



## Planning Commission Report

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**Meeting Date:** June 30, 2016

**Subject:** Hillside Development Standards Ordinance

**Project Applicant:** City Initiated Project / Planning Commission Request

**Recommendation:** Consider a resolution recommending to the City Council approval of an ordinance regulating landform alterations, expansions of the level pad areas of lots and development off the level pad of lots in the Hillside area of the City. Pursuant to the provisions set forth in the California Environmental Quality Act, the Commission will also consider adoption of a Categorical Exemption for the amendment.

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### REPORT SUMMARY

Over the last two years both the Planning Commission and City Council have raised concerns regarding hillside development and an increasing reliance by property owners on grading and retaining walls to facilitate larger projects. The concerns include the increased mass and scale of new construction, degradation of natural hillside contours, increased construction impacts and the potential of projects to create slope destabilization. Based on these concerns, Planning Commissioner Corman submitted a draft urgency ordinance for review by the Planning Commission at the June 9, 2016 Planning Commission Hearing. By the conclusion of the meeting the Planning Commission decided to review the draft ordinance as a regular ordinance at a special meeting scheduled for 7 p.m. on June 30, 2016. The draft ordinance is attached (Exhibit A) for the Planning Commission's review. The recommendation in this report is that the Commission discuss the ordinance and decide whether to recommend its approval to the City Council.

### BACKGROUND

The Planning Commission previously discussed the issues relating to the existing Hillside development standards, including the effects of retaining walls, grading, and hauling at a special meeting on July 24, 2014. The July 24, 2014 staff report (Exhibit B) is attached to provide background on Hillside development standards as the report includes a description of existing development standards and cites Municipal Code sections relevant to the Hillside area of the City. At the special meeting, the Planning Commission unanimously voted to recommend that the City Council adopt an interim ordinance pursuant to Government Code Section 65858 to prohibit the expansion of the level pad areas of lots in the Hillside Area of the City. On July 29, 2014 the City Council voted to adopt an interim ordinance to prohibit expansion of the level pad area of lots in the Hillside area. The interim ordinance expired on September 12, 2014.

Attachment(s):

- A. Draft Resolution and Draft Ordinance
- B. Planning Commission report dated July 24, 2014 with attachment
- C. Public Comment

Report Author and Contact Information:

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On June 9, 2016 the Planning Commission again discussed the issues related to Hillside development and considered a draft urgency ordinance submitted by Commissioner Corman that requires landform alteration exceeding identified quantity thresholds to undergo Planning Commission review through a Hillside R-1 permit and identifies a minimum size of a level pad that qualifies for use in maximum floor area calculations. The Planning Commission considered the urgency ordinance and voted 3-2 to recommend approval of the urgency ordinance to the City Council. Later in the meeting Commissioner Corman, consistent with the City's adopted Planning Commission Rules of Procedure, introduced a motion to reconsider the action taken on the urgency ordinance. After additional deliberation the Planning Commission voted 4-1 to rescind the recommendation to the City Council to adopt the urgency ordinance. The Planning Commission then voted 5-0 to agendize consideration of a draft Hillside Development Ordinance as a regular ordinance at a special Planning Commission meeting scheduled for June 30, 2016. Members of the Planning Commission identified that the intent of reviewing the item as a regular ordinance instead of an urgency ordinance was to allow for standard public noticing of the item and provide interested parties the ability to attend and participate in the Planning Commission hearing regarding the matter. Public Noticing on the item was completed consistent with the City's adopted public noticing guidelines. The notice was mailed to all owners and occupants of homes located in the Hillside area and published in both the Beverly Hills Courier and Beverly Hills Weekly.

Adoption of the attached ordinance by the City Council will immediately deal with the issue of detrimental hillside development by codifying additional regulations for the Hillside Area of the City. It is intended that the City will continue to study and develop more comprehensive changes to the City's hillside regulations, in particular landform alteration, grading and retaining wall standards, and make additional changes to the regulations applicable to the Hillside Area of the City at a future date.

## **DISCUSSION**

### **Summary of Draft Ordinance**

The draft ordinance includes the following measures applicable to development projects located in the Hillside area of the City:

- Reduces the "by-right" limit of export/import from any single site to 1,500 cubic yards in a 5 year period for those properties that are immediately adjacent to a street that is less than 24 feet wide. Requests to export/import more than 1,500 cubic yards in a 5 year period on properties adjacent to a street that is less than 24 feet wide would require approval of a Hillside R-1 Permit. The current limit of export/import before an R-1 permit is required is 3,000 cubic yards per 5 year period. The current regulation does not include provisions regarding the width of adjacent streets (BHMC § 10-3-2521).
- Prevents a level pad that measures less than twenty feet (20') in any direction from counting toward the total level pad for the purposes of calculating the maximum floor area allowed on a property. The current standards do not include a minimum size for portions of level pad to be used in calculating maximum floor area, and in some instances retaining walls are constructed in series to create 3-foot (3') wide areas of



level pad that are used to increase the amount of floor area that may be constructed on a property.

- Limits maximum cumulative floor area located off the existing level pad to 1,000 square feet. Existing level pad would be defined as the level pad existing at the time of adoption of the ordinance. Additional floor area located off the existing level pad in excess of 1,000 square feet would require approval of a Hillside R-1 Permit. There is currently no maximum for floor area developed off the level pad. There is a minimum setback of 5' from the edge of the level pad, or construction over the slope must extend a minimum of 20' measured horizontally from the edge of the level pad (BHMC § 10-3-2507)
- If approved, the ordinance would not apply to those projects which have received discretionary approvals prior to its passage. The ordinance also would not apply to any projects for which no discretionary permits are required and that have filed complete applications for building permits prior to June 1, 2016.

#### **Summary on Properties Potentially Impacted**

Staff reviewed the building plans on file with the City for an assortment of recently issued building permits, current building plan check submittals and preliminary review requests for larger single family homes located in the Hillside area of the City to assess the potential effect of the ordinance on the Community Development Department's workload. The following table anonymously identifies seven recent projects under review at the City. The table is intended to provide context as to how many more projects may require discretionary review if the 1500 cubic yard "import/export" provision of the draft ordinance is implemented.

	<b>Street Width</b>	<b>1500 c.y. export/import on street less than 24 feet wide</b>
<b>Example 1</b>	20	<b>R-1 permit req. (1988 export)</b>
<b>Example 2</b>	29	No R-1 permit (186 export)
<b>Example 3</b>	20	<b>R-1 permit req. (2885 export)</b>
<b>Example 4</b>	29	No R-1 permit (186 export)
<b>Example 5</b>	29	No R-1 permit (2025 export)
<b>Example 6</b>	27	No R-1 permit (2862 Export)
<b>Example 7</b>	27	No R-1 permit (2115 Export)

The seven example projects currently do not require discretionary review and are simply required to go through the City's plan check process to receive a building permit. The 1500 cubic yard "import/export" provision of the draft urgency ordinance would trigger Planning Commission discretionary review of two of the seven sample projects identified by Staff.

Staff reviewed City records and identified 13 streets in the Hillside area of the City with a roadway width less than 24 feet. The following subject streets have at least a portion of their length identified as less than 24 feet wide:

1. Cabrillo Drive
2. Calle Vista Drive
3. El Retiro Way
4. Garden Lane



5. Glen Way
6. La Altura Road
7. Lago Vista Drive
8. Lago Vista Place
9. Loma Linda Drive
10. Monte Cielo Drive
11. Pickfair Way
12. Summitridge Place
13. Tower Road

On June 21, 2016 Staff reviewed City plan check submittal records and identified 16 current building plan check submittals the Hillside Area of the City. The new regulations contained in the ordinance would not affect many of these plan check submittals, as some of the submittals are for minor work such as stairs or small accessory structures. However all of these existing plan check submittals will need to be checked to see if the calculation of level pad provision or the new thresholds for discretionary review are applicable. As part of this re-review of existing plan check submittals it is anticipated that the new regulations could trigger additional discretionary review for some projects, particularly the plan check submittals for new single-family homes. In addition, it is likely that some of the projects could require redesign to be compliant with the new qualification requirements for level pad used in floor area calculations.

On June 21, 2016 Staff also identified four projects that are currently submitted to the Planning Division for discretionary approval. Two of the projects are minor requests that are unlikely to be affected by the proposed new regulations (a deck over a driveway and a solid fence on a property line). Two of the requests are for new single family homes. If discretionary review of the two projects is not completed before the effective date of the ordinance, then the projects would need re-review for compliance with the new regulations.

Staff also identified that at least six relatively recently completed concept reviews for new residential development in the Hillside Area. Some of the comments issued on these concept reviews may be inaccurate after the new regulations are in effect and applicants may have to re-design projects to meet the new regulations.

