

EXHIBIT I

TRANSCRIPT: PUBLIC HEARING (10/8/15)

[322-336 NORTH OAKHURST]

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Alan Block: Now we'll go to agenda item number 2 which is the 332-336 North Oakhurst Drive Vesting Tentative Map and Development Plan Review. I will ask our associate planner Cindy Gordon for a ... First before I do that, I'm going to ask have there been any ex parte communications. I've asked commissioners to express if they've had any ex parte communications with any party regard to this.

Joe Shooshani: Yes, I had. I know about this project for a couple of years because of a friend of mine has a house in *[inaudible 00:00:34]* but it doesn't have any effect on it. Also, I think I met one applicant once for a few minutes and I had no information to give or get so that's what happened.

Craig Corman: Let me add that back in December I had a meeting with Steve Mayer and Robert Block about the historic preservation ordinance provisions and during that meeting I was made aware that they had an interest in this project. We didn't discuss this project at all and obviously, I made no conclusions or decisions about the project at that meeting.

Alan Block: Okay, and Lori Gordon.

Lori Gordon: No.

Alan Block: I had a conversation with Steve Mayer where he just asked if I would provide the telephone number of the city attorney which I provided him and there was no further communication regarding the project.

Cindy Gordon, may we please have a staff report?

Cindy Gordon: Thank you, Chair Block and fellow commissioners. The project before you today is located at 332 to 336 North Oakhurst Drive. The request includes a vesting tentative tract map and a development plan review permit for a new 31-unit condominium project.

Up on the screen we have an aerial photograph of the neighborhood. You'll see in red is the project site. It does consist of three separate properties and if you can see the green line, that currently is the city limits that bisects the property. The western third of the property is located within the City of Beverly Hills and it is Beverly Hills street frontage and the eastern two thirds of the property is located within the jurisdiction of Los Angeles.

For purposes of reviewing the project in the context of the neighborhood and as outlined in the staff report, the immediate neighborhood has been determined to be those blocks of North Oakhurst Drive bounded by Beverly Boulevard to the north and Burton Way to the south. These are the primary thoroughfares in the area that bound the neighborhood and so they were natural boundary areas to

look at. Additionally, there are different height districts north of Beverly Boulevard and along Burton Way. As such, the outlined area provided a natural area or a natural neighborhood by which to analyze and review the project.

This streetscape photograph shows the existing ... of the three existing buildings that are proposed for demolition as part of the project. You'll see there are three two-story apartment buildings. Then as ... just some notes, as a property line does bisect the project it is subject to multi-jurisdictional processing though it should be noted that the Beverly Hills standards are only applied to those portions that are in Los ... or Beverly Hills, excuse me, and vice versa for Los Angeles. However, the Planning Commission is required to make specific findings which may take into consideration the entire project, even those portions that are located in Los Angeles to the extent that those portions relate back to the required findings.

Regarding the CEQA review, the determination of a lead agency is based on which city undertook review of the project first and as a majority the project is located within the jurisdiction of Los Angeles. They were the first to undertake that review. Accordingly, the City of Los Angeles is the lead agency and is responsible for preparing the environmental review document. In this case, it was a mitigated negative declaration and Beverly Hills is therefore a responsible agency and must use the environmental document that was prepared by the lead agency in their review.

You'll see that this project has been under review for a number of years beginning in January 2012 with the most recent decision coming in April of 2015 when an appeal was denied by the Los Angeles City Council. In addition to that project timeline, there is currently a pending lawsuit against the City of Los Angeles regarding those rendered decisions however Beverly Hills is obligated to continue processing the application until such a time that a stay or injunction is ordered.

Then here is a site plan of the existing property as it currently is today. You'll see the two properties on the left hand portion of the screen are 336 and 334. They were developed around the same time. Then we have 332 to the right. Then here is a site plan of a proposed project. The hatched portion indicates a portion of the building that's located in Beverly Hills and the highlighted portion is the full property segment that's in Beverly Hills.

Then here we have a table that outlines the allowed or required development standards for Beverly Hills in the second column. The third and fourth indicate the proposed standards and as currently proposed, a project does comply with all applicable standards for both Beverly Hills and Los Angeles. Then up on the screen we have two streetscape renderings for you to look at, one without trees at the top and then one with trees at the bottom, and this is just to provide an idea of how the building may fit into the existing neighborhood and the streetscape context of North Oakhurst Drive.

Then as previously stated, the current proposal does include a vesting tentative

tract map which is required for all condo projects that have five or more units and a development plan review permit which is required for all condominium projects located within the City of Beverly Hills. Staff analyzed a handful of areas in our analysis and review of the project. The first being general plan consistency and there are various policies in the general plan that would support the project and that it complies with all development standards and is generally consistent with the surrounding area, streetscape and neighborhood.

Though it is larger scale than currently existing, it's often a challenge for new projects as the development standards as they stand today allow for greater development than what's currently existing.

Regarding urban design and neighborhood compatibility, the step back in highly modulated front façade helped to reduce any potential impact that may result from bulk and mass. Additionally, there have been projects developed in a similar scale along the 300 and 400 blocks of North Oakhurst Drive in that previously define neighborhood area and that follows with a privacy which is also reviewed and there are additional setbacks provided in various locations on property.

This is primarily for the required outdoor space and while this may present a privacy concern depending on how those areas are used, various conditions have been proposed to mitigate any potential light or noise spillover that may result. Then as far as traffic and parking, as previously stated the project does fully comply with all required parking for both Beverly Hills and Los Angeles and there are currently no curb cuts along North Oakhurst Drive for these three properties and none are currently proposed as all parking, both resident and guest will be accessed from a single ramp at the alley.

Then also based on a traffic city that was repaired for their project, there are no significant impacts that are anticipated for North Oakhurst Drive or West Third Street.

Based on staff's analysis of the project, the recommendation of the report is to conditionally approve the project. However, as noted previously, there are a number of topics for the commission to consider and discuss and analyze during the course of the review as they relate to the findings required for making a decision.

I did also want to make a note that correspondence that had been received since the September meeting and up till the current agenda's publishing date has been included in your packet. Additional correspondence has since been received, both in support and in opposition to the project, and this has been provided to the commission. Copies are available at the back of the room for those that are interested. That concludes the report but as always we're available for questions.

Alan Block: Thank you. Commissioner Gordon, any questions?

Lori Gordon: I do. Okay, a few things. Regarding parking, there are ... as I read there were 82 parking spaces in the entire building, 20 of which are Beverly Hills and 62 of which are part of the Los Angeles part but I'm presuming that when it comes to guest parking, people that live in any of the units can use any of the guest parking, is that correct?

Cindy Gordon: Yes, that would be correct.

Lori Gordon: How is the guest parking accessed by the guests?

Cindy Gordon: It would be accessed fully from the alley, same as the resident parking.

Lori Gordon: Is it a locked entrance or gated entrance and if so, how would that work?

Cindy Gordon: I believe there, it's a secured entrance and there would be some type of buzz feature or notification feature that they're arriving.

Lori Gordon: They could buzz the unit they were visiting and they would presumably let them in.

Cindy Gordon: Yeah. I would look to the applicant to confirm that *[crosstalk 00:09:18]*.

Lori Gordon: Okay, I will ask that question. Okay. If there are basically 12 guest parking spaces for 31 units, what happens when other guests arrive? I drove on that street the other day and I noticed it was in the middle of the day, there were no parking spaces so what is presumed that ... you say that's adequate parking for the city but what other alternative things would the guest be doing, just parking on the street or?

Ryan Gohlich: The building provides required guest spaces under the Los Angeles Code or the Los Angeles portion and then guest spaces under the Beverly Hills Code. That is the 12 spaces as you noted. Any overflow beyond that would generally be accommodated by the street which is typical for most multifamily properties.

Lori Gordon: Okay. Was there any consideration given to the fact that I don't know what the size of the units were for the existing buildings. I'm familiar with those kinds of buildings. I'm assuming they were one and two bedroom units presumably.

Many of these are three-bedroom units. Is there any consideration in terms of parking codes or how we approach parking? If you have a three-bedroom unit you could very well have three to four cars that would be appropriate for that unit. How was that considered in terms of determining whether the parking is appropriate?

Ryan Gohlich: The Beverly Hills parking standards are based on the number of bedrooms in the unit. A studio unit requires one parking space. One-bedroom requires two parking spaces, two-bedroom is two and a half spaces and a three or four bedroom is three spaces.

The Los Angeles code requires two spaces per unit.

Lori Gordon: Okay, so in other words the Los Angeles Code is not as adequate as the Beverly Hills Code?

Ryan Gohlich: The Los Angeles Code requires, generally if you compare the two, it requires fewer spaces for the units themselves but the Los Angeles code actually requires a little bit more guest parking than the Beverly Hills Code does.

On balance, it's almost awash between the two when you talk about total parking spaces within the building.

Lori Gordon: Are any of these spaces tandem spaces?

Ryan Gohlich: Yes, there are tandem spaces.

Lori Gordon: The Los Angeles units, I understand can be compact car spaces but the Beverly cannot, is that correct?

Ryan Gohlich: That's correct. Beverly Hills does not allow for compact spaces with the exception of a certain percentage of guest spaces can be compact but the unit spaces themselves cannot be compact.

Lori Gordon: Okay. Now another issue is regarding the actual construction of the project, what kind of jurisdiction does Beverly Hills have over the regulations that are ... or the allowable times that Los Angeles allows for construction? I read in the packet that Los Angeles allows for Saturday construction. I read that they allow for construction commencing at 7 a.m. How will that impact the residents in the community in Beverly Hills?

Ryan Gohlich: That is correct. There are different construction hours in Los Angeles than in Beverly Hills and generally, those hours would control the appropriate portions of the project depending on when they're located so there would be and this is again one of the nuances between being split, portions of the project in Los Angeles. They could work on potentially outside the hours of when Beverly Hills allows work provided that all of the work is kept to Los Angeles.

Lori Gordon: Who monitors that?

Ryan Gohlich: That is usually through the building inspection process and then also on an as reported basis.

Lori Gordon: In other words, if someone is coming in on Saturday and constructing the part of the property that is behind that 20% or whatever, they can stand on the eastern side of the building and construct but if they work over the western side somebody can actually stop them and there is somebody that actually would ... That seems

kind of unlikely.

Ryan Gohlich: It's a challenge but if identified then yes, that would be a violation.

Lori Gordon: Okay. Next, as far as traffic is concerned, how will the traffic be impacted by the addition of the, which we have approved, of the office building at 325 Maple? That wasn't, I don't think that was factored in into the study because the study was done prior to that. Is there any additional impact upon traffic that we should be considering?

Ryan Gohlich: That was, and what you're referring to is we would consider to be more of a cumulative type analysis when you look at other projects in the area.

Lori Gordon: Only from the standpoint that when we approve the Maple Drive Project, we were under the understanding that there would be some increased traffic that was negligible on Third Street. However, because there was some increased traffic on Third Street now that has to obviously impact other projects that are coming down the line. I'm just asking since we didn't take that into consideration and the staff report says that traffic would be negligible, it seems to me that maybe that isn't necessarily the case.

Ryan Gohlich: That specific analysis was not prepared in that level of detail. What I would tell you is that the number of new trips that were generated by the post office project and also the number new trips that would be generated by this project, the volume of those trips is well below what the thresholds are for a significant impact under CEQA so this gets to some of the differences where CEQA sets a very technical threshold about what's an impact and it's based on numerics and how many trips, percentage increases.

Whereas the findings that are required to be made by the planning commission are not necessarily tied to the CEQA thresholds of what an impact is but rather whether they would be detrimental effects on the neighborhood. Not based on as much of a numeric standard.

Lori Gordon: All right. Now here's another question. As far as all the properties since they're divided up between Beverly Hills and Los Angeles on that entire side of the block, are all the children that live in those buildings allow to go to Beverly Hills schools?

Ryan Gohlich: As far of our work on the project we did reach out to the district office for the Beverly Hills School District and when we did we were informed that that building would be eligible for all units to attend the Beverly Hills schools. They would be required to pay the Beverly Hills school fees for the entire building when it's constructed.

I will just say that that is the information we received when we contacted the district. The city does not have a jurisdiction over deciding who is allowed to go to the schools and who isn't so that's the best information we have at this time but

that could be subject to change in the future.

Lori Gordon: How would the prop ... because the property taxes in Beverly Hills determined ... because we're a basic aid district, it determines the funding for the schools, how would the property taxes be divided. Does the portion that's Beverly Hills go to Beverly Hills and Los Angeles go to Los Angeles or how was that handled?

Ryan Gohlich: My understanding is it gets split depending on where the boundary is and that it's a proportional distribution but the city again does not have involvement or jurisdiction as far as dispersement of moneys so I don't know the details of how they work all of it out.

Lori Gordon: Could the school district presumably say we're not getting enough money to fund this basic aid students and therefore decide that they're not going to allow them to attend the BHUSD or?

Ryan Gohlich: I believe the district has the ability to designate where its boundary lines are and that would in turn determine who's allowed to attend and who isn't.

Lori Gordon: In other words they could say today that they could and then ultimately they'd say we're not getting enough money so we are not allowing the students to attend. That's kind of what's happening?

Ryan Gohlich: Presumably so but I don't know the specifics of how they make those decisions.

Lori Gordon: Let's see. You know what I think I'm going to leave with that, thank you.

Ryan Gohlich: Commissioner Craig Corman?

Craig Corman: I have only a follow-up question to Commissioner Gordon's question on construction hours. Could we impose a condition on the project, the entire project that it would be only be ... construction only occur during the week between 9 and 8 and 5 or whatever our normal hours are in the basis that instruction impacts don't end it at the city line.

I mean if they do work on Saturday, the impacts are felt in Beverly Hills.

David Snow: Yes. Mr. Chair, members of the commission. I think to the extent that this commission felt that type of condition of approval was necessary in order to enable it to make the findings, the required findings to approve the permit, I think it would have the authority to impose that, that type of condition.

Craig Corman: Okay, thank you.

Alan Block: Vice Chair Joe Shooshani.

Joe Shooshani: How many rental units are we losing in Beverly Hills and how many condos are we

gaining?

Ryan Gohlich: It's an excellent question. We're looking real quick. We have the project, the new project in total is 31 units of that number seven of the units are either located entirely or partially in Beverly Hills so any time even a fraction of a unit falls within the Beverly Hills limits, we have counted that against the allowable maximum units that could be built in Beverly Hills so seven units in Beverly Hills within the project.

Joe Shooshani: Are we gaining or losing?

Ryan Gohlich: The existing building has a total of 17 units.

Joe Shooshani: Thank you so much. You must be gaining.

Ryan Gohlich: I believe we are having a slight gain directly within Beverly Hills.

Joe Shooshani: I read somewhere that buildings were built in the '30s, are the existing building at ... I was *[inaudible 00:19:01]* and I saw when I went there. Are they based on code or not? Are they ... build the entireties, have been they updated since they were built or not?

Ryan Gohlich: I believe there's been maintenance and maybe a few upgrades here and there done over the years but largely the buildings I believe were in there, they're mostly original condition especially on the exterior.

Joe Shooshani: If this project is not approved, what happens to that building, do they have to rebuild them or bring them it up to code or what?

Ryan Gohlich: If the buildings were to be occupied, they would need to be brought up to a standard for habitability or the property could be left vacant and it would need to be fenced and maintained in accordance with our vacant building and lot provisions.

Joe Shooshani: I see. How long has been vacant and ... you don't know?

Ryan Gohlich: I would defer to the applicant as they have overseen the leases of the tenants.

Joe Shooshani: As far as the 30% that we have in Beverly Hills, are they building it by right, are they asking anything extra from us or the portion that is in Beverly is up to code and the setbacks are all correct?

Does it need any variances or any thing, the Beverly Hills portion I'm talking about?

Ryan Gohlich: The portion in Beverly Hills is fully code compliant, it does not require any variances. It does however require the discretionary review that's before you today that is the development plan review which is required for any new condominium building in Beverly Hills and it also requires the vesting tentative tract map which is

for the purpose of creating the air space subdivision which creates the individual condo units

Other than that it is a fully code compliant building.

Joe Shooshani: As far as the visual effect and mass, we can only affect the portion in Beverly Hills or we can also have any right or any say as our commission for the Los Angeles side?

Ryan Gohlich: The portion that's in Los Angeles as you're aware has already been approved by the City of Los Angeles, by their city council on appeal. The planning commission in Beverly Hills does not have direct jurisdiction over the development that occurs in Los Angeles.

However, there are certain findings that you have to make in order to approve the project that is in Beverly Hills to the extent that the portions of the building in Los Angeles affect your ability to make findings for the Beverly Hills side such as the way that the Los Angeles portion interacts or intersects with the Beverly Hills side and how that relates to the building's mass and scale as viewed from Beverly Hills, then you do have some ability to impose conditions on that if that is required in order to make the findings.

Joe Shooshani: You said about the mass and height that the height, our height is 40 feet and we go from 40 to 60, the 20 feet height unit, that's what they're building basically with the loft. Do we have any say on that or can we ask them to reduce it down, bring the mass and scale down a little bit and make it more palatable?

Ryan Gohlich: If the commission were to feel that that jump in height created a transition that had adverse effects on the appearance of scale and mass in Beverly Hills and you felt that changes were needed to make the findings for approval then yes you could.

Joe Shooshani: Thank you.

Alan Block: Yes, Commissioner Craig Corman.

Craig Corman: I have a question. Just following up on something that you mentioned, Mr. Gohlich. My understanding, correct me if I'm wrong, is that yes, the Los Angeles Planning Commission approved the portion in Los Angeles but their approval on the project was contingent on our approval to project expressly, am I wrong?

Ryan Gohlich: You are correct. Their approval is contingent on the applicant obtaining all of the necessary sign offs from Beverly Hills, and that it comply with all of the applicable zoning regulations in Beverly Hills. Well some of the zoning regulations in Beverly Hills say that you have to get approval from the planning commission first to the project so until that approval happens the LA approvals are essentially not valid based on the way the conditions are written.

Craig Corman: Okay. Thank you.

Joe Shooshani: I have one more question.

Alan Block: Yes, Commissioner Joe Shooshani.

Joe Shooshani: Can somebody explain what the court case is about because there was nothing in there explaining the court, what was the cause of the case and where is it right now?

David Snow: First of all the lawsuit is filed against the City of Los Angeles, the City of Beverly Hills is not a party to it but I believe it was based on CEQA grounds and the challenges to the City of Los Angeles is decision on the project. It's a petition for writ of mandate and so at this point the City of Beverly Hills is not involved in that litigation, thank you.

Alan Block: Any other questions? Okay, I have some questions. First with regard to the CEQA review. I take it there has been no revisions to the project since the mitigated negative dec was approved, correct?

Ryan Gohlich: That's correct. There have been no project revisions.

Alan Block: Okay. With regards to the project description of our job today and our responsibility, it says to consider the mitigated negative dec, what do we mean by consider the mitigated negative dec and that it's already been approved?

Ryan Gohlich: Although the mitigated negative declaration has already been approved it does contain information on the environmental impacts as assessed by Los Angeles and so when we say for the planning commission to consider the mitigated negative declaration it is to consider the content of that document and how the information regarding the environmental impacts affects your ability to make findings for the project.

Alan Block: But as far as our jurisdiction with regards to have been any vote on the mitigated negative declaration, that boat has already sailed, correct?

Ryan Gohlich: The planning commission would still need to adopt the mitigated negative declaration and the mitigation monitoring and reporting plan but as far as the actual content of the mitigated negative declaration that is final as adopted by Los Angeles and that would be the content that the Beverly Hills Planning Commission would need to rely on.

David Snow: Mr. Chair if I can just maybe add a nuance to that.

Alan Block: Please.

David Snow: I don't think that this commission is called upon to actually adopt the negative declaration again, it's to consider what's already been adopted and as Mr. Gohlich pointed out, I think a significant part of that consideration are the mitigation measures that were identified in which in the materials to this commission is a summary of those mitigation measures, how does would apply to the Beverly Hills part of the project if this were to be approved, the recommendations that those mitigation measures be imposed conditions on the project and the mitigation monitoring reporting program for the Beverly Hill side of things be adopted.

Alan Block: Yes. But what I'm looking for is that we do not have the discretion to approve the negative declarations, that's already been approved, correct?

David Snow: It is already been approved. There's very limited available to require supplemental environmental review and at this point from staff's analysis we don't believe that there's the evidence necessary that would enable the City of Beverly Hills to require supplemental environmental.

Alan Block: Okay. Thank you. Commissioner? Okay, go ahead Vice Chair Joe Shooshani.

Joe Shooshani: As far as the building of the building. If this project is sustainable, is it LEED compliance or what are you ... either our part or the Los Angeles part, is there any significant environmentally, they're doing something, they're putting any solar or are they using sustainability stuff to build this or not?

Ryan Gohlich: I don't have specific information from the applicant as to whether they intend to comply with any of the LEED certifications. However, under the state's current building codes we have adopted to the CALGreen Building code which does establish sustainability measures as well as energy conservation among other things and those would be the standards that they would have to comply with, just as any other new building would have to.

Alan Block: Okay, continuing now. With regard to the parking, if the entire building have been located within the City of Beverly Hills, how many parking spaces would be required?

Cindy Gordon: If we were located fully within Beverly Hills, there would be a total of 82 spaces required just for the residence with an additional eight for guests which is a total of 90 parking spaces.

Alan Block: Right, now they have, total of 82?

Cindy Gordon: Eighty two inclusive of both residential and guest parking.

Alan Block: I believe that you stated earlier Ryan Gohlich that in Beverly Hills for a two bedroom unit we require two and a half parking spaces a unit?

Ryan Gohlich: That's correct.

Alan Block: Okay. I have no further questions. Any other questions?

Joe Shooshani: One.

Alan Block: Go.

Joe Shooshani: Is the loft considered a bedroom or not?

Ryan Gohlich: I believe you're referring to the lofts that are in the Los Angeles portion at the top level?

Joe Shooshani: Yes.

Ryan Gohlich: Under the Beverly Hills code, again, the lofts are not subject to the Beverly Hills code, we would likely consider them to be a bedroom. We consider any room that could be use as a bedroom in the customary manner that bedrooms are used to be a bedroom even if it's not labeled as such.

In Los Angeles I don't know whether it would qualify as a bedroom. However, in Los Angeles the parking requirement is based on the unit count rather than the individual bedrooms.

Joe Shooshani: I see.

Alan Block: I have one other question regarding the street parking. There is permit parking on that street, is that correct?

Male: Two-hour public parking.

Ryan Gohlich: Unless by permit.

Alan Block: Okay, so two-hour public parking unless by permit.

Ryan Gohlich: That's correct.

Alan Block: Okay, with that, unless there's any other questions which I don't see, I will now open the public hearing on this matter. Does the applicant wish to be heard?

I assume the applicant wants to be heard.

Matthew Hayden: Yes.

Alan Block: Mr. Vaughn or?

Matthew Hayden: I'm sorry?

Alan Block: Would you please sit and state your name for the record? I can't read the handwriting on the card here.

Matthew Hayden: Good afternoon, my name is Matthew Hayden Hayden. I'm here on behalf of the applicant and we have a PowerPoint for you.

Alan Block: Thank you.

Matthew Hayden: Okay, thank you for the opportunity to speak this afternoon. I'm here as the Land Use consultant for the applicant. We also have the rest of the applicant's team here including the representative for the ownership, the project manager, the architect. We have our attorney here, and we have a historic consultant as well so if there are questions, our team is here and available.

But there were some things that we wanted to go through with regard to this project but first and foremost we want to say that we appreciate staffs review and support their recommendation that this project be approved. We think they've done a good job and we appreciate the report that they gave.

In terms of the project, some highlights. This is a housing project. It's an infill housing project and it's important to understand what this project is about. It will propose 31 units and as staff indicated there are entitlements that are required both in Beverly Hills and Los Angeles. The Los Angeles entitlements have been approved and we're here now for the Beverly Hills portion. It's also important to understand that this project has a long history. Their project was originally proposed in 2011 and it was originally proposed as a 37 unit project and four to six story in height building.

Our team has taken over the project application and we revised the proposal and there's now just 31 units proposed and a four and five story building. We reduced the number of units and the height of the proposed building. As a housing project, we think it's important to point out that it will provide new housing opportunities. New home ownership opportunities and it addresses housing issues in both the City of Los Angeles and Beverly Hills.

