

# **ATTACHMENT 8**

**CORRESPONDENCE RECEIVED AFTER  
JUNE 30, 2016**

Dear Planning Commission,

I support the Hillside Ordinance. It is impossible to create general codes that apply perfectly to every property in Beverly Hills. It is essential that development can continue, but it is equally essential this is done responsibly and takes into account the nature of the location.

Our neighborhoods are under threat of irresponsible building, and in these circumstances, I believe it is necessary to pass this ordinance with immediate effect.

Thank you for your consideration.

Sincerely,

  
620 N. CRENSHAW DRIVE  
BH 90210

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

Hillside Development Ordinance

Dear City Councilmembers:

I support the Hillside Ordinance.

I have concerns about the scale of construction that has been occurring; some of these projects do need a closer look to ensure the safety of the nearby residents.

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

Sincerely,

  
442. S. Oakhurst Drive  
BH, CA 90212

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

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

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Dear City Councilmembers:

I support the Hillside Ordinance.

I have concerns about the scale of construction that has been occurring; some of these projects do need a closer look to ensure the safety of the nearby residents.

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

Sincerely,

*Ellen Yutwak*  
*209 N. Rexford Dr.*  
*B.H., CA 90210*

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

## Masa Alkire

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**From:** BHmomEl@aol.com  
**Sent:** Tuesday, August 02, 2016 4:55 PM  
**To:** Masa Alkire  
**Cc:** WebCBH MAYORANDCITYCOUNCIL  
**Subject:** From Eleanor Moscatel, BH resident

Dear Beverly Hills City Council:

### PLEASE READ INTO RECORD:

I would have liked to come in person to speak, however I am with my family on vacation and sorry as I could not make it.

Please pass the Hillside Ordinance.

I have lived in Beverly Hills for over 45 years and have raised my children here and overall love living here which I think is the best place in the world.

But there is a problem here in our city and the way of life for some residents. Over the years construction has gotten increasingly out of control, with too much over building going on. Workers now boldly ignore the codes that were set in place to protect the residents.

There is a construction project next door to me at 909 N. Beverly Dr. whose owner lives in Morocco. The workers regularly show up before 7:30, work on Saturdays and park their trucks in front and in the driveway and block our view when we need to leave the house which has become especially dangerous for the last 3 months and I have had to have my housekeeper guide us out and our view is always blocked. (They say they are almost finished). This is the third remodel for that house in the last 15 years.

It has been very dangerous for all these years when cars zip by from the valley etc. Since I've lived here, there have been 2 deaths on my street practically in front of my door. I have asked for speed bumps, especially when the young owners of autos really speed on this block and also for the trucks that are constantly on this street.

My house is very close to the base of Coldwater Canyon. Many of the 13 streets on the Hillside Ordinance list feed right onto Coldwater Canyon, which then becomes Beverly Drive. My house is very much affected by the Hillside Ordinance concerning the traffic and safety aspects .

The City Council has the authority right now to choose a vested date and apply the Hillside Ordinance to more projects than would be covered with a grandfathering clause. As this would cumulatively translate into thousands of fewer trucks barreling past my front door. I implore you to please take into consideration residents like me and my family.

Think of the lives the vested date might possible save.

Very truly yours,

Eleanor Moscatel  
907 No. Beverly Dr.

Beverly Hills, Ca. 90210  
310-278-4190

## Masa Alkire

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**Subject:** FW: Hillside Ordinance

**From:** Doris Aghaei [REDACTED]  
**Sent:** Monday, August 01, 2016 1:51 PM  
**To:** WebCBH MAYORANDCITYCOUNCIL; [malkire@beveryhills.org](mailto:malkire@beveryhills.org); Susan Healy Keene; Andre Sahakian; Adrienne Tarazon  
**Cc:** soheil niku; Debbie Weiss  
**Subject:** Hillside Ordinance

Dear City Council Members:

Our family lives on the corner of one of the 13 narrow streets specifically mentioned in the Ordinance – Garden Lane and Marilyn Dr, and request that you adopt the Hillside Ordinance, and apply it to as many projects as possible.

Garden Lane is a short street ending in a small cul de sac with a small handful of houses. Any construction project on this street will severely disrupt the lives of the surrounding neighbors. Trucks navigating to any site on this street will be turning right at my property, and if a few trucks are on the street at the same time entering, or leaving, the site, the street will be completely blocked, not to mention extremely dangerous.

Our family fully supports the Hillside Ordinance, especially those protections that affect our safety. It is critical the City be able to impose safety conditions to limit the time and scope of the impact on the nearby residents.

Additionally, as the steep slopes in Beverly Hills are subject to frequent landslides. In our view, it is critical, under an R-1 permit, the City be able to determine if such construction is safe on a property, and to create conditions to ensure safe hillsides.

Furthermore, this ordinance will help keep mega mansion developers in check, as the they will not be able to build these enormous stepped hillside developments by-right, and will be subject to City review. It will help preserve neighborhood integrity and privacy.

The Hillside Ordinance will give the Planning Commission the authority to determine which projects can be constructed safely without significant impacts to neighbors.

The City Planning Commission and City Council represent the residents of Beverly Hills. We need measures in place that ensure responsible building. The Hillside Ordinance needs to pass – the safety of our residents needs to be a priority.

Sincerely,

Doris & Daniel Niku

1090 Marilyn Drive

## Masa Alkire

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**From:** stuart newmark [REDACTED]  
**Sent:** Saturday, July 30, 2016 2:02 PM  
**To:** Masa Alkire  
**Subject:** Hillside Ordinance

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

We support the Hillside Ordinance!

Stuart & Sandra Newmark  
1029 Chevy Chase Drive  
Beverly Hills, Ca 90210

**Stuart Newmark**  
Email: [stu.15821@gmail.com](mailto:stu.15821@gmail.com)

## Masa Alkire

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**From:** Jody Kleinman [REDACTED]  
**Sent:** Friday, July 29, 2016 1:01 PM  
**To:** Masa Alkire  
**Subject:** HILLSIDE ORDINANCE

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

We support the Hillside ordinance and think it is critically important that you pass this ordinance at your August 16th council meeting.

Thank you in advance for your consideration.

Jody and Jeff Kleinman  
1718 Ambassador Ave.  
Beverly Hills, Ca. 90210

Sent from my iPad

Sent from my iPad

## Masa Alkire

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**From:** Chuck Fries [REDACTED]  
**Sent:** Tuesday, July 26, 2016 10:55 AM  
**To:** WebCBH MAYORANDCITYCOUNCIL; Masa Alkire  
**Subject:** I support the Hillside Ordinance

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

**Charles W. Fries**

**1000 Ridgedale Dr.  
Beverly Hills, CA 90210**

**Chuck Fries**  
President  
Chuck Fries Productions  
(310) 203-9520

## Masa Alkire

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**From:** William Gerber [REDACTED]  
**Sent:** Sunday, July 24, 2016 1:22 PM  
**To:** Masa Alkire; WebCBH MAYORANDCITYCOUNCIL  
**Subject:** Hillside Ordinance

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

I support the Hillside Ordinance.

Bill Gerber  
1030 Woodland Dr.  
Beverly Hills, CA  
90210

Sent from my iPad

## Masa Alkire

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**From:** Waldo Fernandez [REDACTED]  
**Sent:** Wednesday, July 13, 2016 9:36 AM  
**To:** Masa Alkire  
**Cc:** Jay Stock  
**Subject:** Hillside Ordinance

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

To Whom It May Concern,

I support the Hillside Ordinance 100%.

Waldo Fernandez  
1130 Miradero Road  
Beverly Hills, CA 90210

**PETER I. OSTROFF**  
ATTORNEY AT LAW  
555 WEST FIFTH STREET, 40<sup>TH</sup> FLOOR  
LOS ANGELES, CALIFORNIA 90013  
TELEPHONE 213 896 6612  
FACSIMILE 213 896 6600  
postroff@sidley.com

July 11, 2016

By Email

Mayor John A. Mirisch  
Vice Mayor Nancy H. Krasne  
Councilmember Lili Bosse  
Councilmember Julian A. Gold, M.D.  
Councilmember Kathy Reims  
City of Beverly Hills  
455 North Rexford Drive  
Beverly Hills, California 90210

Re: Proposed Hillside Ordinance

Dear Mayor Mirisch and Members of the Beverly Hills City Council:

I am a long time Beverly Hills resident. My home is on Lago Vista Drive. I write to support the proposed Hillside Ordinance. It is a very modest proposal to protect a set of streets that are unique in our city as they are narrow and steep with many curves including switchback curves. These streets deserve special protection and proposed projects on these streets deserve special scrutiny.

I also write to urge that you not be influenced in any way by threats of litigation by opponents of the Hillside Ordinance. These threats, in my view, are substantively baseless. California law recognizes "vested rights" which require the issuance of a valid building permit and substantial work in reliance on such a permit. California law does not recognize purported "pipeline rights" arising out of an alleged reliance on existing laws to commence the planning and permitting process. This is for the obvious reasons that there is no basis for such an exception to plans, codes or ordinances and it would be an impossibly vague standard to apply.