### **CONSISTENCY WITH GENERAL PLAN AND OTHER CITY PLANS**

Conducting further study to amend the regulations of Hillside development is consistent with the following policies in the General Plan.

- Land Use Policy 1.1 "Scale of the City" Although implicit in any discussion of the future of the City, the importance of scale must be underscored. As long as the City is able to regenerate itself within the general framework of the existing scale, it will offer an environment which is becoming increasingly unique in the Westside.
- Land Use Policy 2.3 "Hillside Development" Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.



- Land Use Policy 5.1 “Neighborhood Conservation” Maintain the uses, densities, character, amenities, and quality of the City’s residential neighborhoods, recognizing their contribution to the City’s identify, economic value and quality of life.
- Land Use Policy 6.1 “Neighborhood Identity” Maintain the characteristics that distinguish the City’s single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.
- Land Use Policy 6.2 “Housing Character and Design” Require that new, renovated, and additions to housing be located and designed to maintain the distinguishing characteristics and qualities of the neighborhoods in which they are located, including prevailing lot sizes, building form, scale, massing, relationship to street frontages, architectural design, landscaping property setback, and other comparable elements.
- Open Space Policy 1.1 “Resource Preservation” Preserve the City’s biological diversity, remaining natural habitat and aesthetic character. Encourage new development on hillsides and in canyon areas to preserve natural land formations and native vegetation, and to set aside areas as greenbelts and wildlife corridors when feasible.
- Open Space Policy 6.1 “Protection of Scenic Views” Seek to protect scenic views and vistas from public places including City landmarks, hillside vistas, and urban views of the City.
- Open Space Policy 6.5 “Standards for New Development” Seek to ensure that new development does not adversely impact the City’s unique urban landscape.

**PUBLIC OUTREACH AND NOTIFICATION**

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Newspaper Notice	10 Days	June 17	June 20	13 Days
Mailed Notice (Owners & Occupants – Hillside Area of the City)	10 Days	June 20	June 20	10 Days

Public Comment

Seven comment letters and emails were received before the June 9, 2016 Planning Commission meeting when an urgency ordinance regarding this matter was considered by the Planning Commission. As of the writing of this report an additional 18 letters and emails have been received by the Planning Division. Copies of all 25 correspondence received to date are attached (Attachment C).

**ENVIRONMENTAL REVIEW**

The ordinance has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”). The Planning Commission finds that adoption of the ordinance will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) as the there is no possibility that adoption and implementation of the ordinance may have a significant effect on the environment because the



ordinance does not authorize construction and, in fact, imposes greater restrictions on certain development in order to protect the public health, safety and general welfare. The Planning Commission also finds that this ordinance is exempt from CEQA pursuant to Section 15308 of Title 14 of the California Code of Regulations because the Ordinance is adopted to assure the maintenance and protection of the environment, and enacts more strict development standards for the protection of the environment.

## **RECOMMENDATION**

Staff recommends that the Planning Commission discuss the proposed ordinance and, if appropriate, adopt a resolution recommending approval of the ordinance to the City Council.

Report Reviewed By:

A handwritten signature in blue ink, appearing to be "Ryan Gohlich", followed by the word "for" in a cursive script.

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Ryan Gohlich, AICP, Assistant Director of  
Community Development / City Planner



**Attachment A**  
Draft Planning Commission Resolution  
And  
Draft City Council Ordinance

RESOLUTION NO. \_\_

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF BEVERLY HILLS  
RECOMMENDING ADOPTION OF AN ORDINANCE  
OF THE CITY OF BEVERLY HILLS REGULATING  
LANDFORM ALTERATIONS, EXPANSIONS OF  
LEVEL PAD AREAS OF LOTS, AND DEVELOPMENT  
OFF THE LEVEL PAD OF LOTS IN THE HILLSIDE  
AREA OF THE CITY

WHEREAS, the Planning Commission has considered the proposed ordinance and amendments to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the “Amendments”); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on June 30, 2016, at which time it received oral and documentary evidence relative to the proposed Amendments; and

WHEREAS, the Planning Commission finds that the proposed Amendments are required for the public health, safety, and general welfare, and that the Amendments are consistent with the general objectives, principles, and standards of the General Plan;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The Amendments have been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000,

et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”). The Planning Commission hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. This Ordinance does not authorize construction and, in fact, imposes greater restrictions on certain development in order to protect the public health, safety and general welfare. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. The City Council also hereby finds that this Ordinance is exempt from CEQA pursuant to Section 15308 of Title 14 of the California Code of Regulations, because this Ordinance is adopted to assure the maintenance and protection of the environment, and enacts more strict development standards for the protection of the environment.

Section 2. As proposed, the Amendments to the Beverly Hills Municipal Code in Exhibit A would modify development standards in the Hillside area of the City to: 1) require a Hillside R-1 permit for the import or export of more than 1,500 cubic yards of earth material on a site adjacent to a street that is less than twenty-four feet wide; 2) prevent the use of a level pad that measures less than twenty feet (20’) in any direction from counting toward level pad calculations for the purpose of identifying a building site’s maximum permitted cumulative floor area; and 3) require a Hillside R-1 permit to construct more than 1,000 square feet of cumulative building floor area off of the existing level pad of a site.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy Land Use 1.1 “Scale of the City” calls for regeneration of the City within the general framework of the existing scale. Land Use Policy 2.3

“Hillside Development” calls for maintaining the natural landforms that define the City and requiring that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape. Land Use Policy 5.1 “Neighborhood Conservation” calls for maintaining the density, character, and quality of the City’s residential neighborhoods. Land Use Policy 6.1 “Neighborhood Identity” calls for maintaining the characteristics that define the City’s single-family neighborhoods. Land Use Policy 6.2 “Housing Character and Design” calls for renovations, additions and new housing be designed to maintain the characteristics and qualities of the neighborhoods in which they are located including lot size, building form, massing and landscaping. Open Space Policy 1.1 “Resource Preservation” encourages new development on hillsides to preserve natural land formations. Open Space Policy 6.1 “Protection of Scenic Views” seeks to protect scenic views. Open Space Policy 6.5 “Standards for New Development” seeks to ensure that new development does not adversely impact the City’s unique urban landscape.

Section 4. The Planning Commission does hereby recommend that an ordinance to regulate development in the Hillside include the criteria substantially set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 5. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: June 30, 2016

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Alan Robert Block  
Chair of the Planning Commission of the  
City of Beverly Hills

Attest:

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Ryan Gohlich, AICP  
Secretary of the Planning Commission

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Ryan Gohlich, AICP  
Assistant Director / City Planner  
Community Development Department

## EXHIBIT A

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
REGULATING LANDFORM ALTERATIONS,  
EXPANSIONS OF LEVEL PAD AREAS OF LOTS, AND  
DEVELOPMENT OFF THE LEVEL PAD OF LOTS IN THE  
HILLSIDE AREA OF THE CITY AND DECLARING THE  
URGENCY THEREOF**

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS  
FOLLOWS:

**Section 1. Legislative Findings.**

Over time, the Planning Commission of the City of Beverly Hills has developed a greater concern for the impacts associated with: 1) landform alterations in the Hillside Area of the City; 2) the expansion of the level pad area of lots in the Hillside Area of the City; and 3) development off the level pad area of lots in the Hillside Area of the City. The Planning Commission's concerns stem from property owners' increasing excavation and exportation of earth material, and from property owners' increasing reliance on grading and construction of off-pad retaining walls to create larger projects. In particular, the Commission is concerned about heightened noise, traffic, and parking impacts resulting from truck hauling activities on winding, narrow residential streets; about over-sized mass and scale of development resulting from off-pad construction and/or the terracing of hillsides to permit construction of larger on-pad buildings under current Municipal Code standards; and about the incremental loss of natural hillside contours and neighborhood identity and slope destabilization, resulting from off-pad development and/or the terracing of hillsides. On June 30, 2016, the Planning Commission held a duly noticed public hearing after which it adopted Resolution \_\_\_\_\_, recommending that the City Council amend portions of Title 10 (Planning and Zoning) to include provisions to further regulate landform alterations in the Hillside Area of the City, and regulate both the expansion of the level pad areas and the off-pad development of lots in the Hillside Area of the City, in order to protect the health, safety, and welfare of the community.

The City Council of the City of Beverly Hills shares the concerns raised by the Planning Commission, and finds that the excavation and export of significant amounts of earth material on lots adjacent to and accessed by narrow streets, as well as the grading of hillsides and construction of retaining walls to facilitate larger development, warrant legislation to address those concerns.