Just as a little background on the housing situation which you may or may not have been following, this is a recent rental indicator, it's a heat map from the company Zumper which is an online rental agency. They show housing average rents for one bedrooms all around the Los Angeles area but if you notice the Beverly Hills average one bedroom rent it's \$2,340 a month.

The income needed to support that type of a rent if you followed the federal recommendation of approximate 30% of household cost towards housing cost, would be \$93,600 a year. The median county income is only \$55,000 a year so that creates a rent burden pressure on households and the housing element for the City of Beverly Hills talks about that low income workers, 95% of them have to come from outside the city because there's an issue with housing.

There's another indicator that has come out recently from the California legislative analyst which talks about housing prices in California overall. If you look at the top blue bar that's the state of California with an average household price of almost \$450,000. If you look at the blue bar towards the middle, that's the US average. It's more than double that, the average is 180 around the country.

The analyst paper looks at housing trends in the state and if you look at the bar graph on the top around 1970 housing prices in Los Angeles and California started to outpace the rest of the country. In the findings are that the state has not keeping up with the demands for housing and produce the housing to support the population so the graph at the bottom shows that California particularly in the coastal cities has not kept up with demand for housing and this issues affect the economy, they affect the portability, they affect all kinds of different scenarios but it's important to remember that what we're proposing here is a housing project that will provide new housing.

If you think about a housing project and where housing would go, all cities both Beverly Hills and Los Angeles, have to accommodate their fair share. I mean this is a big issue. It's statewide. We can't deal with all of it but on a site specific issue we look to what the cities have in terms of zoning and this is a zoning overlay of both the City of Beverly Hills and the City of Los Angeles. Beverly Hills has four multiple dwelling zone, it's more multifamily land uses. The same thing in the City of Los Angeles it's for multifamily land uses. If you look at the built environment, these are areas that are in the middle of very dense urban development area.

Mid-city part of Los Angeles, edge of Beverly Hills and there's lots of multifamily, multistory buildings in the surrounding area. But this is the right place to put housing if we're going to put it and I think that staff has gone through and highlighted the project and the requirements that is fulfilling and the code compliance for the project meets both the City of Beverly Hills and the City of Los Angeles zoning code requirements. We're not asking for any zone variances. We're not asking for any deviations, we are 45 feet in height for the portion of the building in Beverly Hills.

There's unlimited height in the City of Los Angeles but as I said we've reduced the height of the building, we revised it to make it more consistent and compatible with the area. The density that's allowed in Beverly Hills is seven units, in Los Angeles it's 45 but we're only proposing 24. We're trying to provide a development that will meet housing and meet a certain type of housing market that is appropriate and we fulfill all of these setback requirements for both the cities.

This building will be a new building and in terms of compliance with the city zoning codes it will provide the associated amenities that come with a new development. It will have over 5,000 square feet of open space. There will be private balconies, decks, courtyards. There will be a gym and a lounge. In terms of the parking, we're providing 68 parking spaces which meets the code requirements and it's more

parking than what's there.

The existing buildings have one parking space per unit, there's 16 units and there's 16 parking spaces so there is no guest parking spaces, there is no additional parking for the buildings that are there. We have provided significant modulation for the project. The City of Los Angeles does not require the modulation the Beverly Hills requires. We got over 3000 feet of modulation on the front of that building. It's also setback 25 feet, the front yard setback in LA is only 15 feet and the upper portion of the building is setback almost 44 feet from the side of the block so there's significant bulk and mass relief in the design that we proposed.

It will be built to the current building standards and we were talking about this just a moment ago. The existing buildings are older buildings. They don't have things like proper HVAC systems, air conditioning, ventilation, internet, things like that. The new buildings will be built to provide those things. They will be built and they will be sustainably designed. The City of Los Angeles has a green building code that's a LEED standard and they will be built to those standards so this building will meet green building in LA entitle 24 requirements.

It features ENERGY STAR appliance, water saving low flow fixtures. Non-VOC paints and adhesives, drought tolerant plantings and it will be high performance building envelope and there will be proper on-site trash and recycling facilities. We did do a traffic analysis for this project. There's been a lot of comments about the environmental review. There were no significant impacts found. The net trips in morning is five, the difference between existing 16 units and the 31 proposed units is five trips, there will be five more trips. Throughout the 24 hour period, there's only 67 more trips and these are below the thresholds under CEQA that constitute a significant impact.

Similarly we've looked at the age of the buildings that's been asked, these are older buildings, could they be historic? We had an environmental consultant and historic expert look at the buildings themselves and they aren't found to be historic. The other question that we got asked that we supplemented our report with was whether this could be part of a district and if there was a district and there's a question if there hasn't been one nominated yet, it would be required to be managed and nominated and put together by both cities and that's a very difficult district to put together but if it were, the buildings that are removed would not impact the ability for that district to be formed. There'd be over 75% of the buildings in a potential district left.

The question about this building and being a housing development and how it fits into the surrounding area, we have to look at the existing built environment and if you look here the building on the top left is across the corner on the Beverly Hill side, that's a multi-story development. If you look below that there's another multi-story development next to it and if you look behind the project across the alley, there's other multi-story developments in the City of Los Angeles. There's already existing change going on reflecting the need for housing and where this is zoned

and how it's being provided.

The building on the top right is the building that is directly across the subject property in the City of Beverly Hills. It has no modulation. It has not articulation, no design enhancement. The only improvements that that blank façade is fenestration, there are some windows there.

We think that we are going to be consistent with the surrounding area and we think we're actually going to do a better job. This is the street view that we were just talking about. I think the one thing that we didn't see was the existing buildings so if you look at the top view, that is the existing subject property with the street trees in front of it, in the middle you see the proposed building without the trees. We're doing that so that you can see what the building looks like, but we aren't going to be removing those trees. We understand that this is an existing area that we're trying to be as appropriate and provided development that will be a sensitive to this area as possible. The street trees will be retained. They will screen that upper floor.

In addition to the setback and modulation that happens, those mature jacaranda trees will stay. The other thing is that this is tree lots, they're being developed together and the benefit of having the alley on the rear in the City of Los Angeles is that we will not have to provide driveways in the front of the subject property, interrupt that landscape, take out those trees or put curve cuts in and remove the opportunities for guest parking. There's plenty of guest parking opportunities on the street and they're going to be retained.

You can see an example of the type of development that we're proposing. This is a recent project just south of the subject property. It's in the Los Angeles side and has similar zoning and development requirements but when you look at the finished project and the setback on the upper floor and it also retain because there's an alley, the existing street trees. We find that we have a development that will be suitable and will fit in with the built environment.

In that regard, this is a rendering that we showed to the actual review commission back in the 2013 here at the City of Beverly Hills before we filed at the City of Los Angeles. We wanted to make sure that we were proposing a development that was going to be successful that met the design intent, the zoning code intent and the needs of both cities. The architectural review commission all reviewed this project favorably. They had no major concerns, they made no major comments, it was a very good meeting.

They did ask for minor articulation refinements which we did. We changed some of the colors on the upper story to try to provide a little bit more relief for that portion of the building. We've changed some of the materials in the balconies and things of that nature to try to make it more suitable. But they look forward to our project returning and we look forward to this project being built. I would look forward to living in this project and I think that you have to think about the future

residents as well who will live in this building so with that I thank you for the opportunity to speak today, and if you have any questions, our team will be available when appropriate.

Alan Block: Commissioner Gordon?

Lori Gordon: Okay. The open space calculation for the Beverly Hills portion is that including the private balconies of the homes because I couldn't add up the numbers on the planning.

Matthew Hayden: The portions of the open space are located in each jurisdiction so there's portions that are in Beverly Hills and portions that are in LA but each side has the open space square footage that's needed for each jurisdiction.

Lori Gordon: Because I was trying ... maybe I just couldn't add it up but I couldn't add up the actual open space that's public. Is it including balconies, is it including ...

Matthew Hayden: Yes. There's a portion that is balconies, there's a portion that is courtyards and yards and then there's a portion that is lounge and gym so that is common indoor open space as well as the outdoor open space.

Lori Gordon: Okay. I understand that. Let's see, I'll ask you this question, is it proposed for guest to enter the parking lot?

Matthew Hayden: The parking in ingress and egress happens off the alley as I indicated. Guest that will arrive to the subject property, they will either know ahead of time that they're coming to visit and they'll make arrangement or when they get there, there will be an intercom system that they can buzz into the tenants that they're visiting so they can use the intercom system and that will allow them to come in and out.

Lori Gordon: While they're waiting to be allowed and that could cost a little bit of congestion in the alley if other residents are trying to come in

Matthew Hayden: There'll be a reservoir space between the security gate and the actual edge of the property to accommodate some on-site loading so it won't happen in the alley, and all the internal circulation maneuvering, the cars coming in and out will happen on site versus the existing parking spaces in the back of the property where they just back out into the alley so that won't happen anymore, it will happen on site.

Lori Gordon: Right, okay. You brought up the issue in the opening of your PowerPoint about the cost of living in terms of renting years or what the average income would be. Since you brought up the prices, what would the average price of these units be for the condominiums?

Matthew Hayden: We don't have a specific estimate just yet. We do know that they will reflect what the market conditions are when the project comes online, it's probably going to be an 18 month or so period to the time they're actually built from when they start

construction so it's hard to say. But there will be market rate prices. It's not an affordable project. This project is not taking advantage of AB2222.

We're not proposing more density. We're not proposing relief to the zoning code requirements, more height, less step backs, less parking. We're just trying to provide market rate housing and it will be a condominium building so it will allow new home ownership for the community. People can live here and own it.

Lori Gordon: Okay. The tenants that were living in the existing apartment buildings were relatively in sort of low-income kind of situation or something like that?

Matthew Hayden: They weren't all in low income situation. The units were subject to rank control in LA and you may speak about the rent situation in Beverly Hills but as tenants come and go, they're going to be brought up to market rates again every time there's a change over in the vacancy but all of those tenants were assisted to relocate and that has been completed in the last couple of months.

Lori Gordon: All the people that were in that building were assisted by the current owners to relocate?

Matthew Hayden: Yes.

Lori Gordon: Okay. Let's see here. Back to that question regarding the school fees, because as a parent or former parent of BHUSD students I understand the concept of the basic aid system and the fees actually go to actually fund the schools rather than the way it's generally done in the state.

Is there any provision or proposal to enable the schools to be properly funded if in fact all 31 units will be allowing their students to attend BHUSD schools?

Matthew Hayden: We haven't worked that part of the map recordation process out specifically to get those clearances from the involved agencies but we will be subject to fees if it's determined that there will be and we will have ...

Lori Gordon: I mean well, that's you but then we get to the property tax issue because annual property taxes have an assessment for the schools and I'm assuming that the property tax bill will have an assessment that is a portion based on where the unit is or what percentage of the building is in Beverly Hills towards Beverly Hills versus Los Angeles but that would not be a sufficient amount of funds to cover the basic aid cost of each student if all were allowed to attend our schools.

Matthew Hayden: I'm not exactly sure that either that something that the tax assessor would have to work out and it may be done in coordination with the school district if it's determined that all of the units are subject to that but that's something that we haven't specifically looked into just yet either.

Lori Gordon: But that is a consideration. Okay, all right, thank you.

Alan Block: Commissioner Craig Corman. Any comments, questions?

Craig Corman: Just one quick question. I mean in response to Commissioner Gordon's question, you said you don't really know how much you're going to be selling these units for. You're embarking on this, this project without a pro forma that gives you an idea of what you'd be looking for in a square foot basis once construction is finished.

Matthew Hayden: Sure. There is a pro forma, I just don't have that number readily available but I think we could get probably an estimate of that in ... if you need it from the team.

Craig Corman: No, I was just curious because I didn't understand it. It seemed odd to me.

Matthew Hayden: But I just can't specify exactly what the market conditions might be like. We're looking down the road into the future but they will be comparable with other units in the area. They're proposed as marked array units.

Craig Corman: All right. Thank you.

Matthew Hayden: Okay.

Alan Block: Vice Chair Joe Shooshani.

Joe Shooshani: Yes. Why is such a difference of 20 feet between the Beverly Hills side and the Los Angeles side?

Matthew Hayden: Twenty feet ...

Joe Shooshani: This height, the height. Our side is only 40 to 45 feet but if ... but the unit in the back goes up 20 feet. Basically, it's two story not one story up.

Matthew Hayden: Well, it goes up one story. Those are ... They have loft style units on the upper level but there's no height limit in the City of Los Angeles. The building is 45 feet in Beverly Hills compliant with the zoning code requirements but in the City of Los Angeles, there is unlimited height. In order to accommodate the number of units and the floor plans and layout that we're proposing, we have the bulk and mass of the building located at the back of the building away from the public right of way as far back as we can. That upper floor is set back approximately almost 44 feet.

Joe Shooshani: How do you ... Can you consider lowering it down so we get better modulations so that we have a ... The face of this building is Beverly Hills. People don't say that's Los Angeles. They see it as a Beverly Hills property. They look up and they see this massive bulk, right? Is there any way you can reduce that bulk down a little bit? Because who ... I mean, it's just a 20-foot high condo, I mean ...

Matthew Hayden: Well, as I said when we talked about this issue with the Architectural Review Commission, the suggestion was to try to deemphasize that portion of the building,

to consider a different color selection so we've changed the color there to try to deemphasize the bulk and the mass of that portion of the building. The other thing, as I say, it is set back almost 43 feet from the streets so when you're walking along the street, you won't see that additional height. It's beyond the way that you can view that portion of the building.

Craig Corman: Did you bring any elevations to show that?

Matthew Hayden: Do you have any elevations here?

Craig Corman: Just to be clear, when you say it's setback and make a big deal with that setback [4315 00:50:37] Street, it's only three feet back from beyond the city limit line?

Matthew Hayden: Right.

Craig Corman: Okay.

Matthew Hayden: That's almost the entire width of the street. I mean, it's a whole street dimension back. It's wider than the street.

Craig Corman: Right. At three feet beyond the city limits, that building shoots up from 40 to 60 feet.

Matthew Hayden: Correct.

Craig Corman: Okay. That's all I'm asking.

[crosstalk 00:50:58]

Matthew Hayden: Do you have the front part of the building [inaudible 00:51:14]?

[crosstalk 00:51:16]

Matthew Hayden: There ... if ...

David Snow: We'll just wait a moment for our quorum to come back. I'll hold up until they come back. Thank you.

Matthew Hayden: Can you go back to the elevation 2?

[crosstalk 00:51:45]

Alan Block: Excuse me. I thought that you were talking to your associates.

Matthew Hayden: Yes. We ... He's pointing out, if you look ... We'll look at that other exhibit again in a minute as well. If you look at the center of the building, there is some additional massing relief. It's not 60 feet for the entire portion of the roof line. If you look at

the center of the building, those portions are actually more like 50 feet. There is some, again, further modulation and break up of that roof line. If you now go to the side, you can see that parts of the building are only 50 feet and it's when you get back to ... further back to the portions that are in the City of Los Angeles and I'm just talking about trying to get some of those dimensions, we'll maybe get them for you, but that's where the additional height happens.

Joe Shooshani: I have another question. Does the elevator goes all the way to the loft or goes all the way to the roof or not? How many feet you're going to go over the roof so we got 60 feet from usually 15 more feet for the elevator. Where do you hide your elevator? Where is the elevator shaft? I can't find it.

Matthew Hayden: They are set back from the edge of the roof. There's a requirement for them to be set back a certain distance and ...

Alan Block: Are they shown in this elevation?

Matthew Hayden: I don't think ... They're not shown in that one, are they?

Lori Gordon: I have a question for him.

Alan Block: *[inaudible 00:53:14]*

Matthew Hayden: Yes.

Joe Shooshani: Actually, we're talking about 60 feet plus whatever the elevator is. We're talking about 75 feet high in some portion of the ...

[00:53:28]

Male: Let me jump in. I'm . First off, the elevator only goes to the fifth floor on the LA side. It doesn't go up to the loft level and there's an overrun usually from the fifth floor 12 feet up to the top of the elevator. We're probably looking at some ... it's under the 60-foot height.

Joe Shooshani: Okay. The elevator doesn't go to the loft area?

Male: No.

Lori Gordon: I have a question. This is the south elevation, is that looking on to the properties that are on Third Street? Is that that way?

Male: Yes.

Lori Gordon: Okay. What efforts have been made to mitigate the views into the properties that are on Third Street from all of these windows?

Matthew Hayden: The windows are as high as they can be to try to limit views and there will also be

landscape planting along that side property line to help provide privacy and separation.

Lori Gordon: But what about ...

Matthew Hayden: If you also can see in the middle of the building, there's a large courtyard area that has provided ... been provided there to again, break up the bulk and mass of that portion of the building. That façade, if you look in the center, that part of the building has been stepped back further away from the property line to try to provide privacy.

Lori Gordon: If you're in one of these units, it's on, say, the third, or the fourth, or the fifth floor and your window is a clear window looking out, you're looking right into the backyard, right into the property of these properties on Third Street, is that correct?

Matthew Hayden: Yes.

Lori Gordon: And there's been no effort made to mitigate that?

Matthew Hayden: Well, the other effort that we've provided is that we have greater setbacks than our required rate there on that part of the building.

Lori Gordon: But you can still see it. No matter what setbacks and whatever you can still see if someone is sitting in their backyard Sunday then you can watch them, is that correct?

Matthew Hayden: There may be views into the yards.

Lori Gordon: Okay.

Matthew Hayden: But we do ... Yes, we do have landscaping that will screen the views.

Lori Gordon: Well, it's not the four-five stories.

Matthew Hayden: No, the landscaping won't go up five stories but it will go up high enough so that when you're looking down in, you won't be able to look into the yards. You'll be looking over the landscaping to the top of the buildings.

Lori Gordon: You're saying you'd be able to look over the landscaping onto the street rather than into the backyards.

Matthew Hayden: Yes.

Lori Gordon: How tall are those trees going to be?

Matthew Hayden: I think they'll come in to be maybe 30, 40 feet.

Alan Block: I mean ... Staff, don't we have ...

Matthew Hayden: Fifteen or 20 feet.

Alan Block: Yeah. do we have a height limit on side yard landscaping?

Ryan Gohlich: For the portion that's located in Beverly Hills, we limit hedges to seven feet in height. However, individual trees, there is no height limit requirement.

Lori Gordon: Is there a landscape plan in here? I didn't see one.

Alan Block: Any other questions?

Matthew Hayden: The landscape plan's on there?

Alan Block: I have a question with regards the use of the alley. Are there any other projects pending that might make use of that alley as well?

Matthew Hayden: No, not that we're aware of.

Alan Block: Okay. The staff, are you familiar with any projects that might be pending that would use that alley?

Ryan Gohlich: We're not aware of any but anybody can submit an application at any time they'd like.

Alan Block: Yeah and ...

Joe Shooshani: Maybe it's not our concern but are you going to resurface the alley or not? It's still LA but I don't know if we have any preview.

Matthew Hayden: The Deputy Adviser Agency asked us to repair and replace the alley portions that are there.

Joe Shooshani: There's only one ... the entrance is from ... the alley is one Third Street, correct? The entrance ...

Matthew Hayden: Yes.

Joe Shooshani: They don't come to Beverly Hills. If somebody, egress and aggress would be from an alley to Third Street, correct?

Matthew Hayden: That's correct, yes.

Alan Block: Okay. Anybody else on your team want to speak right now?

Matthew Hayden: No, I think we're okay for now.

Alan Block: Okay. I will save you some time for rebuttal as well.

Matthew Hayden: Thank you. Appreciate it.

Alan Block: Now, I'm going to call ... I have Steve Mayer and I know that I have Steve Mayer ... is it [Castell 00:57:30], Steve Weinglass and Lionel Ephraim. I believe we've also given you their time so I will give you additional time to speak.

Please state your name and address for the record.

Steve Mayer: Good afternoon. My name is Steve Mayer Mayer, P.O. Box 16766 Beverly Hills 90209. I would like to highlight some of the major points of my memorandum to you. By means of introduction I was the appellant in both the appeals in the City of Los Angeles and the main litigant on the CEQA lawsuit. There are other members of the concerned citizens for Beverly Hills, Beverly Grove who will also be speaking today.

The purpose for the filing of the CEQA lawsuit were many but the main beneficiary would be the City of Beverly Hills and its citizens. If successful, the full rights of the city will be restored. As a part of the CEQA lawsuit, I'm heavily involved in the review of discovering materials. They are close to a thousand pages of application documents, City of Los Angeles documents, transcripts, et cetera, and over 900 pages of emails in the City of Los Angeles alone. I'm probably the most qualified person in the room to answer questions as to the specifics of the case and I will be more than happy to do so.

For the most part, this presentation will follow the sequence of the memorandum with one exception. Much of the focus will be upon trying to make ... about the findings. One of the other duties of the commission today is to reach its own conclusion on whether the Mitigated Negative Declaration has been prepared to your standards. We have found a major flaw which we'll identify later.

We start with the issue of parking. There are numerous issues of parking which some of you have already identified, others which many of the speakers I believe behind me will attest to. People are very, very concerned about the insufficient parking, especially on Friday night, the Sabbath. The memorandum also reminds you there's nothing that you can do say like in five years if the HOA decides to rent out those parking spaces in the City of Los Angeles. In fact, that is precisely what's occurring at an HOA for the condominium project directly across the alley from the subject property.

If we start with this one here.

Chris Hammond: I distribute this one?

Steve Mayer: Yes. What is being distributed to you are ...

Alan Block: Just please give them to the secretary. She'll distribute them. Thanks.

Steve Mayer: What is being distributed now are the final two pages of Attachment 3D, the Traffic Consultant's Report. I direct your attention to the bottom portion of p1. This is the floor plan of the parking. You will see that there are 11 standard parking spaces denoted for the City of Beverly Hills but how many spaces are there in total? You see three compact spaces on each floor between the pages of 1 and 2, there are 22 parking spaces at the City of Beverly Hills but there are also six compact spaces for the City of Los Angeles.

If the project was only being built in Los Angeles it could not be approved because there'd be insufficient parking but the issue here is the fact that it was deliberately hidden by the City of Los Angeles from someone else. It can be argued that the owner has the right to use the land in Beverly Hills to meet their requirements in the City of Los Angeles. By law, it may not be permitted but that's nonetheless what happened here flies in the face of what the commission ... what this commission is for. Permission must be asked of you and all it would have taken was one sentence but that didn't happen.

There's no footnote on p1, instead it shows 60 spaces in Los Angeles, 22 in Beverly Hills. The assumption is ... Well, I think you get it as Dr. ... and Mr. Shooshani is already nodding. All throughout the packet it says 22 space in Beverly Hills and 60 in Los Angeles. On that basis, the project cannot meet the first two findings of the tentative tract map.

The next issue is traffic. There are two issues here. One, the first issue is the trip generation analysis. There's a dispute in the unit of measure chosen by the consultant and the consultant chose to use a number of units. As an alternative, the unit of measure could be the total number of residents in the project. The difference in the results are staggering. The number of total daily trips increases by 237% and p.m. peak trips increased by 325% by just using residents instead of dwelling units.

The second issue is the new projects that are approved, planned and/or projected. There is a new apartment building at the corner of Alden-Doheny that has been approved, that is in the permit process that will increase the LA traffic from eight vehicles to 88 vehicles directly same alley, same condition.

Alan Block: Can you describe where that is?

Steve Mayer: It's at the southwest corner of Alden and Doheny. The alley fronts or it is used by Oakhurst and also Doheny. It is at the other end of the block on Alden.

Alan Block: *[inaudible 01:04:51]*

Steve Mayer: Yes.

Alan Block: Okay, go ahead.

Steve Mayer: They were approved. They're going to be constructing, I believe, 35 units, apartment units.

Lori Gordon: They're constructing those and that is something that's going to be using the alley as well.

Steve Mayer: That's right.

Lori Gordon: Okay.

Steve Mayer: There is the other two projects that are planned and/or projected that will increase ingress and egress on West Third by over 500%. Just on the alley alone, the number of cars would be increased by 650%. The biggest concern as Commissioner Gordon made reference to is the project at the post office renovation. What was approved was the potential for 880 creative office employees. If only a quarter of those accessed West Third, there will be resultant gridlock. On that basis, a full study is needed not a disputed trip generation analysis. On that basis, finding for of the development plan where you cannot be made as traffic [inaudible 01:04:26] also finding for the tentative tract map relating to the density.

