



Planning Commission Report

Meeting Date: December 11, 2014

Subject: **1184 -1193 Loma Linda Drive
Hillside R-1 Permit, Amendment to the Streets Master Plan, and Tree Removal Permit**

Request for a Hillside R-1 Permit to allow cumulative floor area exceeding 15,000 square feet and landform alterations exceeding 3,000 cubic yards of export, request for a tree removal permit to remove one protected tree, and a request to amend the Streets Master Plan to vacate portions of Loma Linda Drive and an intersecting, unimproved alley, and dedicate portions of the subject property for a new turnaround at the property located at 1184 - 1193 Loma Linda Drive. Pursuant to the provisions set forth in the California Environmental Quality Act, the Commission will also consider adopting a Mitigated Negative Declaration for the project.

PROJECT APPLICANT: Jason Somers

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project;
2. Adopt the attached resolution adopting a Mitigated Negative Declaration and conditionally approving a Hillside R-1 Permit and Tree Removal Permit; and
3. Adopt the attached resolution recommending City Council approval of amendments to the Streets Master Plan

REPORT SUMMARY

A request has been made for a Hillside R-1 Permit to allow the construction of a new single-family home at 1184-1193 Loma Linda Drive with cumulative floor area exceeding 15,000 square feet and landform alterations exceeding 3,000 cubic yards of exported earth material. A request has also been made to amend the Streets Master Plan to vacate portions of Loma Linda Drive and an intersecting, unimproved alley, and to dedicate a portion of 1184 Loma Linda Drive to the City to provide a new vehicle turnaround area. The project will result in a single family home with two stories and a basement totaling 23,632 square feet of cumulative floor area and reaching a maximum height of 28 feet. The project also includes pools, a cantilevered deck, retaining walls, and water features. As part of the construction process, grading to create the basement for the residence would result in approximately 8,081 cubic yards of earth material being exported from the site. This report provides a detailed description of the

Attachment(s):

- A. Required findings
- B. Notice of Public Hearing
- C. Final Mitigated Negative Declaration and Response to comments
- D. Architectural Plans
- E. Street Vacation and Dedication Exhibits
- F. Correspondence from the Public
- G. Draft Resolution – Hillside R-1 Permit and Tree Removal Permit
- H. Draft Resolution – Amendments to the Streets Master Plan

Report Author and Contact Information:

Andre Sahakian
(310) 285-1127
asahakian@beverlyhills.org

project and its potential environmental impacts, and provides analysis on key issues relating to the required findings for the requested entitlements. Specifically, this report highlights concerns regarding construction-related impacts to the neighborhood, the relatively high amount of export of earth material and cumulative floor area, and the merits of the proposed street and public alley vacations, and identifies conditions intended to address staff's concerns.

As part of the project review, and as required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine the proposed project's potential impact on the environment. After reviewing the Initial Study, the City has determined that this project may have a significant effect on the environment, but by implementing certain mitigation measures, the project's potentially significant effects could be reduced to less than significant levels. Accordingly, a Mitigated Negative Declaration (MND) was prepared.

Based on the conditions recommended in this report, as well as the information contained in the MND, construction of the project is capable of being balanced with protection of the neighborhood. Therefore, the recommendation in this report is for project approval, with the exception of partial vacation of the unimproved alley, which staff does not support.

BACKGROUND

File Date	3/17/2014
Application Complete	7/24/2014
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
CEQA Determination	Mitigated Negative Declaration
Permit Streamlining	60 days from adoption of the Mitigated Negative Declaration

Applicant(s)	Jason Somers and Parisa Nejad, Crest Real Estate
Owner(s)	Loma Linda Trust
Representative(s)	Jason Somers

Prior PC Action	Text Amendment for Lot Line Adjustment (approved) Public hearing to review and accept comments on the Draft Initial Study and Mitigated Negative Declaration
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Prior Council Action	Text Amendment for Lot Line Adjustment (approved)
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CC/PC Liaison	None
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CHC Review	None
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PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1184 and 1193 Loma Linda Drive
Assessor's Parcel No.	4350-020-010 and 4350-021-012
Zoning District	R-1.X
General Plan	One-Family Residential
Existing Land Use(s)	Vacant
Lot Dimensions & Area	Irregular Lot – approximately 85,813 square feet (1.97 acres)
Year Built	N/A

Historic Resource None
Protected Trees/Grove One protected heritage tree to be removed (mature Canary Island Pine)

Adjacent Zoning and Land Uses

North R-1.X – Single Family Residential
East R-1.X – Single Family Residential
South R-1.X – Single Family Residential
West R-1 – Single Family Residential
 Parks, Reservoirs, Government (Unzoned – Coldwater Canyon Reservoir)

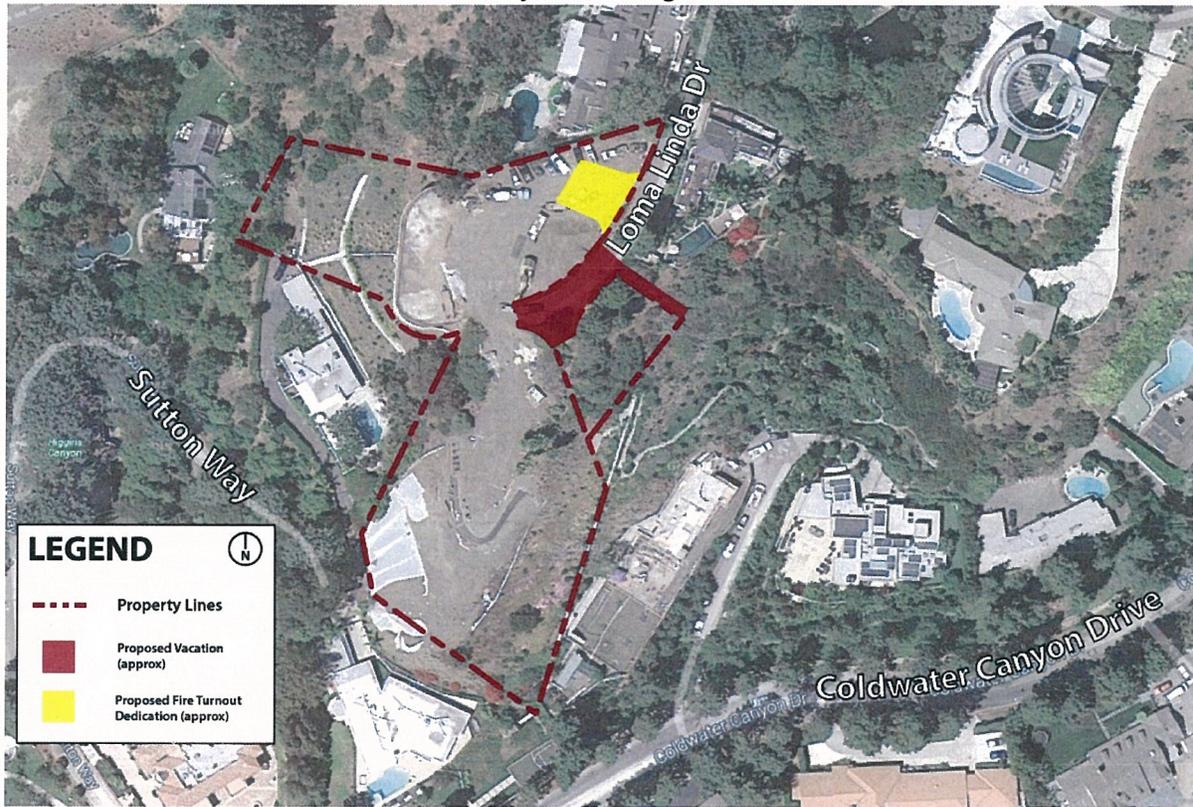
Circulation and Parking

Adjacent Street(s) Loma Linda Drive, with Coldwater Canyon Drive as the closest intersection
Traffic Volume Average Daily Trips on Loma Linda Drive: Approx. 115
 Average Daily Trips on Coldwater Canyon Drive: Approx. 14,736
 Southbound; Approx. 13,950 Northbound.
Adjacent Alleys Unimproved 20'-wide alley perpendicular to the east curbface of Loma
 Linda Drive.
Parkways & Sidewalks Loma Linda Drive – 22' street width with 4' North and South parkways.

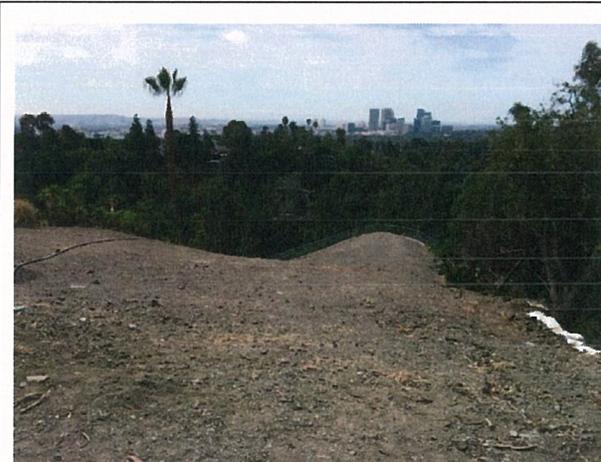
Neighborhood Character

The project site is located in a cul-de-sac at the terminus of Loma Linda Drive in the hillside area of the city, and is completely bordered by Single-Family Residential properties. Existing homes in the vicinity of the subject property are typically one- and two-story structures on irregularly shaped hillside lots. The project site is also adjacent to Franklin Canyon on the northwest. Franklin Canyon Park, which includes trails that are accessible to the public, is located in the northern portion of Franklin Canyon above the lower Franklin Reservoir. Loma Linda Drive is a single lane residential street with light traffic volume. Loma Linda Drive is accessed from Coldwater Canyon Drive, which is a busy travel corridor with relatively high traffic volumes.

Project Site Diagram



View across project site looking north



View across project site looking south

PROJECT DESCRIPTION

The proposed project involves the construction of a 23,632 square foot¹ single-family house consisting of two stories and a basement with a height of 28 feet. The project also includes pools, a cantilevered deck, retaining walls, and water features. Grading to create the basement for the residence would result in the export of approximately 8,081 cubic yards of earth material being exported from the site. The project also proposes amendments to the City's Streets Master Plan to vacate portions of Loma Linda Drive (1,453 square feet) and portions of an intersecting, unpaved alley (825 square feet). In addition, the amendments to the Streets Master Plan include dedication to the City of a 1,429 square-foot turnaround driveway from the northern portion of the 1184 Loma Linda Drive property, which is intended to provide sufficient turning space for emergency/heavy vehicles.

Required Entitlements. As proposed, the project requires the following entitlements:

- **Hillside R-1 Permit:** BHMC §10-3-2502(B) restricts cumulative floor area to a maximum of 15,000 square feet unless otherwise approved by the Planning Commission pursuant to a Hillside R-1 Permit. Furthermore, BHMC §10-3-2521 limits the amount of earth material that may be imported or exported from a site in the Hillside Area to 3,000 cubic yards within any five year period. Since the proposed project includes 8,081 cubic yards of exported earth material, a Hillside R-1 Permit is required to allow the proposed grading.
- **Streets Master Plan Amendment:** The proposed vacations of city streets/alleys and dedication of property require an amendment of the Streets Master Plan. Such amendments can be carried out in accordance with BHMC §10-3-3900 et seq.
- **Tree Removal Permit:** An existing mature Canary Island pine tree located within the existing side yard is proposed to be removed. Although it is not a native species, the subject tree has a circumference of approximately 50 inches, and a Tree Removal Permit is required in accordance with BHMC §10-3-2900 et seq.

GENERAL PLAN² POLICIES

The General Plan includes numerous goals and policies intended to help guide development in the City. Some policies relevant to the Planning Commission's review of the project include:

- **Policy LU 2.3 Hillside Development.** Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.
- **Policy LU 2.4 Architectural and Site Design.** Require that new construction and renovation of existing buildings and properties exhibit a high level of excellence in site planning, architectural design, building materials, use of sustainable design and construction practices, landscaping, and amenities that contribute to the City's distinctive image and complement existing development.

¹ This figure refers to cumulative floor area, which includes basement areas. The total above-grade floor area for the project, as defined by BHMC Section 10-3-100, is 13,089 square feet.

² Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, and quality of the City’s residential neighborhoods, recognizing their contribution to the City’s identity, economic value, and quality of life.
- **Policy LU 6.2 Housing Character and Design.** Require that new, renovated, and additions to housing be located and designed to maintain the distinguishing characteristics and qualities of the neighborhoods in which they are located, including prevailing lot sizes, building form, scale, massing, relationship to street frontages, architectural design, landscaping, property setbacks, and other comparable elements.
- **Policy CIR 3.1 Neighborhood Traffic Control Measures.** Incorporate traffic control measures in residential neighborhoods as part of proposed roadway improvement or development projects to mitigate traffic impacts to residents and reduce the negative impacts of motor vehicle traffic on quality of life. Require development projects to mitigate traffic impacts to residents and reduce the negative impacts of motor vehicle traffic on residential roadways.
- **Policy S 3.4 Fire Department Access.** Design private and public access drives and roadways to preserve and maintain Fire Department access to properties.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	10/2/2014	7 Days
Newspaper Notice	10 Days	12/1/2014	11/28/2014	13 Days
Mailed Notice-(Owners & Occupants - 500' Radius)	10 Days	12/1/2014	12/1/2014	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	12/4/2014	7 Days

Public Comment

Staff has received several inquiries and letters from the public about this project. The letters are included in their entirety as Attachment E to this report. In summary, public comments raise questions and concerns regarding potential traffic, safety, privacy, noise, and property value impacts resulting from the scale of the project, in particular due to the amount of excavation and hauling that is proposed.

ENVIRONMENTAL ASSESSMENT

As part of the project review, and as required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine the proposed project’s potential impact on the environment. After reviewing the Initial Study, the City has determined that this project may have a significant effect on the environment, but by implementing certain mitigation measures, the project’s potentially significant effects could be reduced to less than significant levels. Accordingly, a Mitigated Negative Declaration (MND) was prepared. The MND was circulated for a 20-day public review period, from October 1, 2014 to October 20, 2014. A public hearing was held on October 9, 2014 during the review

period. Written and verbal comments concerning the document were submitted. Comments were also submitted directly to staff during the comment period. Comments and responses are outlined in the Response to Comments section of the final draft of the MND.

ANALYSIS

In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings.

