shape,” least affordable option, as if it were proposed in any other part of the City. It is not contextually sensitive to the prevailing neighborhood character or designed to enhance and be compatible with adjacent development. Accordingly, the project fails to maintain and address the socio-economic and physical needs of area’s current residents.

As discussed hereinbelow, the Project also proposes access through a hazardous alley. This will impede ingress/egress to adjacent property owners and will exacerbate the conditions in the alley.

b. The Site is Not Physically Suitable for the Development

For all the reasons stated above, the site is not physically suited for the development or the Project. Most egregiously, it proposes access through a hazardous alley to the detriment of adjacent property owners.

c. The Subdivision is Likely to Cause Substantial Environmental Damage

For the reasons stated below, the Categorical Exemption was issued in error. Therefore, the Project is likely to cause substantial environmental damage.

2. The Categorical Exemption was Approved in Error

Under the California Environmental Quality Act (“CEQA”), a lead agency has the initial burden to show that substantial evidence supports its determination that the categorical exemption applies. The City has failed to do so here.

Under CEQA, a Class 32 categorical exemption applies only if the following criteria is met:

- 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.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

As set forth above, the Project is not consistent with the Community Plan. Furthermore, Appellants would like to bring to the Commission's attention a recent case lost by City of Los Angeles, *United Neighborhoods for Los Angeles v. City of Los Angeles* (2023) 93 Cal.App.5th 1074. In *United Neighbors*, the Court did not agree with the City Planning Department that for purposes of a Class 32 Categorical Exemption, a project must be in "substantial conformance" with the General Plan and applicable general plan/zoning regulations and policies.

Here, as part of the Density Bonus requests, the Applicant is requesting deviations from the Zoning Code. While such incentives and waivers may be authorized in specific circumstances under state density bonus law, they do not affect the CEQA requirement that Class 32 Categorical Exemptions apply only to projects with are consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

Furthermore, the proposed Class 32 is not supported by substantial evidence because an increase in hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses is not assessed. The Project will increase hazards due to a geometric design feature or incompatible uses due to the ingress/egress at the hazardous alley.

The VMT calculations in the City's transportation analysis also do not include construction VMT analysis, or the VMT calculations for haul route. Under CEQA, the whole of the Project must be assessed. The omission constitutes lack of compliance with CEQA.

All categorical exemptions are also inapplicable when the cumulative impact of successive projects, over time, is significant. Cal.Code Regs. Tit. 14 §15300.2(b). One of the basic and vital informational functions required by CEQA is a thorough analysis of whether the impacts of a project, in connection with other related projects, are cumulatively considerable. *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal App.4th 1209. Cumulative impacts can result from individually minor but collectively significant projects taking place

over a period of time. *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184; CEQA Guidelines §15355.

Proper cumulative impact analysis is vital under CEQA because the full environmental impact of a proposed project cannot be gauged in a vacuum. Indeed, one of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually but assume threatening dimensions when considered collectively with other sources with which they interact. Therefore, cumulative effects analysis requires consideration of “reasonably foreseeable probable future projects, if any.” *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184; *Gentry v City of Murrieta* (1995) 36 Cal.App.4th 1359, 1414.

Here, the cumulative impact analysis narrowly focuses on three projects within 500 feet, missing many large multi-family residential projects and their impacts on the area immediately outside such narrow radius.

Finally, a categorical exemption cannot 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. Cal.Code Regs. Tit. 14 §15300.2(c).

Here, the Project will increase hazards due to a geometric design feature or incompatible uses due to the ingress/egress at the hazardous alley. Furthermore, the Project is largely surrounded by single family homes and modest two-story multi-family residential housing, as specifically described to be the unique two-story character of the area. The aesthetic impacts of such a drastic change will have a significant impact on environment.

The Commission should grant the Appellants’ appeal and deny the Project, as proposed.

Very truly yours,

LUNA & GLUSHON
A Professional Corporation

A handwritten signature in black ink, appearing to read "Rob Glushon", written in a cursive style.

ROBERT L. GLUSHON



August 6, 2024

David Woon, Planning Assistant

david.woon@lacity.org

(213) 978-1368

Dear City Planning Commission,

We are writing to you in support of the proposed development of 12 small lot homes, including 1 affordable unit, at 1551 and 1557 South Hi Point Street. We urge the commission to reject the appeal and sustain the determination approving Vesting Tentative Tract Map No. 84089-SL-HCA (case number VTT-84089-SL-HCA-1A) for the subdivision of two (2) lots into 12 small lots in the West Adams-Baldwin Hills-Leimert Community Plan. We further request the commission find the project exempt from CEQA, and approve the Density Bonus and incentives (case number CPC-2023-6115-DB-HCA).