The City intends to initiate a public process of studying standards for excavation, grading, and off-pad construction in the Hillside Area of the City, and formulate additional amendments to the regulations applicable to the Hillside Area of the City. Until this more comprehensive review of the Hillside regulations is completed, the legislation contained in this ordinance will address the immediate concerns regarding landform alteration, development off the level pad and expansions of the level pad in the Hillside Area of the City.

## **Section 2. General Plan.**

The Ordinance is consistent with the objectives, principles, and standards of the General Plan. General Plan Policy Land Use 1.1 “Scale of the City” calls for regeneration of the City within the general framework of the existing scale. Land Use Policy 2.3 “Hillside Development” calls for maintaining the natural landforms that define the City and requiring that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape. Land Use Policy 5.1 “Neighborhood Conservation” calls for maintaining the density, character, and quality of the City’s residential neighborhoods. Land Use Policy 6.1 “Neighborhood Identity” calls for maintaining the characteristics that define the City’s single-family neighborhoods. Land Use Policy 6.2 “Housing Character and Design” calls for renovations, additions and new housing be designed to maintain the characteristics and qualities of the neighborhoods in which they are located including lot size, building form, massing and landscaping. Open Space Policy 1.1 “Resource Preservation” encourages new development on hillsides to preserve natural land formations. Open Space Policy 6.1 “Protection of Scenic Views” seeks to protect scenic views. Open Space Policy 6.5 “Standards for New Development” seeks to ensure that new development does not adversely impact the City’s unique urban landscape.

## **Section 3. Regulations**

The City Council hereby adds Section 10-3-2521.1 to Article 25 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-2521.1: DEVELOPMENT STANDARDS FOR LANDFORM ALTERATION, EXPANSIONS OF LEVEL PAD AREAS OF LOTS AND DEVELOPMENT OFF THE LEVEL PAD OF LOTS

A. Notwithstanding any other ordinance or provision of the Beverly Hills Municipal Code, including but not limited to Section 10-3-2521, within any five (5) year period: no more than one thousand five hundred (1,500) cubic yards of earth material may be imported or exported from a site in the Hillside Area that is immediately adjacent to a street that is less than twenty four (24) feet wide, unless a Hillside R-1 permit is issued pursuant to Section 10-3-2550.A. of the Beverly Hills Municipal Code.

B. Notwithstanding any other ordinance or provision of the Beverly Hills Municipal Code, a level pad area must contain a level square-shaped area with minimum dimensions of twenty (20) feet per side for the level pad to be used to calculate the maximum permitted cumulative floor area of buildings and structures in the Hillside Area pursuant to Section 10-3-2502.B. of the Beverly Hills Municipal Code. “Level pad” shall have the meaning set forth in Beverly Hills Municipal Code Section 10-3-100.

C. Notwithstanding any other ordinance or provision of the Beverly Hills Municipal Code, the maximum cumulative floor area of the portion of any buildings and structures located off the existing level pad of any lot in the Hillside Area of the City shall be one thousand (1,000) square feet, unless a Hillside R-1 permit is issued pursuant to Section 10-3-2550.K. of the Beverly Hills Municipal Code. “Level pad” shall have the meaning set forth in Beverly Hills

Municipal Code Section 10-3-100, and “existing level pad” shall mean the level pad in existence on the effective date of Ordinance \_\_\_\_\_ (\_\_\_\_\_, 2016).”

The City Council hereby amends Section 10-3-2550 of Article 25 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by adding an additional item to the list of items that the reviewing authority may issue a Hillside R-1 permit to read as follows, with all other provisions of Article 25 of Chapter 3 of Title 10 remaining in effect without amendment:

“K. Expansion off the Existing Level Pad: The reviewing authority may issue a Hillside R-1 permit to allow more than one thousand (1,000) square feet of cumulative floor area to be located off the level pad if it finds that the development will not have a substantial adverse impact on the scale, integrity, or visual character of the surrounding area, or on the privacy of neighboring properties, and the reviewing authority may require the applicant to submit such information and reports as the reviewing authority deems appropriate to determine the nature and extent of the impacts on the scale, integrity, and visual character of the surrounding area and on the privacy of neighboring properties.”

**Section 4. CEQA Findings.**

The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. This Ordinance does not authorize construction and, in fact, imposes greater restrictions on certain development in order to protect the public health, safety and general welfare. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. The City Council also hereby finds that this Ordinance is exempt from CEQA pursuant to Section 15308 of Title 14 of the California Code of Regulations, because this Ordinance is adopted to assure the maintenance and protection of the environment, and enacts more strict development standards for the protection of the environment.

**Section 5. Severability.**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

**Section 6. Publication.**

The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

**Section 7. Grandfather Provisions**

The regulations shall not apply to any project that has obtained all necessary discretionary approvals prior to the effective date of the Ordinance, and shall not apply to any project for which no discretionary permits are required and that has filed a complete application for a building permit before June 1, 2016. In addition, this prohibition shall not apply to any project for which, before June 1, 2016, the Planning Commission has commenced a hearing to consider a discretionary approval or legislative approval as an alternative to allow the expansion of floor area without the expansion of the level pad area.

**Section 8. Effective Date**

This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31<sup>st</sup>) day after its passage.

ADOPTED:  
EFFECTIVE:

\_\_\_\_\_  
JOHN A. MIRISCH  
Mayor of the City of Beverly Hills,  
California

ATTEST:

\_\_\_\_\_  
(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

\_\_\_\_\_  
MAHDI ALUZRI  
City Manager

\_\_\_\_\_  
SUSAN HEALY KEENE  
Community Development Director



**Planning Commission Report**  
Hillside Development Standards Ordinance  
June 30, 2016

**Attachment B**  
Planning Commission Staff Report  
Dated July 24, 2014



## Planning Commission Report

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**Meeting Date:** July 24, 2014

**Subject:** **Hillside Area Development Standards**  
Discussion regarding development standards pertaining to grading and retaining walls in the City's Hillside Area. The Commission may consider making a recommendation to the City Council that an urgency ordinance be adopted in order to regulate grading and the construction of retaining walls in the City's single-family Hillside Area.

**Recommendation:** That the Planning Commission:  
1. Provide staff with direction regarding Hillside Area development standards.

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### REPORT SUMMARY

Presently, few regulations apply to the grading of Hillside Area properties and the construction of retaining walls, and at its July 17, 2014 meeting the Planning Commission raised concerns about Hillside development and an increasing reliance by property owners upon grading and retaining walls to facilitate larger projects. The concerns include increased mass and scale, degradation of natural hillside contours and neighborhood identity, increased construction impacts, and slope destabilization. Based on these concerns, the Chair of the Planning Commission has requested that the Planning Commission discuss existing standards and whether modifications are required to more appropriately regulate grading and retaining walls. Accordingly, this report outlines existing development standards and opportunities for code modifications, and is intended to guide the Commission's discussion.

### EXISTING HILLSIDE DEVELOPMENT STANDARDS

**Floor Area.** The maximum allowed floor area for single-family properties in the Central and Trousdale Areas of the City is 1,500 square feet plus 40% of the lot area. However, the maximum allowed floor area in the Hillside Area is a function of how much of the property contains level pad (areas with a 5% slope or less) versus how much of the property is sloped (areas with more than a 5% slope). The applicable floor area calculations are as follows:

- A. If the area of a site is fifteen thousand (15,000) square feet or less, then the maximum permitted cumulative floor area for buildings and structures on the site shall be forty percent (40%) of the area of the level pad plus ten percent (10%) of the area of the slope.
- B. If the area of a site is between fifteen thousand one (15,001) and twenty five thousand (25,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on

**Attachment(s):**  
A. Relevant Municipal Code Sections

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the site shall be thirty seven percent (37%) of the area of the level pad plus ten percent (10%) of the area of the slope.

- C. If the area of a site is between twenty five thousand one (25,001) and thirty thousand (30,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty four percent (34%) of the area of the level pad plus ten percent (10%) of the area of the slope.
- D. If the area of a site is greater than thirty thousand (30,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty one percent (31%) of the area of the level pad plus ten percent (10%) of the area of the slope.

As is evidenced above, level pad is more valuable from a floor area perspective, as level pad allows a greater amount of development to occur when compared to sloped area. For example, on a 20,000 square foot property, 10,000 square feet of sloped area would allow for 1,000 square feet of development, but would allow for 3,700 square feet of development if graded level.

**Grading.** In order to maximize the amount of development that can occur on a property, it is common for sloped areas of properties to be graded level, thereby allowing increased floor area based on the above formulas. The Municipal Code requires review by the Planning Commission whenever more than 3,000 cubic yards of earth material are imported to, or exported from, a site (approximately 300 truckloads); however, grading to create level pad area rarely exceeds this threshold since most of the earth material remains on site as fill.