Scale, Mass, and Integrity of Surrounding Area. The subject property is 1.97 acres, located in the hillside area of the city, and is surrounded by mostly two-story single family homes with property sizes ranging from 0.7 to 1.1 acres along Loma Linda Drive. The project consists of a two-story residence plus basement situated toward the center of the existing level pad on the northern portion of the site. The maximum height of the proposed structure is 28 feet, and the main residence will be separated from Loma Linda Drive by the proposed motor court. The floor area of the proposed residence, which only takes into account areas of the basement that are above the natural grade, is 13,089 square feet. This is below the maximum allowed floor area of 15,502 square feet. However, cumulative floor area, which includes all basement areas, totals 23,632 square feet. The Beverly Hills Municipal Code requires projects in the Hillside Area with cumulative floor area in excess of 15,000 square feet to be reviewed by the Planning Commission. The intent of this provision in the code is to provide the opportunity for discretionary review of larger projects in the hillside areas in order to ensure that the scale, mass, and integrity of the surrounding areas are not adversely impacted. While the residence itself as viewed from the street and neighboring properties will have the appearance of an approximately 13,000 square foot house and be similar in mass and scale to its context, the exposed basement as viewed from lower elevations looking up toward the hillside will appear larger than prior development on the site.

Construction Hauling and Traffic. Construction of the proposed project is anticipated to occur over approximately 30 months. Grading to create the basement for the residence would result in approximately 8,081 cubic yards of earth material being exported from the site, Approximately 4,000 cubic yards of concrete would be required for the foundation, basement, and other project components. The following table provides a breakdown of anticipated construction traffic and projected frequency of trips by type and project scope.

Project Scope	Trip Type	Total Round Trips	Daily Trips	Trip Frequency
8,081 CY of Soil Export	Hauling Truck (12 CY capacity)	673 (over 30 days)	22 (assuming 30 days)	1 trip every 17 minutes
4,000 CY of Concrete	Concrete Truck (9 CY capacity)	445 (over 90 days)	5 (assuming 90 days)	1 trip every 78 minutes
Structural Steel Delivery		32 (over 4 months)	1	6-8 trips per month
Lumber Delivery		40 (over 4 months)	1	8-10 trips per month
Finishing Material Delivery		96 (over 8 months)	1	10-12 trips per month
Grading Phase	Worker Trips		9	1 trip every 60 minutes
Paving Phase	Worker Trips		7	1 trip every 77 minutes
Architectural Coating Phase	Worker Trips		2	1 trip every 4 hours

Based on the volume of construction traffic that would be generated by the project, particularly by heavy hauling trips for export of earth material and import of concrete, staff has concerns about safe use of the adjacent streets, as well as potential impacts on surrounding properties. While any construction project can be disruptive to a neighborhood, the cul-de-sac, narrow width, and tight turns of Loma Linda Drive create unique challenges for site development. In order to mitigate the impacts of construction-related traffic and safety impacts, the applicant and local residents have suggested a number of measures to be incorporated as conditions to project approval. A summary of these measures, as well as additional staff recommendations are set forth below and incorporated into the draft resolution for the Commission’s consideration:

- All construction-related parking shall be accommodated on-site or at an off-site designated parking location approved by the Director of Community Development. No construction-related parking shall be permitted on nearby residential streets, including without limitation Loma Linda Drive and Coldwater Canyon.
- All hauling activities shall be in accordance with the approved Construction Management and Parking Plan, which shall include a hauling plan, approved by the Director of Community Development or his/her designee. The hauling plan shall take into consideration vehicles’ size and the limitations of adjacent residential streets with respect to size and width.
- No heavy hauling or export of earth material shall occur outside the hours of 9:30 a.m. to 3:00 p.m., Monday through Friday.

- Except during concrete pouring, a limit of six hauling trucks per hour (twelve round trips) shall be permitted during all phases of the Project.
- During all heavy hauling periods, five flagmen shall be stationed on Loma Linda Drive to manage traffic flow and ensure safety of residents, visitors, and pedestrians. All flagmen shall be radio-equipped and on-duty from 8:00am to 6:00pm during all heavy hauling periods. Residents and visitors shall be granted priority access at all times.
- The Applicant shall post the names and telephone numbers of two construction representatives for the Project and a City contact on all construction fence signs. The phone numbers shall be manned at all times during construction hours.
- Soil export for the Project shall not exceed a maximum of 8,100 cubic yards and shall be exported utilizing a maximum of 680 round-trip hauling truck trips. Hauling trucks shall be limited in size to no more than 12 cubic yards of capacity.
- During the entire course of project construction, no construction workers shall arrive at the project site prior to 8:00am, and all workers shall leave the project site by 5:30pm daily during the entire course of project construction.
- The Construction Management Plan shall include provisions for cleanup of the street, including but not limited to thorough cleanup of the street at the end of each workday, regular street sweeping at the applicant's expense, and truck mud removal through gravel or shaker plates located on the project site.
- All heavy hauling activities shall be subject to the Trousdale Estates Area Construction Transportation-Related Interim Measures and any related special conditions, unless otherwise modified by the Director of Community Development.

Geology and Soils. As a result of heavy rains, the subject property experienced slope failure and landslides in 2005. Remediation work was conducted thereafter, and current soil and slope conditions were studied in a geotechnical report prepared for the project as well as in the MND. The MND makes a finding of 'Less than Significant Impact' when the project was assessed for exposing people or structures to potential substantial adverse impacts involving rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure including liquefaction; and resulting in substantial soil erosion or the loss of topsoil. A finding of 'Potentially Significant Unless Mitigation Incorporated' was made when the project was assessed for exposing people or structures to adverse effects involving landslides; the project being located on soil that is unstable and could potentially result in landslide, lateral spreading, subsidence, liquefaction, or collapse; and the project being located on expansive soil. The MND recommends mitigation measures, including incorporating all recommendations from the geotechnical report that was prepared for the project and updated in September 2014. The MND finds that the implementation of these mitigation measures would reduce impacts related to soil instability to be less than significant. Per the direction of the Planning Commission, staff solicited an independent, third-party peer review of the soils report provided by the applicant. The peer review concluded that the site

appeared to be sufficiently reviewed and assessed from a geologic and geotechnical perspective, and that the proposed development appears suitable based on the known data. The peer review further concluded that the recommendations contained in the September 2014 Geotechnical report be implemented during site design and site construction.

Aesthetics and View Preservation. Numerous hillside properties feature views of various portions of the Los Angeles basin. These views are a major contributor to the value of hillside properties and the desirability of Beverly Hills. Preserving the ability for property owners to maintain and enjoy their views is a recognized priority for the community. Thus, consideration should be given to the protection of views for existing properties. The project has a proposed maximum height of 28', which is the allowable height for single-family residential structures in the hillside area. The applicant has provided view preservation studies and diagrams that demonstrate no significant view impacts to adjacent properties that are located on elevations above the subject property. Adjacent properties' views of the Los Angeles Basin, Pacific Ocean, and other city views will not be significantly impacted. Furthermore, the MND that was prepared for this project studied the potential for adverse effects on scenic vistas, the existing visual character or quality of the site and its surroundings, light and glare, and potential damage to scenic resources such as trees, rock outcroppings, and historic buildings within a state scenic highway. The findings for each of these were such that the project would result in less than significant aesthetic impacts.

Privacy. The proposed project would have potential privacy impacts on two adjacent properties at 1185 Loma Linda Drive and 1178 Loma Linda Drive. If the requested dedication is approved by City Council to create a new turnaround off of Loma Linda Drive, the turnaround would cause the southern portion of the residence at 1178 Loma Linda Drive to be located adjacent to a public street, whereas it is currently adjacent to another single family property. Although modifications have been made to the location of the new turnaround to move it away from the adjacent structure by approximately 10 feet, neighboring residents have still expressed privacy concerns with that proposed change. It is also noted that the prior development included a carport in the approximate area where the new turnaround would be located if the street dedication is approved. Furthermore, the applicant is requesting the vacation of portions of an intersecting alley in order to provide the required side yard setback and locate an attached guest house/office in the area adjacent to 1185 Loma Linda Drive. This guest house/office, as currently designed, would include floor to ceiling glass windows on the main level elevation that faces north toward the backyard of the property at 1185 Loma Linda Drive. This level of the guest house/office would reach a height of 11'-6" measured from the street level. Based on the identified concerns, the Commission may wish to discuss whether alternative design options are more desirable, such as increased separation from the vehicle turnaround, and/or changes to the proposed window configurations.

Street Parking. Currently, on-street parking is only allowed on one side of Loma Linda Drive, and no parking is allowed in the existing cul-de-sac where Loma Linda Drive currently terminates. The proposed reconfiguration of Loma Linda Drive would result in closure of the existing cul-de-sac and creation of a new turnaround located approximately 150 feet north of the existing terminus of the street. Due to the fact that parking will not be permitted on either side of Loma Linda Drive in the new area required for vehicle turnaround, some currently existing street parking will no longer be allowed. Working with the City's Senior Transportation Engineer, staff estimates that approximately 5 or 6 on-street parking spaces will no longer be available due to the new configuration of the turnaround, since those areas will be required for vehicle movements, particularly large vehicles

such as fire trucks. The properties that will be most directly impacted by loss of street parking include 1185 and 1178 Loma Linda Drive. While the loss of on-street parking is of concern, this should also be balanced with the City's desire to provide adequate emergency vehicle access.

Alley Vacation and Utilities. The proposed vacation of the southern terminus of Loma Linda Drive and a 10' wide portion of the perpendicular, unimproved alley will have some impact on a number of utility lines that belong to the City and other utility companies. Upon review of the vacation and utility relocation plans provided by the applicant, the City Engineer and the Public Works Department raised concerns regarding access to City utilities that would be located in the unimproved alley that would not be vacated. In short, the City Engineer has determined that the proposed reduction to a 10' wide trench for utility access will not be adequate for maintenance purposes, given the difficulty of access associated with the sloped topography of the area where the utilities are located. Granting of the alley vacation would also result in the guest house/office portion of the residence being located 10' closer to the property at 1185 Loma Linda Drive, since the side yard setback would be measured from the new property line rather than the existing property line. Based on these concerns, staff does not recommend vacation of any portion of the alley, even with a proposed easement that would be granted to the City for access and maintenance of utilities if the vacation was granted.

Street Vacation. The proposed project requires vacation of the terminus of Loma Linda Drive. Typically, a public street may be vacated if it is found to no longer be necessary for present or prospective public street purposes and/or other public uses; if the proposed vacation will conform to the General Plan; if the right-of-way proposed to be vacated is not useful for a "non-motorized transportation facility; and if the environmental findings are made in accordance with CEQA. Since the right-of-way was dedicated to the City for public street purposes at the time the properties were originally subdivided, if the aforementioned findings can be made, the public right-of-way would be vacated and would revert back to the original, underlying property from which it was originally dedicated. In conjunction with street vacation, existing underground utilities in the area proposed to be vacated would be reconfigured and new easements would be provided to the City for future maintenance. Such reconfiguration would be performed at the applicant's expense.

Vehicle Turnaround Dedication and Emergency Vehicle Access. The proposed project requires significant excavation in order to facilitate construction of the proposed basement areas. As a result, a relatively high number of hauling, concrete, and equipment delivery trips will be needed during portions of the construction period in addition to normal traffic activity generated by a typical construction project. The proposed dedication of a turnaround area is intended to improve fire safety conditions in the area by providing adequate turnaround space for fire trucks and emergency vehicles. The current configuration of Loma Linda Drive does not allow easy access for fire trucks, creating a potential hazard for properties in the cul-de-sac and its vicinity. The Beverly Hills Fire Department, upon review of the plans, found that they are in accordance with the California Fire Code Appendix D, related to Fire Apparatus Access Roads and Required Turn-Arounds. The Fire Department, as the Authority Having Jurisdiction, further found that the current proposal will meet acceptable standards. Based on the Planning Division's analysis, if the dedicated turnaround area is implemented per the specifications and standards of the Beverly Hills Fire Department and the Transportation Division, then the project would result in improved fire access, and thus a higher level of safety for residents. As noted in the discussion above regarding on-street parking, the reconfiguration of the street would result in a loss of approximately 5 or 6 street parking spaces in

order to maintain proper clearance for fire and emergency vehicles to be able to turn around at the new terminus of the street.

Staff Recommendations. The proposed project's floor area is within the allowable floor area ratio for the site. While the residence has a cumulative floor area of 23,632 square feet, approximately 10,000 square feet of that area is located underground and is not visible from the street. The main residence itself, as viewed from the street and neighboring properties will have the appearance of an approximately 13,000 square foot house and be similar in mass and scale to its context. The proposed landscaping on the site, the location and configuration of the structure, and the height of the structure closest to the adjacent property makes it unlikely that the privacy of adjacent properties will be adversely impacted. For these reasons, staff recommends conditional approval of the Hillside R-1 Permit for cumulative floor area in excess of 15,000 square feet.

While the hauling activity required to export the requested amount of earth material is significant with respect to potential impacts to the neighborhood, numerous conditions are proposed to facilitate safe hauling activities that minimize such impacts. These conditions include designated hauling routes, limited hours in which hauling is allowed to occur, flagmen stationed at various points along Loma Linda Drive, and the implementation of the same conditions imposed on all hauling activity in the Trousdale Estates area. For these reasons, staff recommends conditional approval of the Hillside R-1 Permit for the export of earth materials in excess of 3,000 cubic yards.

The proposed vacation of portions of Loma Linda Drive in conjunction with the dedication of a portion of the property at 1184 Loma Linda Drive to create a new turnaround was assessed by staff for consistency with the General Plan. Staff found the proposed amendments to the Streets Master Plan to be consistent with policies S 3.3 and S 3.4, which generally deal with preserving and maintaining fire department access to properties and for protection services at acceptable, safe levels. For these reasons, staff recommends that the Planning Commission find these proposed amendments to the Streets Master Plan to be consistent with the General Plan.

The proposed vacation of portions of the intersecting, unimproved alley was assessed by staff for consistency with the General Plan. If the alley vacation were approved, portions of the proposed project would be able to be located closer to neighboring properties and the street than would otherwise be allowed. Additionally, the City maintains existing underground utilities in the alley, and vacation could potentially result in more difficulties in gaining access to the site to perform maintenance and repairs. Staff found that the proposed amendment to the Streets Master Plan would be inconsistent with policies LU 6.2 and CON 9.4, which generally call for maintaining property setbacks and relationship to street frontages as well as maintaining the ability to upgrade, inspect, and improve the City's infrastructure. For these reasons, staff recommends that the Planning Commission find this proposed amendment to the Streets Master Plan to be inconsistent with the General Plan.

In addition to the above considerations, staff recognizes that consistency in decision-making is important for property owners and to future development in the city. Historically, larger homes and additional grading have been deemed acceptable in the city, provided that sufficient conditions are put in place to ensure safe construction, preservation of neighborhood character, and an overall balance between development potential and peaceful enjoyment of residential properties. For these reasons, staff believes that the proposed project is consistent with the city's goals and vision

for the hillside area, particularly with incorporation of the recommended conditions of approval. In recognition of recent accidents involving heavy hauling in Trousdale Estates, this project also includes conditions similar to those in place in Trousdale Estates.