The greater Los Angeles region is facing a severe housing shortage, particularly affordable housing. Creating new housing in this neighborhood will help to reduce issues of gentrification and displacement. Abundant Housing LA believes that these housing challenges can only be addressed if everyone in the region does their part.

This project is in a great location for housing, near schools, grocery stores, and bus stops. This project is good for Los Angeles and for the region. Building single family homes on small lots provides both larger living spaces for multiple co-habitants and increased housing density in a walkable neighborhood. Again, we urge the city to reject the appeal to the subdivision of the two lots into 12 small lots, find the project exempt from CEQA, and approve the Density Bonus and incentives.

Best Regards,

Azeen Khanmalek

Azeen Khanmalek
AHLA Executive Director

Jaime Del Rio

Jaime Del Rio
AHLA Director of Organizer

Tami Kagan-Abrams

Tami Kagan-Abrams
AHLA Project Director



Fwd: Hearing on Appeal Tomorrow VTT-84089-SL-HCA-1A (1904 - 1906 South Preuss Road)

David Woon <david.woon@lacity.org>

Wed, Aug 7, 2024 at 2:18 PM

To: Planning CPC <cpc@lacity.org>

----- Forwarded message -----

From: **shelly rothschild** <rothschildlaw@yahoo.com>

Date: Wed, Aug 7, 2024 at 8:43 AM

Subject: Hearing on Appeal Tomorrow VTT-84089-SL-HCA-1A (1904 - 1906 South Preuss Road)

To: ruben.c.vasquez@lacity.org <ruben.c.vasquez@lacity.org>, David Woon <david.woon@lacity.org>, Hakeem Parke-Davis <hakeem.parke-davis@lacity.org>, Nora Morales <nora.morales@lacity.org>, Terrence Gomes <terrence.gomes@lacity.org>, heather.hutt@lacity.org <heather.hutt@lacity.org>, Michael Lynn <michaelynn@soronc.org>, Los Angeles Department of City Planning <planning@lacity.org>

I filed an appeal and request to be heard tomorrow but I am very sick and I have cancerous lesions on my tongue that make it hard to talk. As such I may not be able to attend the hearing tomorrow on the appeal. I have summarized my issues to only a few key points. Could someone read them into the record and/or distribute them to decisionmakers if I cannot attend? Please help an elderly, sick, disabled aggrieved person who will be irreparably injured by their decision.

Here are my key points on appeal of approval:

1. The approval is for a project that does not exist. Developer has not, but must, satisfy over 100 conditions, with no proof he can or will do so, and a track record of violating laws (illegal Airbnb).
2. The approval violates numerous requirements of Los Angeles City Planning's WEST ADAMS - BALDWIN HILLS - LEIMERT COMMUNITY PLAN (the "Plan") noted below and in appeal.
3. It does not protect the privacy, existing character, existing building design, aging in place for seniors, traffic flow, and parking of existing residents as required by Plan. (Set forth in my appeal)
4. It does not protect the safety of residents: There was a huge earthquake yesterday with 31 aftershocks. The approval relies on outdated earthquake and methane reports from many years ago, done without required permits or approvals, or for only one of the lots.
5. Numerous health, safety, noise, shaking, subsidence, methane, toilets, trespassing, privacy, traffic, parking, and crime protections should be, but are not provided, to neighbors during lengthy intrusive and dangerous construction.
6. This violates the First Amendment right to freedom of religion by permitting construction during the Jewish Sabbath and Holy Days, on a block where numerous Orthodox Jews live, which could be restricted by developer.
7. This endangers numerous residents who use the block to walk to church and temples, their kids who use the streets, and elderly who need extra time to cross the street as traffic already is dangerous on block and will only get worse by constructing a huge, prison-like structure with insufficient traffic and parking protections.

8. This is not affordable housing for LA. Almost all units may sell for approximately \$2,500,000.00 or more. Only affordable by overseas multimillionaires, not poor, working or middle class LA residents.

9. In short, the approval irreparably destroys our neighborhood in violation of the City's own plan, for a project that may never satisfy over 100 conditions, in order to build a huge prison-like structure for overseas multi-millionaires, rather than affordable housing for LA residents.

Shelly Rothschild

Email: rothschildlaw@yahoo.com Phone: 310-622-3470



David Woon

Pronouns: He, His, Him

Planning Assistant

Los Angeles City Planning

200 N. Spring St., Room 763

Los Angeles, CA 90012

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