The next issue is the neighborhood. The neighborhood has been defined for you as both sides of Oakhurst between Beverly Boulevard and Burton Way. The neighborhood that local stakeholders believe that in fact the neighborhood is only both sides of Oakhurst between West Third and Alden because there's such a tremendous difference between West Third and Alden, it's basically two stories. The other two blocks are far more height. It's not the same thing, not the same character. It means that the draft resolutions in Section B Paragraph 2 is incorrect because it cites many other properties.

We believe that Land Use 1 states the policy and goals maintain and enhance the character distribution, built and form and scale and aesthetic qualities of the city's distinctive residential neighborhood. We believe this neighborhood just in that specific area is very distinctive and therefore, finding of the development plan review cannot be made.

The next issue is lead agency. There is misinformation in the Planning Commission report stating the City of Los Angeles had to be a lead agency. That is simply not correct. The City of Beverly Hills ceded its right as lead ... to be lead agency. They could be lead agency, they could have controlled virtually every aspect of this project and then the approval would have been in the City of Los Angeles. You basically have no control over anything which happens in Los Angeles. They can do anything which they want and there's nothing you can do to stop it. Again, going back to the purpose of the CEQA lawsuit, the opportunity is to have Beverly Hills be

the lead agency again.

There was an example of when the Applicant boarded the windows when tenants were still living in the property last December. The City of Beverly Hills could not force the applicant to take down the boards of the Los Angeles portions of the property, he did so voluntarily but there is no control.

In terms of the public review, there has been misinformation in the Planning Commission report stating the City of Los Angeles as whose participation in the process. There are three periods of public review. City of Beverly Hills only participated in the last one. Before, they allowed everything to go through. Matter of fact, the city that did not awaken until ... for the third review until a citizen raised issues to the mayor regarding the historical significance. Only then did the city respond and assigned a very capable staff, Shena Rojemann who held the City of Los Angeles' feet to the fire. Only after she left in August 2014, the project just slipped in the abyss. Under Shena in June 14th, she had requested an EIR on the historical basis. There's an entirely separate section on that.

Commissioner Gordon asked about public services and specifically at school district. The way it works is that each district has to provide a release. That release is then provided to the county assessor who then makes the proper adjustment. There's no guarantee of a release on either side. There is an existing court case that would permit students in Los Angeles but it's not really clear and who knows which way that court case is going but it still comes down to each individual condominium unit, its own unit, its own property. The building itself cannot pay fees. It's only the condominium owner unit.

In terms of sustainability, Dr. Woody Clark will be addressing sustainability and what he'll speak to will demonstrate that finding eight of the tentative tract map cannot be made. In terms of the general plan, Robert Block will address selected elements of the general plan. Staff states there are four goals and policies, if you can distribute that one, which should be ... to make its case that it meets general planning requirements. We contend that there are 10 goals and policies that show exactly the opposite.

There are a number of mischaracterizations in the Planning Commission report, the special city council meeting, the central area planning commission, the historic resource. The last mischaracterization is actually critical to the entire case. The city contends that it did its duty in hiring a historic resources group. What you're not told is the HRG produced a memo and not a historical report and that ... which was the minimum standard which the City of Beverly ... the City of Los Angeles required. That memo was so derided in both appeals that it was embarrassing that the City of Beverly Hills had failed so miserably to understand what LA needed.

It is important to note that the city also got snookered when the out ... when the same was not provided with a second historical report in December. The city was sandbagged or felt it was when the determination letter was issued on February

3rd. There was no interaction between the City of Beverly Hills and the City of Los Angeles. They never received a draft determination letter. It was just "This is what's going to happen. You're stuck with it."

Relative to the historic aspect, it's very important to note that the prestigious LA Conservancy, the most effective defenders in the United States, believes in these properties. We have a representative who will be speaking to that. They concur that it can be a potential historic district and they believe that such properties are worth saving. The reason we have not pursued the historic district designation is because of cost. We're having to spend the money on the CEQA lawsuit. We don't have money for both.

Also, in the City of Beverly Hills, the Architect Edith Northman will be considered as a master architect in the historic preservation meeting in November. Another element which there was is the City of Los Angeles said that the architect was not noteworthy but in fact, they didn't even look in their own department files to see that she was mentioned to be a very prominent residential architect.

At the beginning of this presentation I said that one of the other duties of the commission today is to reach its own conclusion on whether the Mitigated Negative Dec has been prepared to your standards. I indicated there's major flaw and it's a very simple one, if you would. The applicant's historical consultant, Kaplan Chen Kaplan, is not qualified to work in the city for this type of work. If the MND was prepared in this city and the applicant had used Kaplan Chen Kaplan, the MND would be rejected. This was confirmed in the special city council meeting in February 12th where our Councilman Willie Brien asked, "Do we, as a city, use Kaplan Chen Kaplan for any of our reviews?" Ryan Gohlich Gohlich responded, "I would defer that question to our urban designer." Council Brien asked Bill Crouch, "Are they on the list?" Bill Crouch responded, "No."

There are three categories of historical preservation consultants. The first is Historic Preservation Planning as you can see from your list. KCK is not on the list. They're on the second list of the historic architecture and the third for archeology. Some consultants are listed in all three categories. Some are on two, some are only one. This is a parallel as to who can be an expert in a trial. If they're not a court qualified expert, they are not qualified ... considered to meet the standards of an expert.

KCK never applied to be a historic preservation planning consultant as you see in your list in the City of Beverly Hills. They applied for one category and not for two. The determination letter and MND falls down because the expert is not qualified in Beverly Hills. The report will not be considered sufficient in Beverly Hills for an MND or an EIR. What you must do is to reject the MND because it is flawed. You must vote that you cannot make the findings. If the applicant asked for a continuance, quite frankly ... well, I was going to say he doesn't deserve one but if you do, specify that the contingents must continue until after the CEQA lawsuit is fully resolved. Thank you.

Alan Block: Commissioner Gordon, any questions for Mr. Mayer?

Lori Gordon: I think I have one but I've lost it. None sir.

Alan Block: Okay. Commissioner Craig Corman?

Craig Corman: Yeah. Brief question. Mr. Mayer, I think a lot of your comments you just made are mirrored in the lengthy memo that you provided us previously and I just want to ask you, did you show all the information or provide all these information that's in your memo to the City of Los Angeles before they finalized their MND?

Steve Mayer: Yes, almost ... well, most all. I did three extensive memos and they basically ignored it. They specifically said in their staff report that it was irrelevant.

Craig Corman: All right. Thank you.

Alan Block: Vice chair Joe Shooshani?

Joe Shooshani: Where do you live in this area? Do you live in that street or?

Steve Mayer: I live a stone's throw away. I'm actually within the City of Los Angeles but where I've become interested was [Joseph Syseskey] who lives on one of the small houses next to your hairdresser is an 86-year-old resident who basically needs a voice. The issues of privacy are very important to him. All the elements, he just wants to live his life in peace. He suffers from COPD, asthma, congestive heart failure. He considers that the mitigated measures not only in Beverly Hills but also in Los Angeles are insufficient for him as well as the next door neighbor who has a 4-year-old daughter.

Alan Block: Good.

Lori Gordon: I too have one question. This group, I forgot the name of the group that you represent, but what would be your desire in this ... besides us not making the findings, what do you think this property would be best used for? What does your group feel the property should be best used as?

Steve Mayer: Well, we have proposed a condo conversion but the problem ... and we've waived the parking requirement but the problem is, is that this is a project which is the developer probably has to sell them in the range of a million and a half right now. The condo conversions may only be in the range of 500 to 750. There's a big difference right off the bat. If there are ... Basically, as we see it is, is that the developer overpaid. There's nothing we can do about this. We're just at an impasse. You're asking before about what the apartment owners or, excuse me, the apartment dwellers. They range from in their 30s to ... 30s and 40s. They're paying less than 2,000 a month. It is a unique quality of life experience and instead what you're going to be turning it into are condos where at the minimum it's going

to be five grand a month just for the mortgage.

Lori Gordon: Are you prepared if there's an impasse and this for some reason does not go through, are you prepared for those buildings to be vacant or torn down? I don't know what the city would be requiring of it but it's perhaps tearing them down and fencing it off or something. I don't know what is ...

Steve Mayer: We think that they can be reoccupied, number one, because they haven't been out of service for a year which is one of the defining requirements. Also in terms of being able to meet the ... put them up to code, it's not going to take that much, at least in terms of apartments.

Alan Block: Commissioner Joe Shooshani?

Joe Shooshani: No.

Alan Block: Your memo was dated October 5th, your 47-page memo. Did you discuss any of the items that are delineated in the memo regarding the general plan with staff? This was originally ...

Steve Mayer: Staff had said that they had ... Andre had said he had received the same memos which are provided to the City of Los Angeles.

Alan Block: Oh and so the October 5th memo was fairly similar to that? To the earlier one?

Steve Mayer: Well, the ... It was three separate memos and hopefully, he ... Unfortunately, as we both know when you see something like 46 pages, it's going to be impossible to read and I don't know exactly how much he reviewed of the materials which I have provided before. He also said that he had gone through all of the appeal materials which also included copies of the memos as well as other information.

Alan Block: Okay. Thank you. We're going to take a 10-minute break and then we will go with public comments ... continue with public comments with Dr. Clark.

Okay. We're going to reopen the meeting. I will call Mr. ... Dr. Clark, Woody Clark. Everybody's time will now be limited to three minutes. I'm going to ask staff to keep the time here and when you see the red light flash then your times will be up and then I will give the applicant time for rebuttal at the end. Dr. Clark.

Woodrow Clark: There, thanks. Okay.

Alan Block: Please state your name and address.

Woodrow Clark: Yes. I'm Dr. Woodrow W. Clark II and I live at 321 North Oakhurst, roughly half a block from and across the street from this discussion today. I should also point out my training and background is so that I refer to myself as a qualitative economist and that's because I like to ask questions about numbers and examples and that

sort of thing and there are a few of you here who I see every once in a while in different places around the city. I know that we have a couple of lawyers in the group and yes, I had a year of law school so I'm trained a little bit to ask questions in wanting the meaning of numbers.

I'm here though specifically to bring up something I have talked about to this group I think about month ago having to do with Beverly Hills sustainability city plan which I think you all have copies or seen. This plan was adapted by the city council in February 18th 2009. I'm here because I want to be positive about what our solutions are and what we can do about this particular situation at 332 and 336 North Oakhurst. I say that because I firmly believe that the City of Beverly Hills can be and should be a leader in this area, not a follower. I have got ... I can go on and on about having attended some of the meetings with the LA Planning Commission. They call it the Central Planning Commission.

The misinformation that was given repeatedly by the members of that staff, we're giving them a report, but I can say to you when they voted two to one, not 20 to one or 16 to one, two to one to accept the moving ahead with their project on North Oakhurst. What was interesting about it was one of the members said the only thing she voted against the proposal, she said, "We don't want Los Angeles to be," as Mayor Garcetti said, "the elephant in the room." That's what we are hearing this afternoon so far and that's what I have problems with.

Getting to ... to get very specific, I want to say that there are other people here I think who are going to talk about other regions in Beverly Hills, other neighborhoods. I didn't know, you've heard some samples of that like Loma Linda. You've also heard about lots 11 and 12 along Santa Monica Boulevard. The story goes on and on. We are seeing a pattern here in Beverly Hills and we have to do something about it in a positive way. The sustainability plan for the city has got to be put together and enacted.

I had Mayor Julian Gold do one of his meetings to meet the Mayor in the building next to mine which is 325 North Oakhurst. We're in the corner of Third and ... North Oakhurst and Third and he brought this up because in a sense what he was saying is that the idea of sustainability in doing something about it for Beverly Hills is something that we need to do and enact. We can do the plans, the numbers and the other areas of it. I believe that that's something that this commission should be involved in but not alone. Again, Mayor Gold made that point. There are other commissions in this city that should be involved, Public Works, Traffic and Transportation, Parking and others. In other words, this is something that's a community area and a very strong importance.

I should mention too that I'm on the board of the Muni League and the Muni League verifies I had a call before this meeting today from Thomas White who's the chair of the Muni League and he wanted me to echo the fact that the Muni League is in support of opposing this particular project because of the reasons that were already stated earlier. I should also mention that a colleague of mine because I'm

now the chairman of the United Nations Association of Beverly Hills and I chair that new organizations here in Beverly Hills because one of our key areas of concern is sustainability, and that's one of the things that I see the United Nations doing and it's a very important issue here in Beverly Hills.

Finally, I want to bring up something that's extremely important. The value of historical buildings makes the community go up. I can go on and on about this. When I lived in Northern California for 25 years, I worked with *[inaudible 01:22:33]* up there and I can tell you right now that we see the same sort of thing going on in Los Angeles with Broadway, the Orpheum and others and here in Beverly Hills with the Saban Theater and the Fine Arts Theater. These are examples of things that people want to see and be a part of in Beverly Hills. For us to see these buildings torn down and destroyed is a crime frankly and it's one against all of us and our future and our children and our grandchildren.

I urge you not to accept this proposal from this organization and to proceed on a more positive way of looking how Beverly Hills can be sustainable. Thank you.

Do I get questions?

Alan Block: Any questions? Thank you.

Woodrow Clark: Oh, okay.

Alan Block: Robert Block. Somebody I share two names with.

Robert Block: Could I say Chairman Alan Block a couple of times because it feels so good?

Alan Block: Yes, absolutely.

Robert Block: My name is Robert Block. I live at 339 North Oakhurst Drive and I ... Can I? That's just a diagram of the landscape of the neighborhood we're talking about.

Alan Block: Can you speak in the microphone, Robert Block?

Robert Block: Oh, I'm sorry. How is that? Better? Okay. For the past 10 years I've been a property manager and real estate sales and leasing agent in Beverly Hills. I work for two gentlemen whose combined portfolio comprises of over 70 buildings in the Greater Los Angeles area so I am pro building, I am pro-development. The reason I'm here is simply because this particular project fails to meet the most basic tenant of all residential building in this city. It fails to comply, excuse me, to conform with the streetscape.

Now, it's important to note that the neighborhood we're talking about is from Third to Alden. It doesn't include Mexico to Canada as the applicant would like you to believe. It's a very narrow area consisting of 90% two-story structures and most of them vintage buildings with plenty of space and plenty of area. In fact, at the Team

Beverly Hills orientation meeting it was spelled out that what we want this city to represent is to be suburban lifestyle within an urban environment and this neighborhood, if you look at that diagram, is exactly that. Bottom line, this building doesn't fit.

It is totally incompatible with anything, any measurement that you want to make. Size, scope, density, whatever, it simply doesn't fit. It doesn't belong. I was thinking of the late Johnnie Cochran and paraphrasing him and it's simply this, "If it doesn't fit, it shouldn't be built." Thank you.

Alan Block: Thank you. Chris Hammond.

Chris Hammond: Good afternoon.

Alan Block: Can you please state your name and ...

Chris Hammond: Yes, sorry. My name is Christopher Hammond. I'm a resident at 347 North Oakhurst Drive. I'm just a little bit north and across the street. I'm here to discuss parking. There's two points, basically, actually, I'd like to start with. I take a little bit of issue with the guest parking access that was discussed previously because I ... just on a personal note the guest parking goes through the back, you have a security and essentially either guests will be given security codes to park there or someone has to be there to let them in or like most of us would do, because the front door's on the front, you just park on Oakhurst.

The points that I originally wanted to talk about is this. It's upsetting that as a Beverly Hills resident I cannot get an overnight parking permit but according to page 11 of the Planning Commission report there are now 24 Los Angeles residents that can apply for that but it's really point number two which is what I'm more irate about and that is the same Los Angeles residents again, also according to this same report, also qualify for temporary overnight parking permits which are unrestricted use. All the Los ... all any of these Los Angeles residents need to do because they're now accorded this is to call in, provide their name, their address and the vehicle information and each unit is allowed 14 overnight permits per month per unit every month 12 months a year.

On a block where residents already complained about the parking and for the frame of reference that 14 spots is roughly half of our block. Our block gets about 30 cars on there.

Furthermore, the part that troubles me is that the same 24 Los Angeles units are also allowed up to three daily exemptions. You know the little parking hangers that you see hanging on people's rear view mirrors, the only restriction ... and they can have up to three of those per unit. That's 72 annual permits with the only restriction being that they couldn't park between 2:30 and 5 a.m. Now I'm also guilty because I have one of those two for my guest but if I'm coming home and I don't think I want to be there that long I'll just throw it up there and I'll park on the

street.

Now I've got a lot more people and I'm at least polite about it. I don't do it if it's really busy but my point being is that there's a lot more people, Los Angeles people, that are going to be clogging up the street that is already as you ... as Commissioner Gordon noted, it's busy. It's packed. I find that unacceptable and I hope that the commission finds it unacceptable too and I do urge you to vote no today.

Alan Block: Thank you.

Chris Hammond: Thank you.

Alan Block: Jamie Hall Hall. Please state your name and address, Mr. Hall.

Jamie Hall: Sure. My name is Jamie Hall. I'm an attorney with Channel Law Group and my office is located at 8200 Wilshire Boulevard Suite 300 Beverly Hills, California. I'm here today representing the Concerned Citizens of Beverly Hills/Beverly Grove, the group that was formed to challenge the city of LA's approval of the project for noncompliance with the California Environmental Quality Act. My comments today will be brief. I'd like to first reiterate what has previously been mentioned in this hearing and that is that this project is currently in litigation.

After the city of LA approved the project and refused to conduct an environmental impact report as requested by the City of Beverly Hills, litigation ensued. The essence of the lawsuit is that the City of Los Angeles failed to meaningfully analyze and mitigate the environmental impacts that were raised by my client. One of the primary issues that was raised in our case was the historical status of the properties. Trial is currently set for June 10th.

The second and final thing that I'd like to raise is the fact that the City of Beverly Hills, notwithstanding the fact that the city is determined to be the lead agency under CEQA retains the right to deny the permit that is requested by the applicant and you retain a tremendous amount of discretion to analyze whether or not the project complies with all of the applicable city laws including but not limited to compliance with the general plan and the city's zoning code. While there may be issues that overlap, the city retains the ability to conclude that the project does not comply with city law.

The bottom line is that you have exercise to ... the legal right to exercise tremendous discretion in this situation so don't feel like that you're hamstrung to make a decision to approve this project simply on CEQA grounds. One final thing, to the extent that the Planning Commission did decide to approve this project and we would certainly hope you do not make that decision, we'd ask that you include a condition of approval that automatically invalidates the approval in the event that we are successful in court and the City of Los Angeles is required to undertake an environmental impact report that ... as was requested by the City of Beverly Hills.

Thank you for your time.

Alan Block: Thank you, Mr. Hall. Any questions? Philip? Is it Blustein?

Philip: Blustein.

Alan Block: Blustein.

Philip: Thank you. I'm Philip Blustein. I own the property at 337 North Oakhurst directly across the street from the project. To echo the guest parking, I think it's only human nature that if there's two-hour street parking you're going to park there. You're not going to go through the alley and push a buzzer on intercom or ... to get in that way. If the project is approved which I'm against, I think ... I don't know if it's in the Planning Commission's purview but I would recommend that all two-hour parking be eliminated and make it a permit parking 24/7 as many streets in Beverly Hills are.

The PowerPoint presentation said there's only going to be five more trips and I don't know why the staff took up the applicant's boundaries of Burton Way on the south and Beverly Boulevard on the north. The boundaries as stated are Third Street on the south and Alden on the north and as was stated there's a new project on Alden and Doheny, which is going to affect ingress and egress in the alley on the north end. On the south end, all you have to do is go look at Third Street and the traffic on Third Street. You don't have to take the PowerPoint presentation as word for, you don't have to take my word for it. Go out and stand on Third Street and look at the eastbound traffic at rush hour. It backs up from Doheny, past of Oakhurst, all the way to Palm and Maple. With more ... with 24 or with plus 40 more units, you'll see that there's going to be a lot more trouble with ingress and egress from Third Street.

As for the math, Vice Chair Joe Shooshani asked staff how many units are going to be lost and how many units ... what's the net? Well, they were a little befuddled by that but it came out that 17 rental units will be lost, that's definite. Staff said there will be a net gain. I don't see how there could be a net gain if seven of the units are going to be in ... only seven are going to be in Beverly Hills and 24 in LA. The issue of schools was addressed but I didn't hear anybody address whether the 24 units which are going to have a Beverly Hills address are going to be considered Beverly Hills or are they going to be considered Beverly Hills post office, just as the streets up north.

Are these people 24 years are going to be able to vote in Beverly Hills? Are they going to be Beverly Hills citizens or are they going to be LA citizens? We don't know but we know that 17 rental units are going to be lost. That's definite.

Alan Block: Thank you.

Philip: Thank you.

Alan Block: Marcello Vavala.

Marcello Vavala: Good afternoon, Commissioners. Marcello Vavala with the Los Angeles Conservancy. Although the MND was approved by the City of Los Angeles, we believe it is significantly flawed in support of the lawsuit but it's challenging the MND for noncompliance with CEQA. The structures at 332-336 Oakhurst Drive have been identified as potential historic resources as part of a small and 100% intact potential historic district. Recent survey work conducted as part of a city-wide survey for the City of Beverly Hills by the city's own consultant, Historic Resources Group, identified North Oakhurst Drive as a National California Register eligible historic district. As proposed, the project would have a significant impact with the demolition of these potential historic resources. When there is a significant adverse impact like this, CEQA requires the preparation of an EIR, in this case in consideration of preservation alternatives.

The City of Beverly Hills planning staff acknowledged the potential historic district. In a letter submitted to Los Angeles planning staff dated June 11th 2014. Beverly Hills planning staff requested that the lead agency prepare an EIR to fully assess and disclose the project's impacts referencing CEQA guidelines section 21080D that if there is substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment, an EIR shall be prepared.

Without question this project will jeopardize the potential eligibility of this historic district in the future. The basic facts are the proposed project will demolish potential historic resources and that's a result in significant impacts of a historic district requiring an EIR in consideration of alternatives. Because these environmental impacts cannot be mitigated through the project before you as currently evaluated, we strongly urge the commission to deny the project. Thank you.

Alan Block: Thank you. Oliver Mateen.

Oliver: Hello everyone. I'm ...

Alan Block: Please state your name and address for the record.

Oliver: My name is Olive Mateen. I actually live on 1730 Sawtelle Boulevard Los Angeles, California. I'm here by coincidence. The developer of this project, proposed project actually developed the condominium building that I live in today and I had no intentions of speaking here today but I just thought that I should because maybe I have some input to provide. I live in an area where predominantly there are rental units and single family homes and by this developer coming in there, I benefited tremendously as I was able to acquire a condominium for myself and I am very close to my place of work.

Now, in a place like Beverly Hills where there is significant demand for new product and there's not enough, it makes sense for this developer to build this project and it only provides more new quality product for people with quality talents to move into this area and only be in positive light for the city. I can also say that his quality of work is there. I have no issues with my unit or the building and it's almost now seven years old. They also just built another project adjacent to the lot of my building and my unit actually faces the new project and they were extremely respectful to keep the area clean and reduce noise and keep the area clear. I just thought I should give my input and while I do respect both sides here, that's just how I feel in this case.

Alan Block: All right. Thank you.

Oliver: Thanks.

Alan Block: Sarah ... is it Blanchard? Did I pronounce it correctly?

Sarah Blanchard: Yes, Blanchard.

Alan Block: Blanchard.

Sarah Blanchard: Hi. I had no intention to be speaking here either. I live at 342 North Oakhurst Drive and I live in Beverly Hills and I have my own entrance, so right there. There were some observations and some comments made that living where I live, I've seen you know a lot in the neighborhood in the last five years. One is that the Four Seasons causes enormous parking problems on our street. People come here all the time on Fridays, afternoons, Thursday, Friday, it's packed. There's never a place which is what you referred to when you were speaking.

The other thing is at the Four Seasons, nobody's discussed the fact that two blocks away, maybe three now, they're building a huge condo project too. We have Alden and we have that. Oakhurst is a huge cut-through street. I'm sure you all have noticed that. Palm, Oakhurst, everybody drives on that street already so it's a very, very busy street. Third is fairly backed up and the area has a lot of traffic. I mean, again I don't think this is new news. There were a couple of other points I just wrote down that I just wanted to review.