The proposed Hillside Ordinance was criticized and attacked by persons with stakes in proposed or contemplated development and their paid agents, not because it was unreasonable or unnecessary for safety or hillside stability reasons but, rather, because it was "retroactive" to June 1, 2016. I respectfully suggest that this

**PETER I. OSTROFF**  
ATTORNEY AT LAW

July 11, 2016  
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“retroactivity” argument was a red herring offered to allow a few projects to slip past a deadline and expand an unnecessary and, in my view, unwise provision of the ordinance that allowed projects that had achieved certain pipeline milestones before June 1, 2016 to be “grandfathered” to avoid the provisions of the proposed ordinance.

Out of concern about the threats of litigation, the Planning Commission retained the “grandfather” provision that exempted the projects that had achieved these pipeline milestones before the effective date of the ordinance but eliminated the June 1 limitation on these grandfathered projects. I request that the proper solution that is consistent with the well established vested rights doctrine is not to eliminate the June 1 exception but, rather, to remove the grandfather provision altogether. Projects either have vested rights to proceed without complying with the newly adopted hillside ordinance or they don't. If not, those projects like others in the future must comply.

I also wish to make specific reference to and comments about the letter submitted to the Planning Commission dated June 28, 2016 on behalf of something called the “Loma Linda Trust” threatening litigation against the City if it had the temerity to attempt to apply the Hillside Ordinance to the projects proposed on its acreage on Loma Linda Drive.

First, the Loma Linda Trust seeks credit for the fact that its currently proposed projects are not as grotesque as a previous proposal. A modest reduction from a proposal that was damaging to the hillside environment, threatening to public safety and out of keeping with the neighborhood is no particular virtue.

Second, the Loma Linda Trust claims that it wants to be a good neighbor and has worked to satisfy the concerns of the neighbors. This claim is belied by its aggressive efforts to insure that it gets special treatment and is not subject to the proposed Hillside Ordinance.

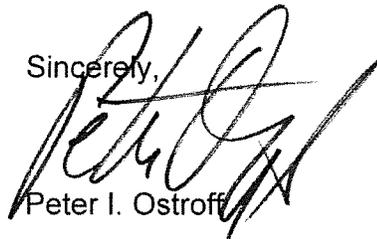
Finally, the lack of substantive basis in law of the threats of the Loma Linda Trust is revealed by a review of one of the few cases cited in the 11-page letter from its lawyer, *Consaul v. City of San Diego*, 6 Cal. App. 4th 1781 (1992). That case, read objectively, undermines all of the threats of the Trust. After explaining the vested rights doctrine, the California Court of Appeal, relying on California Supreme Court precedent, clearly stated that a landowner has no rights arising out of existing or anticipated zoning laws or building codes. The court explained that a landowner attempting to challenge a change in zoning or codes had a high burden of demonstrating that the city's action was arbitrary, capricious or totally lacking in evidentiary support. The court in that case ruled against the landowner who was challenging a change in allowable density.

**PETER I. OSTROFF**  
ATTORNEY AT LAW

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Further, the Loma Linda Trust claims that the June 1 deadline was discriminatory because it was somehow aimed at the Loma Linda Trust projects. At the same time, the Trust claims that it satisfied the requirements for grandfather treatment. While I note the inherently contradictory aspect of the Trust's position, I will leave to others the challenge of sorting out those facts. However, the critical reference to the June 1 date that the Trust offered as evidence of discrimination is an example of the phrase "no good deed goes unpunished." The June 1 date was an attempt to be sensitive to persons whose projects were very far along. That attempt at a good deed has backfired. The unintended consequence should be rectified by elimination of any grandfather provision.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter I. Ostroff", written over the word "Sincerely,".

Peter I. Ostroff

PIO:sgj

## Masa Alkire

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**From:** Anne Ostroff [REDACTED]  
**Sent:** Sunday, July 10, 2016 10:16 PM  
**To:** WebCBH MAYORANDCITYCOUNCIL; Masa Alkire; Susan Healy Keene; Ryan Gohlich; Andre Sahakian; Adrienne Tarazon  
**Cc:** Ostroff, Peter I.; 'Anne Ostroff'  
**Subject:** Hillside Ordinance

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

Dear city council members,

I've signed a letter supporting the Hillside Ordinance and taped a video expressing my support. I'd like to stress the importance of R1 reviews to keep our hills stable and safe, and to insure that all projects not yet permitted with significant earth removal are evaluated for, if nothing else, geological impact/hillside stability to the proposed site and its surroundings. Hillside stability and public safety must come first.

The proposed ordinance was thoughtfully crafted, tightening the language to effect the intent of the hillside building code and closing loopholes for a very small and unique area. I am pro-development and believe that property value and quality of life can increase with development befitting the area. We built our dream home on Lago Vista Drive and moved in earlier this year. There are good reasons why we built our home in the hills not the flats or Trousdale. While the flats and Trousdale has its charm, it's the canyons and nature that attracted us to the hill side.

The hill side building code should allow for a home befitting the landscape and lifestyle for the area, integrating nature and development seamlessly and unobtrusively. More importantly, the safety of the residents and their homes should not be compromised or negotiated based on projects' progress in the planning approval process. Potential threats to safety should not be "grandfathered". The residents depend on the city, via the proposed ordinance and otherwise, to insure new developments will not compromise hillside stability, public safety and preserving the hillside lifestyle.

While people should indeed be able to build their "dream homes", it shouldn't be at the detriment to other residents and the hillside itself. The Hillside Ordinance gives some protection, and in my view, should apply to the homes that are currently in the pipeline.

We feel strongly about preserving this unique area in our beloved city.

Sincerely,

Anne Ostroff

## Masa Alkire

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**From:** DENNIS SHIELDS [REDACTED]  
**Sent:** Saturday, July 02, 2016 10:40 PM  
**To:** Masa Alkire; WebCBH MAYORANDCITYCOUNCIL; Adrienne Tarazon; Susan Healy Keene  
**Subject:** The Hillside Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Make no mistake, I support the Hillside Ordinance

Dennis and Douglas Shields  
1235 Coldwater Canyon  
Beverly Hills, Ca 90210  
65 Years of Residence

And why your at it, please shut Coldwater down to Residents only! It was never designed to be a thoroughfare!!

**From:** Andre Sahakian  
**Sent:** Monday, August 01, 2016 2:12 PM  
**To:** Alek Miller  
**Cc:** Masa Alkire  
**Subject:** FW: Hillside Ordinance

FYI

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**From:** Doris Aghaei [REDACTED]  
**Sent:** Monday, August 01, 2016 1:51 PM  
**To:** WebCBH MAYORANDCITYCOUNCIL; [malkire@beveryhills.org](mailto:malkire@beveryhills.org); Susan Healy Keene; Andre Sahakian; Adrienne Tarazon  
**Cc:** soheil niku; Debbie Weiss  
**Subject:** Hillside Ordinance

Dear City Council Members:

Our family lives on the corner of one of the 13 narrow streets specifically mentioned in the Ordinance – Garden Lane and Marilyn Dr, and request that you adopt the Hillside Ordinance, and apply it to as many projects as possible.

Garden Lane is a short street ending in a small cul de sac with a small handful of houses. Any construction project on this street will severely disrupt the lives of the surrounding neighbors. Trucks navigating to any site on this street will be turning right at my property, and if a few trucks are on the street at the same time entering, or leaving, the site, the street will be completely blocked, not to mention extremely dangerous.

Our family fully supports the Hillside Ordinance, especially those protections that affect our safety. It is critical the City be able to impose safety conditions to limit the time and scope of the impact on the nearby residents.

Additionally, as the steep slopes in Beverly Hills are subject to frequent landslides. In our view, it is critical, under an R-1 permit, the City be able to determine if such construction is safe on a property, and to create conditions to ensure safe hillsides.

Furthermore, this ordinance will help keep mega mansion developers in check, as the they will not be able to build these enormous stepped hillside developments by-right, and will be subject to City review. It will help preserve neighborhood integrity and privacy.

The Hillside Ordinance will give the Planning Commission the authority to determine which projects can be constructed safely without significant impacts to neighbors.

The City Planning Commission and City Council represent the residents of Beverly Hills. We need measures in place that ensure responsible building. The Hillside Ordinance needs to pass – the safety of our residents needs to be a priority.

Sincerely,

Doris & Daniel Niku

1090 Marilyn Drive

**From:** Tim Souris <[REDACTED]>  
**Sent:** Monday, August 08, 2016 12:19 PM  
**To:** Alek Miller  
**Subject:** Fwd: Hillside Ordinance

----- Forwarded message -----

**From:** **Tim Souris**  
**Date:** Mon, Aug 8,  
**Subject:** Hillside Ordinance  
**To:** [malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)

Dear City Council,

Please pass the Hillside Ordinance. I am concerned about the amount of construction trucks that are regularly in my area and anything the City can do to make our streets safer will be appreciated.