In addition to limiting the maximum amount of earth material that may be imported or exported, the Municipal Code limits the amount of total grading that can occur on a property. The total grading that can occur relies on a complex formula that takes into consideration the size of a property and the average slope of a property. For example, the formula would allow a 20,000 square foot property with a 10% average slope to cut and fill up to 12,000 cubic yards (approximately 1,200 truckloads) without Planning Commission review. Similar to the 3,000 cubic yard import/export limit, this threshold is rarely exceeded when creating additional level pad on a property.

**Retaining Walls.** When located outside a required front or street-side setback, retaining walls are allowed to be up to 7' in height. The height of a retaining wall is measured from natural or finished grade, whichever is lower, and the height of a wall is measured from the side of the wall closest to a property line. There is no limit on the number of walls that may be constructed in series, provided that a minimum 3' landscaped area is provided between any walls in series. Retaining walls are commonly used to create additional level pad, and a series of walls is sometimes constructed in order to maximize the amount of level pad that can be achieved. Sometimes the series of walls is visible from the public right of way (e.g. 1201 Laurel Way), and in other instances the retaining walls are located within the interior of a property since the location of sloped areas typically dictates where retaining walls are needed. Additionally, retaining walls have been used to create switchback stairs that run down a slope in order to connect a level pad to street parking below. To date, staff is not aware of retaining walls causing any slope failures; however, the appearance of some streets/properties has been altered.

### **POSSIBLE MODIFICATIONS**

In the event that the Commission feels the existing grading and retaining wall regulations do not offer sufficient protections for the Hillside Area, and that there is a more immediate need to provide such protections in advance of the broader code update that is currently being undertaken by the City, the Commission may wish to consider recommending that the City Council adopt an urgency ordinance to better regulate development. Some options could include, but are not limited to:

- Prohibiting or limiting expansion of existing level pads
- Reducing the threshold that triggers grading review by the Planning Commission
- Setting a greater minimum dimension between retaining walls constructed in a series, or limiting the number of walls that can be constructed in series
- Modifying the way that the height of walls is measured, or reducing the maximum allowed height for retaining walls
- More narrowly defining level pad to only include the level pad that the primary residence is located on (currently any level area counts as level pad if it has a dimension of at least 10')

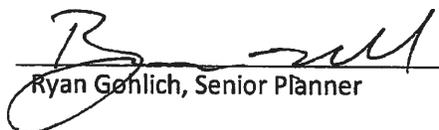
When discussing the above options, the Commission should also consider the following General Plan policies, which relate to hillside development and preservation of neighborhood character:

- Policy LU 2.3 Hillside Development. Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.
- Policy LU 6.1 Neighborhood Identity. Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.

### **NEXT STEPS**

It is recommended that the Planning Commission discuss whether there is an immediate need to address grading and retaining walls in the Hillside Area, and provide staff with direction as appropriate.

Report Reviewed By:

  
\_\_\_\_\_  
Ryan Gohlich, Senior Planner

I:\Planning\Ryan Gohlich\PC\Hillside Grading and Retaining Walls.docx

## ATTACHMENT A: RELEVANT MUNICIPAL CODE SECTIONS

### 10-3-2521: LANDFORM ALTERATION:

Within any five (5) year period, the total cubic yards that may be cut and filled on any site in the Hillside Area, including excavation for basements, shall be calculated as follows:

$$C = \frac{\{(4-10S)^4\}}{162} \{+.1\} \times \text{Site Area in Square Feet}$$

For the purposes of this formula:

C shall mean the total cubic yards of cut and the total cubic yards of fill permitted,

S shall mean the "average slope" of the site as defined in section 10-3-100 of this chapter.

The following is an example of the application of this formula to a site that is 30,000 square feet in area with an average slope of twenty five percent (25%):

$$C = \frac{\{(4-2.5)^4\}}{162} \{+.1\} \times 30,000$$

$$C = \{031 + .1\} \times 30,000$$

$$C = 3,937.5$$

3,937.5 cubic yards of cut and 3,937.5 cubic yards of fill would be permitted

However, within any five (5) year period, no more than three thousand (3,000) cubic yards of earth material may be imported or exported from a site in the Hillside Area.

The limitations set forth in this section may be modified by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter. (Ord. 92-O-2147, eff. 9-4-1992; amd. Ord. 95-O-2239, eff. 7-7-1995)

### 10-3-2516: WALLS, FENCES AND HEDGES:

- D. Areas Other Than Front And Street Side Yards: The maximum allowable height for that portion of a wall, fence, or hedge located outside of all front and street side yards shall be seven feet (7').
- E. Series Of Walls: If a series of walls, or portions of a wall, are constructed so that perpendicular section cut through a wall would intersect more than one wall segment and would intersect a total height of seven feet (7') or more, then a minimum three foot (3') landscaped area must be provided between the wall segments. (Ord. 80-O-1771, eff. 10-16-1980; amd. Ord. 84-O-1934, eff. 10-11-1984; Ord. 92-O-2147, eff. 9-4-1992; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2271, eff. 12-27-1996)

## ATTACHMENT A: RELEVANT MUNICIPAL CODE SECTIONS

### 10-3-100: WORDS DEFINED:

**AVERAGE SLOPE:** The average slope of the site as calculated using the following formula:

$$S = \frac{I \times L}{[\text{Total square footage of site}]}$$

For the purposes of this formula:

S shall mean the average slope of the site;

I shall mean the contour interval in feet as shown on a contour map of the site;

L shall mean the combined length of contour lines in scale feet on the contour map being used to calculate the contour interval.

**GRADE:** For the purpose of measuring the height of walls and fences, the elevation of the natural or finished surface of the ground, whichever is lower.

**HEIGHT OF WALL, FENCE OR HEDGE:** The vertical distance above grade to the highest element of the wall, fence, or hedge, including, but not limited to, columns, pillars, pilasters, and gates, measured on the side of the wall, fence, or hedge located closest to the property line. Grades shall not be adjusted for the purpose of circumventing the maximum height allowances set forth in this chapter.

**LEVEL PAD:** That portion of a site containing level finished grade. No portion of a site with a slope that is greater than five percent (5%) shall be considered to be part of a level pad. Furthermore, for the purposes of calculating floor area ratio, no portion of a level finished surface which is the longest pole of a flag lot shall be considered to be part of a level pad.

**SLOPE:** That portion of the site other than the level pad.

**WALL:** A structure with length measured horizontally in excess of twenty four inches (24") and with height and thickness designed or constructed of nongrowing materials in such a manner as to enclose property or to inhibit passage through or to obscure view.



**Attachment C**  
Comment Letters and Emails

## Masa Alkire

---

**From:** Herbert Reston <herbreston@restonsinco.com>  
**Sent:** Wednesday, June 22, 2016 12:03 PM  
**To:** Masa Alkire; atarzon@beverlyhills.org; Susan Healy Keene;  
mayorandcitycouncil@bevelyhills.org  
**Subject:** I support the Hillside Ordinance!

Gentlepersons:

Please count my wife and I as strong supporters of the Hillside Ordinance!

Herb and Felice Reston  
1136 Calle Vista Drive  
Beverly Hills, CA 90210

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Ordinance  
Hearing Date: June 30<sup>th</sup>, 2016

Dear Planning Commissioners and City Councilmembers:

We live on Coldwater Canyon Drive, right where it intersects Loma Linda Drive. We support the proposed Hillside Development Urgency Ordinance. It will provide further protections for the homes along Coldwater below a hillside that is prone to landslides that have previously caused significant damage to neighbors' properties.

The proposed ordinance will create more safety precautions by requiring the City to review an R-1 permit for any hillside development with more than 1,000 square feet located off of an existing level pad or with more than 1,500 cy of hauling in five years. These limits will force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period.

We opposed the prior proposed project at 1184 Loma Linda, that would have excavated several thousand cubic yard of soil, and constructed an exorbitant structure that projected off of the level pad with views into homes along Coldwater. This ordinance will protect us against this type of excess. We also support the limits on hauling, because haul routes from Loma Linda will travel along Coldwater and create an even greater impact on an already congested street.

We request that you adopt the ordinance as soon as possible, and require that any development on Loma Linda Drive, including 1184 Loma Linda, fully comply.

Sincerely,

  
1151 Coldwater Canyon Dr.  
B.Hi. CA 90210

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

June 21<sup>st</sup>, 2016

Support of the Hillside Ordinance

**The threat of oversized projects in the Beverly Hills hillside neighborhoods cannot be underestimated.**

My family lives on Loma Linda drive and we are deeply concerned about the negative impacts of a proposed construction project next to our property that is totally out of scale with the rest of our street and the effect it will have on our daily lives, the safety of our 4 children, our privacy and the integrity of the hillsides. Maintaining the scale and integrity of our hillside neighborhood is critical to protect our quality of life and stability in the value of our homes. The current codes together with the loopholes that developers take advantage of, allow for homes to be built that are simply too big for the location.