Potential Pros and Cons. A summary of the potential pros and cons identified by staff and discussed above in this report are summarized below for consideration by the Planning Commission:

Potential Pros	Potential Cons
<ul style="list-style-type: none">• Improved emergency vehicle access upon project completion with the proposed turnaround.• Enable new development on an existing vacant lot.• Granting a Hillside R-1 Permit provides the ability to impose conditions on construction activity whereas a by-right project would have similar construction related impacts, but would not be subject to special conditions intended to reduce such impacts.• Improved slope stabilization with implementation of soil engineer recommendations.	<ul style="list-style-type: none">• Loss of street parking• Construction-related traffic impacts• Construction-related noise impacts• Unique characteristics of Loma Linda Drive make it particularly difficult to mitigate construction-related impacts.• Loss of a mature, protected tree• Development would be constructed closer to adjacent properties than currently allowed if street and alley vacations are approved.• Reduced utility access if alley vacated.• Cumulative construction exceeds that which is generally found on surrounding properties.

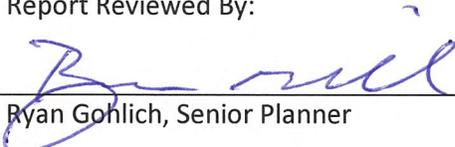
NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt a resolution conditionally approving a Hillside R-1 Permit for cumulative floor area in excess of 15,000 square feet and export of earth materials in excess of 3,000 cubic yards as well as a Tree Removal Permit for the removal of a protected tree. It is also recommended that the Planning Commission adopt a resolution recommending City Council approval of certain amendments to the Streets Master Plan, with the exception of the proposed alley vacation.

Alternatively, the Planning Commission may consider the following actions:

1. Deny the project, or portions of the project, based on specific findings.
2. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines.

Report Reviewed By:



Ryan Gohlich, Senior Planner

ATTACHMENT A

REQUIRED FINDINGS

ATTACHMENT A

Required Findings

Hillside R-1 Findings. The Planning Commission may grant a Hillside R-1 Permit provided that the following findings are made:

- 1) With respect to cumulative floor area in excess of 15,000 square feet:
 - a. The reviewing authority may issue a Hillside R-1 permit to allow the total of the cumulative floor area developed on a site, in combination with the floor area of all basements on that site as measured pursuant to subsection 10-3-2502B of this chapter, to exceed fifteen thousand (15,000) square feet if the floor area ratio formula set forth in subsection 10-3-2502B of this chapter would so permit and the reviewing authority finds that the development will not have a substantial adverse impact on the scale, integrity, or character of the area or on the privacy of neighboring properties. The reviewing authority may require the applicant to submit such information and reports as the reviewing authority deems appropriate to determine the nature and extent of impacts on the scale, integrity and character of the area and on the privacy of neighboring properties.

- 2) With respect to export of earth materials in excess of 3,000 cubic yards:
 - a. The reviewing authority may issue a Hillside R-1 permit that: i) allows the import or export of material from a site to exceed the standards set forth in section 10-3-2521 of this chapter, and ii) establishes the total amount of material that may be imported or exported from a site in the Hillside Area, if the reviewing authority finds that the import or export will not create a substantial adverse impact on the surrounding neighborhood. As part of the determination, the reviewing authority shall consider the street widths and street configuration in the neighborhood. The reviewing authority shall also consider haul routes, scheduling, phasing, and safety precautions proposed in the Hillside R-1 permit application.

Tree Removal Permit Findings. The Planning Commission may grant a Tree Removal Permit provided that the following findings are made

- 1) The removal of the protected tree cannot be reasonably avoided by redesigning the location or nature of any proposed improvements on the property which have caused the need to remove the protected tree;
- 2) The removal of the protected tree will not have any significant environmental effects or otherwise harm the public health or general welfare;
- 3) The removal of the protected tree will not significantly and adversely affect erosion, soil retention, or the flow of surface water; and
- 4) The removal of the protected tree will not significantly and adversely affect the aesthetic quality and appearance of the surrounding neighborhood.

Amendments to the Streets Master Plan Findings. The ultimate reviewing authority for amendments to the Streets Master Plan is the City Council. The Planning Commission, however, has an advisory role in determining whether the proposed amendments conform to the General Plan.

ATTACHMENT B
NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

HEARING DATE: December 11, 2014

TIME: 1:30 PM, or as soon thereafter as the matter may be heard

LOCATION: Commission Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at a **REGULAR** meeting on **Thursday, December 11, 2014**, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard to consider the following:

PROJECT DESCRIPTION

The proposed project involves the construction of a single-family residence on a currently vacant lot at 1184-1193 Loma Linda Drive in the Hillside Area of the City. The residence would include two stories and a basement, have a total floor area of 23,632 square feet, and have a height of 28 feet. The project would also include pools, a cantilevered deck, retaining walls, and water features. The proposed project would be located toward the center of the existing level pad on the northern portion of the site. The project would also include amending the City's Streets Master Plan to vacate portions of Loma Linda Drive and an intersecting, unpaved alley, and dedication of a new vehicle turnaround to replace the portion of the street proposed for vacation. Approval of the project requires approval of the following entitlements:

- Hillside R-1 Permit to allow cumulative floor area in excess of 15,000 square feet, and for export of earth material in excess of 3,000 cubic yards (approximately 8,000 cubic yards of earth material are proposed to be exported);
- Amendment of the City's Streets Master Plan for a street vacation, alley vacation, and street dedication; and
- Tree Removal Permit to remove 1 protected tree.

ENVIRONMENTAL REVIEW

This project is being assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City prepared an Initial Study to determine the proposed project's potential impact on the environment. After reviewing the Initial Study, the City has determined that this project may have a significant effect on the environment, but by implementing certain mitigation measures, the project's

ATTACHMENT C

FINAL MITIGATED NEGATIVE DECLARATION

AND RESPONSE TO COMMENTS

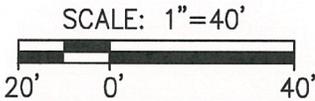
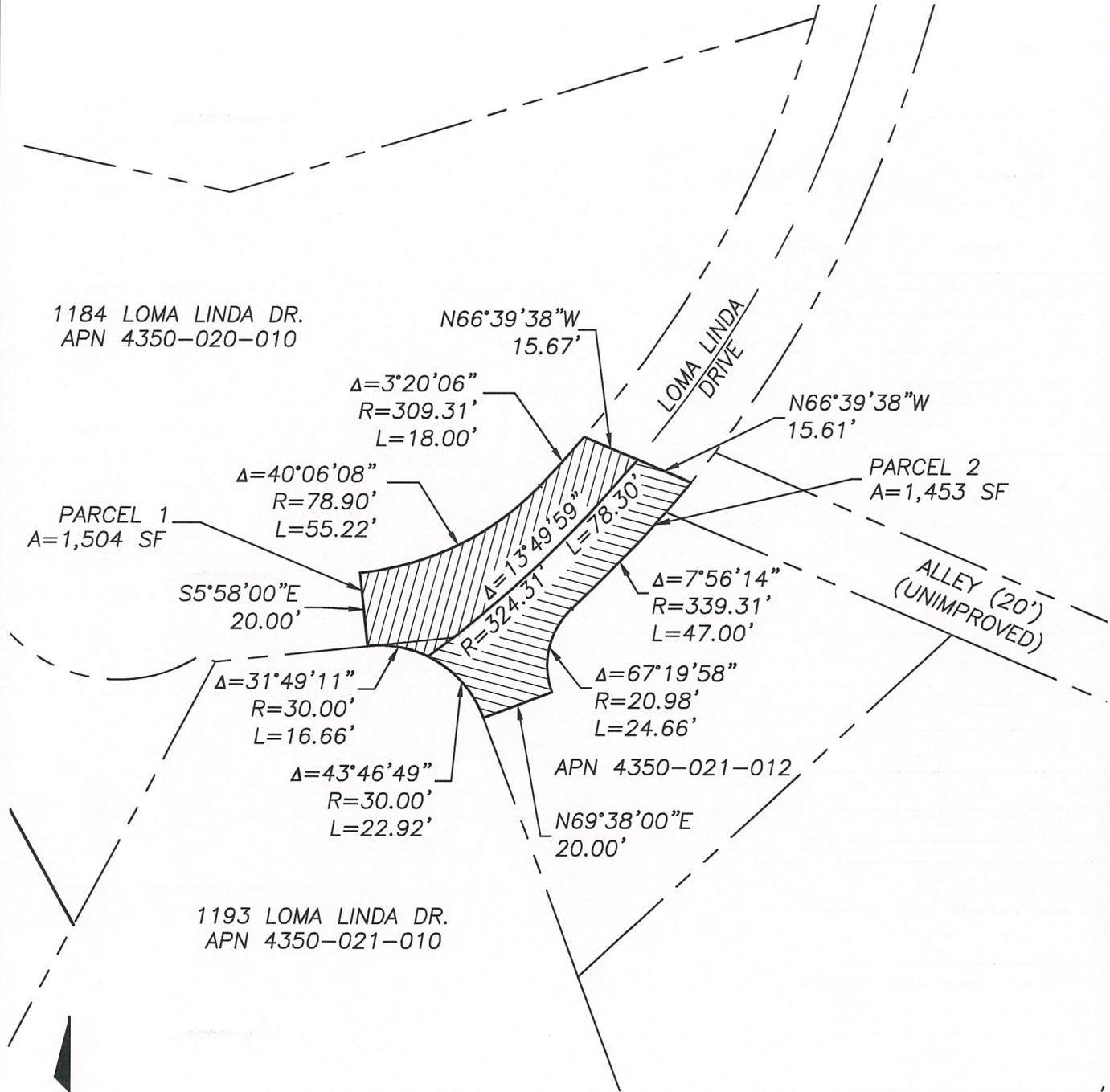
(PROVIDED AS SEPARATE ATTACHMENT)

ATTACHMENT D
ARCHITECTURAL PLANS
(PROVIDED AS A SEPARATE ATTACHMENT)

ATTACHMENT E

STREET VACATION AND DEDICATION EXHIBITS

EXHIBIT "A"



LC ENGINEERING GROUP, INC.
 CONSULTING ENGINEERS
 889 Pierce Court, Suite 101, Thousand Oaks, California 91360
 (818) 991-5942 (805) 497-1244 fax: (818) 991-7148 email: workfiles@lcegroupinc.com

STREET VACATION

LEGAL DESCRIPTION

PARCEL 1

THAT PORTION OF LOMA LINDA DRIVE, A PUBLIC STREET, AT ITS SOUTHERN TERMINUS, BETWEEN LOTS 4, 5 AND 6, AS SHOWN ON TRACT MAP 13101, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED JUNE 19, 1946 IN BOOK 280, PAGES 1 TO 9, INCLUSIVE OF MAPS, IN THE OFFICE OF SAID COUNTY RECORDER, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF SAID LOT 4, DISTANT THEREON NORTH 84°02'00" EAST 41.43 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT, TO A POINT ON A TANGENT CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 30.00 FEET; THENCE IN A GENERALLY SOUTHEASTERLY DIRECTION ALONG SAID CURVE 16.66 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 324.31 FEET, A RADIAL OF SAID CURVE, THROUGH SAID POINT, BEARS NORTH 36°23'31" WEST; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG SAID CURVE 78.30 FEET; THENCE NORTH 66°39'38" WEST 15.67 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 309.31 FEET, A RADIAL OF SAID CURVE, THROUGH SAID POINT, BEARS NORTH 49°24'13" WEST; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG THE SOUTHEASTERLY LINE OF SAID LOT 6 A DISTANCE OF 18.00 FEET TO A POINT ON A TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 78.90 FEET; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG THE SOUTHEASTERLY LINE OF SAID LOT 6 A DISTANCE OF 55.22 FEET; THENCE SOUTH 5°48'00" EAST 20.00 FEET TO THE TRUE POINT OF BEGINNING.

AREA = 1,504 SQUARE FEET



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EXHIBIT "B"
STREET VACATION

2 OF 2

LEGAL DESCRIPTION

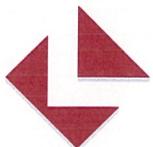
PARCEL 2

THAT PORTION OF LOMA LINDA DRIVE, A PUBLIC STREET, AT ITS SOUTHERN TERMINUS, BETWEEN LOTS 4, 5 AND 6, AS SHOWN ON TRACT MAP 13101, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED JUNE 19, 1946 IN BOOK 280, PAGES 1 TO 9, INCLUSIVE OF MAPS, IN THE OFFICE OF SAID COUNTY RECORDER, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF SAID LOT 5; THENCE NORTH 69°38'00" EAST 20.00 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 20.98 FEET, A RADIAL OF SAID CURVE, THROUGH SAID POINT, BEARS NORTH 69°38'00" EAST; THENCE IN A GENERALLY NORTHERLY DIRECTION ALONG SAID CURVE 24.66 FEET TO A POINT ON A TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 339.31 FEET; THENCE IN A GENERALLY NORTHEASTERLY DIRECTION ALONG SAID CURVE 47.00 FEET; THENCE NORTH 66°39'38" WEST 15.61 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 324.31 FEET, A RADIAL OF SAID CURVE, THROUGH SAID POINT, BEARS NORTH 15°13'30" WEST; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG SAID CURVE 78.30 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE

SOUTHWESTERLY AND HAVING A RADIUS OF 30.00 FEET, A RADIAL OF SAID CURVE, THROUGH SAID POINT, BEARS SOUTH 25°51'11" WEST; THENCE IN A GENERALLY SOUTHEASTERLY DIRECTION ALONG SAID CURVE 22.92 FEET TO THE TRUE POINT OF BEGINNING.

AREA = 1,453 SQUARE FEET



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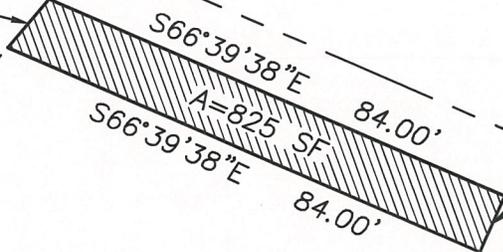


EXHIBIT "A"

LOMA LINDA DRIVE

1185 LOMA LINDA DR.
APN 4350-021-014

$\Delta=1^{\circ}45'43''$
 $R=339.31'$
 $L=10.43'$



$S23^{\circ}20'22''E$
10.00'

ALLEY (20')
(UNIMPROVED)

APN 4350-021-012

SCALE: 1"=30'



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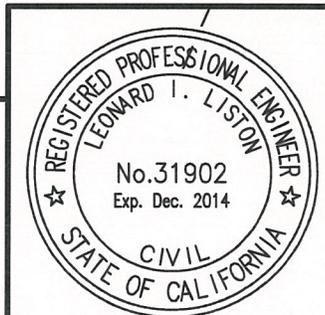


EXHIBIT "B"
ALLEY VACATION

LEGAL DESCRIPTION

THAT PORTION OF PUBLIC ALLEY INTERSECTING THE EASTERLY LINE OF LOMA LINDA DRIVE BETWEEN LOTS 5 AND 14, AS SHOWN ON TRACT MAP 13101, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED JUNE 19, 1946 IN BOOK 280, PAGES 1 TO 9, INCLUSIVE OF MAPS, IN THE OFFICE OF SAID COUNTY RECORDER, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF SAID ALLEY, AT A POINT ON THE EASTERLY LINE OF LOMA LINDA DRIVE; THENCE SOUTH 66°39'38" EAST 84.00 FEET, ALONG THE SOUTHERLY LINE OF SAID ALLEY; THENCE NORTH 23°20'22" EAST 10.00 FEET TO THE MID-POINT OF THE WIDTH OF SAID ALLEY; THENCE NORTH 66°39'38" WEST 81.02 FEET TO A POINT ON THE EASTERLY LINE OF LOMA LINDA DRIVE, ON A NON-TANGENT CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 339.31 FEET, A RADIAL OF SAID CURVE, THROUGH SAID POINT, BEARS NORTH 50°58'15" WEST; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG SAID CURVE 10.43 FEET, TO THE TRUE POINT OF BEGINNING.