Sincerely,

Tim Souris

521 N. Camden Drive

Beverly Hills, CA 90210

August 1, 2016

Dear Mayor, Vice Mayor and City Councilmembers

I am currently one of the two owners at 1274 Lago Vista Drive. For the past sixteen months, we have been working with the City of Beverly Hills Building and Safety and Planning Department on designing this home. Landry Design Group was chosen as our architect, due to being one of the most impressive, award winning architectural firms in the Country. We have spent hundreds of hours and over \$450,000 on architects, structural engineers, civil engineers, landscape architects, etc.

On April 6, 2016, after meeting concept review requirements, we placed flags and polls on site to determine view impact as per Planning Department requirements. On June 6, 2016, we received approval from Mr. Ryan Golich that there is no view impact and therefore we may proceed to plan check, (please see attached email). Finally, on June 17, 2016, we submitted a full set of plans for plan check, which include architectural plans, structural engineering plans, civil engineering plans, soil engineering plans, landscape plans, Title 24 plans, etc.

It was mentioned in the Beverly Hills Courier that projects, which are currently in the plan check stage, still have the ability to go to R1 for approval. This is simply not true. The new recommended ordinance based on the new minimum pad of 20 feet, will require us to apply for a variance with the Planning Commission who are notorious for not issuing variances.

Consequently, if this ordinance will pass without a grandfather provision, we will have to start from scratch, and all of our time, money, and effort will go to waste. Such an action is not only unfair for people who worked in good faith with Beverly Hills, but would also cause new homeowners and developers to lose confidence in their city government.

According to Beverly Hills City Clerk, Byron Pope, per his recollection stated, "The City of Beverly Hills has **never adopted an ordinance with a retroactive date.**"

Please do not start now.

Therefore, as recommended by the Planning Commission, please include in this ordinance a grandfather provision that allows any plans that are submitted to plan check prior to this Ordinance approval, be exempt from this ordinance.

Thank you,



Yishai Kohen



August 8, 2016

Dear Mayor, Vice Mayor and City Councilmembers,

I am here to address my concern with adopting an ordinance that will disrupt the current guidelines of building a home on the hillside of Beverly Hills, **without doing a proper study**. The Planning Commission's recommendation is inappropriate because a thorough analysis was never done and is only being based on emotions and reactions from a few residents within the neighborhood.

For example, Commissioner Alan Block asked Commissioner Craig Cormon how did we come to the 1,500 cubic yard of dirt removal? Commissioner Cormon answered "It is sort of a rough estimate of impacts, we could do 2000, 1000 seems to low." Eventually, at the next Planning Commission meeting on June 30, 2016, the Commission changed the recommendation from 1,500 cubic yards to 2,000 cubic yards. Again without any thorough analysis, just their 'gut' feeling.

The process should begin with a study that allows a homeowner to achieve a particular size home in relation to the hillside lot size.

For example, a 35,000 square foot lot, with a 5,000 square foot flat pad, would allow a homeowner to build 31% of the flat pad, which is 1,550 square feet and 10% of the slope which is another 3,000 square feet, totaling 4,550 square feet. This Beverly Hills home is obviously too small and not proportional to a lot size that is about ¼ acre.

In the flats, one would only need a 6,000 square foot piece of land to achieve a 4,550 square foot home. Obviously, this is unreasonable for a 35,000 square foot lot, and this is why homeowners are increasing their pads using terraces to allow a greater floor area.

I believe, given a 35,000 square foot lot, a minimum of 7,500 square foot home is reasonable within the City of Beverly Hills

To achieve this size home you need to allow 20% of the slope and 31% of the flat. Yes, you are increasing the percentage of the slope but you are completely removing the terracing. For a home of 7,500 square feet, the first floor is generally 4,500 square feet, the garage is 500 square feet and the second floor is 3,000 square feet. To build a 5,000 square foot basement under the first floor, 2,250 cubic yards of dirt will have to be exported. This will yield a 10 foot ceiling and 2-foot foundation (5000x12/27).

Based on the above, **terracing is not needed**, and the amount of **dirt being hauled is reduced**.

In conclusion, I believe a thorough study needs to be done by the City Council, which begins with a classification of what size home in the hillside is appropriate in proportion to the size of lot. This analysis must include the input from architects, engineers, and city staff. As a result, this report will define all requirements needed to achieve this size of home, such as size of pad, amount of hauling, height of retaining walls, and all other code requirements. It is not reasonable to place an ordinance, interim ordinance or a retroactive ordinance without a complete and thorough study.

Sincerely,



Steven Mermelstein

[Redacted]

**Please Read Into the Record**

Dear City Council,

I ask that you please pass the Hillside Ordinance with the vested date.

Without mitigations, the two construction projects that are directly above me on Loma Linda will make my life unbearable.

We need the Council to protect us.

This hillside has had two huge landslides over the years, and recently a broken hydrant dumped large amounts of mud onto our property which is below them on Sutton Way.

Their previous project was so large that it required a NMD review and the City would have been able to impose safety conditions upon them.

That project was deemed too massive and the negative impacts on the neighbors too severe. But now the developer is back, and has found a way around the R-1 process by splitting the project into two large homes—that add up to essentially the same size.

**As they are now by right, the City will be unable to offer us any protections.**

That is simply unacceptable.

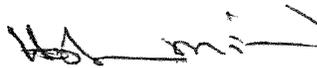
These projects are seriously going to impact my life- for years.

We ask the Council to consider the following: For every project that a grandfathering clause would help to avoid complying with the ordinance, they risk severely hurting many more of the surrounding neighbors.

Please help the majority of the residents by passing the Ordinance with a vested date.

I appreciate any consideration you can give my position.

Yours Sincerely,



Hashem Minaiy

Sutton Way

Beverly Hills

August 9, 2016

Beverly Hills City Council  
c/o City Clerk  
455 North Rexford Drive  
Beverly Hills, CA 90210

Dear Members of the Beverly Hills City Council,

We are writing to you as the homeowners of the property at 959 North Alpine Drive. **We urge you NOT to pass the proposed Hillside Development Standards Ordinance to be reviewed by the City Council on August 16<sup>th</sup>.**

We have spent several hundred thousand dollars on plans for a new home for ourselves and our children and have completed conceptual review twice. We are preparing a Hillside R-1 submittal for early next week, the week of August 15, 2016.

Adoption of the proposed ordinance would nullify nearly all of our expenditures on plans to date, would cause us to incur significant new costs, and would reduce the market value of our property. We paid a premium for our property, because we anticipated that we would be able to build a new home there for ourselves that would justify such a high purchase price. If this new ordinance is passed, it will jeopardize millions of dollars of our investment. As relatively new residents of the city, we find it extremely disconcerting to think that the City Council might act in such an imprudent and fundamentally unfair manner.

Our most pressing concerns with the ordinance are the following:

1. **The proposal is too broad.** Based on the testimony at the Planning Commission meeting on June 30<sup>th</sup> and Attachment C of the report, it is clear that the true intent is to regulate construction on narrow hillside streets adjacent to Coldwater Canyon Drive, not all hillside properties. Indeed, all the support for the ordinance comes from residents of such streets. There is no reason this ordinance should apply to streets such as ours (N. Alpine Drive), which is very wide, with large lot sizes, and whose residents would be disproportionately affected by the decline in property values brought about by the proposed ordinance.
2. **The new definition of a level pad is extreme and should be subject to R-1.** Regarding the proposal to define a level pad as a square area at least 20 feet on each side, the change from no minimum dimensions to a 20 x 20 pad is extreme. Further, there is no indication as to whether homeowners will have the option to apply for a Hillside R-1 permit if their projects do not comply with that new definition. At a minimum, if the ordinance is passed there should be an option to apply for an R-1 permit, not a variance, in cases where the new criterion is not met. For example, our project includes a level

pad that is approximately 14' x 150'. Our project would be severely compromised if we were denied the option to even apply for a Hillside R-1 permit for that aspect of the project.

3. **Retroactivity is unnecessary and unfair to homeowners.** In Section 7, Grandfather Provisions of the Planning Commission Report of June 30th, it is stated that the regulations will essentially be retroactive to June 1, 2016. We consider the retroactivity to June 1, 2016 as outlined in the grandfather provisions to be exceedingly onerous and inappropriate. To add insult to injury, the date appears to be tied specifically to the date of plan submission for a single project by Aquilini America so as to prevent its development. As noted above, our plans have undergone conceptual review twice and will be submitted for a Hillside R-1 permit next week. **The new regulations should not apply to any project that has undergone any review, including conceptual review, prior to the date on which the ordinance, if passed, takes formal effect.** Property owners incur significant expense to produce plans that meet the requirements of such reviews.