In particular, the layering of the hillsides that is done creates retaining walls has an enormously destructive effect on the natural visual landscape of Beverly Hills, and the plantation and wildlife that live there.

Hauling on narrow streets like ours is dangerous, especially when they are steep and curving with limited visibility. They require smaller trucks to navigate, and result in a higher number of truck trips. 1,500 cubic yards of hauling in a 10cy truck is 150 round-trips. Even this can take several weeks to complete. Longer hauls can take several months. Requiring an R-1 permit for hauling will allow the City to impose safety conditions to limit the time and scope of the impact on our lives.

This ordinance will give the commission the authority to determine which projects can be constructed safely without significant impacts to neighbors – and which are out of scale with the area and cause an unreasonable imposition to neighbors.

Therefore, we are in complete support of the proposed new Hillside Ordinance.

Adrian Lorimer  
1185 Loma Linda Dr

June 21<sup>st</sup>, 2016

Dear Planning Commission and City Council,

1. We fully support the Hillside Ordinance

My family fully supports the Hillside Ordinance. In fact, we couldn't be more relieved. We, and the vast majority of residents in our area, expressed to the City our concerns with the project at 1184-1193 Loma Linda Dr.

It is clear that an effective date of June 1<sup>st</sup> is necessary for the ordinance considering that developers have been rushing to file in the past 2 weeks – including the adjacent homeowner who filed not one, but two separate projects on the property.

We support that the Ordinance recognizes that the location of a project needs to be taken into account. These tighter measures will introduce an extra step in the process to ensure that current residents are being protected and not exploited by projects that take advantage of the current loopholes in the code. We back what Commissioner Gordon stated at the June 9<sup>th</sup> meeting. If a project really is appropriate for the lot of land it is on, then it will have no problem passing the scrutiny of the Planning Commission and public comment.

In general, we are in favor of the "right to build" a home, but some developers seem to have gotten out of control with their proposals for projects on streets like mine: they abuse loopholes to build houses that are much larger than common sense would dictate- **all at the expense of nearby residents.**

It seems to me that the code as currently written was good in theory. For example, a level pad determining the size of a house make sense to me. I think what was not foreseen were things like the "layer cake" effect which while technically following the letter of the code, is not following the spirit of the code, so the code needs to be more clearly defined.

These developers know how to skate right up to, but not cross the line that would require a Hillside R-1 permit under the current code. I would argue that a lot of the projects that currently do not trigger a Hillside R-1 permit examination by its current definition, really need that transparency to correctly judge the impacts on nearby residents. And it is to the benefit of everyone but the developers for extra construction management plan protections (ex. extra flagmen) to be put in place when a R-1 permit gets triggered.

In the case of 1184 and 1193 Loma Linda, with our dangerous narrow, winding street that has blind spots, the property's history of landslides and the developer's history of past infractions, the residents desperately need this project to be thoroughly scrutinized and the highest level of construction management plan enacted.

2. Those who oppose these Ordinances

At the June 9<sup>th</sup> meeting, I heard the folks who expressed concern about these new guidelines. The most vocal of those were a land use lawyer and a land use expert who represent many of the projects that have been exploiting these gray areas in the code.

I did feel for the one couple who have been caught up for years. But my main observation was that the residents who spoke were somehow under the impression that their plans were now worthless. They did not seem clear that they can still apply to build what they want to build, but that more scrutiny is now required by virtue of a Hillside R-1 permit.

This ordinance is not about tightening the screws on people building their dream homes. Those people will pass the scrutiny of the Hillside R-1 process. Who will not pass, and who should not pass, are projects like the monster one previously proposed at 1184-1193 Loma Linda. Even the developer knew it was outrageous, they pulled it last minute before it could even be heard. Jason Sommers even admitted at the June 9<sup>th</sup> meeting they knew it wouldn't pass, so they yanked it.

The Hillside Ordinance will help keep in check all of this type of game playing that is currently going on between these MegaDevelopers and regular residents.

There has been some talk about expectations – i.e. when a property is bought, what one can then expect to build on it? But what about the people who buy an existing house to live in? **What about our expectations?** In the case of Loma Linda, didn't I have right to expect that the street would remain the street? That the amount of public parking on the street would have remained the same?

This Ordinance is about keeping projects in check, and doing what is right for the community, not just for a single project whose team knows how to maneuver around the codes.

### 3. Property Values are Highest in the Communities that preserve the scale of the neighborhood

I live at the end of a cul de sac, and on a hillside, and I understand and appreciate the concerns expressed about property values.

**What is happening here is not so much a creation of value, as it is a displacement of value.**

Property values are highest in communities that preserve the scale of the neighborhood, and ensure that **each** neighbor has light, air, views and privacy. This ordinance will only negatively affect the profit for megamansion developers, because they will be required to obtain City review and not build these enormous stepped hillside developments by-right. Legitimate projects will pass the scrutiny of the Planning Commission.

There is also the thought of future value. The properties will increase in value in a general sense as future purchasers will not have the fear that the neighboring property will sell to a developer and block their light, views and privacy – and create a hazard on the hillside. The properties in areas with development restrictions (i.e. Trousdale) have higher property values because they know the character and integrity of the neighborhood is protected.

What is going to happen to the property prices for all of us when one of these houses that are too big for the piece of property they are on eventually slides down a hillside?

For example, if the folks at 1184-1193 were/are allowed to build as they choose, my house would lose considerable value- particularly in terms of loss of privacy and views. The Coldwater Canyon home

below has the potential of a large loss of value if there is an enormous three story structure built looming over them.

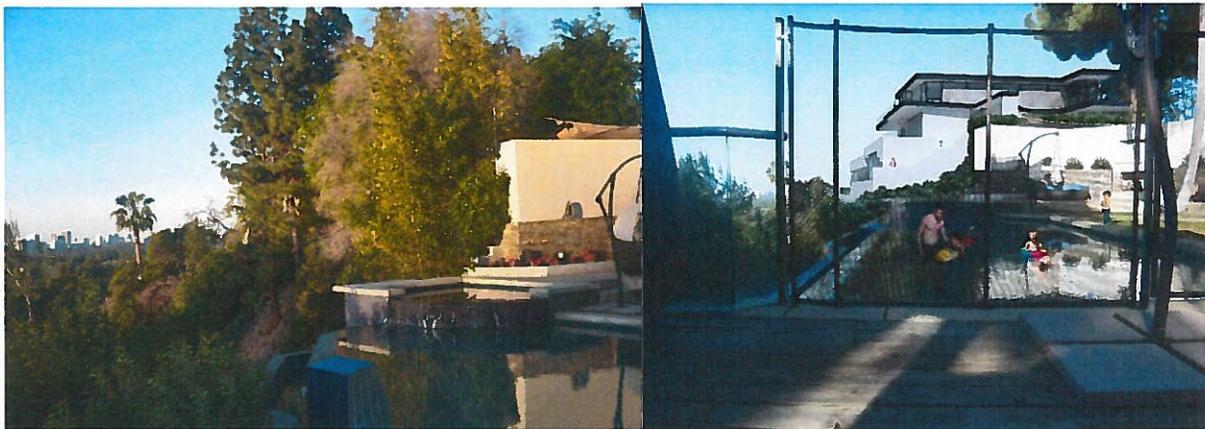
The increased construction time due to the months of hauling and other construction related traffic- construction trucks, daily food trucks, etc that result from oversized projects would interfere significantly with the ability of anyone nearby to sell their homes. People do not like living near huge, long-term construction projects.

There is also a human cost to our safety and our quality of life. Construction traffic, noise, dust and exhaust is not good for us, especially on Loma Linda where nine school aged children live in the two homes next door.

Below is an example- this a rendering from 1184's past plans (to scale) of what they intended to build which clearly shows the strong detrimental effect to my property's privacy, view and ultimately, value.

**My current view**

**what 1184-1193 attempted to do**



4. MegaDevelopers actively identify properties to exploit

There is a problem in Beverly Hills that this Ordinance is addressing. MegaDevelopers, many of them international billionaires like Francesco Aquilini, are scouring our town for properties that are vulnerable to these gray areas in the code. They swoop into our neighborhoods and hire a team of property consultants and lawyers who know how to exploit these loopholes. SENTENCE REMOVED

5. 1184-1193 is owned by an International MegaDeveloper who has no regard for residents' concerns

We live at 1185 Loma Linda Dr., at the end of a cul de sac across from, and next to, the 1184 and 1193 Loma Linda Dr project – they are now splitting it into two projects.