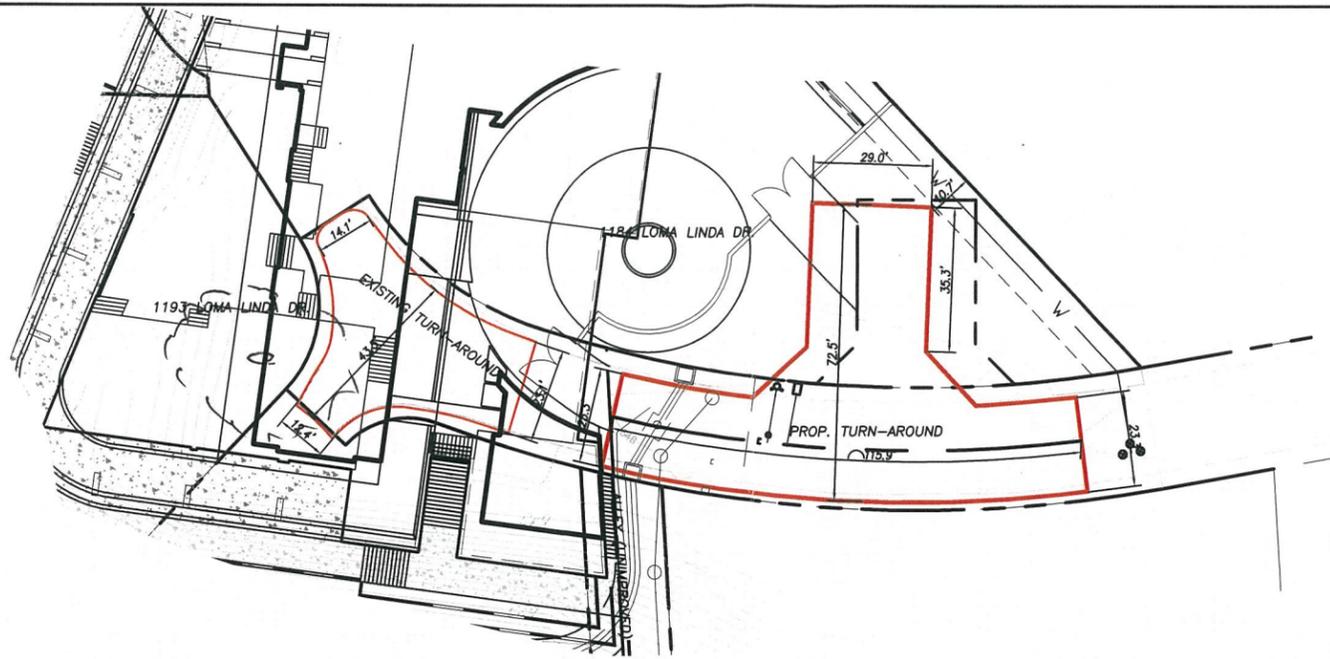
AREA = 825 SQUARE FEET



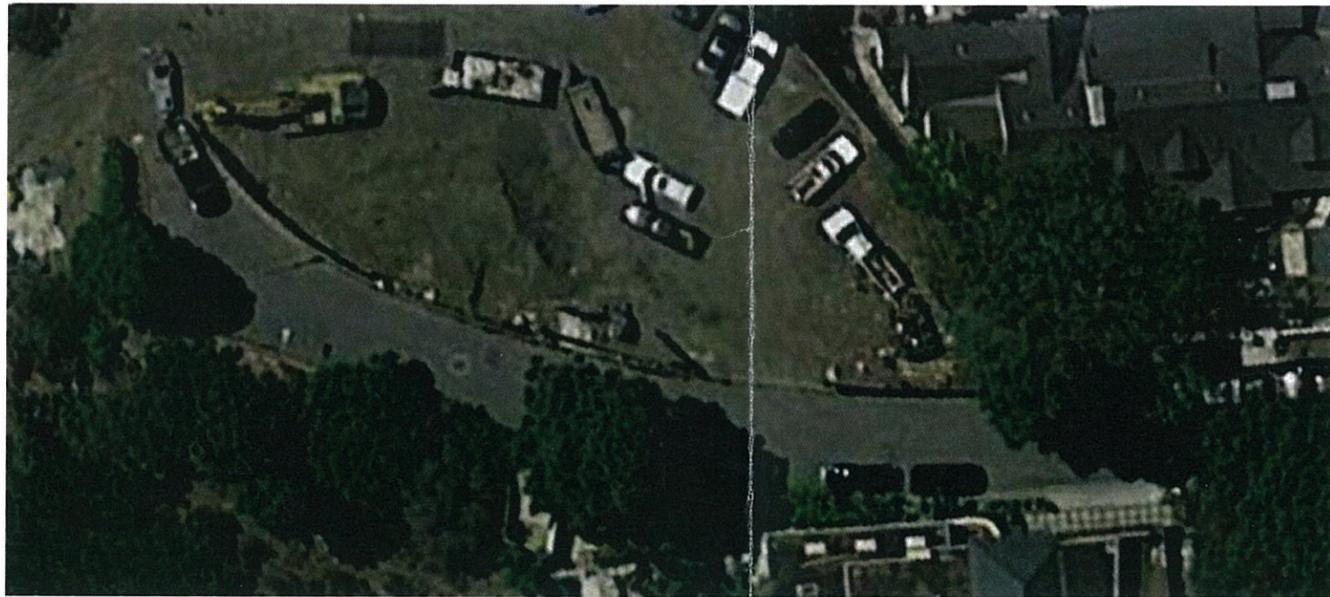
LC ENGINEERING GROUP, INC.

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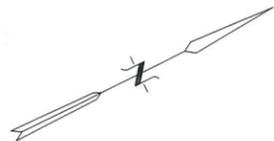




PLAN VIEW-NTS



AERIAL IMAGE



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FIRE DEPARTMENT TURN-AROUND EXHIBIT
1184-1193 LOMA LINDA DRIVE
BEVERLY HILLS, CA

ATTACHMENT F
CORRESPONDENCE FROM THE PUBLIC

Andre Sahakian

From: Larry Murphy <LarryMurphy@lpmco.net>
Sent: Monday, December 01, 2014 12:35 PM
To: Andre Sahakian; Susan Healy Keene; Ryan Gohlich
Cc: Debbie Weiss; Melinda Hoschett; Nataalia Rey
Subject: 1184-89 Loma Linda

As you are aware, my position is that a Hillside R-1 Permit should not be granted to allow development beyond 15,000 sf or hauling in excess of 3,000 cubic yards on this site. Even at this scale, dangerous traffic conditions and excessive public welfare impacts will be imposed on Loma Linda Residents. At whatever development level is undertaken, the Planning Commission and/or City Departments should institute conditions and/or requirements outlined below to mitigate negative project impacts as much as possible.

Note: "Heavy Vehicles" refers to any van, bus, truck, hauler, or other vehicle larger than a standard pickup truck or SUV.

Traffic Management

3 Flagmen on Loma Linda controlling traffic and protecting pedestrians around the 3 blind curves; They should be trained and radio-equipped; On duty every workday from 7am to 6pm during the entire course of the project

1 Flagman at the intersection of Loma Linda and Coldwater controlling access onto and off of Loma Linda; an on duty every workday from 7am to 3:30pm during the entire course of the project

1 Flagman at the site, controlling access onto Loma Linda; On duty every weekday from 9:30am-5:30pm

Heavy Vehicle limitations

- No staging on LL or Coldwater
- Heavy vehicles on LL only between 9:30am-3:00pm
- Only one heavy vehicle at a time on LL; therefore no heavy vehicles passing on LL
- No more than 2 heavy vehicles RT's per hour on LL
- No more than two heavy vehicle trips per day which require traffic stoppage
- Limits on heavy truck sizes: Has a complete list been provided?
- Heavy vehicles go only uphill on Coldwater

No worker arrivals before 7am; no departures after 5:30pm

No more than 30 one-way worker trips per hour on LL

Speed limit on LL 15mph

Preferential access and passage for Resident drivers (including staff and visitors) and all pedestrians on LL

Parking

No project-related parking on the street at any time, including workers, trucks, consultants, food trucks, architects, designers, city approvals, or any type of misc. trip.

City to install permanent **No Parking Anytime** signs on the right side of the street as you head down LL (according to Bijan Vaziri, these should already be there).

Traffic and Parking Enforcement

A qualified, trained, uniformed officer approved by the City must be retained by Applicant, reporting directly to the Contractor Supervisor, to provide full-time supervision of traffic and parking control on the street and on the site.

Residents shall be asked to voluntarily provide, and project-related drivers will be required to provide, lists (continuously updated) of vehicles:

- Name of Owner
- Relationship to Resident or Project
- Vehicle Type and Color
- License Plate

Environmental Impacts

Thorough cleanup of the street at the end of each workday.

Street sweepers on Tuesday and Friday evenings.

Truck mud removal through a stretch of gravel and shaker plates on site

Washaway of dirt and mud on the street as required

No music before 9am or after 4pm; between these hours, no loud or blaring music

Hauling trucks to be watered down and covered

Residents or their staffs or visitors will be reimbursed for the repair or replacement of flat tires due to screws or nails, within 30 days of receipt submission

Residents or their staffs or visitors will be reimbursed for damage to their vehicles caused by project workers or vehicles. Payment within 30 days submission of 2 estimates and choice of the lower one, and proof of completion and payment for repairs.

The street should be completely resurfaced at the Applicant's expense at the conclusion of the project.

Project Plans

Prior to any final Planning Commission or building permit approvals:

- All required hillside building safety requirements must be met
- There must be no viewlines into Neighbors private space
- The alleyway being requested from the city should not be used to meet setback requirements
- Height measurements in plans must be checked by the City for conformance to city-approved height measurement methods and height limitations

This list is mean to expand, broaden, or reinforce conditions already proposed- - and should not preclude other conditions proposed.

Andre Sahakian

From: Glen Revivo <glenr@revolutionfurniturecorp.com>
Sent: Monday, December 01, 2014 3:59 PM
To: Ryan Gohlich; Susan Healy Keene; Andre Sahakian
Cc: Nataalia Rey
Subject: Opposition to 1184-1189 Loma Linda Drive

To whom it may concern,

I am the property owner at 1178 Loma Linda Drive. I am located adjacent and directly north of the proposed development located at 1184-1189 Loma Linda ("1184-1189").

I am writing this letter in opposition to the proposed development at 1184-1189 and have set forth below the reasons. Loma Linda is a small, narrow, quiet street with modest homes compared to the proposed development. The proposed project will be three times the size of the previous and adjacent homes on the street. While I am for the rights of people to build on their property within the current BH codes restrictions, this project is trying to force the construction of a home that is much too large for the land configuration and neighborhood, street and available logistical options in a lengthy construction. R1 permit should not be granted to allow development beyond 15,000 sf or hauling in excess of 3000 cubic yards of hauling. 1184-1189 is almost double this at +- 27,000sf.

My fiancé and I have met with Jason, the representative for 1184-1189 and feel like we have been misled into believing the minimal impact of the property and its development.

Proposed Turnaround relocation of public property- We are vehemently opposed to this idea. This relocation will create a direct negative impact on our property value and living conditions in particular. Currently the turnaround for the street is located at the end of the block far away from our property. The proposed relocation originally placed the turnaround directly against my property line located up against my bedroom wall. This was misrepresented initially. Thanks to comments from the last city meeting, we have received notice from 1184 that they are looking at moving this line 10 feet away from our property line. While we appreciate the effort this is not enough of a setback that would prevent, vehicle noise and disturbances associated with the use of this turnaround to interfere with a critical portion of my property. We request that you either deny this relocation as it stands or significantly increase the setback to 30 feet or more. **We have a very large investment in our property. Granting the exchange of public property far away from our property line with private property directly adjacent to our property directly enhances the developers property value at the expense of a reduction in our property value. This is not an acceptable exchange for us.**

Again we request that you either deny the exchange or mandate a setback from our property of at least 30 feet.

Line of site into our property and privacy issues- It was represented to us that line of site into our property would not be an issue. After walking the site and reviewing the proposed building plan, this is not correct. In fact 1184-1189 as designed will have a direct line of site into two parts of our property. One from the front and one from the back. The back intrusion looks directly into our pool area where the two of us and our 5 children regularly use. We respect others privacy and purchased the property because of its privacy. The previous home on 1184 had no such issue. We have no such issue with the property directly to our north. Why should this development be granted the right to violate this privacy? We request that you either reduce

the size of the building or height as its stands or significantly increase the setbacks to prevent a direct line of site into our property.

Safety, logistics of proposed development- As we have already mentioned Loma Linda is a very narrow, small and quiet street. The city has already allowed a large glass home at the beginning of Loma Linda. This home too is not regularly occupied by its owners. It has become a staging place for commercial events and product launches. Most recently a new Samsung product was launched from our quiet street. This was total chaos for three days. Both sides of the street were lined with parking making it very difficult to pass in my mid-sized SUV. UPS, FEDEX etc could not deliver to the street during this event. Parking enforcement was called out and it was nothing but problems. Allowing the same type of development on the end of the street would literally cap the street on both ends with two large commercial like projects.

As you have heard from the other residence, the street simply cannot support this mass scale of construction. Other projects in BH of this scope have had separate streets used for construction related traffic for example the Ovitz property. This is not available on Loma Linda. The safety, ingress and egress issues caused by heavy vehicles will be a major disruption to our regular schedules for a significant period. The adjacent homes to us all have young children. We alone have 5 children ages 7-12. Outdoor play is a regular activity for them and will likely not be possible during Monday – Friday. Weekends will be hampered by development debris, dirt and dust from the previous week. Our pool company has suggested an expensive pool cover be installed for the two years of construction to prevent damage to the pool. Allowing a waiver in excess of the current R1 guidelines will create the same issues as allowing a commercial project to be built next door to us in a residential neighborhood.

We are not opposed to inconveniencing ourselves so that others can build on their property, however there must be a limit on what is acceptable. Allowing 1184-1189 to move forward as is would be imposing an excessive amount of problems to our small neighborhood for a significant amount of time. Without exaggeration, our back yard/pool area directly adjacent to the new development will be of very limited use for possibly two years or more. We understand there have been in the past and may be other significant issues relating to hillside degradation from the excessive excavation but are not qualified to address this.