Finally, we attended and spoke at the meeting of the Planning Commission on June 30<sup>th</sup>. At that meeting, five former mayors, the President of the Beverly Hills Chamber of Commerce, several other prominent community leaders, and numerous hillside property owners - indeed a clear majority of speakers - opposed the proposed ordinance on multiple grounds. Yet, Attachment C of the report includes almost exclusively the letters of residents of Loma Linda Drive or other streets adjacent to Coldwater Canyon who put their names to a single form letter supporting the ordinance. We submitted a letter in advance of that meeting, which is attached below. Based on the representation at the meeting, we can only assume that there were many more letters opposing the ordinance that also were not included in the report.

Thank you for your consideration. We look forward to attending the hearing on this matter on August 16<sup>th</sup> and again **urge you NOT to pass the proposed ordinance.**

Respectfully,

Raymond and Dina Levy  
959 N. Alpine Drive, Beverly Hills, CA 90210

[REDACTED]

Dear Beverly Hills Planning Commissioners,

As a home owner and permanent resident in Beverly Hills I am writing you to insist that your commission take into account the impacts of the policy decision being decided on June 30<sup>th</sup> to potentially retroactively impose regulation changes to the Municipal Code. As a resident in this city, I do not object to policy changes that will improve the general planning of our community but I strongly object to ordinance changes that are not discussed properly in the public forum and without sufficient notice when a policy which has major financial implications on property development rights is changed.

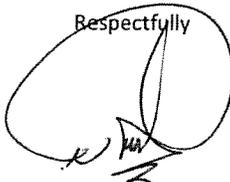
In this case, our understanding is that the Planning Commission is suggesting that the proposed code changes to the Hillside Zone not only change after very little community discussion and only several weeks of notice, but also is being suggested as being implemented retroactively to a date prior to any general notice to the public of such a change.

**I have a project that is currently in the pipeline in the hillside area of the city of Beverly Hills**, and I face hundreds of thousands of dollars of loss due to the preparation of plans based on certain regulations known to be in place within the municipal code until now and without a proper public notification period that it was being discussed for change.

This is a bad business policy in the most expensive and financially vibrant city arguably in the world. This is not the way as I understand it that policy in this city has been treated before and I am aware that this is not the method by which policy changes in the City of Los Angeles are handled either.

Please respect the public notification process and if a code is to change I implore you to make certain that proper notification protocols take place and that code changes are enacted only following the final adoption of a code revision. We suggest that any project submitted for plan check or a discretionary approval be vested under current codes prior to a code change adoption through city council.

Respectfully

A handwritten signature in black ink, appearing to read 'Raymond Levy', enclosed within a large, hand-drawn oval.

Raymond Levy  
959 N. Alpine Drive  
Beverly Hills, CA 90210

Dear City Council,

Please pass the Hillside Ordinance. Traffic is very bad on our street and we need the City's help. The Hillside Ordinance will help us in this regard.

Respectfully Yours,

JAMSHID MEHDIZADEH  
1174 Coldwater Cyn Dr.  
Beverly Hills, CA. 90210

A handwritten signature consisting of the initials 'JM' followed by a large, sweeping underline that extends to the right.

Dear City Council,

I request that you please pass the Hillside Ordinance. Construction in our area has gotten out of control. We need more protection from these oversized developments.

Respectfully Yours,

PARVANEH RAFAELOFF, MD.

1174 Coldwater Cyn Dr

Beverly Hills, CA. 90210



8-3-16

Dear Beverly Hills City Council,

Please pass the Hillside Ordinance and apply it to as many projects as the Council has the authority. I live on Coldwater Canyon Dr, very close to where it intersects Loma Linda. Any construction truck that comes down Coldwater Canyon passes in front of my house- i.e. from many of the 13 roads specially named in the ordinance.

I am concerned about the traffic dangers that will arise once the projects in the City's pipeline for the streets near me commence.

Please take my position into consideration.

Thank you,

RITA KORNFELD, Ph.D  
*Rita Kornfeld, Ph.D*  
1159 COLDWATER CANYON DR  
BEVERLY HILLS, CA 90210

August 11, 2016

To Beverly Hills City Council Members:

Please find the following letters of opposition from the property owners of Lago Vista Drive opposing the proposed Ordinance concerning the Hillside Area of the City of Beverly Hills.

- 1) 1231+ lot Lago Vista Drive
- 2) 1235 Lago Vista Drive
- 3) 1236 Lago Vista Drive
- 4) 1246 Lago Vista Drive
- 5) 1250 Lago Vista Drive
- 6) 1251 Lago Vista Drive \* by text
- 7) 1258 Lago Vista Drive
- 8) 1260 Lago Vista Drive
- 9) 1266 Lago Vista Drive
- 10) 1270 Lago Vista Drive
- 11) 1274 Lago Vista Drive
- 12) 1282 Lago Vista Drive
- 13) 1286 Lago Vista Drive
- 14) Other owners on Lago Vista Drive are out of town, on vacation, or are currently responding which is, for some, during the summer holidays and some have just been recently contacted.

We the undersigned owners of the following properties, representing \_\_\_% of the property owners on Lago Vista Dr, Beverly Hills, are opposed to the proposed change to the hillside ordinance as it will materially impact our lifestyle and our ability to develop our properties in accordance with the existing ordinance. If it is the City Council's desire to implement safety or construction regulations we would support those kinds of revisions.

*P. Grubman*

Patty Grubman  
1235 Lago Vista Drive

*7/20/16*  
*\* 1236 Lago Vista Dr see attached UMBERTO & BABETTE SAUONE*  
*Sign of Property in Henry*  
*1254 LAGO VISTA DR*  
*1250 LAGO VISTA DR*

*John*

Charles Park  
1231 Lago Vista Dr

*see attached Mermelstein, Kohon*  
*1274\* see attached Donwells*  
*1270 Donwells*  
1246 Lago Vista Drive, Robert and Myra Schlegel \*see attached  
1251 Lago Vista Drive, Ashbee (by text)

1266 LAGO VISTA DRIVE, KARL AND JENNIFER HUTTER

*Carl: Jen Hutter 8/8/16*

*1286*  
*1282*  
*Ann Power 1286 Lago Vista*

*1258 and 1260 \* see attached Shapiro*

\*

From: **Robert Darwell** [RDarwell@sheppardmullin.com](mailto:RDarwell@sheppardmullin.com)  
Subject: **RE: Property restrictions**  
Date: **June 30, 2018 at 8:50 PM**  
To: **Herzig Ralph** [gizreht@gmail.com](mailto:gizreht@gmail.com)  
Cc: **Charlotte Darwell** [chardarwell@yahoo.com](mailto:chardarwell@yahoo.com)

Ralph –

**Charlotte and I have lived (and raised our family) at 1270 Lago Vista Drive for approximately 15 years.**

**We absolutely oppose the proposed restrictions on building that challenge the needed development of our neighborhood and that will have a negative impact on the value of our property. The proposed changes to the current scheme are as unfair as they are arbitrary. Through the years, we have modified and improved our home in reliance on the current regulatory scheme, which is already quite protective and restrictive. If the City modifies it further to make things even more restrictive, we will most certainly seek to challenge that.**

**Unfortunately, my work schedule prevents me from attending tonight's meeting, but please feel free to convey our STRONG views in opposition to the proposed changes.**

**Sincerely,**

**Robert Darwell**  
Entertainment, Technology and Advertising  
310.228.3740 | direct  
[rdarwell@sheppardmullin.com](mailto:rdarwell@sheppardmullin.com) | [Bio](#)

**SheppardMullin**  
Sheppard Mullin Richter & Hampton LLP  
1901 Avenue of the Stars, Suite 1600  
Los Angeles, CA 90067-6017  
310.228.3700 | main  
[www.sheppardmullin.com](http://www.sheppardmullin.com)

**Media & Entertainment Group Of The Year 2015**

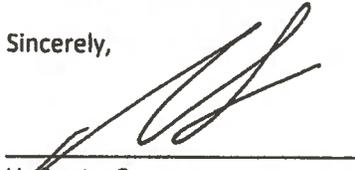


**Attention:** This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

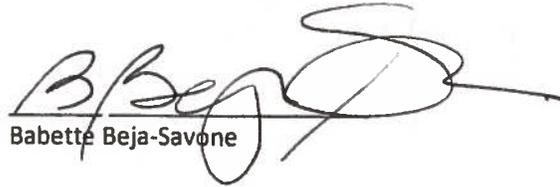
August 11, 2016

We absolutely oppose the proposed restrictions on building that challenge the needed development of our neighborhood and that will have a negative impact on the value of our property. The proposed changes to the current scheme are as unfair as they are arbitrary. Through the years, we have modified and improved our home in reliance on the current regulatory scheme, which is already quite protective and restrictive. If the City modifies it further to make things even more restrictive, we will most certainly seek to challenge that.