Condo conversions, we have seen in West Hollywood condo conversions where they take old buildings, convert them and the prices they're selling for actually pretty high. Sometimes it's high as their *[inaudible 01:40:03]* but they're very well done, they're converted very respectfully because a lot of people want to live in old buildings and that's somebody ... When you take an old building and convert it and make it elegant, then I think it is very viable and you can use the historical aspect and the fact that this is a very well-known female architect becoming more well known, you can use that to sell the buildings and you can get good prices. I just want to add that to the mix.

The other thing, nobody has addressed the fact with the police or the fire department. I have never seen the LA Police or Fire Department come to our street. It's always Beverly Hills. They come at all times and day or night, whatever happens the police are very Johnny on the spot for the people in the neighborhood. We're very appreciative but I don't see how I think that will continue and if you add more bodies there'll be a lot more problems and they're probably overworked as it is but that was just something I've noticed as well.

There's also a building, two buildings to the right of our building that are being emptied out a little bit and it's ... I'm getting the feeling that somebody wants to ... they're gorgeous buildings but that somebody may want to construct on that side as well. Then you have two people constructing this little block area and these are absolutely stunning historical buildings and I think they've come to you before to move them into actually being ordained historic. That was just one other thing and then I apologize.

I think that's really, that's all I just wanted to address from the things I heard. I mean I realize that having more condominiums will bring in more money but since it doesn't have that much to Beverly Hills, I think you would be just as happy having less construction, less traffic, less use of the schools, the police and also keeping in mind all the other projects that are being considered. That's all I have to say.

Alan Block: Thank you.

Sarah Blanchard: Thank you.

Alan Block: Jennifer Morgan. I want to welcome you to councilperson [inaudible 01:42:22].

Jennifer Morgan: Thank you. I'm Jennifer Morgan. I'm with United Nations Association in Beverly Hills and I lived for many years in Beverly Hills in the '80s and the '90s. I moved to San Diego and recently moved back, had been up in Northern California and recently moved back to take care of my mother. Beverly Hills reminds me of San Francisco when I was growing up. People flocked to put new buildings in and we were sort of the radical kids on the block and we fought to save them. Today, San Francisco's so unique because we fought and saved those old buildings and those beautiful Victorians. We painted them four and five different colors and everybody thought oh God, those are just hippie kids out there.

Today, they make a statement and I think that the charm of Beverly Hills are old buildings, it's the little neighborhoods, it's ... I know what Los Angeles is like, I know what their building department does because I'm friends with some of the women that fought with the Millennium Building going up and doing a lot of work with the building department. Beverly Hills is not Los Angeles and to allow three wonderful historical buildings to be lost is a real shame, to change the character of a neighborhood.

I am ever grateful that a gang of us stood up and when we did in the '70s, '60s, late '60s and then '70s and '80s in San Francisco and said no, you're not going to tear down these buildings and I hope that you would consider that here because it truly is a charming city. Thank you for hearing me.

Alan Block: Thank you. I believe that's the last public speaker slip that I have. I'm going to ask the applicant if he wants to have any time for rebuttal.

Ellia Thompson: Good afternoon, for the record my name is Ellia Thompson. I'm with the law firm of Sklar Kirsh and I'm the land use attorney for the applicant.

To be clear because there have been a number of comments thrown out there in the last hour or so, I want to be clear on a couple of points. Number one, these buildings are not historical. They are simply old. They are not in a ... they are in a state of disrepair. Our client bought them in the last year or so. They have not been properly maintained. This notion that we could simply slap some paint on them and do a simple little condo conversion is frankly baseless and ludicrous. These buildings are not to code for all of the reasons that were discussed by Mr. Vice Chair Joe Shooshani previously regarding what's code compliant, what's green building, ADA accessible, all of the things that we now have in our lives that help us live better lives and make buildings more habitable, none of these buildings have it.

Quite frankly, there's no way that we could convert these buildings in a manner that would salvage them and make them code compliant, ADA accessible and all of the other things that we want our buildings to have. Safety for fire and earth quake and so forth. I also want to put forth on the record because I personally had a significant amount of knowledge and input in the process for the City of Los Angeles, to be clear there's 17 units on, we are doing 31 units so that's a difference of 14 units. Currently, there are 17 parking spaces for 17 units. We are proposing 82 parking spaces. This is a net gain of 14 new units with 65 new parking spaces. A significant portion of the congestion that you're finding right now on the streets is because this particular project hasn't had any kind of adequate parking as well as a lot of the other older buildings. Newer buildings have significantly more parking.

We are going to be helping or alleviating the parking issues, not hurting them and as far as where guests will park, you're right, there's no actual enforcement as to where a guest would park, certainly where a pizza delivery man may park if he's got 10 minutes in and out the building. I, personally, if I'm having some friends over for dinner or if my mother is visiting me for a week she's going to park inside the building. I'm going to go down, I'm going to let her, I'm going to let my guest in and they're going to park inside the building. As far as the history of the kind of in-depth analysis that we did to ensure that we had a very strong legally sustainable document is we hired Pam O'Connor who is sitting right here with Kaplan Chen Kaplan.

I want to also take one second. She ... There was ridiculous allegation about just because she was on the city's recommended list that perhaps her work was sub

par. I want to be very clear. The National Park Service Secretary of Interior's qualifications for architectural historians, that's the standard that's used by nearly every city and state in this country. Pam O'Connor and her team meet all of those requirements and they've worked in Beverly Hills on many other projects. She's highly qualified, so much so that when I went and met with Councilman Paul Koretz who I think we all know. We all know he's very conservative. He takes his time in seriously considering the issues in front of him, especially when they deal with potentially historic structures.

I met with him on two occasions. He looked at this 65-page report that was incredibly in depth, very detailed, going through every single aspect one would go through in determining whether or not a building is actually historic and he read it and he asked very lengthy, significant questions and at the end of the day, he agreed with us that this call for an EIR that every opponent in the city and the state of California raises up the call for an EIR, we would not have produced any more information as to the historical issues if we did an EIR versus the 65 pages to work research report that we did along with an MND, along with a traffic study which was just to determine the additional 14 units on this project site.

I just wanted to lay that out. Matthew Hayden had a couple of other things to discuss and I really also want to say that the planning department has done an enormous amount of work and any sort of allegation that the report was incomplete or was misleading or it wasn't clear, I think they've done an amazing job in making this very clear. I don't say that in a moment of shining towards anybody. I say that because they've quite frankly put us through heck and they've done a great job, so thank you.

Matthew Hayden: Thank you I'll just make a few other final comments in regard to the review of the traffic, the other environmental consideration. There has been a study that was done and it was below the threshold of significance that's why there wasn't any further traffic study that was required. These properties are zoned for multi-family residential developments and there's a certain amount of growth that's already built into the existing zoning and they comply with the zoning and the traffic is not going to be an impact.

One final point of clarification on the height that you're asking about. I think we are talking about that the height was a 20-foot difference in the front. The Beverly Hills portion of the building is 45 feet and the LA portion is 60 so it's only 15 feet that are different. As we were discussing, there are portions that are down at 50 feet so there is articulation in the roof.

We understand that there is concern. We understand that there is change that is happening here and we don't want to be insensitive to it. There's a lot of people that are here today and hearing some of the comments and some of the questions from the commissioners and having a chance to discuss these things during the break, we just wanted to propose a few other things that we will possibly do as part of this development. One of the things that the applicant would be willing to

do is to improve the entire alley, not just his half but the entire alley all way out to the access to the public street. We would replace and improve the existing alley condition to make it more appropriate.

In terms of the properties that are next door and the landscaping that we're proposing we will be willing to put in taller plant materials that would reach 30 or 40 feet in height if that were required. When you look at the buildings next door, there are single family houses and they take up a lot of ... they're very small lots, they're only about 50 feet deep. The actual buildings take up a lot of the lots. There's not a lot of backyard there. The materials that we had in there, that 15 feet theoretically would provide the screening of the backyard but we would be willing to install more mature, more substantial landscaping along that yard to address those issues.

I think the final thing that we would suggest and would consider is the applicant has a lot of experience doing development. They do a very good job with the projects and managing them with construction. One of the things that I would say that the applicant would do would be to put a full barrier around the property, a dust and noise barrier, when they're in construction to help mitigate some of the construction impacts that are going to be created when this development comes in.

Was there anything else you wanted to add on construction?

Just really quickly, here's a picture of one that we have done. This is a picture of a construction barrier that we've put around the property as well. I don't have that in paper but I can submit it.

Ellia Thompson:

There were just two last things I wanted to approach from a legal standpoint. Number one, this idea that you would include a condition that any approval would automatically be invalidated if the case is struck down by the judge or returned to the City of Los Angeles. It's unnecessary, obviously if we go before the judge and the judge doesn't feel that Los Angeles did things properly, he's going to send it back to Los Angeles to fix it and redo it, in which case I'm sure that there is and I'd leave this to the city attorney and city planner, but I'm sure that there's boilerplate language that addresses that in any kind of approval.

Also, to be clear too we had talked about on our construction site we could make these approvals and since some of these have to do with Los Angeles as far as the hours of construction, we can also self-limit ourselves and we would agree to this as a condition of approval on Saturdays to not have heavy machinery. Now again, we would be able to have guys that are there working doing simple things like framing or painting and things like that. I'm not going to say there would be absolutely no noise but we would refrain from having any kind of heavy machinery, trucks moving things in and out that beep, beep, beep that's really unpleasant to hear at 8:00 on a Saturday morning, those kinds of things. We can limit ourselves to not use any kind of heavy machinery on Saturdays, whatsoever.

Alan Block: Thank you. Commissioner Gordon.

Lori Gordon: Yeah, I have one question. If we were to make the findings today and approve the project, does that mean that ... that's really more of a staff question, can we ... Does that mean that they would be able to demolish the building at this point or is it ... they have to wait till the lawsuit is heard?

David Snow: I believe there was a condition that required Beverly Hills. I'm trying to quickly find it here, condition of approval on the Los Angeles approval that required Beverly Hills approval prior to demolition permits. I believe they would be able to get demolition permits from a lawsuit perspective, to my knowledge there's been no stay issued. The way CEQA lawsuits typically work is an applicant or developer can proceed at their own risk with the project if at some point the CEQA, they lose CEQA lawsuit then they reap the risks that they've ...

Lori Gordon: They can't put the buildings back up.

David Snow: Correct.

Alan Block: The City of Beverly Hills requires a demolition permit, doesn't it?

David Snow: This would require demolition permits I believe from both jurisdictions because of the nature of the project.

Alan Block: Okay, thank you. Commissioner Craig Corman, any questions?

Craig Corman: None.

Alan Block: Okay, thank you. We're closed to public hearing.

Ellia Thompson: Thank you so much for your time.

Matthew Hayden: Thank you.

Alan Block: Ask for commissioner comments. Commissioner Gordon.

Lori Gordon: First of all, I want to start by saying that I'm really impressed by everybody's presentation on all sides because I think this was really very informative and I've been spending a lot of time studying this issue over.

I've driven up and down this street and all of the streets in the general vicinity including streets in Los Angeles to just get an idea of the feel for the neighborhood because I think that's what we're basically talking about here.

I respect the fact that as a planning commissioner I feel I have very strong responsibility to represent the interest of the community. It's very clear to me from this the presentation today that the community has a very strong feeling negatively

about this project. I must say that quite frankly I am very impressed with the unique nature of this particular block. There is really no other block in the general vicinity that I've driven up and down that I feel has the nature of this particular block. When I look at the particular findings in terms of the tentative tract map whether the site physically is suitable for this type of development, I say no; whether the site is physically suitable for the proposed density, I say definitely no.

I feel that this is really could have issues regarding environmental and in terms of, I don't know, necessarily public health but certainly, it's not an appropriate project for the area, the scale, the massing, and the traffic and parking are two things that consume me greatly, because I will say for many, many years I've drove up and down Third Street on my way from my home to my office and I could often see a lot of traffic going on that street and that's long before any of these other projects were concerned ... considered.

The other problem that concerns me very much about this is that we have ... it's all about Beverly Hills. It's our front. It's our view. It really concerns me that Los Angeles has that much say into what we in Beverly Hills can do with our property and for those reasons and also, I cannot make the findings on two, three, and four of the DPR. I will personally state my say that I will be voting no on this project.

Alan Block: Commissioner Craig Corman.

Craig Corman: Thank you. Quick question for Mr. David Snow on the MND question, I just want to be clear. If all the facts on which the legal challenge to the MND's determinations, there's no significant impact to historic resource, if all those facts were previously given to LA before the MND was finalized, doesn't that mean that we don't really have discretion to second guess that determination at this point because we wouldn't be able to rely on new facts or new circumstances or new impact that arose after the MND was prepared?

David Snow: Yes, Chair Alan Block, members of the commission. Pursuant to the California Environmental Quality Act when agency is in the responsible agency role, which the City of Beverly Hills is in here, there are very limited recourse for the city to exert or require further CEQA review. One of those opportunities would be for subsequent or supplemental review. There, again, limited circumstances for changes in the project that require additional analysis or substantial changes in the circumstances surrounding the project. Then the third category, there is new information of substantial importance that was not known or could not have been known within exercise of reasonable diligence at the time of preparation of the mitigated negative declaration that shows one or more significant effects not discussed in the mitigated negative declaration.

Again, I think you're correct here on that last category. If there is no new information of substantial importance that was not known or could not have been known regarding a new impact then there's limited ability for Beverly Hills to require additional CEQA analysis at this point.

Craig Corman:

All right, thank you. The reason I wanted that clarification is obviously a lot of people spend a lot of time and effort on the historical resource issue. I don't know if these properties are historical resources. It's certainly in the court's hands and they will make a determination. As we've heard today there doesn't seem to be ... there haven't been sufficient facts or circumstances or change to the project that were brought to our attention today that would allow us to second guess the MND on that issue.

I'm going to steer clear of the historical resource issue in my comments. I know there are people who like us to address it but I'm sorry I think that's the law and I think that's just the way it is. There are other issues I think that have been raised today we need to discuss. Let me turn to those now.

The main issue I think at hand is whether we should grant the request of the tentative tract map and development plan review. In order to do that we essentially have to find that the proposed project is consistent with the general plan, harmonious development in the area and will not be detrimental to the general welfare. Now as the number of the speakers today pointed out, the staff report points to several elements of the general plan at page 8 and those are the Land Use policy 2.4 and 7.1 which deal with design quality, Land Use policy 14.4 which talks about environmental sustainability and Land Use policy 14.8 and Open Space policy 6.3 which deal with landscaping.

As speakers today pointed out and I think correctly there are other applicable elements of the general plan that I believe are even more important here. We didn't really read them but I'd like to read some of them because I think they are that important. Land Use 1.1 which was referred to by a couple of speakers specifically says that although implicit in any discussion of the future of the city the importance of scale must be underscored. I mean that's actually in the Land Use policy. As long as the city is able to regenerate itself within the general framework of the existing scale it will alter ... it will offer an environment which is becoming increasingly unique in the west side.

Land Use policy 2.1 specifically says maintain and enhance the character distribution built form, scale and aesthetic qualities, the city's distinctive residential neighborhoods, business districts, corridors and open spaces.

Land Use policy 5.2, which I'm not sure one of the speakers referred to, does say with respect to infill and replacement housing, and as the applicant pointed out, this is infill and replacement housing, accommodate new and renovated housing within existing neighborhoods that is consistent with the contextual parcel sizes, densities, built form and scale. Those are really I think the touchstones of our analysis today. I think collectively these policies bring into focus something that's really critical both for this project and elsewhere in the city. That is even if an area is not deemed to be in historic district as this may or may not be, that doesn't mean its character cannot and shouldn't be protected under our general plan, quite the

opposite it should be.

If you look at the proposed project closely it's clear to me that it's fundamentally at odds with the character of the surrounding community. Existing buildings on the east side of Oakhurst with one exception at the top of the block are all two stories high. There is a five-story building, a three-story building on the west side of the street but the rest of the buildings in that side are two stories as well.

In contrast, the proposed building would be four stories tall in Beverly Hills and effectively six stories tall in Los Angeles. The part in Los Angeles is normally five stories but as Vice Chair Joe Shooshani pointed out the fifth story units have full story loss which effectively bring to the sixth floor. Because the Beverly Hills portion is only 19 feet deep, the overall building will read like a six-story building from Oakhurst and that is very different to the predominantly two-story buildings elsewhere in the block. Thus, the proposed project is a lot taller than the surrounding cityscape.

Furthermore, and I think this is something that really is sort of been touched on by some of the speakers but not really hammered home as well as maybe I think I would do it and I'm going to do it now. The existing buildings on the east and west sides of the 300 block of Oakhurst all occupy one city lot and are separated by setbacks. The proposed building on the other hand would span three lots which I think will destroy the development rhythm of the street. Not only will this three-lot wide development gain the developer 38 feet of otherwise undeveloped setback space. It will create an enormous facade more than three times as long as they're building the block. If there's any doubt of how differently a three-lot wide structure read as compared to a series of one-lot wide structures, one need only look at the 400 block of Oakhurst and how 411 Oakhurst stands like a sore thumb there even among neighboring structures that are similar in height.

The proposed buildings is not only much taller than the surrounding buildings, it's much longer as well and it doesn't take a math major to realize that outsized height times outsized width equals massively out of scale development.

That obviously is the inescapable conclusion of the project as proposed is not compatible with the surrounding neighborhood and therefore, does not comply and is not consistent with the land use elements of the general plan.

In partial defense of the project the staff report points out the four-story portion in Beverly Hills is only 40 feet tall, is actually 40 feet tall plus the four foot parapet. I think the reason the portion in Beverly Hills is what it is, is because the developer wants to squeeze effectively six floors into a 60-foot height requirement or 60-foot height limit or 60-foot height envelope I should say in Los Angeles and *[inaudible 02:06:05]* use 10-foot height place and that's how you get the 40 feet plus the four foot parapet. I don't think it's ... I don't think the 40 foot, the height in Beverly Hills have the goodness of anybody's heart.

Now importantly and people have made comments about this today. The staff report also points out that four and five story buildings have been built and are in the planning stages elsewhere in the general area. It's true that in January we approved a project in the northwest corner of Beverly Boulevard and Palm and replaced three older low-rise apartment buildings with a five-floor condominium project. That area is zone for extra height and there are already numerous buildings that big in the block.

I would also point out, the same holds true for existing plan buildings in Burton Way but Beverly Boulevard and Burton Way are larger streets, they are wider streets and can accommodate extra height. If taken to its logical extreme one could say the fact we've allowed eight floors of the Montage in the triangle and eight floors of L'Ermitage Hotel means that that's fair game to everyone in the city. We know that's not the case.

Now it's true the Montage are probably 10 to 12 blocks away but L'ermitage is only four to five blocks away. Where do you draw the line? As I said several years ago with respect to the Robert Derrah Building at 9936 Durant Drive, also potential historic resource, I believe the obvious answer to that question is that a project's impact to a neighborhood or district should be mainly determined by looking at the immediately surrounding area. I think that's common sense. That's the area that's visible from the property that really defines its aesthetic environment. We should never really say well, when the project is seen in the context of a five-block area it's no harm, no foul because no project is actually seen in the context of a five-block area.

That's why I believe the 300-block of Oakhurst should be our primary reference and the project is not compatible with that part of the city.

Now, applicant has made a point. Vice Chair Joe Shooshani's comments actually suggest this point as well, that the project is code compliant which means that it actually conforms to the maximum height limits and densities that the city allows in a zoning code. I think that is something that's floated in the background of the whole project from the design, the staff's reaction to it and that is a presumption we often see, that people ordinarily should be allowed to build to the maximum height allowed absent unusual circumstances. I mean that is a common theme on a number of our projects that come before us.

I don't think that presumption applies in the R4 areas of the city and I'll tell you why. In the R4 areas of the city every condo project, as Mr. Gohlich said earlier, and just about every apartment projects, the very, very small ones, requires a DPR. As I pointed out previously one of the key findings for a DPR is consistency with the general plan. Now if you look close to the general plan, you'll see there's nothing in it that says or in any way suggests that people should ordinarily be allowed to build whatever the zoning code permits. To the contrary, the general plan says over and over that new develop must be compelled with the neighborhood.

Land Use policy 1 supposedly says, I said earlier, the importance scale must be underscored. Land Use policy 2.1, Land Use policy 5.2, they're all explicit and these are not optional policies. They're mandatory. They're all optional or aspirational policies, one of which we'll get to in a minute. The land use policies I've read are not those.

The lesson to be learned from these land use policies is that new buildings subject to a with DPR like the current project should only be allowed to be built to the maximum height allowed in the zoning code if such scale and mass would fit into the neighborhood. That's the touchstone, otherwise, what's the point in requiring a DPR that in turn requires consistent the general plan? It's just common sense. Those are my main comments.

Let me just go a little further if anyone's not too bored. Even apart from the project's incompatibility from a bulk and mass standpoint, I don't think the proposed project is consistent with general plans for other reasons as well. Far from exhibiting a high level of excellence in site planning architectural design and building materials as required by Land Use policy 2.4, the proposed structure is, I think we all can agree, a little more than a large stucco box that was clearly designed to fill the maximum building envelope with little regard for aesthetics.

Now I understand there's been tweaks because of some reactions to the architectural commission but the architectural commission hasn't approved it. They just gave some preliminary comments and the thing was tweaked as a result.

The main step backs in the front façade occur almost exactly on the border between Beverly Hills and Los Angeles to take maximum advantage of the additional height permitted in Los Angeles.

The applicant showed the south elevation to show that there are other intermediate step backs along the way from the bottom floor to the top floor. If you look at the north elevation you'll see parts of the North LA and parts of the building do not step back at all below that 44-foot parapet. I don't think there are really any meaningful step backs

The cutouts in the middle of the building would be barely visible from the street, would not afford any meaningful open space and their purpose seems really to allow the developer to be able to sell these back units which will otherwise have no light or air or whatsoever. There are also some concerns raised in the staff report about potential privacy impacts to neighbors because of those cutouts.

Other than these step backs and cutouts I don't think there's any really meaningful modulation of the façade as required by Land Use policy 7.1. I know the applicant mentioned there are modulations but I don't think there are. I think the fact that the architectural commission suggested they paint the top portion a little different to highlight the difference shows that otherwise, from a bulk and mass standpoint there really isn't much modulation in the façade.

It goes without saying that there's no attempt in the project to satisfy the aspirational provisions of Land Use policy 7.2 which requires some open space and I'll ... little differently. Let me read that too because I think that's important. It is inspirational but this is Beverly Hills we like to meet these higher standards. 7.2 says encourage, optional, new multifamily development to provide amenities for residents such as onsite recreational facilities, community meeting spaces, and require usable private open space, a public open space or both. When you're talking about a project that expands three lots you'd like to think that somebody who is doing that large of a development could provide some of these additional amenities.

For these additional reasons I can't vote to approve the project. We also talked about also some discussion today about traffic studies. I personally am not sure the traffic analysis conducted by the applicant sufficiently takes into account other developments in the area but I don't think we have to rely on that at this point. I also heard loud and clear, people in the neighborhood saying look, we have a parking problem already and this could only exacerbate it from bringing in a lot of extra guest parking that will not likely park in the basement. Also, the applicant say well, we're going to provide more tenant parking or occupant parking in the basement that exist in the current rental units. There's obviously some discussion back and forth there but I think that we don't have to get into that today.

It seems to me the question, especially given the fact that one of my colleagues also agrees with me and maybe more do. Where do we go from here? I think it's fair to give the applicant some direction so they don't just spin their wheels and spend money needlessly. For my comments, I think everyone can probably guess. I think the project needs a major overhaul and not just minor adjustments, not just a nip and tuck, not just what's been done previously. It should have a reduced height not just in Beverly Hills but in Los Angeles because that's what we see from Beverly Hills.

I'm not saying it has to be two stories all the way through but certainly, its current height envelope is a nonstarter in my view. It should have much more modulation, at least enough to suggest that the building is comprised of three connected structures matching the lot to lot rhythm of the rest of the street. It should have a more aesthetically interesting design. Maybe not as radical as the building we approved at the corner of Palm and Beverly Boulevard, that's kind of interesting, but something more fitting with the neighbor but something interesting, something that brings value to the community and not just the developer. I don't think expensive light fixtures and painting different portions different colors is sufficient.