Despite the request at the Dec 2014 Planning Commission meeting that the Developer address residents' concerns, they did nothing of the sort. They minimally changed their plans, and only met with us after the fact.

After yanking their last project in the face of strong neighborhood resistance, they are now coming to the City with a project that is purposely designed to fall just under the current Hillside R-1 requirements.

As their initial attempt failed, they are back again with **two** projects that as far as we know propose to haul just under 6000 cy (3000 cy each), increasing pad size by building multiple small retaining walls, and are attempting to carve not one, but two, stories down into the hillside as "basements don't count".

The steep slopes in Beverly Hills are subject to frequent landslides and Loma Linda is no exception. 1184-1193 Loma Linda has already had two significant landslides in the last decade or so. The first took years to rectify and resulted in major damage to the Sutton Way folks below. And recently, a broken fire hydrant caused considerable mudslide damage to Sutton Way again, and the folks right below them on Coldwater Canyon.

I am afraid that significant excavation of the hillside next to me will cause my pool to crack and the construction, including tremendous vibrations from jackhammers, will be detrimental to my property.

6. The residents in the Loma Linda area fear for our safety from a proven unsafe hillside and enormous amounts of construction traffic- a good amount due solely to hauling.

Our street is simply too dangerous – windy, steep, and narrow with blind corners, for a monster construction project.

I have spoken to the neighbors below. **They fear for their safety both during and after construction.** I would never want to buy a home where there was a likelihood of a property being built that would loom over me in the way that 1193 is attempting to loom over 1115 Coldwater Canyon. Don't they have a reasonable expectation when they bought their property to be able to live in it safely?

7. Construction Management Plans are only as good as the Integrity of the Developer and their Ability to be Enforced

I think it would be a mistake to rely heavily upon the construction management plans. It is much better to limit the size of these projects in the beginning, than to have to attempt to monitor them in the construction phase.

As the City is not capable of watching over these jobs every minute of the day to ensure compliance, some developers are taking advantage. In the case of 1184-1193 Loma Linda, construction hasn't even started yet, and many violations have already been logged with the City- including leaving an exposed dangerous live wire next to the curb for approximately two months.

8. Summary

The City has heard concerns from neighbors regarding these extravagant hillside projects for years. This ordinance will give the Commission the authority to determine which projects can be constructed safely

without significant impacts to neighbors – and which are out of scale with the area and cause an unreasonable imposition to neighbors.

It takes a lot of time, and often a lot of money hiring lawyers, for regular residents to get up to speed on a proposed project coming in nearby. We are vastly outmatched by deep billionaire pockets and their teams of experts who know how to maneuver around the codes.

**This is why we rely on the Planning Commission and City Council to protect us.**

The City Planning Commission and City Council represent the residents of Beverly Hills – not the money interests of foreign developers. This ordinance will allow investment and development in the City in a responsible way that provides a voice for the local constituents affected by such development in their daily lives.

The residents of Beverly Hills need your help by passing this Hillside Ordinance. And the residents in the Loma Linda area desperately need your help by upholding the June 1<sup>st</sup> date- especially as a number of projects have been filed with the City since it was announced.

We know that Jason Somers rushed the plans in for 1193 Loma Linda as soon as he heard about the Hillside Ordinance (and tried to do the same on the 2<sup>nd</sup> house on 1184). These two projects added together are pretty close in scale to the original project- but this time, they were “purposely designed their projects in a way so as not to trigger a Hillside R-1 process”.

**I implore you to uphold the June 1<sup>st</sup> date. Please help my family retain our enjoyment and value of our home. And, most importantly, not needlessly endanger our children-- all so a Canadian Billionaire can line his pockets.**

Yours Sincerely,

Debbie Weiss  
1185 Loma Linda Drive

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Ordinance  
Hearing Date: June 30, 2016

Dear Planning Commissioners and City Councilmembers:

We support the Hillside Development Ordinance.

The proposed ordinance will create more safety precautions by requiring the City to review an R-1 permit for any hillside development with more than 1,000 square feet located off of an existing level pad or with more than 1,500 cy of hauling in five years. These limits will force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period.

We request that you adopt the ordinance as soon as possible.

Sincerely,

*Thomas* 311 N. Robertson #190211

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

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We request that you adopt the ordinance as soon as possible.

Sincerely,

*Manlee Hartling RN, MFT  
Director Early Childhood Development Associates*

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
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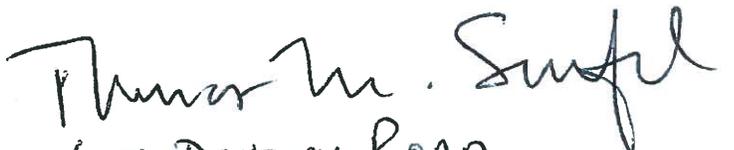
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Sincerely,

  
603 DOHENY ROAD  
BEVERLY HILLS, CA 90210

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
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Sincerely,



9528 Dalestone Dr.  
B.H CA 90210

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
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Dear Planning Commissioners and City Councilmembers:

We support the Hillside Development Ordinance.

The proposed ordinance will create more safety precautions by requiring the City to review an R-1 permit for any hillside development with more than 1,000 square feet located off of an existing level pad or with more than 1,500 cy of hauling in five years. These limits will force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period.

We request that you adopt the ordinance as soon as possible.

Sincerely,

Migeta Afte lion  
1152 Coldwater Cyn. Dr.  
B.H 90210

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Ordinance  
Hearing Date: June 30, 2016

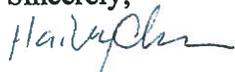
Dear Planning Commissioners and City Councilmembers:

We support the Hillside Development Ordinance.

The proposed ordinance will create more safety precautions by requiring the City to review an R-1 permit for any hillside development with more than 1,000 square feet located off of an existing level pad or with more than 1,500 cy of hauling in five years. These limits will force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period.

We request that you adopt the ordinance as soon as possible.

Sincerely,

 10790 Wilshire Blvd

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Ordinance  
Hearing Date: June 30, 2016

Dear Planning Commissioners and City Councilmembers:

We support the Hillside Development Ordinance.

The proposed ordinance will create more safety precautions by requiring the City to review an R-1 permit for any hillside development with more than 1,000 square feet located off of an existing level pad or with more than 1,500 cy of hauling in five years. These limits will force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period.

We request that you adopt the ordinance as soon as possible.

Sincerely,

*Romy L. Swan*  
9528 Oakgrove Dr.  
Beverly Hills CA 90210

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Ordinance  
Hearing Date: June 30, 2016

Dear Planning Commissioners and City Councilmembers:

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We request that you adopt the ordinance as soon as possible.

Sincerely,

  
131 N. Gale Pl  
Beverly Hills, CA 90211

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Ordinance  
Hearing Date: June 30, 2016

Dear Planning Commissioners and City Councilmembers:

We support the Hillside Development Ordinance.

The proposed ordinance will create more safety precautions by requiring the City to review an R-1 permit for any hillside development with more than 1,000 square feet located off of an existing level pad or with more than 1,500 cy of hauling in five years. These limits will force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period.

We request that you adopt the ordinance as soon as possible.

Sincerely,

  
1284 Monte Rio D A  
B. H. 90210

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Ordinance  
Hearing Date: June 30, 2016

Dear Planning Commissioners and City Councilmembers:

We support the Hillside Development Ordinance.

The proposed ordinance will create more safety precautions by requiring the City to review an R-1 permit for any hillside development with more than 1,000 square feet located off of an existing level pad or with more than 1,500 cy of hauling in five years. These limits will force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period.

We request that you adopt the ordinance as soon as possible.

Sincerely,

  
131 N. Crake Dr  
Beverly Hills, CA 90211

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

**From:** Sheldon Mintzberg [<mailto:smintzberg@marinegroup.ca>]

**Sent:** Tuesday, June 21, 2016 12:53 PM

**To:** Andre Sahakian

**Subject:** Proposed Ordinance

Dear Mr. Sahakian,

I am writing to you as a property owner, to express my concerns about the new Proposed Ordinance.

I believe that the City of Beverly Hills is taking the wrong approach. It would appear to me that the same result can be achieved, if the City would consider controlling the method and timing that permits are issued, thus being able to control the number of trucks that are on the street at any given time, instead of reducing the quantity of earth that can be removed.

The majority of homes that exist are outdated mid-century homes, that should be redeveloped, and can only improve Beverly Hills.

The proposed ordinance if passed as is, would have an adverse long term effect on the City of Beverly Hills by reducing future property tax revenues. It would also affect the value of existing properties which the majority of existing property owners are not aware of, and a loss to developers who have invested in property for redevelopment, without being aware of this Ordinance, and avoiding almost certain litigation and the possibility of substantial damages to the City.