Sincerely,



Umberto Savone



Babette Beja-Savone

UMBERTO – BEVERLY HILLS

1236 Lago Vista Drive

Beverly Hills, CA 90210

**UMBERTO**  
BEVERLY HILLS

We the undersigned owners of the following properties, representing \_\_\_% of the property owners on Lago Vista Dr, Beverly Hills, are opposed to the proposed change to the hillside ordinance as it will materially impact our lifestyle and our ability to develop our properties in accordance with the existing ordinance. If it is the City Council's desire to implement safety or construction regulations we would support those kinds of revisions.

Myrna and Robert Schlegel  
90210 LLC



Michael Bentley, CPA, on behalf of 90210 LLC and Myrna and Robert Schlegel

August 8, 2016

We the owners of 1274 Lago Vista Drive, Beverly Hills, are opposed to the proposed change to the hillside ordinance, as it will materially impact our lifestyle and our ability to develop our properties in accordance with the existing ordinance. If it is the City Council's desire to implement safety or construction regulations we would support those kinds of revisions.



Ishay Kohen



Steve Mermelstein

We the undersigned owners of the following properties, representing \_\_\_% of the property owners on Lago Vista Dr, Beverly Hills, are opposed to the proposed change to the hillside ordinance as it will materially impact our lifestyle and our ability to develop our properties in accordance with the existing ordinance. If it is the City Council's desire to implement safety or construction regulations we would support those kinds of revisions.



Patty Grubman  
1235 Lago Vista Drive

7/20/16

*Legal of Decapally in Henry*

1254 LAGO VISTA DR

1250 LAGO VISTA DR



Charles Park  
1231 Lago Vista Dr.

1274\* see attached *Donnelly*

1246 Lago Vista Drive, Robert and Myra Schlegel \*see attached  
1251 Lago Vista Drive, Ashbee (by text)

DocuSigned by:  
*Bob Shapiro*  
E3B280F8F1B04AD  
Bob Shapiro

1258 and 1260 Lago Vista Dr

Benjamin M. Reznik  
Direct: (310) 201-3572  
Fax: (310) 712-8572  
bmr@jmbm.com

1900 Avenue of the Stars, 7th Floor  
Los Angeles, California 90067-4308  
(310) 203-8080 (310) 203-0567 Fax  
www.jmbm.com

74688-1

August 11, 2016

**VIA E-MAIL AND HAND DELIVERY**

Honorable John A. Mirisch  
and Honorable Members of the City Council  
455 N. Rexford Drive, Room 400  
Beverly Hills, CA 90210  
Attention: Adrienne Tarazon (atarazon@beverlyhills.org)

Re: Hillside Development Ordinance

Dear Mayor Mirisch and City Council Members:

We represent Debbie Weiss and Adrian Lorimer, the owners of the home located at 1185 Loma Linda Drive, directly adjacent to a large hillside development site located at 1184-1193 Loma Linda Drive. They have serious concerns regarding development on dangerous hillsides that require hauling on winding narrow hillside streets. Many other city residents have raised similar concerns. They circulated and submitted to the city a petition in support of the proposed Hillside Development Ordinance which has been signed by 150 residents, while more than 75 letters supporting adoption of the ordinance have also been submitted.

As you know, numerous developers have rushed to submit applications for large hillside developments since the Hillside Development Ordinance was first placed on the Planning Commission agenda at the end of May, 2016, in an attempt to avoid compliance with the proposed new regulations. At least ten applications have been submitted for building permits since the end of May for new single family homes in the hillside area on Lago Vista Drive, Loma Linda Drive, Shadow Hill Way, Ridgedale Drive, Marilyn Drive, Woodland Drive and Laurel Way. (See attached chart)

Two of these properties are for large multi-level single family homes at 1184 and 1193 Loma Linda Drive, directly adjacent to our clients' home. You may recall that an R-1 permit for an extremely large and extravagant 25,000 square foot home was proposed for this property, but was withdrawn in the summer of 2015 just prior to the Planning Commission hearing, due to significant neighbor opposition and serious concerns about hillside and street safety. Now, in an attempt to avoid R-1 Permit review, the owner proposes to develop two large 15,000 square foot houses on each of the properties that will require a total excavation and hauling of almost 6,000 cubic yards of soil on Loma Linda Drive, a narrow winding substandard hillside street – without any discretionary review by the City. The hillside on the 1184 Loma Linda property was subject

to large landslides that caused significant damage to downslope properties in the 1970s and again in 2006. If this property and similar hillside properties are required to comply with Hillside Development Ordinance, the City will have the authority to review and impose safety conditions for this level of hillside disturbance on dangerous properties.

We support the approval of the Hillside Development Ordinance to require R-1 Permit review for projects that excavate more than 1,500 cubic yards, and/or create a “layer cake” series of retaining walls in order to obtain additional “level pads” that increase the allowed floor area of development. We also request that the City Council provide additional protections from those development projects that propose construction with excavation on hillsides that have a history of landslides.

### **1. Additional Protections for Landslide Properties**

One of the primary concerns of neighbors in the hillside community is damage caused by landslides during construction or heavy rains. Even properties that completed soils and slope remediation were subject to devastating landslides years later that caused significant damage to downslope and nearby properties. The likelihood of a landslide is increased by excessive cut and fill on an existing slope. For instance, the City of San Jose limits the amount of cut and fill based not just on the amount of cut and fill, but also the steepness of the slope, by requiring discretionary review for cut or fill on existing natural slopes greater than 2:1 (two horizontal feet to one vertical foot). (SJMC 17.04.390, 17.04.400) Similarly, the Los Angeles Baseline Hillside Ordinance, in addition to regulating the maximum grading and import/export amounts, also limits all new graded slopes to no more than 2:1. (12.21.C.10.f.5)

We request that the City Council include a provision in the Hillside Development Ordinance that requires additional focused discretionary review for projects on hillsides that have had prior slope failures or are doing construction on steep slopes. This will enable the City to perform environmental review and impose safety measures that will protect entire neighborhoods from the dangers inherent in such developments. The following verbage is our suggested text for such a provision:

(a) An R-1 Permit shall be required for a project on any property for which the City has issued a permit for remediation work for a landslide or other slope failure, or on which a landslide or other slope failure is known to have occurred, whether or not a permit has been issued; and

(b) An R-1 Permit shall be required for any project that includes construction or grading on a hillside with a slope greater than 2:1 (two horizontal feet to one vertical foot).

### **2. Additional Hauling Protections for Hillside Streets**

The neighbors in hillside areas with narrow winding substandard streets have serious concerns regarding the health and safety of their families and communities during construction

and hauling, especially when it occurs over an extended period of time without a break. The City has already adopted code provisions that regulate construction activities, including the regulation of heavy trucks accessing and parking at construction sites; however, these provisions apply only to the Trousdale Estates area. The owners on narrow streets in the hillside area have the same legitimate concerns regarding safety, parking, noise, heavy hauling, and the need for traffic management plans as the owners living in Trousdale. Therefore, we request that the provisions regarding heavy hauling and construction in Trousdale, Beverly Hills Municipal Code sections 9-8-1 through 9-8-8, be applied to the hillside streets through the proposed Hillside Development Ordinance. (See attached provisions)

### **3. Standard Vesting of Ordinance without Grandfathering to Protect Special Interests**

We understand that the City has been threatened with litigation in a letter submitted by the attorneys for the owner of 1184 & 1193 Loma Linda Drive if a grandfathering clause that would specifically exempt them from this new Hillside Development Ordinance is not adopted as part of this new ordinance. We wish to provide the City Council with some basic information demonstrating that that City is not required to adopt such an exemption and is not subject to liability for not doing so.

***Legal Standards for Grandfathering Provisions.*** An ordinance of the City of Beverly Hills (as with all cities in California) applies to all properties and proposed projects unless a project has vested pursuant to state common law prior to the effective date of the ordinance, or the ordinance identifies a specific grandfathering provision that is not applied arbitrarily. The City of Beverly Hills does not usually utilize grandfathering provisions, because such provisions must be supported by evidence that the grandfathering date or method is not arbitrary, capricious, or totally lacking in evidentiary support. *Foothill Communities Coalition v. County of Orange* (2014) 22 Cal.App.4<sup>th</sup> 1302; *Consaul v. City of San Diego*, 6 Cal.App.4<sup>th</sup> 1781 (1992). The zoning regulations may not be “discriminatory” in nature, by applying to a specific property in a manner different than general application. The grandfathering concept essentially provides an early vesting date for Projects that will not otherwise be vested under California common law prior to the ordinance’s effective date. So, requiring an ordinance to apply to all projects that have not otherwise vested under common law prior to its effective date applies the provision equally through general application; however, allowing early vesting for some projects and not others by selecting an alternative vesting method, is by its nature discriminatory, unless the City can provide support that the method is not arbitrary and capricious.