On the other hand, I think neighbors who have asserted in some of the correspondence we received that there shouldn't be any development at all because the construction impacts are being a little unrealistic. Even if the existing properties are rehabbed there were still be major construction impacts because as we heard the building themselves are below code, need to be brought up to

different kinds of building codes if they could even be that.

[inaudible 02:15:11] the court overturn the MND on historic preservations grounds, I think the odds are something that likely going to be build here. The key is finding the right balance that everyone can live with and what we know is the project as it currently poses is not it. For efficiency reasons if there's an agreement among the rest of the commissioners I would suggest a subcommittee to work with the applicant on a redesign. Subcommittee could have notice meetings. Give the applicant intermediate input before they come back to the entire commission. Also, give the neighbors and their local stakeholders an ability to come and have input in the process as well and I think everyone would welcome that. Those are my thoughts.

Alan Block: Thank you. Vice Chair Joe Shooshani.

Joe Shooshani: I don't know what to say after. My colleague had practically covered everything, so I've not much to say. I also think this is a unique neighborhood and we should keep the character of it. We also, this is not ... also, I don't want to have a piece of land or dilapidated apartment buildings there. What I hear from the neighbors is there's already bunch of rats living in there. I mean they are bothering the neighbors. Something has to be built there.

I think whatever is going to be built it has to have Beverly Hills parking regulations. What do you propose as far as parking is not enough, I mean it doesn't have enough parking. If you come up with something else, it definitely have to have the parking enough for Beverly Hills. The height also is much higher than ... the street is ... Beverly Hills is going to be ... people are not going to go and see the map, this is Beverly Hills or Los Angeles, they 're going to come here as Beverly Hills. This building has to be part of Beverly Hills and look like Beverly Hills.

I think you have to reduce the height of it to something manageable or to keep it to 40 feet unified for the entire thing. Other than that, he said everything that had to be said.

Alan Block: Well I have to echo the comments of my co-commissioners. I do want to say that this was a well-done presentation on both sides. This is really a precedent setting project. Whatever happens in this project on these three lots is probably going to affect the rest of the block. The alley and the traffic and the potential for cumulative effect in this neighborhood with the use of that alley I think is probably going to overburden the alley.

I think the character of the neighborhood is really important. I walk the street at ... like Commissioner Craig Corman said every structure on the east side of the street except the corner at Alden is a two-story structure. It has a unique character. I don't know if it's a historical, cultural aspect of the project but if we didn't have discretion you wouldn't be required to come before the planning commission. The fact that it's code compliant in Beverly Hills doesn't mean it gets approved. We still

have the discretion and I think the mass scale of this building is just too big.

I think I echo the comments of Commissioner or Vice Chair Joe Shooshani in that I think this project or any project that's going to be build has to be code compliant with parking for Beverly Hills because Beverly Hills is going to get the traffic. People are going to park on Oakhurst. If they can't find a parking space then they're going to go around the block. I think guests will use the street. I don't think guests will use the guest parking or most of the guests will not do so.

I think that regarding the height for this project, even if the commissioners were to vote in favor of this project I think that the loft portion closest the Oakhurst is a no starter. I would totally agree with keeping the height at 40 feet.

I think the neighbors are going to have to be realistic and realize that there probably will be some development on this block if ... unless the CEQA lawsuit is one. There will be some construction impacts. That's just the way it goes. It happens whenever there's new development.

I think that the comments of Commissioner Craig Corman with regards to setting up a subcommittee may be a good idea if the applicant is interested in doing so. With that, I think I will ask Karen to have a roll call. No excuse me. I think we need a motion.

Lori Gordon: But we ... Okay.

Joe Shooshani: What is the motion? Can you ...

Lori Gordon: All right. The motion is here. It's the ...

Craig Corman: We move ... Do we move to adapt the resolution or deny the resolution, deny the application?

David Snow: What I would suggest again judging on the comments from the four commissioners that the commission in effect deny the project and direct the city attorney to prepare a denial resolution memorializing the findings that were articulated here today and bring that back for the commission.

Craig Corman: Okay. I'll make that motion that we have the staff prepare a resolution denying the project for the reasons stated in our deliberations.

Alan Block: Is there a second?

Lori Gordon: I'll second.

Alan Block: Now we can have a roll call. Do I see ...

Ellia Thompson: Hold on. We've been trying to speak to them for one ...

Alan Block: Why don't you ... I'll reopen the public hearing before the roll call and you can ... if you want to come up here and speak.

Ellia Thompson: I'm sorry I know that that wasn't proper, I was just trying to get some ...

Alan Block: That's fine.

Ellia Thompson: ... attention. Again, Ellia Thompson for the record. My question is both to the commissioners as well as the city attorney. Is there also a secondary option whereby we could get a continuance to regroup and sit down and talk to planning about perhaps is there a place we could find some more parking, is there a way to make some changes to the architecture and be able to present this back to you? I wanted to put that out there before there was a vote that we potentially have a continuance to come back with a revised project that meets some of the concerns that were addressed today.

Alan Block: Thank you. I would ...

Craig Corman: I would ... Let me put it this way. It doesn't sound like the comments you just made are going to sufficiently address my concerns.

Ellia Thompson: I just don't want to put anything out there that we're definitely going to do A, B and C. I was trying to be cautious.

Craig Corman: I understand, but your caution makes me think that I don't want you ... this is my point and my comments. I don't want you to spin your wheels, so I don't want you to spend your money and spin your wheels doing something which won't satisfy me and if it won't satisfy the other members of the commission then I don't see any point in doing that.

I mean my position has been that this thing needs major overhaul. I don't know if I would even support a building that's only 45 feet tall all the way across the board. It may need to be lower or close to Oakhurst but I have made that finding, I've made the determination, I'm willing to listen and talk. If your client is looking for a building approximately the same size and envelop as what they've got, I'm never going to get there. Just being honest with you, given what I've seen, given what I know about the neighborhood and I don't know ...

Lori Gordon: I echo that. No, I echo that. I think the concept of the subcommittee might be a good idea because maybe we can get some more thoughts across as far as what we think is appropriate kind of architecture for that property. I'm not seeing at all. I could not see ...

Craig Corman: A little additional parking or more or fewer compact parking space in the basement is not ...

Ellia Thompson: Again, to be clear, obviously you take the vote that you need to take but those weren't my words. That wasn't what I was saying. I was being very clear that the other option that we wanted to have put out there was to have a continuance to go back to the drawing board and meet with Ryan Gohlich and others, and Ryan Gohlich has been involved in this process for the get-go and to see if there was something we could come up.

We may not be able to come up with something that you're satisfied with. The whole idea was to be able to have some time in which to take into account because this is the first time we've heard from all of you as to what your thoughts and your concerns were and also what are not your thoughts and concerns and to be able to take that back. If that's not an option, that's fine, I just want to be able to voice it.

Alan Block: Will the applicant be willing to work with the subcommittee of this planning commission?

Ellia Thompson: Absolutely. We will definitely want ... I mean that would be the first thing is to see if Ryan Gohlich could set up a meeting with the subcommittee.

Craig Corman: Obviously, I suggest that. I think that would be a good idea.

Joe Shooshani: I think that's great.

Alan Block: I agree. Well, on that basis then can we continue the hearing?

David Snow: Mr. Chair, just one logistical matter. There are certain processing timelines under the Permit Streamlining Act and under the Subdivision Map Act. I would just ask that the applicant waive those for all purposes to give the time for that to occur so that the city isn't stuck in a position of having to act because of those deadlines.

Alan Block: Where are we with regard to the 180 days?

David Snow: Do you know Ryan Gohlich where we're at?

Ryan Gohlich: I don't have the specific date off the top of my head but I believe that the 180 days comes up next month.

Alan Block: Okay. Then we could ... if they agree to waive then that would be an additional 90 days, correct?

Joe Shooshani: No, it is 180 days.

David Snow: I would ask that they waive them and we could start with 90 days. I would ask that they waive them to provide ... just waive them outright at this point to provide sufficient time. Again, there are two different aspects, Subdivision Map Act as well as Permit Streamlining Act.

Lori Gordon: I notice those people in the audience wanted to speak to this. I don't know if we should ...

Alan Block: Right now, I think we should stay with the applicant and what we're talking. I mean I would take it you want to speak to the continuance issue.

Male: A helpful suggestion.

Female: Excuse me. If he's going to speak ...

Alan Block: No, okay.

Craig Corman: What if we ask the others whether they're willing to waive the items that Mr. David Snow just mentioned?

Alan Block: Is staff ... Excuse me, okay. Is the applicant willing to waive?

Ellia Thompson: We would like to have it waived for an additional 180 days. We don't want it just to be completely but I mean six months where either going to come back with something that works or not. That's what we would like to do. We like to have a compromise of 180 days.

Lori Gordon: From today as opposed to from the month from today.

Alan Block: That would be acceptable to me.

Joe Shooshani: 180 days, correct?

Craig Corman: Mr. David Snow.

David Snow: Typically, they're an extension from the deadline so whenever that deadline would roll.

Alan Block: If the deadline is next month it would be 180 days from that time, that date.

David Snow: Correct. Okay, that would be fine. Okay. That's fine.

Alan Block: Didn't somebody want to make a motion to continue?

Craig Corman: So we should ... we move to continue this ...

Alan Block: We would have to have a sub or ...

Craig Corman: Right. You 're the one that has ... well, first, you want to set up a subcommittee.

Alan Block: Okay, yes. I do want to set up a subcommittee. Would you like to be on the subcommittee?

Craig Corman: Sure.

Alan Block: Okay. Vice Chair Joe Shooshani and Commissioner Craig Corman will make up the subcommittee. Now do I have a substitute motion for a continuance for the 180 days from the deadline of the Permit Streamlining Act?

David Snow: Well, that's a wave. Should we continue the matter to a date certain 180 days from today?

Ryan Gohlich: I would recommend continuing to a date uncertain, that way we can do a new notice at whatever point this does come back before the commission.

Craig Corman: Okay. Obviously, you will let us know when we're getting near that 180-day waiver extension.

Ryan Gohlich: Yes.

Craig Corman: Okay. I move to that we continue this matter to a date uncertain.

Alan Block: Do I have a second?

Joe Shooshani: I second.

Alan Block: Karen, could we have a roll call?

Karen Myron: Commissioner Gordon

Lori Gordon: Yes

Karen Myron: Commissioner Corman

Craig Corman: Yes

Karen Myron: Vice Chair Shooshani?

Joe Shooshani: Yes

Karen Myron: Chair Block?

Alan Block: Yes.

Ellia Thompson: Thank you

Alan Block: Thank you. I look forward to working with you on the sub committee

332-336 NORTH OAKHURST - ALLEY

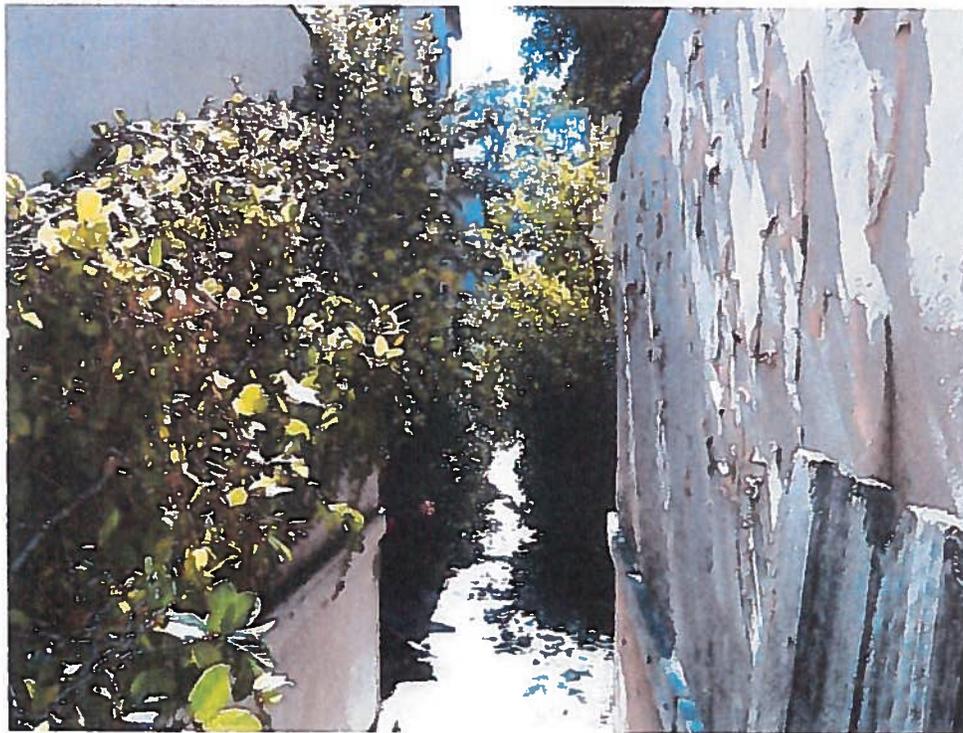


Submitted at the Planning
Commission meeting of:

7/14/16

By: Steve Mayer
Re: Item #4

332-336 NORTH OAKHURST - ALLEY

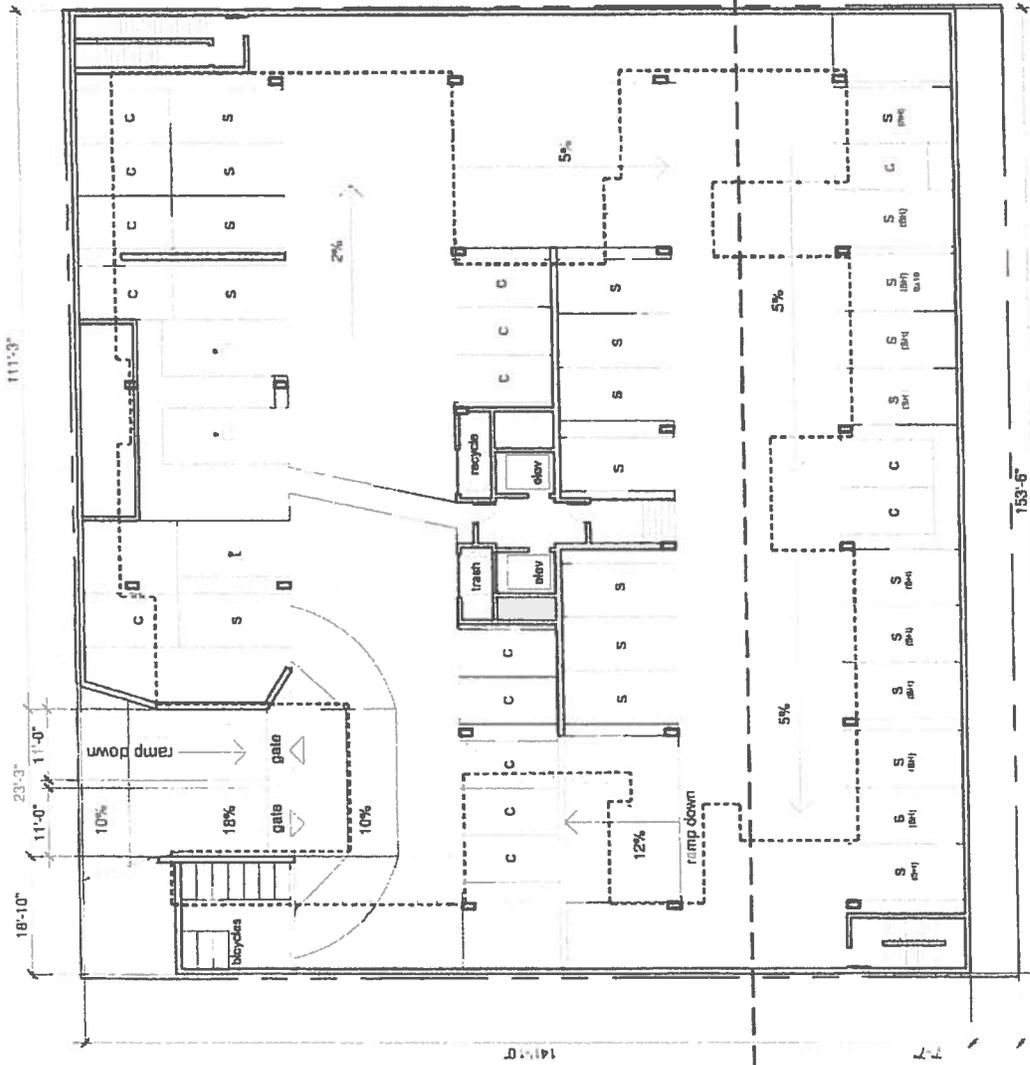


Oakhurst Condominiums

November 2013

Parking

Los Angeles	60 spaces
Parking provided	35
Standard	25
Compliment	60 spaces
required	
Includes 3 handicap / 12 guest spaces	
Beverly Hills	22 spaces
Parking provided	22
Standard	22 spaces
required	
Located within portion of project in Beverly Hills	
Includes 2 guest spaces	



CITY OF LOS ANGELES
 CITY OF BEVERLY HILLS

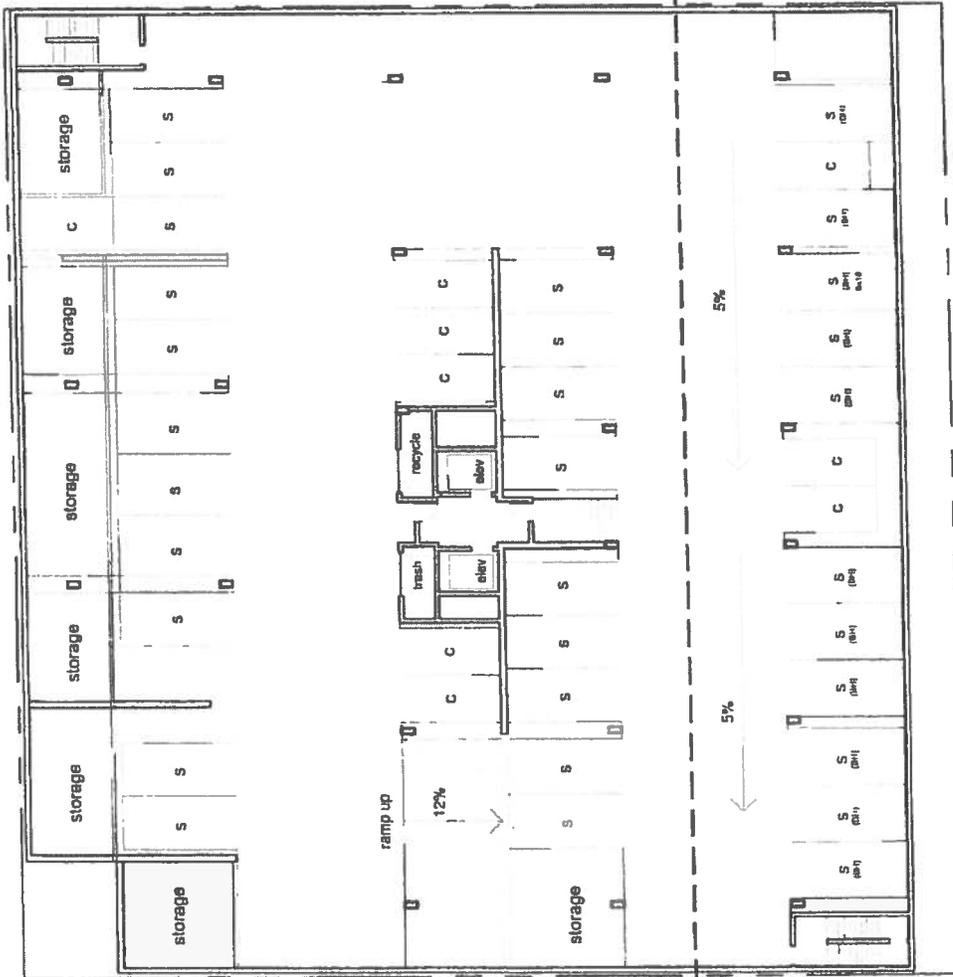
p-1 garage



Submitted at the Planning
 Commission meeting of:
10/8/15
 By: Steve Mayer
 Public Comment Item #2

CITY OF LOS ANGELES
 CITY OF BEVERLY HILLS

p-2 garage





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Submitted at the Planning
Commission meeting of:

10/8/15

By: Steve Mayer
Pub. Comment - Item #2

GENERAL PLAN

Staff contends that the proposed project is in conformance with the General Plan.

Staff cited LU 2.4, LU 7.1, LU 14.4, and OS 6.3 to support its contention.

The local stakeholders believe this is misguided.

The proposed project is not consistent with "Goals and Policies of LU 2.1, LU 7.2, LU 14.2, LU 14.5, OS 6.1, OS 6.6, OS 6.7, H1, H1.2, and H1.4.

In summary, the proposed project *does not*:

- * Maintain the character of a distinctive residential neighborhood (LU 2.1)
- * Promote amenities (both private and public) due to its high density (LU 7.2)
- * Incorporate the latest sustainability measures such as solar, capture and reuse of rainwater and graywater on-site. (LU 14.2)
- * Does not reduce the "Heat Island Effect" by using the latest techniques (LU 14.5)
- * Does not protect Scenic Views of the immediate neighborhood (OS 6.1)
- * Does not minimize obtrusive outdoor light by using devices over windows on the North, East, and South sides of the property (OS 6.6)
- * Does not utilize the latest building techniques to minimize glare (OS 6.7)
- * Does not maintain the character and quality of residential neighborhoods (H1.1)
- * Does not promote the preservation of historic buildings and historic neighborhoods (H1.4)
- * Does not promote inclusionary housing (Imp 10.2)

Submitted at the Planning
Commission meeting of:

10/8/15
By: Steve Mayer
Pub. Comment - Item #2

TO: **THE HONORABLE COMMISSIONERS
PLANNING COMMISSION
CITY OF BEVERLY HILLS**

FROM: **STEVE MAYER
[PH: 310-275-8423]**

DATE: **OCTOBER 5, 2015**

RE: **332-336 NORTH OAKHURST**

INTRODUCTION

The Concerned Citizens for Beverly Hills / Beverly Grove represents the interests of a group of local stakeholders.

They oppose the project for a variety of reason. Such opposition has been memorialized in a series of appeals in the City of Los Angeles, and also a CEQA lawsuit.

That CEQA lawsuit is scheduled for trial on June 10, 2015.

One of the important reasons for filing the lawsuit was to restore the rights of the City of Beverly Hills. The City of Beverly Hills should be the "Lead Agency," and not a "Responsible Agency."

After ceding rights to be the "Lead Agency" in 2011, the City did not exercise its rights during two "public review" periods dating back to 2012. For example, does the Commission know that construction can commence in Los Angeles at 7 a.m., and there is nothing you can do about it?

You, as a Commission, are being told that since you did not object to the Mitigated Negative Declaration and the Determination Letter, you have little recourse in making changes.

While that is not technically correct, the fact remains that you, as a Commission, should have had the opportunity to weigh-in on a multitude of issues that affect the citizens of Beverly Hills.

Those approval rights were taken away from you; this is the opportunity to regain those rights, to make certain that the development process is to the standards of the City of Beverly Hills.

Submitted at the Planning
Commission meeting of:

By: Staff ^{10/8/10}
Public Comment Rec'd.

At the conclusion of the public hearing, we ask that you vote “no” on the findings.

No continuance should be granted. We, the stakeholders, should not have to endure this any further.

TOPIC AREAS

This memorandum will address a number of different issues, including:

- ▶ Traffic / Parking
- ▶ Neighborhood Definition
- ▶ Lead Agency
- ▶ Public Review
- ▶ Public Services
- ▶ Sustainability
- ▶ General Plan
- ▶ Mischaracterizations

PARKING / TRAFFIC

Parking - Off Site

While the number of parking spaces for the proposed project meets code, there is a general lack of understanding as to the nature of the neighborhood.

There may sufficient parking for overnight guests; there will not be enough parking on Friday night.

On Friday nights, the two blocks of Oakhurst between Burton Way and Alden Drive are jam-full with cars for the Sabbath.

There are no parking spaces left on the street.