As much as owners have a right to build please keep this project to the appropriate size and scope of current city codes. They were put in place for a reason. Thank you.

Nataalia Rey
Glen Revivo

1 December 2014

Dear Beverly Hills Planning Department and the Planning Commission,

The deeper we dig into this project, the more issues that become uncovered. We reassert our point that **there can be no approval on this project of any nature until all of the information has been made fully available to the City and the Residents.** The December 11th meeting does not allow for enough time to thoroughly look into the project and needs to be delayed.

These issues need to be fully investigated.

We have just uncovered the below which we classify as “alarming” and hope would give the City pause.

We strongly suggest that the below is taken note of and taken into account for any deliberations concerning the proposed project.

What measures are going to be put into place to ensure compliance with whatever parameters are put into place? The Developer’s history suggests that they will be ignored.

According to Wikipedia, and a large number of Canadian press outlets, it appears that Francesco Aquilini’s companies have a history of:

- **Performing unauthorized excavation**
- **Causing environmental damage**
- **Employees driving without valid drivers’ licenses**
- **Poor worker safety**
- **Having been fined a number of times by governmental agencies**

One such headline:

“Aquilini family's farming company **tops list of firms fined by WorkSafe BC**”

- <http://www.windsorstar.com/sports/Aquilini+family+farming+company+tops+list+firms+finned+WorkSafe/8013429/story.html>

Some excerpts:

- Members of the Aquilini family, including Francesco Aquilini, were charged with 11 offences for environmental damage in 2009.^[22] The charges stem from Golden Eagle Group's **unauthorized excavation and pump installation** in the North Alouette river. Conservation officers said the “harmful alteration, disruption or destruction of fish habitat” resulted in the deaths of thousands of fish

- In July 2010, WorkSafeBC inspectors visited the Aquilini's blueberry farm and levied \$60,000 in fines. Officials reported they had found vehicles used to transport workers in serious disrepair and that **some employees driving the vehicles did not have valid licences.**
- Some workers were also reported to be transported while clinging onto flatbeds on the backs of trucks as they bounced along with unsecured loads. An additional \$60,000 in fines was levied for a worker injured and allegedly not given timely access to first aid. The Aquilinis appealed these fines but lost.^[24]
- In February 2012, the Aquilini family was given a further administrative fine of \$125,277 for allegedly recurring problems with working conditions. A subsequent inspection by WorkSafeBC found that the worker safety issues at the farm had not improved. **It is one of the largest fines handed out by the provincial government agency in 2012.**
- Port Coquitlam provincial court judge Deirdre Potheary said she considered imposing an even greater penalty due a history of violations involving companies under the Aquilinis' Golden Eagle Group -- of which Vancouver Canucks owner Francesco Aquilini is a member.
 - "The group is not a stranger to regulatory offences," she said, noting **the company has been "casual from time to time" about obeying laws** related to some 2,000 hectares of farmland in the Pitt Meadows area

Some additional links:

http://en.wikipedia.org/wiki/Francesco_Aquilini

<http://www.mapleridgenews.com/news/117763783.html>

<http://www2.canada.com/story.html?id=7835142>

<http://www.cbc.ca/news/canada/british-columbia/aquilini-farm-cited-for-worker-safety-again-1.1128256>

<http://www.windsorstar.com/sports/Aquilini+family+farming+company+tops+list+firms+fined+WorkSafe/8013429/story.html>

30th November, 2014

Dear Planning Commission,

Further to and in conjunction with our letter submitted 7th October 2014, our architect Jay Vanos and I examined in detail the initial plans submitted for this Commission's review for 1184 Loma Linda Drive, and the later corrected plans on 18th November 2014. The below is written based upon my understanding of the situation from conversations with Jay and Andre Sahakian.

We wish to call to this Commission's attention our findings after examining the plans, and respectfully request that extra care be taken when examining any paperwork submitted on this project due to the number of omissions and errors discovered.

The owners of 1184 Loma Linda are able to build a house on their land under the current code, yet are requesting a number of exceptions and variances to construct a home and guest house that vastly exceeds the scale of the current homes on the street and if allowed, **it is to the benefit of the owners of 1184, yet to the detriment of the neighbouring families.**

To be able to make a proper assessment, we would like to know exactly how big this project is- in a recent email from Andre, it is "approximately **24,074** square feet", but according to the MND "the total square footage of the residence would be **27,334** square feet".

The applicant is asking this project to be **between 4 and 5 times** the size of what existed prior.

Office/Guest House

It is our assertion that our privacy (1185 Loma Linda Drive) will be significantly negatively impacted by the proposed "office." It is our conclusion that the owner's representatives know that this is of concern to us (as we expressed this to Jason Somers repeatedly), and perhaps also of concern to the City, and therefore steps have been taken to mask the actual impact of this structure.

A number of inaccuracies, some glaring, have been submitted. As much as we wanted to believe that these were simply oversights, the amount and nature of them suggest it is highly likely that they were done **with an intention to mislead in order to obtain approvals.**

Verbal misrepresentations

Assurances do not appear to have been done in "good faith."

- We were verbally assured by Mr. Somers the structure will not interfere with our privacy - this has been shown to be false.
- Mr. Somers went so far as to state that the side of the structure adjacent to our property will not have any glass.
- **This is also false-** the plans clearly show that the wall is floor to ceiling glass.
- Mr. Somers promised that "there would be no view impact at all" and promised to demonstrate this by supplying renderings with elevations showing the view angle (i.e.

that our property will not be viewable from the structure) in relation to our property and that there was no glass. Despite numerous requests, not only have these renderings never been supplied, all communication from the Applicant's representatives has ceased.

- **We can't help but conclude that this is a stalling technique designed to interfere with our ability to assess this proposed development properly.**

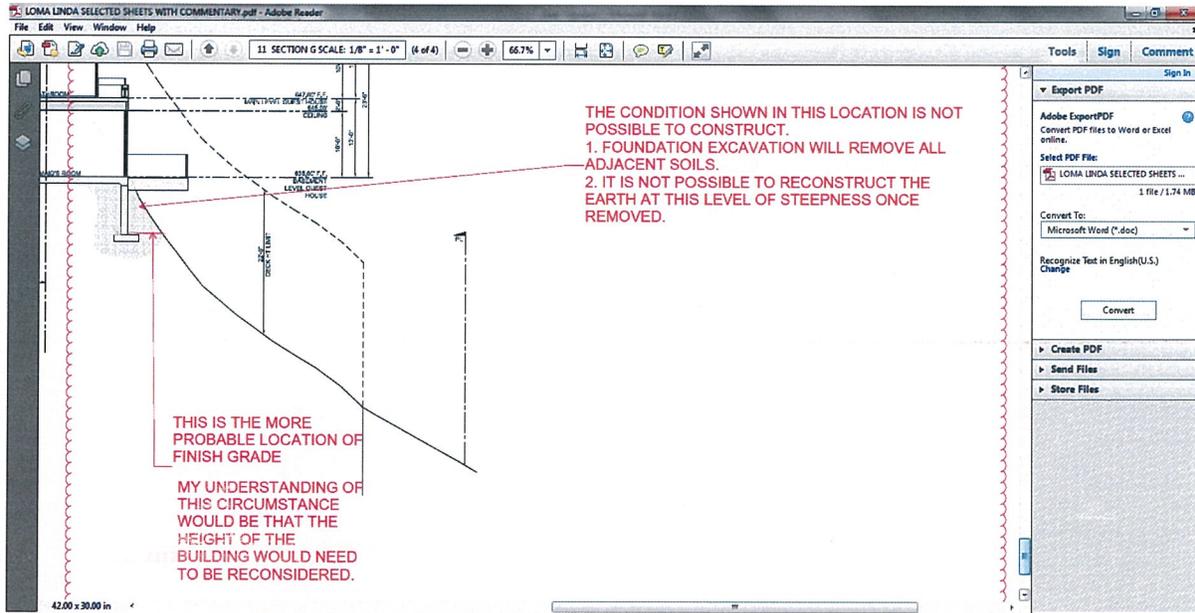
What was sent to us were inaccurate two dimensional plans that were **misleading because the plans misidentified North, South, East and West.** (Please note- the City agreed with our findings and has since requested corrections).

Misrepresentations in the Plans

We believe that the height of this structure is not in accordance with code.

- In an email dated 24th September 2014, Mr. Somers asserted "The office is only 11 feet in height above the street grade"
 - **This is another misrepresentation** as we are told this structure is actually 11 feet 6 inches above street grade.
 - The grade then quickly and steeply slopes. It is our understanding that elevation numbers on the slope that show the actual height of the building as calculated according to code were **omitted** from the submitted plans, **and had they been included, would show that the structure is actually taller than the code allows for.**
- Based on all this, we suggest a rigorous review be taken on the main house to insure that accurate heights are being reported and calculated in accordance with code.

Jay's comments concerning his belief that the "the condition shown in this location is not possible to construct":



Incomplete R-1 Hillside Permit Application

It is our understanding that in order for an R-1 Hillside Permit Application to be considered, it needs to include the following:

- *Elevations of the proposed structures-* as noted, **elevations are omitted or incorrect in a number of areas on the plans**
- *Plot the proposed project and adjacent properties-* as noted below, **the Applicant failed to properly identify the City owned utility area**
- *A signed affidavit that the submitted plans are full and complete.* We do not understand how the affidavit can be valid as the plans we examined on both occasions were not full and complete.

If we understand the application checklist correctly, unless the application has been updated since our visit on 18th November 2014, **then the Hillside R-1 Permit cannot be approved by virtue of being incomplete. It is not in compliance with the Hillside R-1 Permit Application Checklist (document 3020 on the BeverlyHiils.org website).**

Main House

At this point, it is difficult to determine the scope of the issues with the main house as the plans for this structure are confusing and unclear.

Vacating of the utility area

It is our understanding that the rights to use 10 feet of the utility area between our property and 1184 is being requested for use in determining the setback. **We ask that the Commission consider denying this request.**

- It is of concern that the submitted plans treat this area as if it has already been granted – thus not calling attention to the fact that this has simply been requested.
- There are no notations to indicate that this is “based upon vacation being granted by the City” which is our understanding to be industry standard.
- The granting of this will allow them to build a much closer, larger structure to our house. A huge part of our house’s value is the views, and it is one of the main reasons we purchased this house. The closer the guest house is to our house, the more our views are interfered with. This will **increase the value of their property, and decrease the value of ours.**
- **Unless there is some information of which we are not aware, there is no benefit to the City of this vacation- it is only to the benefit of 1184 and to our detriment. We request that this variance be denied.**

Scale of the Construction and Limited Access

The proposed **increased scale** of this home will require a significant increase in the amount of workmen and construction vehicles, and presumably lengthen the time of construction.

- The data supplied on the traffic and safety impact is **far too superficial to get an accurate picture.** Much more in depth data needs to be supplied before we can properly comment.
- The application states that there will be “fewer than one trip every 17 minutes” or 22 in total a day. This will be a huge inconvenience.
- There will be times when the street is inaccessible- where are our visitors and employees going to be able to park? We do not have a driveway, and the only available parking for guests and employees is street parking.
- How often are we going to be asked to move cars that we have parked in the street? When the remediation construction was occurring, workers were knocking on our door with no notice almost daily during the construction- this was an extended number of months.
- Obviously, the larger the scale of the project, the more inconvenienced we will be in terms of school runs, getting to doctor’s appointments on time, etc.
- A longer construction time period will place an unnecessary financial burden upon any of those on Loma Linda who wish to sell their houses during the construction period as houses near construction sites take longer to sell, and for less money.

It is our understanding that this project requires a number of exceptions and variances to be granted in order to build a house of such a large scale. **The increased scope of the project will put an unnecessary burden upon the neighbours.**

Safety

Loma Linda is a narrow and winding street that is difficult to navigate under the best of circumstances. Granting 1184 the ability to build a larger home than is currently allowed will put the families on the street at risk.

- Construction traffic always results in a higher level of risk with regards to health and safety. Obviously, the larger the home, the greater the amount of construction traffic.
- We have four children aged 5, 3 and 1 year old twins and are very concerned about the safety and risk elements that come with the requested increased scope of this project.
- The more the road is blocked, the more chances there are of an emergency vehicle having difficult access or being delayed.
 - About a year ago, one of our infant daughters who had been born prematurely had great difficulty breathing and we had to call 911. The fire truck quickly reached our home, assisted her, and raced her to Cedars. **It is likely had this vehicle not been able to get through, she would have died.**
- While we are not experts, we know that there were problems with the weak hillside with the previous house; obviously we have concerns with a substantially larger house being put in its place.
- We are concerned about the construction to the guest house weakening the hillside close to our land and pool.

We ask that this project be **evaluated within normal City approved guidelines**, and if any exceptions are deemed **necessary** to be granted, that it be done with minimum impact to our property. Please take into account any detrimental impact that would be caused to us or our neighbours when considering these variances.

To fully determine the extent of the negative impacts, all information submitted **needs to be accurate and transparent** including plans **accurately** depicting the scope of the project need to be submitted. And with a reasonable timeline that allows for thorough examination of the plans to take place. To our knowledge, corrections that the City indicated they asked for are still forthcoming as of the date of this letter.