I would welcome the opportunity to meet with you to further discuss this matter.

*With best regards,*



Sheldon Mintzberg

[smintzberg@marinegroup.ca](mailto:smintzberg@marinegroup.ca)

Office: 514-284-1000

Canadian cell: 514-296-2000

US cell: 310-567-1818

June 9, 2016

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Urgency Ordinance  
Hearing Date: June 9, 2016 Item 4

Dear Planning Commissioners and City Council members:

We live on Loma Linda Drive, and are writing to fully support the proposed Hillside Development Urgency Ordinance. We have been asking for limits on development and hauling in the hillside area for many years, and we are thrilled that you listened to our issues.

Loma Linda is a narrow, winding, steep street with smaller houses located close to the curb. The southeastern side of the block has houses overlooking a steep hillside. There is very limited street parking. Therefore, any temporary removal of parking spaces needed for hauling on a narrow street is a significant inconvenience and creates an unsafe condition. It is unbearable if hauling takes several months.

The proposed ordinance will be a significant improvement by limited hauling on each property to 1,500 cy in a five year period, and limiting the scale of development on properties with steep hillsides. The ordinance will not stop all development, but will require the City to review and provide conditions of safety and convenience to approve any appropriately scaled development.

We opposed the enormous mega-mansion development proposed by Aquilini America at 1184 Loma Linda last year, because it took a private street, required many months of hauling and proposed development way out of scale with neighborhood homes. This ordinance will provide the needed protection to the neighbors from this type of extravagance, and must be applied to any development on the 1184 Loma Linda property.

Sincerely,

Nataalia Rey, (1178 Loma Linda Dr Owner)

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

**From:** Debbie Weiss [<mailto:gallery@wwagallery.com>]  
**Sent:** Friday, June 17, 2016 6:53 PM  
**To:** WebCBH MAYORANDCITYCOUNCIL; Masa Alkire; Andre Sahakian; Adrienne Tarazon; Ryan Gohlich; Susan Healy Keene  
**Cc:** [macpro@earthlink.net](mailto:macpro@earthlink.net)  
**Subject:** FW: Hillside Development Ordinance

Dear City staff,

Please notate the below letter for this address:

Ardeshir Davoodian  
1154 Coldwater Canyon Drive

Thank you!

Debbie Weiss

**From:** David D. [<mailto:macpro@earthlink.net>]  
**Sent:** Friday, June 17, 2016 5:35 PM  
**To:** [mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
**Cc:** [larrymurphy@lpmco.net](mailto:larrymurphy@lpmco.net); [gallery@wwagallery.com](mailto:gallery@wwagallery.com)  
**Subject:** Hillside Development Ordinance

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Ordinance  
Hearing Date: June 30<sup>th</sup>, 2016

Dear Planning Commissioners and City Councilmembers:

We live on Coldwater Canyon Drive, close to where it intersects Loma Linda Drive. We support the proposed Hillside Development Urgency Ordinance. It will provide further protections for the homes along Coldwater below a hillside that is prone to landslides that have previously caused significant damage to neighbors' properties.

The proposed ordinance will create more safety precautions by requiring the City to review an R-1 permit for any hillside development with more than 1,000 square feet located off of an existing level pad or with more than 1,500 cy of hauling in five years. These limits will

force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period.

We opposed the prior proposed project at 1184 Loma Linda, that would have excavated several thousand cubic yard of soil, and constructed an exorbitant structure that projected off of the level pad with views into homes along Coldwater. This ordinance will protect us against this type of excess. We also support the limits on hauling, because haul routes from Loma Linda will travel along Coldwater and create an even greater impact on an already congested street.

We request that you adopt the ordinance as soon as possible, and make it effective June 1 so that the new Loma Linda project proposed for the 1193 Loma Linda parcel, submitted in a scramble on June 8 due to its conflict with new proposed guidelines, will be subject to appropriate R1 permit review. Only R1 review can preclude brazen, damaging development action by the Aquilini Organization.

Sincerely,

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

June 9, 2016

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Urgency Ordinance  
Hearing Date: June 9, 2016 Item 4

Dear Planning Commissioners and City Councilmembers:

I live on Sutton Way, at the base of a steep hillside below 1184 Loma Linda Drive. We support the proposed Hillside Development Urgency Ordinance. It will provide further protections for the homes along Sutton below a hillside that is prone to landslides that have previously caused significant damage to neighbors' properties. In fact, recently, water pouring from a damaged fire hydrant at 1184 led to enormous amounts of mud being dumped onto the properties on Coldwater and Sutton Way located below the property.

The proposed ordinance will create more safety precautions by requiring the City to review an R-1 permit for any hillside development with more than 1,000 square feet located off of an existing level pad or with more than 1,500 cy of hauling in five years. We are constantly in fear that construction work on the hillside above us will create damage to our property. These limits will force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period.

We opposed the prior proposed project at 1184 Loma Linda, that would have excavated several thousand cubic yard of soil, and constructed an exorbitant structure that projected off of the level pad with views into the homes along Sutton. This ordinance will protect us against this type of excess. We also support the limits on hauling, because haul routes from Loma Linda will travel along Coldwater and create an even greater impact on an already congested street.

We request that you adopt the ordinance as soon as possible, and require that any development on Loma Linda Drive, including 1184 Loma Linda, fully comply.

Sincerely,

Hashim Minaiy  
1130 Sutton Way

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))

Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

June 8<sup>th</sup>, 2016

Dear Planning Commission and City Council,

I live at 1271 Lago Vista Place and my street is one of the 13 listed that will receive increased protections as a result of this ordinance.

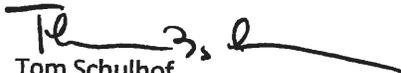
I am completely in favor of the Hillside Urgency Ordinance.

I previously voiced my concerns about the proposed project at 1184 Loma Linda Drive due to its massive scale and the subsequent hardships that would be suffered by the residents: safety, noise, pollution, increased traffic, etc.

These new measures would go a long way in minimizing the negative impacts the 1184 project would create for our neighborhood.

Please pass this ordinance.

Yours Sincerely,

  
Tom Schulhof

1271 Lago Vista Place

## Masa Alkire

---

**From:** Rozita Yacobi <rcyacobi@gmail.com>  
**Sent:** Wednesday, June 08, 2016 11:38 PM  
**To:** WebCBH MAYORANDCITYCOUNCIL; Masa Alkire; Susan Healy Keene; Ryan Gohlich; Andre Sahakian; Adrienne Tarazon  
**Cc:** Debbie Weiss  
**Subject:** Hillside Development Urgency Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

June 9, 2016

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission

Beverly Hills City Council

455 N. Rexford Drive  
Beverly Hills, CA 90210

Attn: Masa Alkire

[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)

[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Urgency Ordinance  
Hearing Date: June 9, 2016 Item 4

Dear Planning Commissioners and City Councilmembers:

We live on Coldwater Canyon Drive, close to where it intersects Loma Linda Drive. We support the proposed Hillside Development Urgency Ordinance. It will provide further protections for the homes along Coldwater below a hillside that is prone to landslides that have previously caused significant damage to neighbors' properties.

The proposed ordinance will create more safety precautions by requiring the City to review an R-1 permit for any hillside development with more than 1,000 square feet located off of an existing level pad or with more than 1,500 cy of hauling in five years. These limits will force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period.

We opposed the prior proposed project at 1184 Loma Linda, that would have excavated several thousand cubic yard of soil, and constructed an exorbitant structure that projected off of the level pad with

views into homes along Coldwater. This ordinance will protect us against this type of excess. We also support the limits on hauling, because haul routes from Loma Linda will travel along Coldwater and create an even greater impact on an already congested street.

We request that you adopt the ordinance as soon as possible, and require that any development on Loma Linda Drive, including 1184 Loma Linda, fully comply.

Sincerely,

Rozita Yacobi

1185 Coldwater Canyon Drive

(310) 276-1128

**CONFIDENTIALITY NOTICE:** The information and any and all attachments contained within this electronic communication are legally privileged and confidential information, subject to the attorney-client privilege and/or attorney client work privilege and intended only for the use of the intended recipients. If the reader of this message is not an intended recipient, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Rozita C. Yacobi, Esq. immediately of the error by return e-mail and then permanently remove any copies of this message from your computer and/or system and do not retain any copies, whether in electronic or physical form or otherwise.