At its height, according to the Applicant's own records submitted to the City of Los Angeles, a total of 22 residents occupied 17 apartment units. Of those, only two (2) residents were above age 62. There were no children, and rents averaged less than \$2000. The median age was 35.

In the 31 units, based upon housing data from the census for the tract, the projected residents will be families of three and four. While the age of the children is difficult to accurately predict, it is a reasonable assumption that the owners of the units can be predominately segmented into two age groups, those in their late thirties and those in their late forties, with children in two groups, adolescent and pre-teen/teen. At the projected sales price of \$1.5 million, the average mortgage will be \$5000 per month.

It is disingenuous to believe that guest parking will be used, in the manner intended, due to:

- * It is behind a gate, whose passage can only be granted by an owner
- * Because over 40% of all parking spaces in the City of Los Angeles will be allocated for compact cars, what guest wants their luxury vehicle to be shoved into a space for a Smart car?
- * What happens if the HOA decides that the guest parking should be in the tandem spaces?

If the design had allowed for the guest parking to be unsecured spaces on the alley, guest parking utilization would increase.

But the real problem will be five years from now, when those spaces are rented to others.

Won't happen? That is precisely what occurred at 147 South Doheny, a condominium project being rented as apartments that is directly across the alley. The guest parking spaces are rented.

You cannot, and will not control, the actions of the HOA, relative to their guest parking spaces in the City of Los Angeles. No matter what conditions you might impose in the CC&Rs, they can be changed by a majority vote. If the CC&Rs are not changed, in practice, they will be ignored.

Traffic

Relative to the issue of traffic, the Applicant submitted a "Trip Generation Analysis" dated January 29, 2014.

What had been requested by the City in 2011 was a traffic study.

In a November 7, 2011 letter from Nathan Gapper (Limited Term Planner – City of Beverly Hills) to Ifa Kashefi (Chief of Engineering Bureau, Department of Building and Safety, City of Los Angeles), Mr. Gapper wrote:

"... Traffic would likely be the category that presents the greatest potential for environmental impact. Therefore, the results of traffic studies for the project may play a significant role in dictating the level of impact the project may have."

Some may question why a letter from 2011 is being cited in this hearing.

The correspondence from a previously "closed" application file in the City of Beverly Hills governs the process in the City of Los Angeles' "current" application.

Even though the City of Beverly Hills opened a new application in 2013 for 332-336 North Oakhurst, the Applicant piggy-backed on a 2011 application in the City of Los Angeles.

New Projects

Between 2014 and now, there are three new projects that will impact the Applicant's consultant's findings:

- 9100 Alden Drive (at Doheny)
- 328 West Third
- 325 North Maple

9100 Alden Drive is the tear-down of **8 units** in two two-story apartment buildings, replaced with a **35 unit** 5-story apartment building (with a 4-unit low-income component). The property is currently undergoing the permit process. No special permissions were required. 9100 Alden Drive shares the alley with the proposed project. The number of vehicles accessing the alley will increase from **8 vehicles** to **88 vehicles**.

328 West Third is a bi-jurisdictional property. This two story apartment building of **6 units** was purchased in November, 2104 for \$4.6 million. It is believed that the intent is to build **14 units**. The new owner commissioned a traffic count survey on West Third street. How this property can impact the proposed project is that the alley entrance/exit for this project is situated directly across from the main alley entrance/exit for the proposed project. The number of vehicles accessing the alley will increase from **6 vehicles to 35 vehicles**.

325 North Maple is the Post Office renovation. In August, the Commission approved a project that can house **880 new employees** for a facility that has less than **300 parking spaces**. With the traffic analysis projecting little utilization of public transit, a tremendous number of potential employees might flood West Third Street, during peak hours.

Another property that local residents project being developed is **344-348 North Oakhurst**. 344-348 North Oakhurst is another bi-jurisdictional property. These three two-story apartment buildings, that contain **13 units**, were designed by master architect Charles Lee in the 1930's. The local residents fear that if 332-336 North Oakhurst is approved, the current owner will immediately commence the development process. Their belief is predicated upon units being vacant for up to a year, or more, before being re-rented in 344 and 346 North Oakhurst. Assuming the acreage is the same as 332-336 North Oakhurst, it is projected that 31 units could be constructed on the site. If that is accurate, the number of vehicles would increase from **13 vehicles to 82 vehicles**.

Within three years, the number of cars accessing the alley could increase by over **650%**.

Trip Generation Codes - Units of Measure

As to the "Trip Generation" analysis, there is a dispute as to the "unit of measure" utilized by the Applicant's consultant.

Traffic consultants calculate "Trip Generation" by using "codes" developed by the Institute of Transportation Engineers (ITE). There are over two hundred codes for different property types. In addition, there are different "units of measure" for a number of those codes.

For residential properties, there are close to twenty different codes ranging in description from "Single Family Homes" to "Resident PUD." The "units of measure" are "number of dwelling units," "number of persons," and "number of vehicles." Not all "units of measure" are available for each residential property code.

The Applicant's consultant utilized "number of dwelling units" to generate "Trip Generation" projections.

By some transportation experts, it can be argued that the proper "unit of measure" for 332-336 North Oakhurst should have been the "number of persons," and not the "number of dwelling units."

Using "number of persons" generated vastly different "trip generation" results, showing far more vehicle trips for the proposed condominiums:

ESTIMATED TRIP GENERATION COMPARISON UNITS OF MEASURE: "DWELLING UNIT" VS. "NUMBER OF PERSONS" PROPOSED CONDOMINIUM DEVELOPMENT 332-336 NORTH OAKHURST DRIVE					
	# Of Units	TOTAL DAILY TRIPS		PM PEAK TRIPS	
		Units of Measure		Units of Measure	
		Dwelling Units	Number of Persons	Dwelling Units	Number of Persons
PROPOSED USE					
Condominiums	31	180	232	11	22
EXISTING USE					
Apartments	17	<u>113</u>	<u>73</u>	<u>7</u>	<u>9</u>
NET DAILY TRIPS		<u>67</u>	<u>159</u>	<u>4</u>	<u>13</u>

Using a different "unit of measure" resulted in a "Total Daily Trips" increase of 237% and a "PM Peak Trips" increase of 325%, compared to the Applicant's consultant.

When adding the approved, the proposed, and the projected developments, and using "number of persons" as the "unit of measure," the "Net Daily Trips" closes upon the City's thresholds.

When combined with just a quarter of the potential 880 new employees for the Post Office renovation traveling along West Third Street, then the City's thresholds are vastly exceeded, requiring a full traffic study.

NEIGHBORHOOD DEFINITION

In the Planning Commission Report, the neighborhood is defined as the area bounded by Burton Way, Beverly Boulevard, and both sides of North Oakhurst Drive.

The definition of a neighborhood is open to interpretation.

To the local stakeholders, the neighborhood is defined as both sides 300 block of North Oakhurst Drive between West Third Street and Alden Drive.

The Applicant's historical consultant originally defined the neighborhood as the same as reflected in the Planning Commission Report.

Subsequently, that same consultant narrowed the focus to an area similar to the local stakeholder's definition.

The East side of the block of Oakhurst is especially unique from a historical perspective in Beverly Hills. It may be the only block in the City that has spurred development. Highlights of the eleven (11) properties include:

- * 91% of the properties are over 75 years old
- * The remaining property is over 25 years old

Indeed, it may be the only block within the area bounded by Santa Monica Boulevard, Doheny, and Burton Way that has not seen any development in nearly three decades. Instead, most of the property owners maximize their investment through pride-of-ownership.

The other side of the block is populated by two-story apartment buildings, some older than 75 years old, with the exception of one five story building that was constructed 50 years ago.

LEAD AGENCY

The depiction of the Lead Agency status in the Planning Commission Report differs from what is in the public record in the City of Los Angeles

During the Central Area Planning Commission hearing in the City of Los Angeles on March 19, 2015, the Chairman of that commission asked Department of Planning employee Luci Ibarra (Planner) how the City of Los Angeles became the Lead Agency:

COMMISSIONER MILLMAN: This is Commissioner Millman. Can you just explain to us how it was that Los Angeles became the lead agency and why that was and what that meant?

LUCI IBARRA: Okay. So when the case was originally filed in 2011 the applicant provided -- or the City of Beverly Hills provided a letter to the file basically saying that they deferred lead agency status to us as we would be reviewing the project first and so we processed the environmental document. We certify that document and upon which it's presumably the City of Beverly Hills would use that document as satisfying CEQA for the purposes of a discretionary project.

PUBLIC REVIEW

There were three period of "Public Review," that allowed for comments by the City of Beverly Hills.

The first was related to the initial Mitigated Negative Declaration. The second was related to the Reconsidered Mitigated Negative Declaration.

During those first two "Public Review" periods, the City did not provide *any* response.

As testified to by Luci Ibarra, Planner, City of Los Angeles, during the Central Area Planning Commission hearing in the City of Los Angeles on March 10, 2015:

LUCI IBARRA: The project was processed and an MND was issued. We never heard from the City of Beverly Hills when that was circulated. The case was then placed on hold.

A new owner came into the project, revised the project reducing the project. We issued a reconsideration. We scheduled the hearing.

The hearing notice was received by the City of Beverly Hills. They called us and said, we're not going to the hearing but let us know how it turns out. They didn't attend the public hearing.

During the third comment period, the City of Beverly Hills started to examine the potential historical aspects regarding both the individual properties as well as the immediate neighborhood. The examination was at the behest of a resident who questioned the City of Beverly Hills.

The summary of the actions by the City of Beverly Hills during the third Public Review period is:

- | | |
|----------------|---|
| March 19, 2014 | The matter is kept open to address concerns about historical significance and other issues |
| May 1, 2014 | The Applicant submits a historical consultant's report to the City of Los Angeles that states: <ul style="list-style-type: none">(A) The "neighborhood" is defined by Burton Way, both sides of Oakhurst, and Beverly Boulevard(B) There was no historical significance within the entire neighborhood |
| May 29, 2014 | City of Beverly Hills employee Shena Rojemann expresses concern as to the Historic Analysis in an email:

<i>"Pursuant to my previous conversations with both of you, the City of Beverly Hills is interested in having an opportunity to comment on the Historic Analysis in a public hearings. Based on counsel from our City Attorney, it is my understanding that it is a matter of due process that a public hearing should be held to allow the public to comment on any new information (historic analysis), despite</i> |

whether the reviewing authority has determined that the new information will result in modifications to any environmental documents prepared. Luci, when we last spoke a little over two weeks ago, you were going to consult with your City Attorney to discuss this issue. To date, I've not received any feedback from you on this issue. If you could provide me with an update, I would greatly appreciate it.

"At this point in time, our historic consultant is researching the neighborhood and we anticipate having a memo summarizing the findings of that research in approximately a week. I will follow-up with both of you at that time to discuss the findings and process moving forward."

June 11, 2014

Shena Rojemann submits a letter to the City of Los Angeles requesting an EIR, due to:

- (1) The City of Beverly Hills' historical consultant, Historic Resources Group, looked at the east side of Oakhurst as part of their Historic Survey
- (2) They determined there was a potential historic district comprised of nine (9) properties

June 13, 2014

Ryan Gohlich submits an email to the City of Los Angeles, affirming his desire for an EIR:

"As a follow up to the email below, I wanted to provide some additional clarification. Although it's articulated in Shena's letter, I wanted to be clear that the City of Beverly Hills is requesting that an EIR be prepared based on the conflicting expert opinion, and that simply adding a copy of our letter to the file will not achieve compliance with CEQA.

At your earliest convenience, please confirm that the City of Los Angeles intends to prepare an EIR as required by CEQA."

June or July, 2014

Applicant requests the project be placed on hold in the City of Los Angeles

June / July / August

Shena Rojemann submits a series of emails to City of Los Angeles planner Luci Ibarra asking for an updates. The last exchange was on August 4, 2014:

Hello Luci,

I hope this email finds you well.

I just wanted to follow-up on this project. If you could please provide me with a status update, I would greatly appreciate it. Thank you!

*Best,
Shena Rojemann*

Hi Shena,

There really hasn't been any movement. The applicant asked us to keep the case on hold saying they wanted to meet internally. Haven't heard from them in recent weeks.

-Luci

October, 2014

Applicant meets and/or converses with City of Los Angeles on how to proceed

December 4, 2014

The Applicant submits Applicant's historical consultant's report to the City of Los Angeles and requests the Application be taken off "hold."

The Applicant did not submit a copy of the historical consultant's report to the City of Beverly Hills.

The City of Los Angeles does not forward the report to the City of Beverly Hills, likely believing that Applicant's historical consultant had.

The Applicant's historical consultant's report states they are amending their initial report from May:

- (1) They agree with the City of Beverly Hills is that there is a potential historic district.
- (2) But the potential historic district is comprised of twelve (12) properties instead of nine (9). The additional three (3) properties came from across the street.
- (3) Because the potential historic district has been expanded to twelve (12) properties, the destruction of three properties would not violate the 75% threshold of maintaining a district.

February 3, 2015

Determination Letter Issued

There appears to have been no further written communication between the Department of Community Development in the City of Beverly Hills and the City of Los Angeles from August 4, 2014 to June 15, 2015 regarding 332-336 North Oakhurst, with one exception.

That sole exception was an email sent on January 7, 2015 from Ken Bernstein, the Manager of Historic Resources in the City of Los Angeles to Bill Crouch, the Urban Designer in the City of Beverly Hills. There does not appear to have been a response regarding 332-336 North Oakhurst by Mr. Crouch.

Such information was uncovered during the discovery process in the CEQA lawsuit. A "records request" generated over 900 pages of emails in the City of Los Angeles, a number of which were also in the physical Application file.

In the City of Beverly Hills, no copies of emails were present in the physical Application file on September 17th.

PUBLIC SERVICES

The use of City of Beverly Hills public services by City of Los Angeles residents is a contentious issue.

Some of the services listed on page 11 of the Planning Commission Report are extraneous, while others cannot be substantiated.

In addition, there are substantive discrepancies in, and between, the City of Beverly Hills and the City of Los Angeles documents.

The City of Beverly Hills documents of the Planning Commission Report, the Draft Resolution, and the Mitigation Monitoring Reporting Program are not in concert with the City of Los Angeles documents of the Mitigated Negative Declaration, and the Determination Letter.

The bottom line is that those residents in the City of Los Angeles can do whatever they wish.

Had the City of Beverly Hills retained its "Lead Agency" status, the Commission could have controlled every aspect of the entire project. The project would be developed to the City of Beverly Hills standards and not the lesser ones of the City of Los Angeles.

SUSTAINABILITY

The City of Beverly Hills is a world-class city. It should be leading in all aspects of sustainability.

The staff contends that **Land Use 14.4** should be operating directive.

The local stakeholders believe this to be incorrect and inadequate.

The proposed project lacks solar panels, power connects at every parking space to encourage alternative vehicle use, capture and re-use of stormwater and graywater on site, etc.

The proposed project is not in adherence with Land Use Goal and Policy 14.2:

“LU 14.2 Site Development. Require that sites and buildings be planned and designed to meet applicable environmental sustainability objectives by: (a) facilitating pedestrian access between properties and access to public transit; (b) providing solar access; (c) assuring natural ventilation; (d) enabling capture and re-use of stormwater and graywater on-site while reducing discharge into the stormwater system; and (e) using techniques consistent with the City's sustainability programs such as the City's Green Building Ordinance. (Imp. 2.1, 2.4)”

A concern of many of the local stakeholders is that a monolithic building will decrease airflow and become a pocket of heat. They do not believe that the design properly incorporates Land Use Goal and Policy 14.5:

“LU 14.5 Heat Island Effect. Reduce ‘urban heat island’ effect by requiring that new construction and substantial renovation of buildings use techniques to reduce the amount of heat that buildings, outdoor spaces, and parking lots absorb from sunlight. (Imp. 2.4)”

Presently, the three existing buildings offer natural ventilation between the buildings, utilizes stucco, substantial vegetation, and soft colors and offers natural ventilation between the buildings.

GENERAL PLAN

Staff contends that the proposed project is in conformance with the General Plan.

Staff cited LU 2.4, LU 7.1, LU 14.4, and OS 6.3 to support its contention.

The local stakeholders believe this is misguided.

The proposed project is not consistent with "Goals and Policies of LU 2.1, LU 7.2, LU 14.2, LU 14.5, OS 6.1, OS 6.6, OS 6.7, H1, H1.2, and H1.4.

In summary, the proposed project *does not*:

- * Maintain the character of a distinctive residential neighborhood (LU 2.1)
- * Promote amenities (both private and public) due to its high density (LU 7.2)
- * Incorporate the latest sustainability measures such as solar, capture and reuse of rainwater and graywater on-site. (LU 14.2)
- * Does not reduce the "Heat Island Effect" by using the latest techniques (LU 14.5)
- * Does not protect Scenic Views of the immediate neighborhood (OS 6.1)
- * Does not minimize obtrusive outdoor light by using devices over windows on the North, East, and South sides of the property (OS 6.6)
- * Does not utilize the latest building techniques to minimize glare (OS 6.7)
- * Does not maintain the character and quality of residential neighborhoods (H1.1)
- * Does not promote the preservation of historic buildings and historic neighborhoods (H1.4)
- * Does not promote inclusionary housing (Imp 10.2)

MISCHARACTERIZATIONS

There were several instances in the Planning Commission Report that are mischaracterizations of events.

In fact, that is a completely

Special City Council Meeting of February 12, 2015

On page 7 of the Planning Commission Report, it stated:

"...the Beverly Hills City Council considered appealing Los Angeles' decision; however, a majority of the Council did not vote in support of filing an appeal."

There was never a vote by the City Council.

Members of the Beverly Hills City Council were moved to call a Special Meeting, after feeling sandbagged by the City of Los Angeles. A copy of the article from the *Beverly Hills Courier* that comprehensively recalls the session is contained as Exhibit A.

One Councilmember in particular believed that a vote could not be taken, because the Appeal form itself did not exist was not appended to the Council packet.

There was considerable discussion about what rights the City of Beverly Hills would retain, if the council did not appeal.

There was inaccurate information provided by staff that lent the impression that the Planning Commission and the City Council would have considerable decision making authority. That is not the case.

Central Area Planning Commission - City of Los Angeles - March 10, 2015

On page 7 of the Planning Commission Report, it stated:

"At its meeting on March 10, 2015, the Central Area Planning Commission denied the appeal and upheld the original approval."

In fact, the Determination Letter by the Commission, stated:

"At its meeting on March 10, 2015, the Central Area City Planning Commission failed to reach a consensus. The Commission's failure to act resulted in the automatic denial of the appeal and reaffirmation of the decision of the Deputy Advisory Agency's Approval of Vesting Tentative Tract No. 70-499-CN for the approval of 31 residential condominiums, and affirming Mitigated Negative Declaration ENV-2011-3325-MND-REC as the environmental clearance."

There were numerous instances of inaccurate information that created confusion for the Commissioners during that meeting. Two examples were exchanges between the Commission and a City of Beverly Hills employee.

First exchange:

COMMISSIONER BROGDON: *Commissioner Brogdon.*

You've actually confused me more now because I -- is -- I'm confused about really where the City of Beverly Hills stands on this because from what I'm reading it sounded like they felt that LA wasn't considering their architectural and their historical considerations. Is that no longer the case?

MS. GORDON: *That was the viewpoint stated in the June 2014 letter; however, I think based on subsequent reviews our City Council believes that our review process will be coming forward with the Planning Commission and the Architectural Commission could probably any of those maintaining concerns or existing concerns.*

COMMISSIONER BROGDON: *Well, what does that mean? I feel like I'm not getting a clear answer here. So if you're saying that if -- if this appeal is denied and then it goes to Beverly Hills you'll be able to do your own historical review or --*

MS. GORDON: *I have to check on that process. I don't know the answer to that.*

COMMISSIONER BROGDON: *Okay*

Second exchange:

COMMISSIONER MILLMAN: *So that's the position -- this is Commissioner Millman. So that's the position of the City currently is that they still would like an EIR?*

CINDY GORDON: *Yep.*

COMMISSIONER MILLMAN: *But they don't want to appeal the decision that said not to do an EIR?*

CINDY GORDON: *Correct.*

COMMISSIONER MILLMAN: *Okay.*

COMMISSIONER BROGDON: *All right.*

COMMISSIONER MILLMAN: *That's a little confusing because that totally contradicts. I'd like to take a five-minute recess. Sorry.*

Historic Resource

On page 2 of the Planning Commission Report, it stated:

"The Mitigated Negative Declaration adopted by the City of Los Angeles found that none of the properties are eligible as historic resources."

On page 24 of the February 3, 2015 Determination Letter, it stated:

"Nevertheless, if the City of Beverly Hills should choose to consider a potential district relative to these architectural styles, the 20% (two) properties that remain on the west side of Oakhurst together with ten of the 11 structures on the east side of Oakhurst, could potentially constitute an historic district with a total of 12 structures in the Spanish Colonial Revival and Minimal/Traditional Regency styles. With the development of property at 332 and 334-336 North Oakhurst, more than 70% of the properties would remain, thereby meeting the 70% threshold per the City of Beverly Hills criteria for an Historic District."

Planning Commission / Mayer
October 5, 2015
Page 19.

In essence, the Applicant's historical consultant in its December 3, 2014 report expanded the City of Beverly Hill's potential historic district from nine (9) structures to twelve (12) structures.

By adding three (3) structures, it would permit the destruction of the three buildings at 332-336 North Oakhurst, while still maintaining the minimum threshold to uphold the potential historic district.

City of Los Angeles Appeal Recommendation Report to Central Area Planning Commission (Attachment F)

As the Appellant, this document was never provided to me prior to the hearing of March 10, 2015.

It is less than straightforward for the Planning Commission Report to provide one document out of hundreds of pages and not putting forth the other side.

One document that might be of interest would be "*Recommended Changes To the Determination Letter of February 3, 2015*"

That document is show in Exhibit B.

The document was submitted as a supplement to the Appeal before the Central Area Planning Commission on March 10, 2015. It asks for mitigation measures to be added to the Determination Letter of February 3, 2015. Such measures include those that should have been requested by the City of Beverly Hills.

"Our Hands Are Tied"

One of the common refrains that have been heard is that the City of Beverly Hills had to proceed with the Application, due to CEQA regulations. That is incorrect.

In fact, the City of Beverly Hills lost the opportunity to be proactive on three separate occasions:

- (1) In a dispute as to necessity for the EIR, the California Public Resources Code Section 21165 permits a difference of opinion between a Lead Agency and a Responsible Agency to be resolved by the Office of Planning and Research.

There is nothing in the Application file that indicates that the City of Beverly Hills made any such attempt.

- (2) The California Public Resources Code Section 21167.10 permits any entity or person to request mediation of the Lead Agency, after the Notice of Determination.

There is nothing in the Application file that indicates that the City of Beverly Hills made any such attempt.

- (3) The California CEQA Guidelines Section 15096 permits preparation of a subsequent EIR, or taking over the Lead Agency responsibility.

There is nothing in the Application file that indicates that the City of Beverly Hills made any such attempt.

Edith Northman - Architect

During the Central Area Planning Commission hearing of March 10, 2015, City of Los Angeles planner Luci Ibarra testified:

"And as to the architect, Edith Northman, she was well known, but I should add that the evidence that we have suggests that she was more well known for her work on the oil -- the service stations for the Oil Union Company and some -- for industrial structures for the U.S. Army Corps of Engineers, not necessarily her multi-family residences."

A review of City of Los Angeles Department of Planning files reveal a number of references to Edith Northman architect. Limited to only residential properties, excerpts from four (4) of those files revealed are shown:

Document 1: Wilshire Park HOPZ Preservation Plan
(October, 2010 - Page 26)

The work of Edith Northman was specifically identified in a complex named the "Edith Northman Apartment Complex":

"The Edith Northman Apartment Complex:

"In 1938, late in the Depression, development in Wilshire Park resumed after a long period of inactivity. During this year, Louis S. Strauss commissioned a set of courtyard apartments for his properties on the contiguous intersections of Wilton, Leeward and 7th. Strauss had been a real estate developer in Los Angeles since 1935, building apartments on Cochran, Detroit and La Jolla, and later in life became active in the Braille Institute

"Edith Northman was Strauss' choice of architect. Northman maintained offices at 3052 Pico, and had recently completed plans for a synagogue at 5500 Hoover. During these years Edith Northman was very prolific, particularly in the design of apartment buildings. The complex at Wilton, 7th and Leeward is in the modern and efficient Minimal Traditional style with elements of the Streamline Moderne, a significant departure for Wilshire Park, already having been fully built out fifteen years earlier. The complex consists of four twelve-unit buildings symmetrically arranged to form a common courtyard for each of the two pairs. All units have separate private entries and private garages."