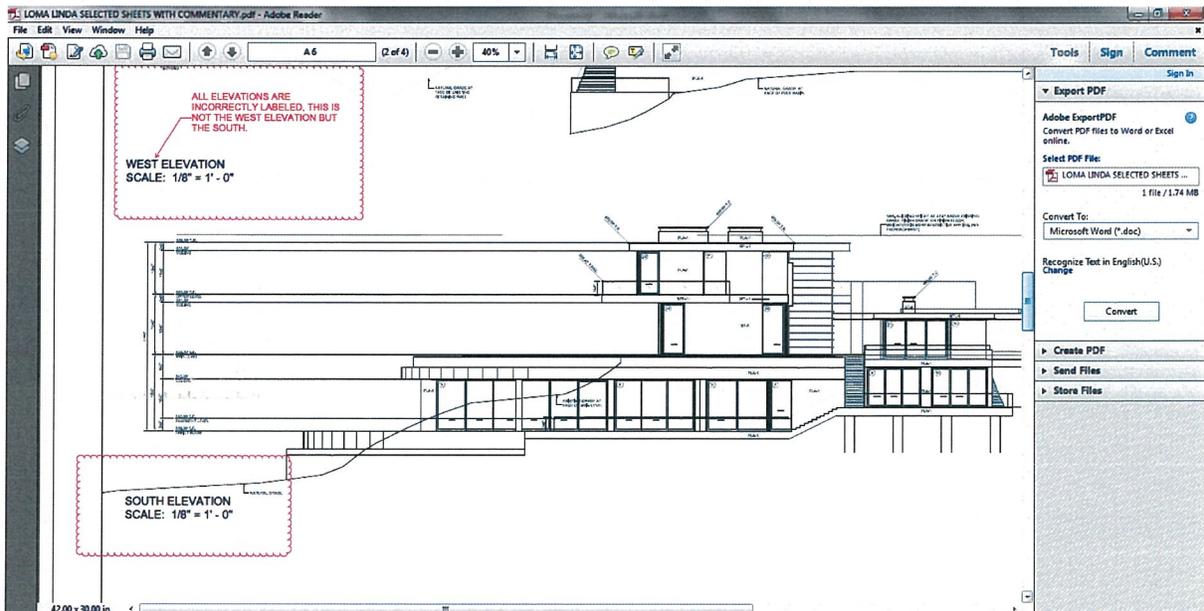
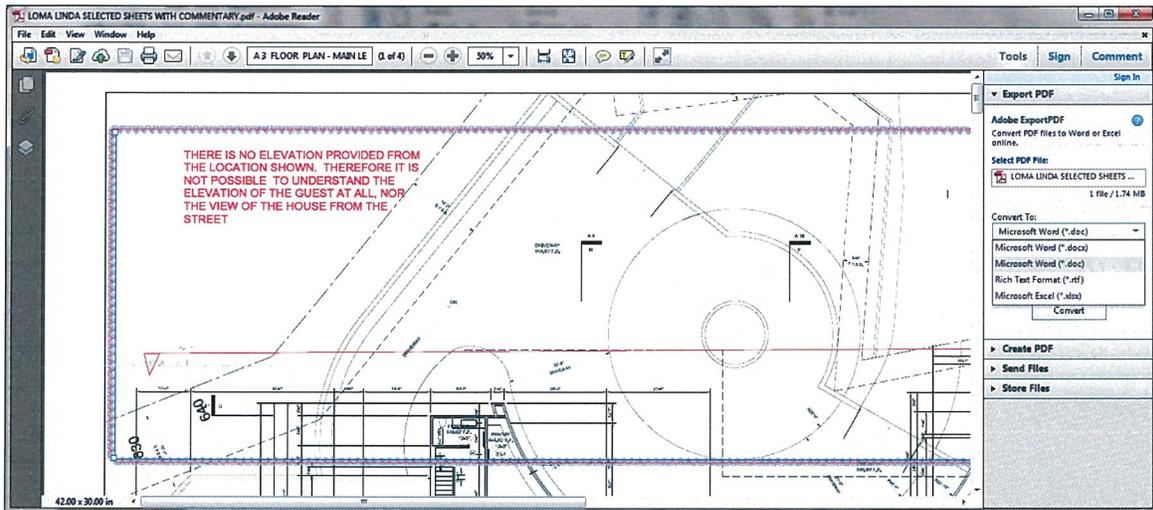
Based on what has been presented so far, it appears to us that the owner's representatives are aware of many of these issues, and the detrimental impacts this project will have on us and our neighbours, and therefore appear to be purposely misrepresenting the project.

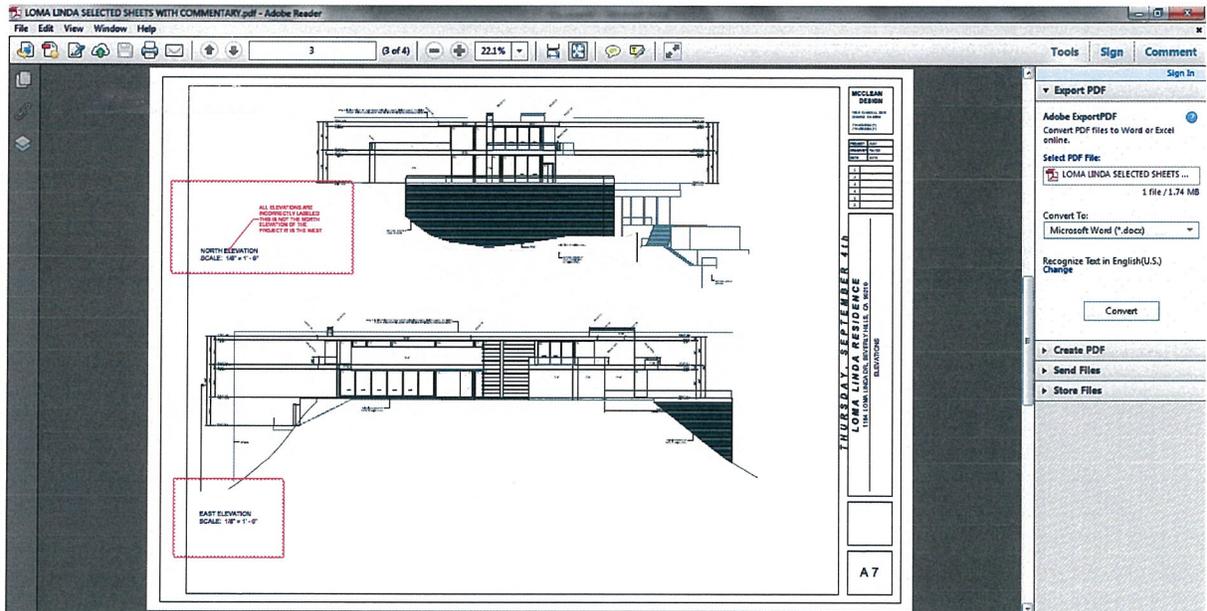
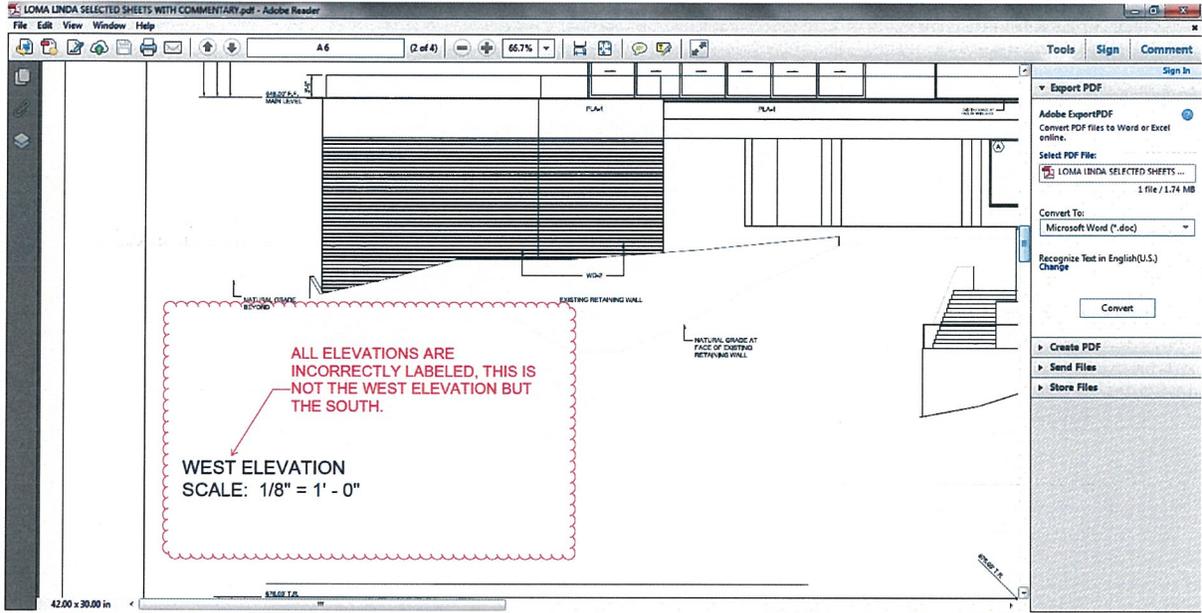
It is important that all these issues be thoroughly investigated and resolved prior to this project being given Planning Commission approval. The failure to deliver information, combined with the failure to deliver accurate information, have caused unnecessary confusion and delay. We request that the Dec 11th, 2014 be extended as we do not believe this allows for sufficient time for the project to be properly vetted.

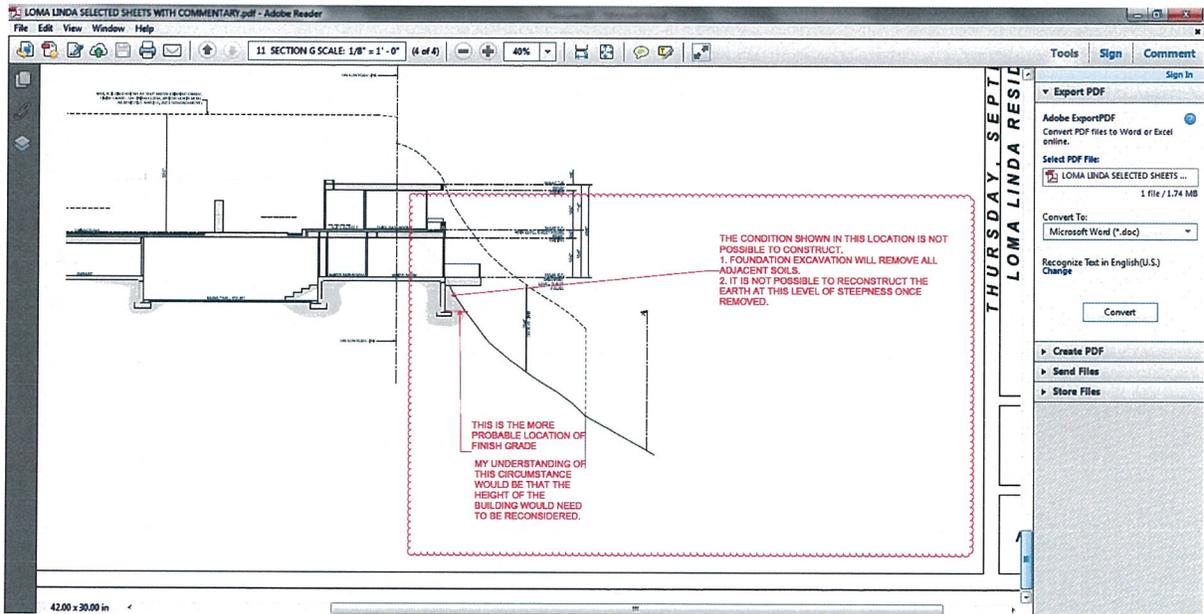
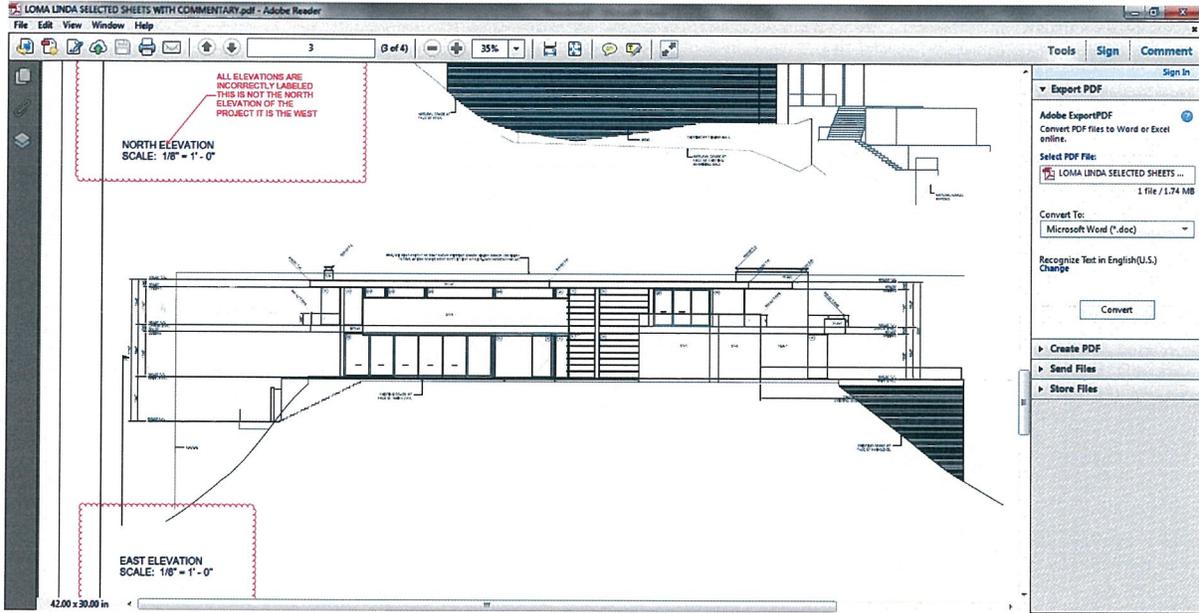
Yours Sincerely,

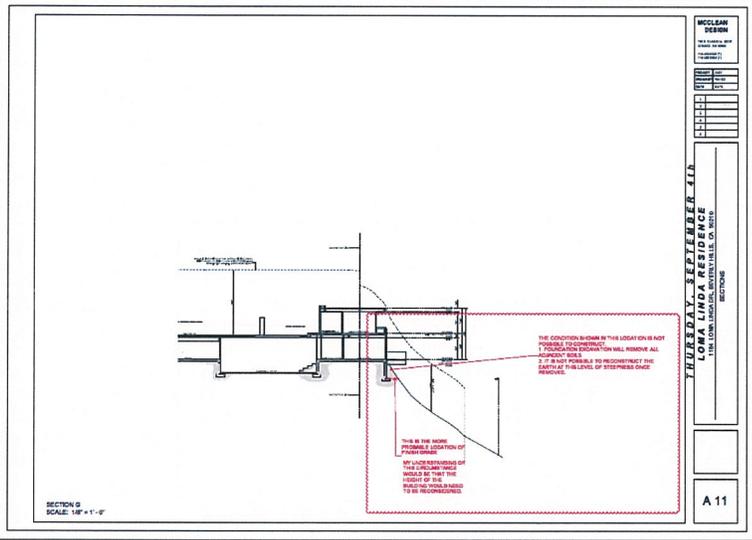
Debbie Weiss and Adrian Lorimer

*Larger scale images of the below are available in an email sent to Andre Sahakian 17th November 2014









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Select PDF File:
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Change

Convert

Create PDF

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We are not in support of the project as proposed at 1184 Loma Linda Drive.

Our concerns:

- Our sense of privacy, and that of the street will be materially negatively affected
- This house and second structure will materially block our views, and those of the street
- A project of this size at a dead end street could be unreasonably disruptive to our lives
- Possible other concerns, but we haven't had sufficient time to look over the documents properly

Diminished Sense of Privacy / View Interference

We have lived at 1185 Loma Linda (across the street from the proposed project) for almost 13 years and have 4 children, including 2 one year old twins. One of the main reasons we bought the house was because of its sense of privacy. It is at the end of a dead end street, and the previous house at 1184 was across from us and allowed for city views from our property to the end of the road.

There is also a **proposed second smaller structure** adjoining our pool area. We have concerns that this structure will

- look down onto our property, pool, and our children who swim in the pool regularly
- the structure and proposed landscaping will increase the shade on our pool
 - materially negatively diminishing our kids ability to enjoy the pool
 - this could increase foliage falling onto our property that we will have to remove, including dirtying the pool and clogging the filtration system

Our immediate reaction to the incomplete renderings supplied to us is that the 1184 project will materially diminish our sense of privacy.