***Beverly Hills Ordinances Rarely, If Ever, Allow Grandfathering.*** In a search of City ordinances, we could not locate any ordinances that allowed for an earlier vesting date or an alternative vesting method through a grandfathering provision. Even in the letter submitted to the Planning Commission on June 28, 2016, by attorney Patrick Perry representing the 1184 & 1193 Loma Linda Drive owner, it is stated that in nearly 100 years since its 1914 incorporation, the City has adopted only one other ordinance with a change in vesting date – Ordinance 67-O-1357 – which applied the provisions of the ordinance two weeks earlier than the effective date.

Hence, the remainder of the City's other ordinances allow for vesting under California common law. For instance, the provisions of the Historic Preservation Ordinance applied on its effective date; therefore, if a building permit had not been issued for demolition of a potentially historic structure prior to the effective date of the ordinance, historic review was required. The ordinance did not provide special standing or exemptions to projects that had filed for a building permit while the Planning Commission and City Council considered the ordinance, but for which a permit had not yet been issued.

**Legal Standards for Vesting.** The doctrine of vesting limits the power of a local government entity to impose more restrictive zoning or other regulations on the developer of a site after a certain point in the permitting process, usually after some actual development of the site—not merely work "preparatory to construction"—has occurred. *Avco Community Developers, Inc. v. South Coast Regional Comm'n*, 17 Cal. 3d 785, 791, 793 (1976), cert. denied, 429 U.S. 1083 (1977) ("*Avco*"). California courts have adopted a narrow version of the doctrine, which vests rights relatively late in the development process, and allows the government to change its mind "virtually up to the moment the builder starts pouring concrete." *Raley v. California Tahoe Regional Planning Agency*, 68 Cal. App. 3d 965, 985 (1977). The California Supreme Court in *Avco* held that a developer acquires vested rights, only when it has "1. Been issued a building permit; 2. Performed substantial work; 3. Incurred substantial liabilities; 4. In good faith reliance upon that permit." *Avco*, 17 Cal. 3d at 791. Subsequent cases have clarified that the permit must have been validly issued [*Strong v. County of Santa Cruz*, 15 Cal. 3d 720, 725 (1975)] and vesting extends only to the specific activities authorized by the permit at issue [*Santa Monica Pines, Ltd. v. Rent Control Bd.*, 35 Cal. 3d 858, 866 (1984).] Further, an agency can restrict or revoke a vested right if the use would constitute a nuisance or a threat to public health or safety. See *Davidson v. County of San Diego*, 49 Cal. App. 4th 639, 648 (1996) (holding that a crematorium constituted a nuisance allowing revocation of a vested right).

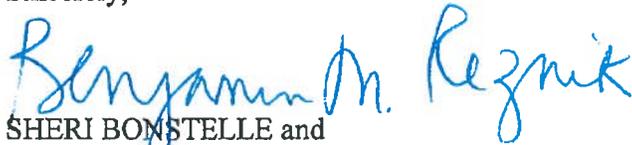
**Application to the Hillside Development Ordinance.** Therefore, under California law, the Hillside Development Ordinance will apply to a project unless the City has issued a valid building permit, and the owner has performed substantial work and incurred substantial liabilities in reliance on that permit. The Planning Commission proposed an alternative (and extremely liberal) vesting method that would allow an applicant that had only submitted an application for a planning entitlement or building permit to be fully vested and avoid compliance with the provisions of the new Hillside Development Ordinance. The Planning Commission failed to provide any evidence that would demonstrate that the grandfathering date was not discriminatory, arbitrary, nor capricious. The Planning Commission only stated that it wanted to cast the widest net to *avoid compliance* with the Hillside Development Ordinance – completely contrary to City planning policy and California case law. The provisions of this new Hillside Development Ordinance support public health and safety for development on dangerous hillsides, and must be applied in an equal manner to all properties. Developers should not be rewarded for gaming the system and filing applications during the City's hearing process to avoid compliance.



**Conclusion**

In summary, we request that the City Council approve the Hillside Development Ordinance without inclusion of a specific grandfathering provision, and require all projects to comply with it unless they vest under California law. We also request that you include language that protects neighbors living near a development site with a history of dangerous landslides or with steep hillsides with a slope of 2:1 or greater, and apply the Trousdale Estates hauling provisions to all hillside substandard streets. The Hillside Development Ordinance is a positive step towards safer construction that protects the City's neighborhoods.

Sincerely,



SHERI BONSTELLE and  
BENJAMIN M. REZNIK of  
Jeffer Mangels Butler & Mitchell LLP

BMR:slb

Attachments

cc: Mahdi Aluzri, City Manager  
Ryan Gohlich, Assistant Community Development Director  
Susan Healey Keene, Community Development Director  
Laurence S. Wiener, City Attorney

**PENDING HILLSIDE AREA BUILDING PERMITS**

Plan Check (No-Entitlement)

Address	Street	Description	Submission Date	Project
1506	LEXINGTON ROAD	SUBTERRANEAN GARAGE W/ROOFTOP GARDEN	5/28/2014	1
1140	CALLE VISTA DRIVE	NEW 2-STORY SFR W/BASEMENT	2/2/2015	2
1146	TOWER ROAD	ADDITION TO SFR (PHASE 2)	7/29/2015	3
1060	WOODLAND DRIVE	ADD BASEMENT TO SFR/NEW ATTACHED GARAGE AND DECK	9/28/2015	4
1200	STEVEN WAY	NEW 2-STORY SFR W/BASEMENT and GRADING FOR NEW SFR	10/30/2015	5
1029	HANOVER DRIVE	POOL EQUIPMENT ROOM	11/25/2015	6
1221	LAUREL WAY	NEW 1-STORY SFR W/BASMENT & GRADING FOR NEW SFR	12/8/2015	7
1210	LAUREL WAY	NEW 2-STORY SFR W/BASEMENT and GRADING FOR NEW SFR	12/18/2015	8
1248	BENEDICT CANYON DRIVE	NEW 2-STORY SFR & detached garage and carport and GRADING FOR NEW SFR	3/17/2016	9
1024	SUMMIT DRIVE	CONVERT CARPORT TO GARAGE/ADD NEW ATTACHED GUESTHOUSE TO SFD	4/6/2016	10
1020	SUMMIT DRIVE	ADDITION TO SFR	4/15/2016	11
1034	COVE WAY	NEW 2-STORY SFR WITH BASEMENT & GRADING FOR NEW SFR	4/25/2016	12
1006	LEXINGTON ROAD	NEW CABANA	5/19/2016	13
1115	CAROLYN WAY	NEW STAIRS IN FRONT IN FRONT SETBACK	5/25/2016	14
1260	LAGO VISTA DRIVE	NEW 2-STORY SFR W/BASEMENT & NEW PERGOLA & GRADING FOR NEW SFR	5/26/2016	15
1231	SHADOW HILL WAY	NEW 2-STORY SFR W/BASEMENT & GRADING FOR NEW SFR	6/3/2016	16
1193	LOMA LINDA DRIVE	NEW 2-STORY SFR W/BASEMENT & GRADING FOR NEW SFR	6/6/2016	17
1175	SUMMIT DRIVE	REMODEL AND ADDITION TO SFR	6/6/2016	18
1029	RIDGEDALE DRIVE	NEW 2-STORY SFR W/BASEMENT & GRADING FOR NEW SFR	6/10/2016	19
1247	LAGO VISTA DRIVE	ADDITION TO SFR & GRADING TO EXTEND LEVEL PAD & NEW SFR WITH BASEMENT	6/13/2016	20
1274	LAGO VISTA DRIVE	NEW SFR WITH BASEMENT & GRADING FOR NEW SFR	6/17/2016	21
1184	LOMA LINDA DRIVE	NEW 2-STORY SFR W/BASEMENT & GRADING FOR NEW SFR	6/22/2016	22
1093	MARILYN DRIVE	NEW 2-STORY SFR W/BASEMENT & GRADING FOR NEW SFR	6/23/2016	23
1002	WOODLAND DRIVE	NEW 2-STORY SFR W/BASEMENT	6/23/2016	24
1200	LAUREL WAY	NEW SFR W/BASEMENT & GRADING FOR NEW SFR	6/27/2016	25
9399	MONTE LEON LANE	ADDITION AND REMODEL TO SFR	7/24/2016	26
1112	SAN YSIDRO DRIVE	REMODEL AND 2-STORY ADDITION TO EXISTING SFR	8/1/2016	27

**TROUSDALE ESATES INTERIM MEASURES**



## **Trousdale Estates Area Construction Special Transportation-Related Interim Measures**

### **Background**

The City of Beverly Hills desires to enhance the safety for residents and workers in the Trousdale Estates area in recognition of the significant levels of construction-related activity and the street grades. On June 17, 2014, the Beverly Hills City Council directed staff to implement a series of measures to address large trucks travelling to/from construction sites in the area and construction-related parking. The City will also be adding signage and striping to the primary streets in the area to enhance general motor-vehicle safety.