Document 2: Historic Resources Survey Hollywood Redevelopment Project Area (as prepared for the CRA)
(February, 2010 - Page 149)

Edith Northman was cited as one of the prominent architects for the area, for her biography was included:

"Edith Northman (1893-1956)

"Architect Edith Mortensen Northman, Los Angeles' only woman architect when she was working in the 1930s, was born in Copenhagen Denmark in 1893 and immigrated with her family to the U.S. in 1914. In the 1920s, she worked for Los Angeles architect Henry J. Knauer and later for Clarence J. Smale, under whom she served as chief draftsman.

She was formally educated in architecture at the University of Southern California during the years 1927-1930. She is described in the 1937 Los Angeles Times as Los Angeles' only woman architect. She had an office located at 3052 Pico Blvd prior to 1933. In 1933, her office was moved to 5639 Pico Blvd, where she also resided. In Hollywood, Northman designed the 4-story apartment building located at 5600 Fernwood Ave in 1929 and the 2-story apartment building located at 5400 Carlton Way in 1941. She is responsible for the design of many other buildings throughout the Los Angeles area, including a synagogue located at 5500 South Hoover Street, a residence for film star Jean Hersholt located at 602 North Rodeo Drive, Beverly Hills, and a \$100,000 studio apartment building located on Harper Ave between Sunset and Santa Monica boulevards for owner Elwood G. Houseman. She also designed the Normandie Mar Apartment Hotel in the Tower District of Fresno, CA.

Throughout the course of her career, she designed a wide variety of building types, including Union Oil Company service stations (she designed at least 50, including a Mediterranean style "superservice station" in Westwood Village in 1933), churches, commercial buildings, factories, residences, and apartments. During World War II, she designed buildings for the U.S. Army Corps of Engineers and after the War she specialized in design of large apartment buildings and hotels in Los Angeles and Palm Springs. She died of Parkinson's disease in 1956 in Salt Lake City."

Document 3 - Miracle Mile North HPOZ Draft Preservation Plan
(November, 2010 - Page 22)

In this document, Edith Northman was identified as one of the prominent architects for the area:

"Other architects represented in the area are: Milton Black, known for his Streamline Moderne designs; Eric Black; Beverly Hills architect Gerald Colcord; Arthur Hawes; Hollywood architect H.J. Knauer; Edith Northman; C.J. Smale; West Hollywood designer Don Uhl; the prolific H.H. Whitely; and Westwood architect Percy P. Lewis. Most of the above had worked all over the Westside, building similar residences in period revival styles in the communities of Santa Monica, Westwood..."

***Document 4 - Proposed Country Club HPOZ: Resources Agency
State of California – Primary Record
(May, 2009 - Page 16)***

In this State of California document, Edith Northman was one of two architects cited in the Postwar Era.

"Theme: Important Designers (1903-1952)

"Celebrated architects and designers who worked in Country Club Park in the postwar era include Edith Northman and Ralph Vaughn."

City of West Hollywood

In West Hollywood, blocks away from the Beverly Hills boarder is the North Harper Avenue District, found in the National Register, of which Edith Northman is prominently mentioned:

Historic District - North Harper Avenue District (West Hollywood, Los Angeles County, CA 90046) Registered on May 28, 1996 with the National Register of Historic Places of the National Park Service, the North Harper Avenue District application as one of three (3) architects for the district.

From its application, it is described as:

"The North Harper Avenue Historic District is comprised of eight contributing apartment buildings, one contributing automotive garage with attached dwelling unit, and two non-contributing apartment buildings. The contributing buildings were constructed during the period 1923 to 1931 and represent variations in 20th century period revival style architecture—specifically Mediterranean Revival and Chateausque. They range in height from one to four stories and are composed as large, simplified geometric forms which virtually fill their entire lots."

Further in the application, Edith Northman is specifically mentioned:

"Few publications have appeared on the history and development of apartment buildings in West Hollywood and more generally Los Angeles."

Courtyard Housing in Los Angeles, by Stefanos Polyzoides/ et. al., the definitive study of courtyard apartment buildings, is one of the few publications on the subject. Polyzoides discusses four of the apartment buildings located in the district. Among these, Mexican Village (now known as the Villa Primavera, 1300-1308 North Harper Avenue, Arthur and Nina Zwebell) and Patio del Moro are seminal works in the development of the courtyard apartment building.(1) The authors consider Villa Sevilla (1338-1352 North Harper Avenue, Edith M. Northman) and El Pasadero (1330 North Harper Avenue, Arthur W. Hawes) as among the 'most important courtyards in Los Angeles. '"

City of Beverly Hills

Relative to the City of Beverly Hills, from the records of the City, Edith Northman was involved with at least six (6) properties:

City of Beverly Hills
Historic Preservation Program
Architects for 2,900 Properties, Compiled 1986

<u>ADDRESS</u>	<u>STREET</u>	<u>PERMIT:DT</u>	<u>ARCHITECT</u>	<u>BUILDER</u>
337	Beverly Drive South	01/02/46	Northman, Miss Edith	Pallisgaard; Niels (Kiels)
712	Foothill Road	11/18/47	Northman: Edith	Van Meterer;
807	Linden Dr. North		Northman: Edith	
334	Oakhurst Dr. North	01/08/30	Northman: Edith	Northman, E.
336	Oakhurst Dr. North			
602	Rodeo Drive North		Northman: Edith	

The residence of Jean Hersholt is of significance. The Academy's Humanitarian Award is named after actor Jean Hersholt. One of its most recipients was Sidney Poitier, a Beverly Hills resident.

Planning Commission / Mayer
October 5, 2015
Page 25.

Academia

In 1990, a traveling exhibition, starting at UCLA, featured Edith Northman along with three other noted women architects. The exhibition was titled:

"A Life in Architecture, Four Women in Los Angeles, 1900-1950, featured drawings and scale models by Constance Austin, Edith Northman, Edia Muir, and Julia Morgan."

The April 29, 1990 edition of the Los Angeles Times, briefly was described the exhibition as:

"The works of four prolific women architects in the first fifty years of this century are on exhibit through May 11 at UCLA's Graduate School of Architecture and Urban Planning in Gallery 1220."

The exhibition was part of a course for a seminar entitled, "Women and Minority Architects in Southern California" and was curated by Dr. Diane Favro, a prominent UCLA architecture professor, who was also the instructor.

EXHIBIT A

BEVERLY HILLS COURIER ARTICLES

BEVERLY HILLS MAIN NEWS



WELCOMING THE ROOKIES—The Beverly Hills Fire Department welcomed six new firefighters at a badge pinning ceremony held at Station 1. After completing a 3-week orientation that included live fire training, vehicle extrication and other Beverly Hills specific familiarizations, they received their BHFDD badges. Pictured (from left): Vice Mayor Julian Gold; Firefighter Steve Bernard; Councilmember Nancy Krasna; Firefighters John Brown, Austin Hain, Jeremy Mack, Bryan Miller, and Bruno Palmieri; and Councilmember Willie Brien.

Emergency Meeting Could Save Historic Buildings From Developers

By Victoria Talbot
The Beverly Hills City Council called a special meeting Thursday, after *The Courier's* print deadline, to decide if they want to file an appeal of the city of Los Angeles approval of a vesting tentative tract map and adoption of a mitigated negative declaration to allow construction of a 31-unit condominium project at 332 336 N Oakhurst Dr. In a case where an historic property is partly in Los Angeles and partly in Beverly Hills, L.A. city planners have determined unilaterally that they can develop the site, overriding Beverly Hills' request for an Environmental Impact Report. About 50 residents came to the hastily called meeting to

support the appeal. Noah Muhlstein, Planning Deputy for L.A. Councilman Paul Kotetz, asked them to appeal. The property located has been the subject of intense efforts by Beverly Hills residents to uncover the historic roots of the building, protect vulnerable residents who are tenants and get the attention of Beverly Hills City staff and council members to aid them in their quest to preserve their neighborhood's integrity. "We need to stick up for our residents," said Councilman John Mirisch. "They went behind our backs." "It seems unreasonable that the city of Los Angeles

(see OAKHURST page 18)

City Council To Consider Tour Bus Restrictions

By Victoria Talbot
The Tour Bus Ad Hoc Committee will propose restrictions on tour bus access to the Business Triangle Tuesday in study session. On Jan. 26, a loading zone located at 9500 Dayton Way was removed. Loading was relocated to the east side of Civic Center Drive between Burton

Way and Third Street, and the north side of North Santa Monica Boulevard between Canon and Crescent Drives in the bus cutout. The committee will propose a weight limit in the Business Triangle that will effectively restrict tour buses from the area. Said Julie Wagner, CEO of the BH Convention and Vis-

itors Bureau, tour buses bring 24 percent, or 1.5 million of the City's visitors, who spend an average \$137 in their two-hour visits. Wagner says tour bus drivers will eliminate the City as a destination, preferring the ease of other destination shopping areas.



BEAUTIFUL BRENDA—Brenda is a 3-year old, 9-pound, Pomeranian/Spaniel mix sweetie. Sadly, her owner passed away. Those interested in adopting Brenda and giving her a happy new beginning may contact the non-profit rescue only pet store ShelterHopePetShop.org at 805-379-3538.

Board Of Education Denies El Rodeo Principal Allen's Request To Implement School Uniforms

By Laura Coleman
The Beverly Hills Board of Education shot down a proposal by El Rodeo Principal Kevin Allen to adopt a policy requiring the school's K-8 students to wear uniforms comprised primarily of khakis, spirit wear and shirts in navy, red and white. In order to adopt the policy for El Rodeo, the board would have needed to vote to change the current dress code which now governs all five Beverly Hills public schools.

"There was (previously) horrific backlash in this community to the current dress code we have in place," said Board President Brian Goldberg, who like the majority of his colleagues, was hesitant to enact a policy that could potentially become a distraction.

Allen, who orchestrated a mini fashion-show at Tuesday night's meeting of around a dozen El Rodeo students dressed in clothing allowed under the proposed policy, presented the Board with a well thought-out plan for adopting uniforms, which he said would increase academic achievement.

"What we're really getting at (is), do students feel a sense of connectedness and safety at school?" he explained. Boardmember Lewis Hall



DRESS CODE—El Rodeo K-8 students showed the Beverly Hills Board of Education and the community a sample what uniforms would be allowed under El Rodeo Principal Kevin Allen's proposal.

was the only one willing to support a policy change to try out implementing uniforms at El Rodeo.

"Students will be thinking less about what they're wearing and more about what they're learning," said Hall said.

"I think it does promote a professional setting where the focus is on schools and academic success. It could be very beneficial."

Before the item came up for discussion, two parents voiced their opposition to the proposed policy, questioning

whether adopting such a policy violated students' First Amendment rights. It does not.

Boardmember Noah Margo pointed out that some students already don't follow the current dress code and he questioned the efficacy of implementing a new policy that might have parents and students willfully refusing to follow the new policy.

"It's a complete culture change in the minds of parents," he said.

BHHS Robotics Team Hopes For Third Straight Regional Award

By Laura Coleman
The Beverly Hills High School Robotics team, MorTorq, is knee deep into designing this year's mechanical contender at next month's L.A. Regional Tournament for FIRST (For Inspiration and Recognition of Science and Technology.) For the last two years, the Beverly Hills team has taken the top prize at the regional competition, the prestigious Chairman's Award, and this year's 53-member team has every intention of continuing that tradition.

On Jan. 3, the team received this year's FIRST game, "Recycle Rush," and has been working furiously to design

and construct a crate-stacking robot from blueprints to final assembly in the six-week time allotment, in addition to crafting a business plan and marketing strategy. And this is the team's final week to get it right. "Our robotics program is really unique," explained Robotics co-president Gabriella Shofet. "We go beyond the robot in multiple fashions."

Beyond the competition, MorTorq's primary goal is to spread science and technology to inspire younger generations. Throughout the year, the team engages in projects that give back to the community such as a recent visit to the Ronald

(see BHHS ROBOTICS page 7)



ROBOTICS—The Beverly Hills High School Robotics Team donated its time and resources at the Ronald McDonald house. Pictured (from left): back row: Matthew Sater, Neo Kattan, Jonathan Levin, Ronald McDonald, and Camilla Monchil, middle row: Maya Luong, Noah Danesh, Amir Siminou, Benjamin Rabn, Stephen Kim, Benjamin Davis, Yu Jin Kim, Randy Schmidt, Richa Vijayvergiya. Front: a Ronald McDonald youth resident with Conny Santa Cruz.

BEVERLY HILLS REAL ESTATE

OAKHURST (Continued from page 4)

would make a determination about a property located partially in Beverly Hills without the input of the City of Beverly Hills. Whatever the conditions allowed by L.A., Beverly Hills has the right and responsibility to protect its residents," said Vice Mayor Julian Gold.

"The City, including our planning staff were unaware of the fact the city of L.A. has given their approval of the project," said Interim City Manager Mahdi Aluzri.

"The last information we had from their staff before receiving this decision was that the application was on hold at the request of the project's developer pending discussion with our planning staff on how to address the concerns Beverly Hills raised on the environmental assessment. Our planning staff is currently reviewing the decision and we will be discussing the matter with the city attorney's office to determine possible options for response."

Aluzri put together the meeting Wednesday evening.

The city of Los Angeles attempted to impose its will over

the citizens of Beverly Hills—much as in the days when Beverly Hills opted not to be annexed by L.A. during the water battles early last century. This time its not water they want. Its Beverly Hills - a City with a reputation so valuable that nearby neighborhoods refer to themselves as "Beverly Hills-adjacent," to gain cache.

But that's not the only reason to be alarmed. In a formal filing in April of last year with the Los Angeles Department of Planning, the applicant was said to be engaging in irregular conduct towards tenants. "According to present and former tenants of 332, 334 and 336 North Oakhurst, the current applicant and former applicant have taken actions against tenants that are violations of both code and law," including Ellis Act violations denying relocation assistance, stakeholder intimidations, and more.

This is the same property where an overly eager developer boarded up the buildings with tenants still residing on the property last month.

Says Minsch, the developers are probably anxious to capitalize on that but not anxious to play by the City's rules. "Our code says it may be

historical."

In fact, the buildings are the work of Edith Mortensen Northman, described in 1937 by the *Los Angeles Times* as "Los Angeles' only woman architect." Born in 1893 in Copenhagen, Denmark, Northman studied architecture at USC from 1927 to 1930. She built an exceptional career, even during the Depression, designing hundreds of projects. Working for Union Oil Co., she designed a number of gas stations, as well as single-family homes in Los Feliz, Hollywood, Beverly Hills and Hancock Park. Many of her clients were in the film industry, including as a consultant to Sam Goldwyn when he was producing Dorothy Parker's *Woman Chases Man* (1937), about a female architect Northman spent WWII with the U.S. Army Corps of Engineers. Afterward she worked in Los Angeles and Palm Springs until she was stricken with Parkinson's disease.

The street's buildings could be part of an historic district, it seems many building owners like their corner of Beverly Hills much as it stands. The survey team for the 2014 Historic Resources Survey identified it

as a potential historic district, "eligible for a listing in the National Register, the California Register and as a City of Beverly Hills historic district," said consultant Christine Lazzaretto in a May 29, 2014 memo.

Built 1930-1939, the tract was originally laid out by the Rodeo Land and Water Company. "All the residences contribute to the district's significance, making North Oakhurst Residential Historic District a cohesive representation of Period Revival style multi-family residences."

No such consideration is currently in the pipeline but it is part of the conversation. If the project goes forward, the building will become condominiums, further diminishing the City's rental inventory.

At the Los Angeles Conservancy, Adrian Fine said: "The Conservancy believes an Environmental Impact Report (EIR) is clearly warranted in this case as historic resources are significantly impacted by the proposed project. Substantial evidence has been presented that demonstrates that these buildings contribute to a potential historic district, therefore there is a need to consider preservation alternatives."

"The approval from Los Angeles entitles them to build on the L.A. portion, but it has imposed conditions that they get clearances from Beverly Hills before they start construction. So until the Beverly Hills Planning Commission approves something on the Beverly Hills portion, there isn't a lot the developer can do. Additionally, we will not issue demolition permits until they have approval from the Planning Commission," said Ryan Gohlich, senior planner for the City of Beverly Hills.

The City of Beverly Hills must thus approve any demolition or construction within the City. See www.bhcourier.com Friday for any updates.



WELCOME ABOARD!—The Agency welcomes Jack Friedkin. Jack is Marketing Assistant to, and soon to be partners with, estate agent Leonard Rabinowitz.



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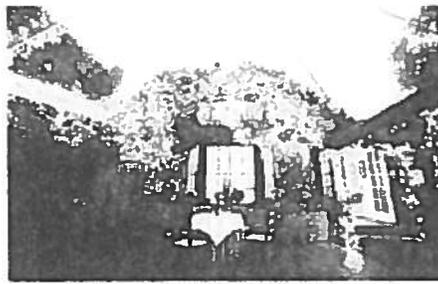
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THIS ISSUE



BHHs Academic Decision team placed third at L.A. Regional Competition



Golda Berkman won the Music Center's Spotlight award grand prize



Beverly Hills resident Leza Gibbons won the "Celebrity Apprentice"



Two local couples spent Ash Wednesday at Two Rodos

Walk With The Mayor
Due to street closures, walkers will meet at the Boat Court in the space adjacent to the Beverly Hills Police Department and the Civic Center Parking Garage on Monday Feb. 23 at 8:30 a.m.

- *Health & Wellness 12
- *Sports 14
- *Letters to the Editor 30



George Christy, Page 6
A Veteran Broadcaster, Larry Elder Has Departed KABC And May Be Heard On The Computer At LarryElder.com. Also On Your Cellphone, Tablet, Or In Your Car

Editorial from Rabbi Pressman AND MORE

CLASSIFIEDS 24
• Announcements
• Real Estate
• Rentals
• Sales
• and More



DOUBLE CHECK—The Waldorf Astoria presented checks totaling \$7.16 million development fees to the City and BHUSD Wednesday at a gathering at The Beverly Hilton hosted by Beny Alagem. Pictured (from left) School board member Noah Margo, School Board VP Howard Goldstein, School Board President Brian Goldberg, Vice Mayor Julian Gold, Alagem Capital Group Chairman Beny Alagem, Mayor Jill Bosse, School board member Lisa Korbatov, Councilwoman Nancy Krasne and Councilman Willie Brien.

For the full story, see page 4.

Brien And Krasne Drop The Ball On Oakhurst Appeal

By Victoria Talbot
Residents of Beverly Hills lost their fight when the Beverly Hills City Council dropped the ball last week, giving an odious victory to Los Angeles that allows them to exert their authority over a building that lies partially within the Beverly Hills City limits. Opponents of the project have contacted *The Courier* in total shock that the City gave away its jurisdictional rights. The outcome was a result of nay votes by Council members

Willie Brien and Nancy Krasne (who was out on bereavement over the loss of her mother), the result was 2-2. With no clear majority, no action could be taken.

Brien was outraged that 5th District City Councilman Paul Koretz sent Noah Muhlstein, Koretz Planning Deputy to ask the City to appeal. "He should file the appeal," said Brien.

Krasne repeatedly said that the (see OAKHURST page 16)



AVIS UNION 76 — Pictured left Shalom Gabay has owned the legendary Avis Union 76 since 1981. The station at 9988 Wilshire Blvd. has pumped gas into vehicles coming in and out of the City for more than 75 years.

Avis Union 76 Fuels Beverly Hills For Decades

This year, *The Courier* celebrates 50 years in the community. Throughout the year, *The Courier* will honor the legacy of excellence in Beverly Hills' heritage businesses that have called the City their home since 1965 or earlier. These are our heritage businesses.

By Victoria Talbot
Gas stations tend to be denied the spotlight but they are a necessary part of most people's everyday life. Avis Union 76 has been serving the people of Beverly Hills for about 75 years.

Located on the western end of the City at 9988 Wilshire Boulevard, it has seen more than a few changes in transportation.

Owner Shalom Gabay has been the proprietor of the location since 1981. When Gabay began his business he was a distributor. Union owned the station. In those days, Gabay had five service bays and his attendants provided full service.

"But you have to change," he

said smiling. Shalom Gabay is charming. With dancing blue eyes and solid gray hair, he speaks with an unusual accent, part Israeli and part French Moroccan. The result is exotic and familiar, framed by a boyish smile ever present on his lips.

The station is busy. A pump fires and a car moves up in the cue. Inside his neat little office, he can see the never-ending action outside on closed-circuit television.

"Union used to give us trips, to Hawaii, the Caribbean, Jamaica, cruises," he muses. "They don't do it anymore. I had to buy the building. I am absolutely independent.

(see AVIS UNION 76 page 18)

BHUSD Safety-Security Committee Convenes

By Laura Coleman
Beverly Hills Unified School District convened its first School Safety and Security Ad Hoc Committee Wednesday night in its latest attempt to cultivate an effective solution to keep the district's 4,264 students safe. Currently, in addition to the BHUSD's high school security detail, the five schools rely solely on the Beverly Hills Police Department.

Police emphasized that an emergency situation requires planning and control and consistent implementation as the situation evolves.

BHPD insists that it is up to the task and that the school district does not need to spend money to hire a private security company to provide additional services.

Among the ideas proffered by police were to enable students by having designated student monitors with vests, in addition to installing panic buttons and ensuring the locking capacity of all classrooms.

Spurred on largely by nervous parents that the BHPD is sufficient to patrol the five Beverly Hills school campuses, the (see SCHOOL SAFETY page 2)

Beverly Hills Elder: Marian Corday's Six Decades In B.H.

Part 24 in a series on Beverly Hills residents who have grown with the Centennial City.

By Laura Coleman
At 96 years old, Beverly Hills resident Marian Corday has seen the world grow, change, widen and shrink. She has raised two children through the Beverly Hills school system, forged lifelong friendships with people who are mostly now gone from the earth, pioneered as a scientist in male-dominated era, and travelled the globe with her late husband of 58 years, Dr. Eliot Corday.



Marian Corday
It was small and friendly and easy to get around. In those days it was just wonderful. People were very friendly, very helpful.

Her husband, who was actively involved in the politics of (see MARIAN CORDAY page 2)

And since 1953, she has lived in the same family home in the flats of Beverly Hills. "We had a very interesting life," she said in a recent interview. "I just love Beverly Hills



FRIENDS OF THE ACE EDDIE AWARDS — Luciana Barnaso and husband Matt Damon, with Chris Pratt and Rene Russo participated in the 65th annual ACE Eddie Awards at The Beverly Hilton.

For more photos, see George Christy's column on page 6.

Celebrity Photo Agency/Scott Downie

OAKHURST PROPERTY

(Continued from page 1)

developers had "played by the rules" and shouldn't be inconvenienced despite the fact that there is a book full of official filings of violations against them, not least among them boarding up of the entire structure while rent paying tenants resided behind the boarded windows.

Krasne and Brien were skeptical about any historic preservation efforts as well although that was not the purview of this hearing. The only issue on the table was whether or not to appeal a decision by the Los Angeles Planning Department that will affect the lives of citizens in Beverly Hills. The building takes into the City and the residents live in Beverly Hills.

In a special meeting last week called by Councilmember John Mirisch and chaired by Vice Mayor Julian Gold in Mayor Lili Bosse's absence, the council split 2-2. The lack of direction in the tied vote meant that there was no direction to appeal, hence no action was taken. No appeal was made.

The deadline for an appeal on the 31-unit apartment building was Friday Feb. 13. The absence of an appeal means that the project is set to go

forth. Residents have expressed absolute shock. Neighbors filed their own appeal, though the West Los Angeles Planning Commission does not have to recognize it.

The non-decision is an embarrassment to all of Beverly Hills and even L.A. residents," wrote Woodrow Clark III, Ph.D. "The report is full of false and misleading information as well as totally ignoring or respecting the Beverly Hills planning and government process. For L.A. City Councilmember Koretz to send his planning deputy to testify is evidence that there is something seriously wrong with this report. I am in shock."