We have view windows that look out towards the end of the street which the old Factor house did not block. **The proposed project will significantly block this view.**

We have a great sense of privacy being the last house on our side of the street. The proposed project will now be the last house on the end of the street, it will chop off the end of the street, and be much closer to our house than it is now, resulting in our property feeling much smaller and more cramped.

A huge part of our house's value is the views, and it is another one of the main reasons we purchased this house. **This proposed project will materially interfere with our views, and thus negatively materially affect the value of our house. We do not understand why the value of our home should suffer in deference to adding value to someone else's home.**

We understand that we have certain view preservation rights under Beverly Hills ordinances.

Aesthetics to the street

We feel aesthetically it will negatively affect the street. Instead of having a lovely open feel with a view at the end, the house will significantly cut this view off, make the street shorter, and butt up against our land, making the street feel more cramped.

Construction Concerns

The construction thus far has resulted in:

- Vehicles sometimes blocked the emergency turn around. What is proposing to be done to ensure that while construction is occurring, emergency vehicles have the clearance needed?
- Almost daily last minute knocks on our door demanding that our cars be moved.
 - With babies in the house, it is not easy for us to drop everything and move our cars around to suit people who didn't supply us with any notice.
- Large vehicles often blocked the road resulting in late arrivals to doctor appointments and our kids' school.
- The street surface has already been significantly damaged due to their heavy vehicles, making the surface a bit uneven and unsafe.

If the construction thus far is any indication, a project of this scope will be a large nuisance to us and our neighbors on the street.

Representations have been made by the owner's representative that our views will not be affected, our sense of privacy will not be affected, nor that the structure will reduce the value of our property.

From our meetings with him, it was our understating that they would provide us with the necessary plans and renderings to be able to give careful consideration in plenty of time before any City meetings. We have yet to receive all of the agreed to information.

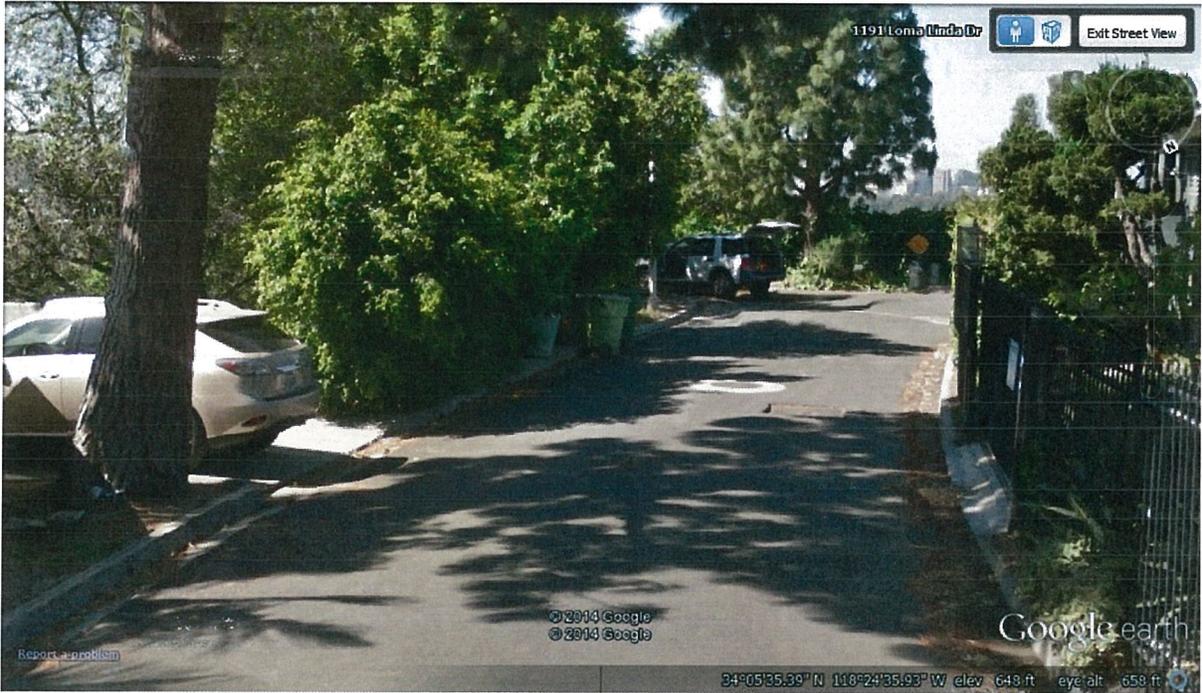
Now while we understand that they are under no obligation to supply us with these documents, we feel that if information is promised, it should be forthcoming.

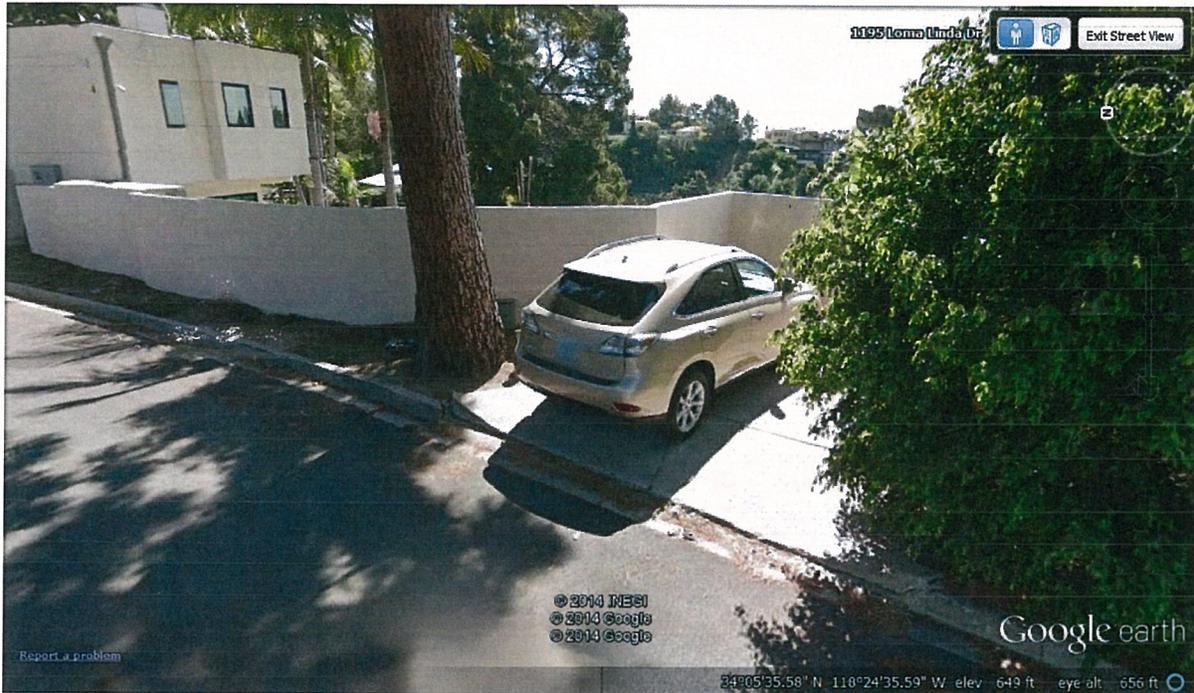
It was only about a week ago that we discovered that the plans were available for review at the City, and with full-time jobs and 4 kids, we have been able to set up an appointment at the earliest date possible to meet with Andre which is Oct 15th.

We respectfully request that some consideration be given to our position and that we be given the full plans and renderings demonstrating that our views and privacy will not be impeded (we requested **specific renderings of certain areas**) as promised by the owner's representative and enough time to have these properly examined.

Please find below Google earth images for reference.







Yours Sincerely, 

Debbie Weiss and Adrian Lorimer

1185 Loma Linda Dr

Andre Sahakian

Subject: FW: 1184 Loma linda Dr project

From: Jack Nourafshan [<mailto:jack@reliableprop.com>]

Sent: Wednesday, October 08, 2014 6:35 PM

To: Andre Sahakian

Subject: RE: 1184 Loma linda Dr project

Dear Mr. Sahakian, It was a pleasure to meet with you at city Hall and review the project. As I mentioned we have live on Loma linda since 1991 and in Beverly Hills since 1977. We are very concerned about the massive and scale of this project on hillside. The MND is very detailed and time consuming to comprehend. Our concerns are as follows:

- 1) Part of the street is planned to be given to 1184. We need every space we can to park on this street. Parking is very tight on this street when any neighbor has an event. 1184 must be required to provide more parking for neighbors for the amount of spaces taken. These spaces should not be locked, chained or controlled by 1184 and be useable anytime by the public.
- 2) Turn around for a truck should be accommodated.
- 3) Currently we have vista point at end of the street overlooking the surrounding area. The project should provide vista point for the neighbors after the construction and not controlled or locked by 1184
- 4) Storm Water drains are currently at this location. City should make sure there are no issues when a strong rain or flood comes. Also sewer lines, electrical and other utilities to be protected for continued use.
- 5) Report shows about 400 times heavy trucks for hauling and many other construction trucks have to go through this narrow streets to haul dirt and do construction. What will happen to the street asphalt after all this? They should redo the asphalt if necessary in reasonable judgment of neighbors.
- 6) Staging of haul trucks and parking should be clearly addressed.
- 7) There is a pedestrian alley adjacent to 1189 that in case of emergency (fire, hillside, flood, etc) people can take to evacuate the street to Coldwater Canyon. 1184 must preserve this emergency and accessible at all times.
- 8) As we review the MND and hearings there could be others. Please state our concerns to the members of Planning Commission and city Council. Thank you

Jack Nourafshan
Neighbor to 1184

Andre Sahakian

From: Thomas Schulhof <tbschulhof@gmail.com>
Sent: Saturday, October 04, 2014 7:57 AM
To: Andre Sahakian

Mr. Sahakian:

My wife and I live at 1271 Lago Vista Place. While we are not directly affected by the proposed home at 1184-1193 Loma Linda Drive, we received in the mail the official notification and request for comment as our home is in the general area.

We would like to formally object on the basis of 2 issues:

The zoning permitting a maximum of 15,000 floor feet for the hillside area was enacted after much thought. To waive it ad hoc just because someone wants a bigger house strikes us as imprudent. If someone wants a larger footprint for a home, they should buy a lot in an area where it is permitted. If this exception is granted then I suppose every homeowner on Loma Linda should be so entitled. Considering the narrow nature of Loma Linda this would create significant issues. If this exception is granted is the town prepared to grant it to every home on the road as a matter of fairness?

We also have a concern with removal of 7,000 cubic yards of soil. If i am not mistaken, the average truck can move 15 cubic yards, which would mean almost 500 trucks coming down a narrow and winding street just for removing soil - aside from all the trucks required for construction. At 10 trucks a day - or over 1 per hour, this would mean 50 days, or close to 2 1/2 months of work days of trucks just removing dirt. Is this fair to the people living on Loma Linda?

Respectfully submitted,
Tom Schulhof
cell - 917-969-7700

ATTACHMENT G

DRAFT RESOLUTION

HILLSIDE R-1 PERMIT AND TREE REMOVAL PERMIT

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS ADOPTING A MITIGATED NEGATIVE DECLARATION AND CONDITIONALLY APPROVING A HILLSIDE R-1 PERMIT TO ALLOW CUMULATIVE FLOOR AREA TO EXCEED FIFTEEN THOUSAND SQUARE FEET AND TO ALLOW THE EXPORT OF 8,100 CUBIC YARDS OF EARTH MATERIAL FROM A SITE, AND A TREE REMOVAL PERMIT TO REMOVE ONE PROTECTED TREE ON A PROPERTY LOCATED IN THE HILLSIDE AREA OF THE CITY AT 1184-1193 LOMA LINDA DRIVE.

The Planning Commission of the City of Beverly Hills hereby finds, resolves, and determines as follows:

Section 1. Jason Somers, representative of the Loma Linda Trust (the “Applicant”), has submitted an application for a Hillside R-1 Permit and Tree Removal Permit to allow the construction of a new single-family home on the property located at 1184-1193 Loma Linda Drive in the Hillside Area of the City (the “Project”). The Project does not meet all by-right development standards, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Hillside R-1 Permit and Tree Removal Permit.

Section 2. The Project consists of a new single-family home with two stories plus basement that will have a maximum height of 28’. The proposed home would be located toward the center of the existing level pad on the northern portion of the site, and will contain approximately 13,089 square feet of above-grade floor area and 23,632 square feet of cumulative floor area (when factoring in basement areas). The structure is proposed to be set back a

minimum of 5' from the front property line, 15'-2" from all side property lines, and 25' from the rear property line. Additionally, the Project includes the export of approximately 8,100 cubic feet of earth material in association with the proposed basement and site work for the Project.

As an additional Project component, portions of Loma Linda Drive and an adjacent, unimproved alley are proposed to be vacated in order to accommodate the proposed residence and a new vehicle turnaround in place of the existing cul-de-sac at the terminus of Loma Linda Drive. The proposed street and alley vacations require City Council approval of an amendment to the City's Streets Master Plan, and development of the Project is contingent on the City Council approving such an amendment.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the environmental regulations of the City. The City prepared an Initial Study to determine the proposed project's potential impact on the environment. After reviewing the Initial Study, the City has determined that this project may have a significant effect on the environment, but by implementing certain mitigation measures, the project's potentially significant effects could be reduced to less than significant levels. Accordingly, a Mitigated Negative Declaration (MND) was prepared. The MND was circulated for a 20-day public review period, from October 1, 2014 to October 20, 2014. During the public review period, a public hearing was held on October 9, 2014 regarding the draft MND, and written and verbal comments concerning the document were submitted. Comments were also submitted directly to staff during the comment period. Comments and responses are outlined in the Response to Comments section

of the final draft of the MND.

Section 4. Notice of the Project and public hearing was mailed on December 1, 2014 to all property owners and residential occupants within a 500-foot radius of the property, and published in two newspapers of local circulation, the *Beverly Hills Courier* and the *Beverly Hills Weekly*. On December 11, 2014 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In reviewing the request for a Hillside R-1 permit to allow cumulative floor area to exceed fifteen thousand square feet, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The floor area ratio formula set forth in Beverly Hills Municipal Code section 10-3-2502B would so permit;
2. The development will not have a substantial adverse impact on the scale, integrity, or character of the area; and
3. The development will not have a substantial adverse impact on the privacy of neighboring properties,

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Hillside R-1 permit to allow cumulative floor area to exceed fifteen thousand square feet:

1. The subject property is allowed a maximum floor area of 15,502 square feet. The proposed project would have a floor area of 13,089 square feet.

Thus, the proposed project complies with the required floor area ratio set forth by the Beverly Hills Municipal Code.

2. While the residence has a cumulative floor area of 23,632 square feet, approximately 10,000 square feet of that area is located underground and is not visible from the street. The main residence itself as viewed from the street and neighboring properties will have the appearance of an approximately 13,000 square foot house and be similar in mass and scale to its context. Thus, the development will not have a substantial adverse impact on the scale, integrity, or character of the area.