The City will be monitoring the effectiveness of these measures and will likely fine-tune them over time. However, all of these conditions are applicable until you are officially notified to the contrary.

The City has adopted interim measures for vehicle and traffic safety outlined in this document, and has established a gross weight limit of 50,400 lbs. for all construction related vehicles travelling to and through the Trousdale Estates area.

### **Applicability**

The measures described in this document are applicable to any construction project (buildings or infrastructure) that requires a City of Beverly Hills permit. These measures also may be applicable to any major HVAC (mechanical) project that may require heavy equipment or cranes. These measures apply to all projects including those permitted prior to June 17, 2014.

### **Summary**

The special transportation-related measures developed for the Trousdale Estates area are grouped into five sections as described in the following document:

#### **Section 1: Construction-related Vehicle Important Information (pg. 2 – 4)**

- |   |   |
|---|---|
| A. Heavy Vehicle Inspection Requirement | E. Advanced Notice of Larger Vehicles           |
| B. Secondary Braking System             | F. Safe Truck Driving Practices                 |
| C. Heavy Vehicle Routes                 | G. Time Limits of Construction-related Vehicles |
| D. Maximum Loaded Weight                |   |

#### **Section 2: Construction-related Parking Requirements (pg. 5)**

#### **Section 3: Construction Traffic Management Plan (pg. 5 & Attachment B)**

**Section 4: Construction Work Hours and Days (pg. 5)**

**Section 5: Compliance and Remediation (pg. 6)**

**Section 6: Contractor/Owner Acknowledgment (pg. 6 & Attachment C)**

***For questions regarding these special measures, please contact the Department of Community Development:***

Trousdale Estates Interim Measures Information – 310.285.1168 or [trousdale@beverlyhills.org](mailto:trousdale@beverlyhills.org)

For construction project specific questions, contact your assigned Project Building Inspector. Project Building Inspectors are available by phone or e-mail. Office hours are Monday through Thursday mornings, 7:30 a.m. to 8:00 a.m. and afternoons 4:00 p.m. to 5:00 p.m. Friday office hours are in the afternoon only, 3:00 p.m. to 4:00 p.m.

**Section 1: Construction-related Truck Traffic**

**A. Heavy Vehicle Inspection is required for vehicles over 26,000 pounds**

The City requires that the vehicles listed below be physically inspected and certified by the City's agent annually.

- Any vehicle with a gross vehicle weight rating over 26,000 pounds.
- Any vehicle with a gross vehicle weight rating over 10,000 pounds with three or more axles.
- Any trailer or semitrailer with a gross vehicle weight rating over 10,000 pounds and or used in combination with the vehicles listed above.

The vehicle owner/operator is required to contact and schedule an appointment for inspection every year.

*Inspection Agency:* Truckspect, Inc.  
*Contact:* Bill Velez, 626-307-5400  
*Inspection Location:* 332 North Foothill Road, Beverly Hills\*

\*Note: Or mutually agreed upon location with the owner/operator.

The City's inspection process does not eliminate or alter the requirement to comply with the California BIT (Biennial Inspection of Terminals) Program.

After the City's agent has certified that the truck has complied with City safety standards, the owner/operator will be responsible to provide the approved vehicle inspection form to the City's Development Services Division, in person. The owner/operator will be provided with a decal which must be affixed to the vehicle on the lower left of the driver's side window or to the front a-frame hitch area of a trailer near the data plate. The corresponding documentation must be available in the vehicle at all times for review by any agent acting on behalf of the City. The cost of the inspection will be approximately \$200.00 and borne by the entity requesting the inspection. The City will be defining the process for such payments.

The City has a current list of "certified" vehicles that have passed this inspection process, which is published weekly on the City's website [www.beverlyhills.org/trousdale](http://www.beverlyhills.org/trousdale) in Section 1 - Trousdale Certified Vehicles.

## **B. Secondary Braking System**

Any vehicle over 10,000 pounds Gross Vehicle Weight (GVW) with three or more axles must also contain a secondary braking system that is deemed adequate by the City's vehicle inspection agent. Such systems include, but are not limited to, mechanical engine brakes, exhaust brakes, electronic driveline retarders and hydraulic transmission retarders.

Class 7 vehicles (26,001 – 33,000 GVW) are uncommonly constructed with secondary braking devices and therefore required to be inspected, but not contain a secondary braking device unless they adhere to the CHP standard of "over 10,000 pounds GVW with three or more axles."

Class 8 vehicles (33,001 GVW – AND GREATER) are commonly constructed with secondary braking devices and generally fit the profile of "over 10,000 pounds GVW with three or more axles."

## **C. Heavy Vehicle Routes (for any vehicle subject to the City's Heavy Vehicle Inspection)**

Any vehicle subject to the City's Heavy Vehicle Inspection (exceeds 26,000 pounds GVW and any vehicle over 10,000 pounds GVW with three or more axles) must follow a pre-defined route when entering and exiting the Trousdale Estates area. The map found on Attachment A: Trousdale Estates area Construction-related Truck Routes provides the prescribed route according to the property location.

Vehicles travelling to/from properties in:

**Zone 1** – Enter the Trousdale Estates area from the south (via Schuyler Road or Loma Vista Drive) and exit to the north (via Cherokee Lane).

**Zone 2** – Enter and exit the Trousdale Estates area from the south (via Loma Vista Drive or Hillcrest Road). Access to Wallace Ridge is from Loma Vista or Hillcrest Road, whichever is more direct.

Only one heavy vehicle is allowed per job site at a time, and the staging of multiple vehicles is not allowed within Beverly Hills city limits.

## **D. Maximum Loaded Weight – 50,400 pounds (for all construction related vehicles)**

**The maximum loaded weight allowed for any construction-related vehicle travelling on the streets within the Trousdale Estates area is 50,400 pounds.** This includes the weight of the vehicle, trailer, passengers, equipment, payload, and any other items associated with the vehicle.

If any City representative (ie. Police official, Building Inspector, or Code Enforcement) finds that a truck exceeds this limit, they will deny access to the Trousdale Estates area or require it be weighed at a commercial scale to demonstrate that it does not exceed the 50,400 pound limit.

**E. Required Advanced Notice of Heavy Vehicles (Vehicles over 26,000 pounds and 10,000 pounds with 3 or more axles) – Email [Trousdale@beverlyhills.org](mailto:Trousdale@beverlyhills.org)**

For any vehicle subject to the City's Heavy Vehicle Inspection process (exceeds 26,000 pounds GVW), the City and the Project Building Inspector must be notified **no later than 24 hours in advance** (excluding weekends and holidays) of any travel in the Trousdale Estates area.

**The general contractor for the project must email [trousdale@beverlyhills.org](mailto:trousdale@beverlyhills.org) up to 30 days in advance, and no later than 24 hours in advance** to gain approval to haul within the Trousdale Estates area. Required information includes completing a notification form outlining the following information:

- Date and Time of Haul
- Type of vehicle and Company Name
- Certification Number (Decal Number of vehicle)
- Designated Hauling Route
- Destination within Trousdale Estates area.

**The contractor must receive a returned email from the City, acknowledging receipt and approval of the details of the heavy haul request prior to the truck gaining access to the Trousdale Estates area. A printed copy of the dated approval email, vehicle certification decal and Inspection report is required to be with the operator, and furnished upon request.**

**Important contact information:**

Trousdale Email – [trousdale@beverlyhills.org](mailto:trousdale@beverlyhills.org)  
Trousdale phone – 310.285.1168

**Building Inspector Contact Information:**

Randy Miller – [rmiller@beverlyhills.org](mailto:rmiller@beverlyhills.org)  
Michael Midstokke – [mmidstokke@beverlyhills.org](mailto:mmidstokke@beverlyhills.org)  
Trent Baker – [tbaker@beverlyhills.org](mailto:tbaker@beverlyhills.org)  
George Lelea – [gilelea@beveryhills.org](mailto:gilelea@beveryhills.org)  
Wayne Regester – [wregester@beverlyhills.org](mailto:wregester@beverlyhills.org)  
Steve Tabor – [stabor@beverlyhills.org](mailto:stabor@beverlyhills.org)

**F. Safe Truck Driving Practices (Vehicles over 10,000 pounds)**

All trucks are required to use their lowest gear when travelling downhill. All trucks are not permitted to pass another vehicle while in a drive lane.

Any construction-related truck with an optional 4<sup>th</sup> axle is required to deploy the 4<sup>th</sup> axle when travelling within the Trousdale Estates area, regardless of whether it is carrying a load.

### **Time Limits of Construction-related Vehicles**

All Construction-related vehicles in excess of 10,000 pounds (Gross Vehicle Weight as established by the manufacturer) are only allowed to be in the Trousdale Estates area between the hours of 8:30 AM and 3:15 PM on weekdays (excluding Holidays).