The City's decision means that it has abdicated its opportunity to request an EIR, which, according to Adrian Scott Fine of the Los Angeles Conservancy, "is clearly warranted in this case as historic resources are significantly impacted by the proposed project. Substantial evidence has been presented that demonstrates that these buildings contribute to a potential historic district, therefore there is a need to consider preservation alternatives."

The only alternative left is for the Beverly Hills planning commission to deny a demolition permit or a protracted lawsuit, which may materialize.

2015 Design Awards Given to Three Outstanding Local Homes for New Construction and Remodel

THREE BEAUTIES

The Beverly Hills Design Review Commission recognized three single-family home designs this week based on exterior appearance, mass and scale, landscaping and compatibility with the streetscape. The Design Awards recognize homes in two categories—New Construction and Remodel, and are awarded about every three years. All the homes have been completed since 2011.

Commercial and multi-family architectural awards are in consideration by the Beverly Hills Architectural Commission to be awarded in April or May.

Photos by Zala Richard Rubins Photo Graphics



PARK WAY— Pictured above: New single-family construction Modern Style home. Mass and scale play off open space, modulating mass with architectural elements. Bruce Tucker, architectural designer of Bruce Tucker Design Studio, Michael Schneider, landscape architect of Orange Street Studio, Dan Andrews, general contractor of Horizon General Contractors.



EL CAMINO— Pictured above: A restoration of 1940's California Ranch Style architecture, exemplifies preservation, context and scale in residential construction. Melissa Zickler, Designer, of Modus Homes, M.E. Morales, designer of EME Partners, and, Chns Forsyth, collaborating designer/contractor.



ALMONT— Pictured above: A new single-family residence in an arrangement of solids and voids, shows a traditionally styled home can fit within the mass and scale of the neighborhood, even when significantly larger than the structure it replaced. Eduardo de la Torre, Architectural Designer, Uci Shulman, Architectural Designer, of Ben-Ami Shulman, Magda & Laszlo Faarstein, General Contractors, of Meridian Builders.



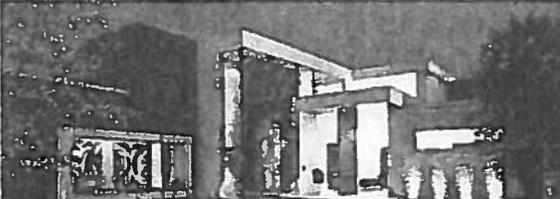
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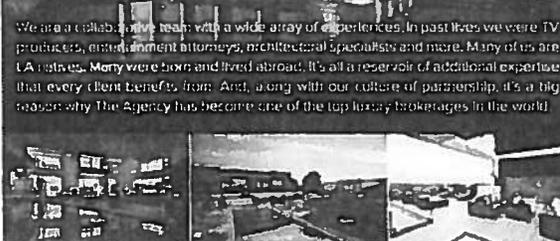
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EXHIBIT B

“Recommended Changes To the Determination Letter of February 3, 2015”

**RECOMMENDED CHANGES TO
 "DETERMINATION LETTER"
 OF FEBRUARY 3, 2015.**

PAGE	REF. NO.	STAKEHOLDERS' CONCERN	RECOMMEND CHANGES
3	7c	<p>WORKER PARKING:</p> <p>There is exceedingly limited parking in Los Angeles due to the constant violations of the Four Season Hotel.</p> <p>Beverly Hills does not permit worker parking for a project this size</p> <p>The area cannot afford worker parking.</p>	<p>No off-site worker parking will be permitted.</p> <p>Until the parking area is constructed, workers will be shuttled from a parking lot.</p>
3	7d	<p>TRAFFIC MITIGATION:</p> <p>Ingress/egress to the alley comes from two directions, from Third Street and Alden Drive. Most vehicles are coming or going to Doheny Drive.</p> <p>The intersection of Doheny and Alden is especially dangerous, and was also close to the site of a hit and run fatality last year.</p>	<p>Applicant installs a four-way traffic signal at Doheny and Alden</p>
3-4	8	<p>FIRE DEPARTMENT:</p> <p>The entire property is going to</p>	<p>Re-write the section per the instructions of the Beverly Hills Fire Department</p>

		<p>be served by the Beverly Hills Fire Department.</p> <p>The Los Angeles Fire Department will only be involved upon a mutual-aid situation.</p>	
4	9	<p>DWP:</p> <p>This property will be served by the a different water agency</p>	<p>Re-write the section per the instructions of the Beverly Hills Municipal Water</p>
4	10	<p>BUREAU OF STREET LIGHTING:</p> <p>The alley is currently very dark, and a safety hazard</p>	<p>Since the letter from that department is three years old, this entire issue needs to be re-addressed, with the minimum of lighting being installed upon existing utility poles</p>
5	12	<p>INFORMATION TECHNOLOGY AGENCY</p> <p>In both Beverly Hills and Los Angeles, telecommunications can be served by multiple platforms and multiple providers.</p> <p>In addition, unless there is proper interior wiring, the various providers will string wires all throughout the property, as exhibited by a nearby dual-jurisdictional condominium project.</p>	<p>(1) The project's CC& Rs will prohibit exterior wiring for telecommunications.</p> <p>(2) The Applicant will properly wire the project so that no exterior wiring is ever necessary</p> <p>(2) All exterior telecommunications receivers will be placed only on the roof, and shielded from any public view</p> <p>(3) The Homeowners Association will create its own telecommunications provider that will be provided as option to all residents</p>
5	14c	<p>DEPARTMENT OF PLANNING</p> <p>Applicant has stated that the project will be LEED compliant</p>	<p>Applicant will build the project to the highest LEED standards</p>

6	14g	<p>DEPARTMENT OF PLANNING</p> <p>There is considerable concern that the project will generate considerable heat and reflective light upon adjoining properties.</p>	<p>On the sides and back of the project, colors and materials must be changed to be heat (sun) absorbent</p>
6	16	<p>DEPARTMENT OF PLANNING</p> <p>In testimony before the Beverly Hills City Council on February 12, 2015, Councilman Koretz staffer stated there had been abuses of the Ellis Act.</p> <p>In addition, neighboring owners in both oral testimony and in writing have stated will be financially harmed during the construction process.</p> <p>Lastly, neighbors in both oral testimony and in writing have stated they will be affected by the construction activity.</p> <p>The Applicant has done nothing address such issues.</p>	<p>This section should be amended to:</p> <p>(1) All tenant disputes have been resolved through hearings with LAHD. Applicant will waive statutory requirements, and allow re-filing of claims (if necessary)</p> <p>(2) Applicant will provide proof of payment. Applicant will provide a full accounting of the Escrow Account</p> <p>(3) Applicant will make public the Operating Agreement of Oakhurst 90210 LLC</p> <p>(4) All neighboring resident/owners' disputes (for both financial consideration and Quiet Enjoyment mitigation/financial consideration) have been resolved through hearings with the LAHD.</p>
6	20	<p>DEPARTMENT OF PLANNING</p> <p>Due to the City of Los Angeles never responding to the boarding-up of the property on December 9, 2014, the neighborhood has</p>	<p>Revise the paragraph to read that all inspections will be conducted by the City of Beverly Hills. Should the City of Los Angeles wish to require its own inspections, Applicant will pay for those inspections.</p>

		no confidence in the City of Los Angeles.	
7	23-MM1	<p>DEPARTMENT OF PLANNING</p> <p><i>“MM-1 Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.”</i></p>	<p>The Applicant is already in violation.</p> <p>There must be severe remedies and penalties, to prevent continued abuse.</p>
7	23-MM3	<p>DEPARTMENT OF PLANNING</p> <p>The most important attribute is the Jacarandas. They reside in the City of Beverly Hills as does all of the footage.</p> <p>It is not the purview of the City of Los Angeles, and desperately affects the entire neighborhood</p>	<p>Re-write the section per the auspices of the City of Beverly Hills</p>
8	23-MM5	<p>DEPARTEMNT OF PLANNING</p> <p>Excavation during the rainy season is problematic.</p> <p>When excavation occurred at 320 North Oakhurst during the rainy season, it made the alley impassable</p>	<p>Re-write that no excavation will take place during the rainy season</p>

8	23-MM6	<p>DEPARTMENT OF PLANNING:</p> <p>There is considerable concern that excavation and ground compaction will cause considerable damage to adjoining properties.</p> <p>A recent earthquake caused over \$5000 to an adjoining property.</p> <p>There is no technical solution that is satisfactory to the adjoining owners.</p> <p>The only means to protect adjoining owners is financial.</p>	<p>It should be amended with:</p> <p>The Applicant will post a \$5 million surety bond, held by an independent escrow (and not by his attorney) for potential claims during the construction phase of the project.</p>
9	23-MM11	<p>DEPARTMENT OF PLANNING:</p> <p>The entire property is going to be served by the Beverly Hills Fire Department.</p> <p>The Los Angeles Fire Department will only be involved upon a mutual-aid situation.</p>	<p>Re-write the section per the instructions of the Beverly Hills Fire Department</p>
10	23-MM12c	<p>DEPARTMENT OF PLANNING:</p> <p>There are no surface parking islands</p>	<p>Eliminate</p>
11	23-MM13	<p>DEPARTMENT OF PLANNING:</p> <p>This property is served by two school districts.</p> <p>In a Beverly Hills City</p>	<p>Re-write to include:</p> <p>(1) The CC&Rs will clearly state that those units located in Los Angeles will not be permitted to send their children to Beverly Hills schools.</p>

		Council meeting of February 12, 2015, it was made clear that councilmembers would not permit Los Angeles domiciled children to attend Beverly Hills schools	
13	24-CM2	DEPARTMENT OF PLANNING: There are number of construction sites potentially operating simultaneously, substantially increasing area dust	Increase the wetting to four (4) times per day
14	24-CM3	DEPARTMENT OF PLANNING: There is a project at Third Street and Wetherly. To mitigate dust and sound, that developer constructed a 16' wood fence, painted dark green, fronted by trees. In addition, that developer has agreed to street sweeping for a potential 1 mile radius	Re-write to include: (1) The Applicant will construct a 16' wood fence, painted dark green, fronted by trees, modeled after the fence at The Wetherly (Third Street and Wetherly) (2) During excavation the Applicant will commit hiring a street sweeping service for a one-mile radius for one hour before excavation begins to one hour after excavation concludes
14	24-CM6	DEPARTMENT OF PLANNING: 15 Miles per hour is far to liberal in a high density setting	Change to 10 miles per hour
14	24-CM9	DEPARTEMNT OF PLANNING: The local residents and owners are extremely concerned by the potential disruption of unabating hours of construction	Change to: (1) The construction hours will be either the lesser of City of Beverly Hills hours of construction, or the hours of 9 a.m. to 4 p.m. (2) Excavation removal can only

		In addition, due to traffic congestion, excavation must be restricted	occur during the hours of 10:30 a.m. to 2:30 p.m.
14	23-CM10 32-CM11	DEPARTMENT OF PLANNING: There is a project at Third Street and Wetherly. To mitigate dust and sound, that developer constructed a 16' wood fence, painted dark green, fronted by trees.	Re-write to include: (1) The Applicant will construct a 16' wood fence, painted dark green, fronted by trees, modeled after the fence at The Wetherly (Third Street and Wetherly)
18	S-3(i)(a)	BUREAU OF ENGINEERING: "a. Improve the alley adjoining the subdivision by the reconstruction of alley intersection with 3rd Street including any necessary removal and reconstruction of the existing bad order alley improvements." What was stated by the Hearing Officer in the March 19, 2014 Hearing was that the <u>entire</u> alley would be reconstructed	Re-write that the reconstruction will include the entire alley from Third Street to Alden Drive

EXHIBIT C

JUNE 11, 2014 - CITY OF BEVERLY HILLS LETTER



June 11, 2014

Luciralia Ibarra
City Planner - Major Projects
Department of City Planning
200 N. Spring Street, Rm 750
Los Angeles, CA 90012

RE: 332-336 North Oakhurst Drive (Case No. VTT-70499-CN and CEQA No. EVN-2001-3325-MND)

Dear Ms. Ibarra,

As you are aware, the City of Beverly Hills serves as a responsible agency pursuant to the California Environmental Quality Act for the purposes of processing the subject project, while the City of Los Angeles serves as the lead agency. Previously, the City of Beverly Hills requested that additional analysis of potential impacts to historic resources be undertaken as part of the proposed mitigated negative declaration (MND). In response to this request, the project applicant engaged Kaplan Chen Kaplan to further assess potential impacts. The City is aware that the applicant-prepared Historic Resource Evaluation concludes that the subject properties are not potentially historic, and the City further understands that the City of Los Angeles intends to support this conclusion. The purpose of this letter is to notify the City of Los Angeles that the City of Beverly Hills has engaged its own historic consultant, Historic Resources Group, to study the subject properties. Contrary to the conclusions of the applicant-prepared assessment, the assessment prepared by Historic Resources Group concludes that the subject properties are located within a potential historic district, which is eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, and as a City of Beverly Hills historic district due to the notable concentration of Period Revival style multi-family residences from the 1930s. The assessment prepared by Historic Resources Group is attached for your information.

Because the attached assessment concludes that 100% of the buildings located along the east side of North Oakhurst Drive between Alden Drive and West 3rd Street contribute to the potential historic district, demolition of the structures to make way for the proposed project would result in impacts to the potential district.

332-336 North Oakhurst Drive
Historic Analysis
June 11, 2014

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 21080(d), if there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. For the purposes of CEQA, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. Historic Resources Group is recognized as an expert in the field of historic preservation, and their expert opinion (based on facts developed through intensive fieldwork and investigations) that the subject properties contribute to a potential historic district qualifies as substantial evidence. Because there is conflicting expert opinion regarding the potential historic district, the City of Beverly Hills respectfully requests that an EIR be prepared for the project to fully assess and disclose the project's impacts, and to identify any mitigations or project alternatives that can eliminate or reduce the project impacts. In preparing the EIR required for the project, the appropriate public review and evaluation guidelines for EIRs must be met pursuant to CEQA statutes and Guidelines.

The City of Beverly Hills remains committed to processing the subject project in a cooperative manner with the City of Los Angeles, and is available to meet with the City of Los Angeles and the project applicant to explore possible mitigation measures and/or project alternatives. Thank you for your attention to this important matter, and please feel free to contact me directly to discuss the information provided in this letter. I can be reached at 310-285-1192 or via email at srojemann@beverlyhills.org.

Sincerely,



Shena Rojemann, Associate Planner

Attachment: City of Beverly Hills - Historic Memo (prepared by Historic Resources Group)

To: Reina Kapadia, Shena Rojemann

City of Beverly Hills

From: Christine Lazzaretto

Date: May 29, 2014

Per your request, the survey team for the 2014 Beverly Hills Citywide Survey Update has reviewed the potential historic district along North Oakhurst Drive for potential historic significance. North Oakhurst Drive was identified as a potential historic district during the preliminary reconnaissance for the survey update, and that finding has been confirmed following completion of an intensive level survey of the area.¹ The team has determined that North Oakhurst Drive is eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, and as a City of Beverly Hills historic district. The district overall, as well as the individual buildings, retain an unusually high level of historic integrity.

DESCRIPTION

The Oakhurst Drive Residential Historic District is a multi-family historic district located along the eastern edge of Beverly Hills at the city's boundary with Los Angeles. The district is one block in size and comprised of nine multi-family residences on the east side of North Oakhurst Drive between Alden Drive and West 3rd Street. The topography of the district is flat and the lots are uniform, with a rectangular form, modest size, and consistent setback. The residences are two-story duplexes, four-plexes, and small-scale apartment houses predominantly in the Spanish Colonial Revival or Minimal Traditional styles with Monterey Revival and American Colonial Revival features. They have concrete walkways and rear, detached garages accessible via a rear alley. Significant district features include a concrete sidewalk and parkway, with mature Jacaranda trees lining both sides of the street. All nine properties contribute to the district. Common alterations include window replacements and the addition of window security bars.

¹ Per the identified fieldwork methodology for the project, the reconnaissance survey was undertaken by the entire project team, intensive level fieldwork was conducted by Architectural Resources Group

MEMO

**City of Beverly Hills
North Oakhurst Drive**

HISTORIC RESOURCES GROUP
12 S. Fair Oaks Avenue, Suite 200, Pasadena, CA 91105-1915
Telephone 626 793 2400, Facsimile 626 793 2401
historica.com

SIGNIFICANCE

2

The North Oakhurst Residential Historic District is significant as a notable concentration of Period Revival style multi-family residences from the 1930s. Its period of significance has been defined as 1930 to 1939, which encompasses the earliest and latest residences constructed during the district's development. The historic district is part of a tract that was originally subdivided in 1922 by the Rodeo Land and Water Company and the residences were constructed in the subsequent decade by individual property owners. Various architects and builders contributed to the district with notable local architect, S. Charles Lee, designing the building at 344 North Oakhurst Drive. One hundred percent of the residences contribute to the district's significance, making the North Oakhurst Residential Historic District a cohesive representation of Period Revival style multi-family residences.

MEMO

**City of Beverly Hills
North Oakhurst Drive**

HISTORIC RESOURCES GROUP

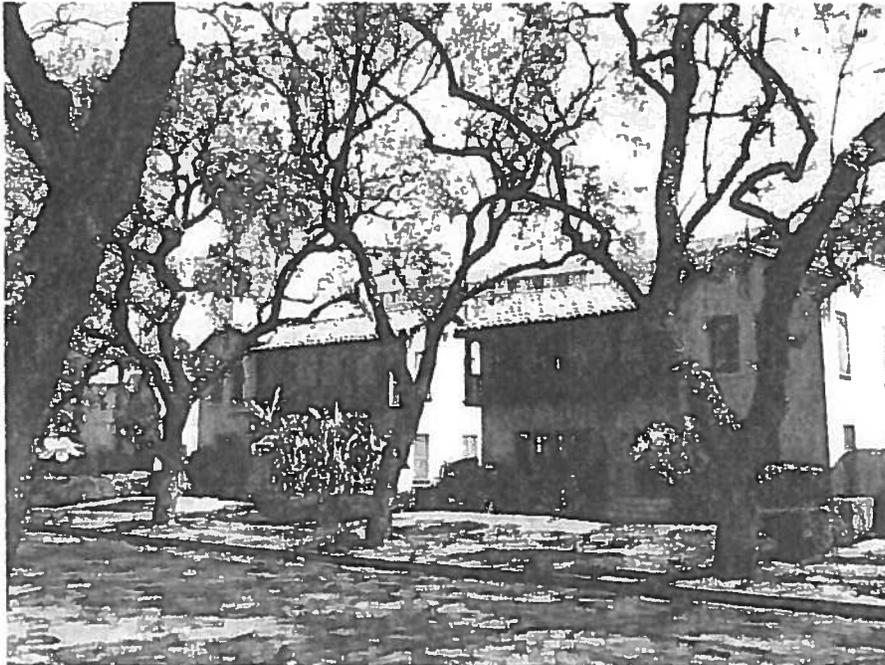
12 S. Fair Oaks Avenue, Suite 200, Pasadena, CA 91105-1915
Telephone 626 793 2400, Facsimile 626 793 2401
historicla.com

North Oakhurst Drive
Potential Historic District

APN	Lot	Address	Subdiv	Dir	Architectural Style	Year Built	Architect	Builder	Historic	Alterations	2014 Survey LOCAL STATUS CODE	2014 Survey STATE STATUS CODE	2014 Survey FEDERAL STATUS CODE	District Name	District [C] or [N] Visible	
4335007005	332	Oakhurst	Dr	N	Spanish Colonial Revival	1931	Heddlam; Paul	Illegible	No	MFR	some windows replaced	SD3	3CD	3D	North Oakhurst Historic District	Contributor
4335007007	334	Oakhurst	Dr	N	Spanish Colonial Revival; Monterey Revival	1930	Northman; E.	Northman; E.	No	MFR	security bars at windows added	SD3	3CD	3D	North Oakhurst Historic District	Contributor
4335007009	336	Oakhurst	Dr	N	Spanish Colonial Revival; Monterey Revival	1930	permit not available online, presumably work of E. Northman	permit not available online, presumably work of E. Northman	No	MFR	security bars at windows added	SD3	3CD	3D	North Oakhurst Historic District	Contributor
4335007011	338	Oakhurst	Dr	N	Minimal Traditional; American Colonial Revival	1939	Unknown; permit not available electronically	Unknown; permit not available electronically	Unknown; permit not available electronically	MFR	security bars at windows added	SD3	3CD	3D	North Oakhurst Historic District	Contributor
4335007013	340	Oakhurst	Dr	N	Spanish Colonial Revival	1930	Unknown; permit not available electronically	Unknown; permit not available electronically	Unknown; permit not available electronically	MFR	cladding altered	SD3	3CD	3D	North Oakhurst Historic District	Contributor
4335007015	342	Oakhurst	Dr	N	Minimal Traditional; American Colonial Revival	1939	None listed on permit	Rees, J.I.	Unknown; permit not available electronically	MFR	security bars at windows added, some windows replaced	SD3	3CD	3D	North Oakhurst Historic District	Contributor
4335007017	344	Oakhurst	Dr	N	Minimal Traditional; American Colonial Revival	1937	Lee; S Charles	Associates Inc.	Yes	MFR	security bars at windows added	SD3	3CD	3D	North Oakhurst Historic District	Contributor
4335007019	346	Oakhurst	Dr	N	Minimal Traditional; American Colonial Revival	1936	Scherer; L. G.	California Engineering and Construction Co.	No	MFR	some windows replaced	SD3	3CD	3D	North Oakhurst Historic District	Contributor
4335007021	348	Oakhurst	Dr	N	Minimal Traditional; American Colonial Revival	1936	Scherer; L. G.	California Engineering and Construction Co.	No	MFR	none visible	SD3	3CD	3D	North Oakhurst Historic District	Contributor

EXHIBIT D

PHOTOS



334-336 NORTH OAKHURST



332 NORTH OAKHURST



336 NORTH OAKHURST

334 NORTH OAKHURST



332 NORTH OAKHURST

Andre Sahakian

From: Karen Myron
Sent: Tuesday, September 22, 2015 7:40 AM
To: Andre Sahakian; Ryan Gohlich; Michele McGrath
Cc: Susan Healy Keene
Subject: Fwd: 332-336 North Oakhurst: "Occupant" Mailed Notice

Sent from my iPad

Begin forwarded message:

From: Alan Block <alan@blocklaw.net>
Date: September 21, 2015 at 11:19:35 PM PDT
To: Karen Myron <kmyron@beverlyhills.org>
Subject: Fwd: 332-336 North Oakhurst: "Occupant" Mailed Notice

Hi Karen:

Please forward this email and email below to Susan and Ryan for review. We need to know whether the notice of the hearing to occupants was actually distributed.

Thanks.

Now I'm emailing you at 11p.m. Sorry but I thought this should be forwarded promptly.

Alan

Sent from my iPad

Begin forwarded message:

From: Steve Mayer <mayer@iname.com>
Date: September 21, 2015 11:03:17 PM PDT
To: Alan Block <alan@blocklaw.net>
Cc: <maluzri@beverlyhills.org>
Subject: 332-336 North Oakhurst: "Occupant" Mailed Notice

Dear Chairman Block:

I wish to make you aware of a problem of regarding noticing for the scheduled public hearing regarding 332-336 North Oakhurst.

As of today, we have not been able to find any "occupants" who have received the mailed notice.

According to page 9 of the Planning Commission Report, it states that "*Mailed Notice (Owners & Occupants - 500' Radius + block face)*" were mailed a week ago today.

Based upon the *Courier* articles, there is obvious concern about the delivery of mail in the City of Beverly Hills, and, in this case, the 90210 zip code.

In the 90048 zip code, however, we have not found one "occupant" (along Doheny, Alden, and/or West Third) who has received the mailed notice. The mail for the 90048 zip code is distributed from a different hub than for mail destined for the 90210 zip code. Residents in the 90048 zip code have not been experiencing the USPS delivery woes of the Beverly Hills residents.

My understanding is that the Applicant provides the mailing labels to the City, and the City mails the notices. If the provided mailing labels are deficient (and that is easy to check), the hearing needs to be postponed.

I will be happy to help staff by examining the copies of the mailing labels and/or the Excel spreadsheet that contains the same information, to quickly resolve the problem.

Thanks,

Steve Mayer
(310) 275-8423