## Masa Alkire

---

**From:** Larry Murphy <LarryMurphy@lpmco.net>  
**Sent:** Tuesday, June 07, 2016 12:44 PM  
**To:** Masa Alkire  
**Cc:** Andre Sahakian  
**Subject:** FW: Planning Commission meeting Thurs June 9th about Hillside R-1 permits, etc  
**Attachments:** Planning Commission Meeting Agenda - 6-9-16.pdf; Hillside Urgency Ordinance - Draft.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The proposed Hillside Development Urgency Ordinance is welcome news to Beverly Hills residents whose neighborhood character and safety are endangered by undue development. I am sure I speak for virtually all residents of the Loma Linda Drive area in urging adoption of this new proposal. Were I not traveling, I would be there in person to speak on this.

---

June 9, 2016

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Urgency Ordinance  
Hearing Date: June 9, 2016 Item 4

Dear Planning Commissioners and City Councilmembers:

I live on Coldwater Canyon Drive, but I might as well live on Loma Linda Drive as my driveway is located on Loma Linda. I am writing to fully support the proposed Hillside Development Urgency Ordinance. We have been asking for limits on development and hauling in the hillside area for many years, and we are thrilled that you listened to our issues.

Loma Linda is a narrow, winding, steep street with smaller houses located close to the curb. The southeastern side of the block has houses overlooking a steep hillside. There is very limited street parking. Therefore, any temporary removal of parking spaces needed for hauling on a narrow street is a significant inconvenience and creates an unsafe condition. It is unbearable if hauling takes several months.

The proposed ordinance will be a significant improvement by limited hauling on each property to 1,500 cy in a five year period, and limiting the scale of development on properties with steep hillsides. The ordinance will not stop all development, but will require the City to review and provide conditions of safety and convenience to approve any appropriately scaled development.

We opposed the enormous mega-mansion development proposed by Aquilini America at 1184 Loma Linda last year, because it took a private street, required many months of hauling and proposed development way out of scale with neighborhood homes. This ordinance will provide the needed protection to the neighbors from this type of extravagance, and must be applied to any development on the 1184 Loma Linda property.

Sincerely,

Linda Kunik  
1147 Coldwater Canyon Drive (at the intersection of Loma Linda and Coldwater)

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))

June 9, 2016

VIA E-MAIL AND HAND DELIVERY

Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Urgency Ordinance  
Hearing Date: June 9, 2016 Item 4

Dear Members of the Planning Commission and City Councilmembers:

We live at 1165 Loma Linda Drive, which is located mid-block along the curve of Loma Linda. We fully support the restrictions of the proposed Hillside Development Urgency Ordinance (Hillside Ordinance), which will limit the amount of hauling and scope of development on narrow substandard streets, such as Loma Linda. The ordinance was originally introduced two years ago, and we are encouraged that it is finally being considered.

Loma Linda is a narrow winding steep street with limited street parking spaces. Any hauling on the street requires temporary parking restrictions that cause significant inconvenience to the neighbors. The curving street causes safety concerns during hauling, as visibility is limited. Therefore, limiting hauling to 1,500 cy per property in a 5 year period, without an R-1 Permit, is a reasonable amount to ensure the safety of the neighborhood. It allows the City to impose additional conditions for any larger development that are appropriate.

Loma Linda also has primarily smaller, historic homes, designed by Wallace Neff and other important architects. To the southeast of the street, at 1184 Loma Linda, there was even a history of landslides that caused significant damage to downslope properties. The proposed Hillside Ordinance will ensure a more safe condition, by requiring construction on a steep hillside to be limited 1,000 square feet off of an existing level pad. This may be exceeded by an R-1 permit, during which the Commission can determine if the scale of development is appropriate for the location, and condition the scale of development to be safe on the hillside.

We fear that the mere introduction of the ordinance will cause developers, such as Aquilini America, to rush to file an application for as large of a development as possible; thus undermining the intent of the Hillside Ordinance which the City has considered for two years. As you know, we opposed the inappropriate and outrageous development proposed at 1184 Loma Linda Drive, which required several months of hauling, and included an enormous basement carved out of a hillside prone to landslides. We request that any future development on that site be subject to the restrictions of this Hillside Ordinance, and that the developer should not be granted special treatment to avoid compliance.

Sincerely,

  
Isaac and Suzanne Zaharoni

Cc: Susan Healy Keene, Director of Community Development ([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))  
Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))  
Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))  
Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

## Masa Alkire

---

**From:** helen abe <helenodaabe@yahoo.com>  
**Sent:** Wednesday, June 08, 2016 9:24 PM  
**To:** WebCBH MAYORANDCITYCOUNCIL; Masa Alkire; Susan Healy Keene; Ryan Gohlich; Andre Sahakian; Adrienne Tarazon  
**Cc:** Debbie Weiss; Larry Murphy  
**Subject:** Hillside Development Urgency Ordinance  
**Attachments:** Abe ltr to BHPC.pages

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To the Planning Commission and Beverly Hills City councilmembers,

I live at 1179 Coldwater Canyon Drive and am concerned about the overdevelopment of our beautiful Beverly Hills canyons. The Beverly Drive/Coldwater Preschool canyon area reflects the pathetic impact of hillside overdevelopment. From the Coldwater Canyon Park, the mega mansions that previous planning commissions permitted are precariously perched on the opposite hillside.

I am pasting and attaching my letter in support of the Hillside Development Urgency Ordinance:

June 9, 2016  
VIA E-MAIL AND HAND DELIVERY  
Beverly Hills Planning Commission  
Beverly Hills City Council  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Attn: Masa Alkire  
[mayorandcitycouncil@beverlyhills.org](mailto:mayorandcitycouncil@beverlyhills.org)  
[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Re: Hillside Development Urgency Ordinance  
Hearing Date: June 9, 2016 Item 4  
Dear Planning Commissioners and City Councilmembers:  
We live on Coldwater Canyon Drive, close to where it intersects Loma Linda Drive. We support the proposed Hillside Development Urgency Ordinance. The proposed ordinance will force City review of any overscale development that may be unsafe on the hillside, or may cause undue impacts to the surrounding neighbors during a multiyear construction period. We opposed the prior proposed project at 1184 Loma Linda, that would have excavated several thousand cubic yard of soil, and constructed an exorbitant structure that projected off of the level pad with views into homes along Coldwater. This ordinance will protect us against this type of excess. We also support the limits on hauling, because haul routes from Loma Linda will travel along Coldwater and create an even greater impact on an already congested street.

We request that you adopt the ordinance as soon as possible, and require that any development on Loma Linda Drive, including 1184 Loma Linda, fully comply.

Sincerely,

Helen Oda Abe

1179 Coldwater Canyon Drive

Cc: Susan Healy Keene, Director of Community Development

([skeene@beverlyhills.org](mailto:skeene@beverlyhills.org))

Ryan Gohlich, Assistant Director ([rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org))

Andre Sahakian ([asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org))

Adrienne Tarazon ([atarazon@beverlyhills.org](mailto:atarazon@beverlyhills.org))

## Masa Alkire

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**From:** Adrian Lorimer <adrian\_lorimer@hotmail.com>  
**Sent:** Wednesday, June 08, 2016 8:53 PM  
**To:** Masa Alkire; Andre Sahakian; WebCBH MAYORANDCITYCOUNCIL; Adrienne Tarazon  
**Cc:** Debbie Weiss  
**Subject:** Re: Hillside Development Urgency Ordinance Hearing Date: June 9, 2016 Item 4

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Planning Commission and City Council,

My family lives on Loma Linda Drive and we fully support the proposed Hillside Development Urgency Ordinance. Parking on our narrow, windy street is already very limited - any further reductions in parking during construction would severely impact our lives. We have very limited on-site parking, and street parking is essential for us to go about our daily lives.

In addition, our narrow street becomes very dangerous during any truck traffic, especially construction hauling, and we would fear for the safety of our four young children.

In particular, we are very concerned about 1184 Loma Linda Drive where it is our understanding that the developer is looking to propose another massive construction project involving the building of now two homes that could easily rival the size of the earlier proposal. However, this time we hear they are attempting two "by right" projects that combined would give them 6000 cy of hauling.

Our street is simply not safe enough to accommodate a project of this size and our lives would become intolerable. In addition, they have already demonstrated on multiple occasions a disregard for the safety of the residents, and a quick google search reveals Aquilini's folks have a proven track record of not operating in a safe manner on other projects. They have been fined heavily and repeatedly in their native Canada.

All it takes is one truck not being safe for a tragedy involving my kids to happen. The prospect of the above project quite frankly frightens us to the level that we would have to consider moving out for an extended period of time to ensure the safety of our family.

Any measures that limit their ability to put my family at risk have our full backing. We would be relieved beyond description if this passed and implore the Planning Commission and City Council to please do so.

Best Regards,

Adrian Lorimer  
818 6400485