### **Section 2: Construction-Related Parking**

Contractors, or their agents, are allowed to park on the project site (off street), provided they do not overhang the sidewalk or curb in any manner. Each construction site is allowed to park, at maximum, two vehicles on-street immediately in front of job site. Two on-street parking permits will be provided to the prime contractor at the time the initial building permit is approved. Each permit will be marked with the applicable project address.

Contractors needing additional parking for worker's personal vehicles, equipment, etc. must find a suitable location **outside of the Trousdale Estates area**, with Greystone Mansion being an exception. The City's web page (Building Department section) contains a list of potential off-site parking facilities. However, it is the contractor's responsibility to obtain an agreement to use the facilities and pay any related fees.

As part of the Construction Traffic Management Plan (Attachment B), the prime contractor must indicate the location and duration of any off-site parking they have secured.

The limitation regarding on-street parking does not apply to contractors doing street-related maintenance, such as utility projects or road repair.

**A current list of parking structures within the City of Beverly Hills and their associated daily/monthly rates can be found at <http://www.beverlyhills.org/citygovernment/parkingservices/parkinglocationsmap/>.**

### **Section 3: Construction Traffic Management Plan**

Prior to issuance of a building permit or approval to haul within the Trousdale Estates area, the prime contractor must complete the attached Construction Traffic Management Plan (Attachment B) regarding the subject project and receive approval from the City as to its completeness.

The prime contractor is required to provide this information for the life of the project. Attachment B can be amended based on a change in construction schedule or scope as needed.

### **Section 4: Established City-wide Construction Work Hours**

No person shall engage in construction, maintenance or repair work which requires a city permit between the hours of six o'clock (6:00) P.M. and eight o'clock (8:00) A.M. of any day. No work which requires a city permit is allowed on Saturday, Sunday or public holiday. For the purpose of this section, "public holiday" shall mean:

1. New Year's Day.
2. Memorial Day.
3. Independence Day.
4. Labor Day.
5. Thanksgiving Day.
6. Christmas Day.



## **Trousdale Estates Area Construction Special Transportation-Related Interim Measures**

No person employed for the purposes of construction, maintenance, or repair work which requires a city permit shall enter a site on which such work will be done prior to eight o'clock (8:00) A.M. Any violation of this subsection shall be deemed to be an infraction.

### **Section 5: Compliance and Remediation**

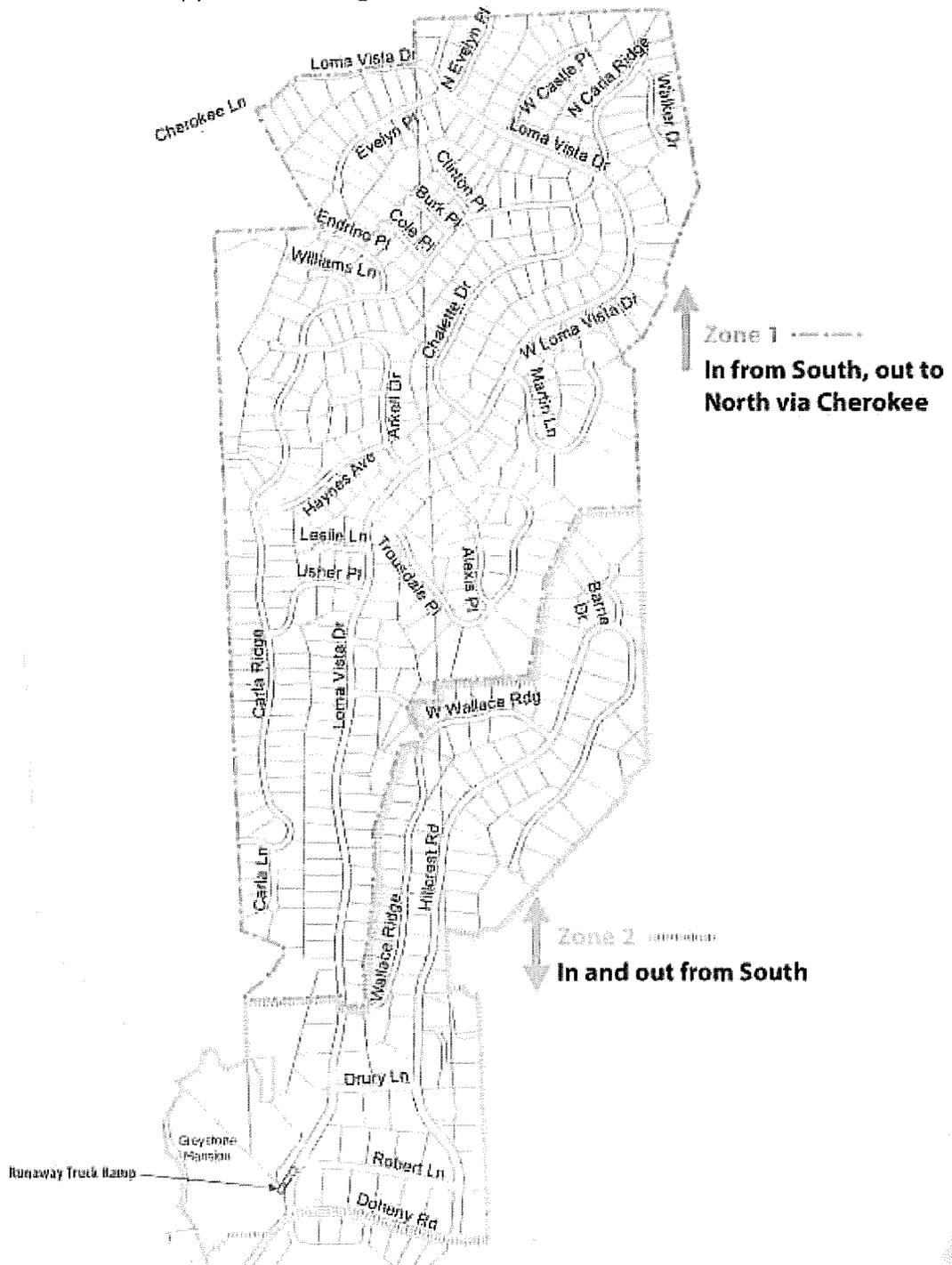
As expressed by the City Council, the City of Beverly Hills has "zero tolerance" for any non-compliance with the conditions outlined in this document. There will be no warnings, second-chances, or excused violations. Failure to comply with these conditions, as determined by the Building Department or their agents, will result in the following at the discretion of the Building Official:

- Complete shut-down of the project site until remedial measures are completed
- Completion of a driver training program as identified by the City
- Citation of any trucks found not to be in compliance with the City's program
- Revisions to the project's construction traffic management plan
- Special investigation fees assessed

### **Section 6: Contractor Acknowledgment**

Attachment C: Contractor/Owner Acknowledgment must be signed and returned to the City of Beverly Hills at [trousdale@beverlyhills.org](mailto:trousdale@beverlyhills.org) prior to the issuance of any new building permits and for permits issued prior to June 17, 2014, before any project site construction deliveries or pickups are authorized within the Trousdale Estates area.

Attachment A  
Approved Hauling Routes (Zone 1/ Zone 2)



Trousdale Area Construction-related Truck Routes

**Attachment B**

**Trousdale Estates Construction Traffic Management Plan**

Send completed form to: [trousdale@beverlyhills.org](mailto:trousdale@beverlyhills.org)

Job Site Address: \_\_\_\_\_

Project Description: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Job Start and End Dates: \_\_\_\_\_

Building Permit Number: \_\_\_\_\_

Right of Way Use Permit Number\*: \_\_\_\_\_

**Heavy Vehicles**

Activities that will involve vehicles subject to the City's Heavy Vehicle Inspection (defined as vehicles with a GVW in excess of 26,000 pounds):

Type of Activity	Vehicle Type	Daily # of Vehicles	Start Date	End Date

\*All vehicles are required to be parked on-site during delivery/hauling. A Right of Way Permit must be obtained by prime contractor for any oversized vehicles requiring on street parking.

**Off-Site Parking Provisions**

Location of off-site parking secured by contractor: \_\_\_\_\_

**Signature and Date:** \_\_\_\_\_

**Attachment C**

**CONTRACTOR/OWNER ACKNOWLEDGMENT**

The following must be signed and returned to the City of Beverly Hills at [trousdale@beverlyhills.org](mailto:trousdale@beverlyhills.org) prior to the issuance of any building permits in the Trousdale Estates area.

I, the undersigned, hereby certify that I have received a copy of the special transportation-related measures for construction in the Trousdale Estates area of Beverly Hills and understand the regulations hereto in. I hereby agree to comply with the City's restrictions, policies and procedures in connection with the work to be performed in the Trousdale Estates area by myself and/or my company. I further agree that I am responsible for all sub-contractors and material suppliers' adherence to these requirements.

Construction Property Address: \_\_\_\_\_

Building Permit Number: \_\_\_\_\_

Name (PRINT): \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_