3. The proposed project includes a request for dedication of a new vehicle turnaround at the northern end of the property, adjacent to the southern portion of the residence at 1178 Loma Linda Drive. While the proposed new turnaround will be located approximately 10.7' from the adjacent property line, existing landscaping helps to shield the residence from the new turnaround, and parking will not be allowed anytime in the turnaround, making it unlikely that any privacy impacts will occur. The proposed project also includes a request for vacation of an alley that, if granted, would result in an attached guest house/office being located 10' closer to the neighboring property than would otherwise be allowed. However, the Planning Commission recommended denial of the alley vacation, and thus the guest house/office will either be relocated further away or moved altogether from its currently proposed location. As a result, the guest house/office will not be located as close to the adjacent property as currently proposed, and even if it were built as proposed, the maximum height of the guest

house/office would be 11'-6" measured from the street level, making it unlikely that there would be any direct views into neighboring properties. Thus, the proposed project will not result in a substantial adverse impact on the privacy neighboring properties.

Section 7. In reviewing the request for a Hillside R-1 Permit to allow the export of 8,100 cubic yards of earth material from a site, the Planning Commission considered whether it could make the following findings in support of the Project:

1. That the export will not create a substantial adverse impact on the surrounding neighborhood. As part of the determination, the reviewing authority shall consider the street widths and street configuration in the neighborhood. The reviewing authority shall also consider haul routes, scheduling, phasing, and safety precautions proposed in the Hillside R-1 permit application.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Hillside R-1 Permit to allow the export of 8,100 cubic yards of earth material from a site:

1. While the hauling activity required to export the requested amount of earth material is significant with respect to potential impacts to the neighborhood, a hauling route that minimizes disruption and risk to residents and local traffic will be approved prior to issuance of a building permit, and numerous conditions have been imposed in order to facilitate safe hauling activities and minimize the impacts to properties along Loma Linda Drive. Flagmen will be required to be stationed at key

locations, residents and visitors will be given priority vehicle and pedestrian access, and the number and frequency of trips for hauling has will be restricted. Thus, the export of earth material, as conditioned, will not create a substantial adverse impact on the surrounding neighborhood.

Section 9. In reviewing the request for a Tree Removal Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The removal of the protected tree cannot be reasonably avoided by redesigning the location or nature of any proposed improvements on the property which have caused the need to remove the protected tree;
2. The removal of the protected tree will not have any significant environmental effects or otherwise harm the public health or general welfare;
3. The removal of the protected tree will not significantly and adversely affect erosion, soil retention, or the flow of surface water; and
4. The removal of the protected tree will not significantly and adversely affect the aesthetic quality and appearance of the surrounding neighborhood.

Section 10. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Tree Removal Permit:

1. The project, as designed, would not be feasible without the removal of the protected tree in question, and redesigning the proposed development would significantly alter the location and potentially reduce the amount of floor area

that would otherwise be allowed. Therefore, the removal of the protected tree cannot be reasonably avoided by redesigning the location or nature of the proposed improvements on the property which have caused the need to remove the protected tree.

2. The protected tree is one of a number of trees in the immediate vicinity, and its removal is not anticipated to result in a significant change to the natural environment or expose the neighborhood to any hazardous impacts. Landscaping will be installed throughout the subject property in quantities that would offset the loss of the single protected tree. Thus, removal of the protected tree will not have any significant environmental effects or otherwise harm the public health or general welfare.

3. The Canary Island pine tree in question is located on the level pad, and significant slope remediation work has been previously completed, and additional improvements are expected to be made as part of the project in order to address soil retention and drainage of surface water. Therefore, removal of the protected tree will not adversely affect erosion, soil retention, or the flow of surface water

4. The Mitigated Negative Declaration that was prepared for this project considered any potentially significant environmental effects, and it was found that the protected tree was not considered significant for aesthetic purposes as it is non-native, and is one of a number of trees in the immediate vicinity and is not visible from areas beyond the immediately adjacent residential uses.

Section 11. Based on the foregoing, the Planning Commission hereby grants the requested Hillside R-1 Permit and Tree Removal Permit subject to the following conditions:

1. This resolution shall not become effective unless and until the associated amendment to the Streets Master Plan that would allow the vacation of a portion of Loma Linda Drive and dedication of a new vehicle turnaround has been duly adopted by the City Council and has taken effect.

2. The Applicant shall record a lot-tie covenant in a form satisfactory to the City Attorney to tie all of the lots comprising the Project site together into one site prior to the issuance of any building permits for the Project.

3. The Applicant shall prepare a Standard Urban Storm Water Mitigation Plan (SUSMP) and submit the plan to the City Engineer for review and approval prior to the issuance of grading and building permits for the Project.

4. Prior to the issuance of building permits for the residence, the new street dedication shall be completed and the improved turnaround constructed to the satisfaction of the City Engineer, the Director of Community Development, and the Fire Marshal.

5. All construction-related parking shall be accommodated on-site or at an off-site designated parking location approved by the Director of Community Development or his/her designee and shall be in accordance with the approved Construction Management and Parking Plan. No construction-related parking shall be permitted on nearby residential streets, including without limitation Loma Linda Drive and Coldwater Canyon. Material deliveries and food service vehicles shall park on-site in accordance with the approved construction management and parking plan.

6. All hauling activities shall be in accordance with the approved Construction Management and Parking Plan, which shall include a hauling plan approved by the Director of Community Development and/or his/her designee. The hauling plan shall take into consideration vehicles' size and the limitations of adjacent residential streets with respect to size and width.

7. No heavy hauling or export of earth material shall occur outside the hours of 9:30 a.m. to 3:00 p.m., Monday through Friday.

8. Except during concrete pouring, a limit of six hauling trucks per hour (twelve round-trips) shall be permitted during all phases of the Project.

9. During all heavy hauling activities, three flagmen shall be stationed on Loma Linda Drive, a fourth flagman shall be stationed at the intersection of Loma Linda Drive and Coldwater Canyon Drive, and a fifth flagman shall be stationed at the project site to manage traffic flow and ensure safety of residents, visitors, and pedestrians. All flagmen shall be radio-equipped and on-duty from 8:00am to 6:00pm during constructional heavy hauling activities. Residents and visitors shall be granted priority access at all times.

10. The Applicant shall post the names and telephone numbers of two construction representatives for the Project on all construction fence signs. Said signs shall also include the name and number for a City contact from the Community Development Department. The representatives' contact information shall be clearly visible to the general public from the street elevation for the duration of the construction activities and the phone numbers provided shall be manned at all times

during construction hours. The Applicant shall transmit the names and telephone numbers of the representatives to the Director of Community Development.

11. All proposed perimeter walls and retaining walls shall have a finished surface in a neutral color.

12. The Applicant shall construct and maintain the improvements on the property in a substantial conformance with the plans submitted to and approved by the Planning Commission at its meeting of December 11, 2014. The Applicant shall not change the scope of the improvements as set forth on said plans without the prior written consent of the City of Beverly Hills, which consent may be provided by the Director of Community Development or his/her designee. For the purposes of this condition, a change in scope shall include any alteration or modification to the property that adds additional floor area or the export of earth material beyond those reflected in the approved plans.

13. With the exception of the day that trash is collected, no trash or waste containers shall be placed on Loma Linda Drive. The Project design shall incorporate a recessed curbed area to accommodate such containers. With the exception of trash collection days, all trash containers shall be maintained within the property at all times and shall not be visible from the public right-of-way or adjacent properties.

14. A Fugitive Dust Emission Control Plan prepared in accordance with SCAQMD Rule 403 implementing the best available control measures at the site during construction activities shall be employed at the site during site preparation activities in accordance with the proposal submitted by the Applicant's Consultant,

with the modifications to the plan as suggested by the City's environmental consultant. The Fugitive Dust Control Plan shall apply to any activity or man-made condition on-site capable of generating fugitive dust. The plan shall implement all of the control measures set forth in Table 1 of Rule 403. In addition; the Applicant shall also implement, at a minimum, at least three (3) of the five (5) methods identified in subsection (d)(5) of Rule 403. The Fugitive Dust Control Plan shall be reviewed and approved by the Director of Community Development prior to the issuance of the grading permits.

15. Dirt export for the Project shall not exceed a maximum of 8,100 cubic yards and shall be exported utilizing a maximum of 680 round-trip hauling truck trips. Hauling trucks shall be limited in size to no more than 12 cubic yards of capacity at any time.

16. No construction workers shall arrive at the project site prior to 8:00 A.M., and all workers shall leave the project site by 5:30 P.M. daily during the entire course of project construction.

17. The Applicant shall hire a consultant with demonstrated experience in the implementation of Best Management Practices to control airborne dust.

18. During construction of the Project, the City shall employ an independent contractor, as deemed necessary by the Director of Community Development in his/her sole discretion, to be onsite during designated hours to monitor hauling of dirt and debris, the delivery of concrete and other materials, and at such other times as the Director, in his/her sole discretion, deems necessary to prevent significant disruption to the adjacent residential neighborhood. The Applicant shall

reimburse the City for the reasonable cost of said independent contractor. The Applicant shall assist the Director in developing a specific job description and hours of employment.

19. The Construction Management Plan shall include provisions for cleanup of the street, including but not limited to thorough cleanup of the street at the end of each workday, regular street sweeping at the applicant's expense, and truck mud removal through gravel or shaker plates located on the project site.

20. Prior to issuance of a grading permit for the Project, the Applicant shall prepare and submit a construction site drainage plan and erosion control plan to the Department of Building and Safety for review and approval. No grading or building permits shall be issued until site drainage and erosion control plan has been approved by the Department of Building and Safety.

21. A security officer shall be provided during all hours of construction who will continually monitor the site and bear responsibility for security of all personnel, equipment, and surrounding activity on the street.

22. A cash deposit of \$10,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. Such deposit shall be returned to Applicant upon completion of all construction activities for the new residence and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten (10) days of the notice; and (c) issue a stop work

notice until such time that an additional deposit of \$10,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice, and the deposit of an additional \$10,000, pursuant to the procedure set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited. The requirements of this condition are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

23. A slurry coat on the road in all areas required at the end of the project shall be provided at the applicant's expense. During construction, a weekly assessment shall be made of the road conditions. If there is any damage noted during inspection that may risk the safety of residents and their cars, the Contractor will patch and fix any damage on the day of inspection, to the extent feasible, or within one work day thereafter if same day repair is not feasible. All repairs shall be done at the applicant's expense.

24. The applicant shall comply with all mitigation measures in the approved MND (including all recommendations from the soils report).

25. Staging Area. To reduce noise levels associated with idling construction equipment and to minimize off-site transportation of heavy construction equipment, the applicant shall design staging areas to be as far as possible from adjacent single-family residents.

26. Diesel Equipment Mufflers. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.

27. Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers.

28. Additional Noise Attenuation Techniques. For all noise generating construction activity on the project site, additional noise attenuation techniques shall be employed to reduce noise levels. Such techniques shall include the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors to reduce noise to the maximum extent feasible. When construction activities are within 200 feet of an adjacent residence, an 8-foot temporary sound barrier (e.g., wood fence) with at least 0.5-inch thickness shall be erected between the residence and the construction activities. All construction vehicles shall be prohibited from idling for more than 10 minutes. The applicant or contractor shall inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory silencing features. Construction equipment shall use available noise control devices, such as equipment mufflers, enclosures, and barriers. The applicant shall provide

adjacent single-family residents with a notice specifying the duration of construction and a phone number to report noise complaints.

29. The applicant shall perform at least one noise measurement at each of the nearest sensitive uses during excavation and foundation/ conditioning work to confirm that the noise attenuation techniques are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on additional noise attenuation techniques, such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets.

30. All heavy hauling activities associated with the Project shall be subject to the Trousdale Estates Area Construction Special Transportation-Related Interim Measures and any related special conditions at all times, unless otherwise modified by the Director of Community Development to accommodate special circumstances associated with the Project. Wherever there is a conflict between the requirements or limitations in the Trousdale Estates Area Construction Special Transportation-Related Interim Measures and any related special conditions, and the conditions set forth in this resolution, the conditions set forth in this resolution shall prevail.

31. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on December 11, 2014.

32. APPROVAL RUNS WITH LAND. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

33. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

34. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

35. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

36. RECORDATION. The resolution approving the Hillside R-1 Permit, and Tree Removal Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary

to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

37. EXPIRATION. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

38. VIOLATION OF CONDITIONS: A violation of any of these conditions of approval may result in termination of the entitlements granted herein.

III

Section 12. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: December 11, 2014

Howard S. Fisher
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Susan Healy Keene, AICP
Director of Community Development

A.S.

ATTACHMENT H
DRAFT RESOLUTION
AMENDMENTS TO THE STREETS MASTER PLAN

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS REPORTING TO THE CITY COUNCIL ON THE CONSISTENCY OF A PROPOSED STREET AND ALLEY VACATION WITH THE CITY'S GENERAL PLAN

The Planning Commission of the City of Beverly Hills hereby resolves as follows:

Section 1. California Government Code Section 65402 requires that if a general plan has been adopted, no street or alley shall be vacated or abandoned until the location, purpose and extent of such street vacation or abandonment has been submitted to and reported upon by the planning agency as to conformity with said adopted general plan. Pursuant to Government Code Section 65100, Paragraph C of Beverly Hills Municipal Code Section 10-1-102, assigns the planning agency function for review of local public works projects for consistency with the general plan to the Planning Commission.

Section 2. On December 11, 2014, the Planning Commission, in its capacity as the Planning Agency, reviewed the proposed vacation of a portion of a public street located at the terminus of Loma Linda Drive. The portion of the public street is adjacent to the northern property line of 1193 Loma Linda Drive. The proposed street vacation advances the goals and objectives of the General Plan, and presents no impediments to achieving the goals and objectives of the General Plan. Vacation of the street will not significantly alter the configuration and function of the City's existing circulation system. Specifically, the proposed vacation is consistent with General Plan Policies S 3.3 and S 3.4, which state:

“S 3.3: Fire Protection Services. Require that new development and re-development of structures provide adequate fire safety features and responder access so as not to cause a reduction of fire protection services below acceptable, safe levels.”

“S 3.4: Fire Department Access. Design private and public access drives and roadways to preserve and maintain Fire Department access to properties.”

Section 3. On December 11, 2014, the Planning Commission, in its capacity as the Planning Agency, reviewed the proposed vacation of a portion of an alley located between 1193 and 1185 Loma Linda Drive for consistency with the City’s General Plan. The public alley proposed to be vacated is an unimproved alley that intersects Loma Linda Drive near the terminus of that street. The proposed alley vacation does not advance the goals and objectives of the General Plan, and presents impediments to achieving the goals and objectives of the General Plan. While vacation of the alley will not significantly alter the configuration and function of the City’s existing circulation system, the alley is currently used to access public utilities in a steeply sloped area that is difficult to access for maintenance and upgrades. Furthermore, vacation of the alley would allow development at 1193 Loma Linda Drive to be located closer to adjacent properties than would otherwise be allowed. Specifically, the proposed vacation is inconsistent with General Plan Policies LU 6.2 and CON 9.4, which state:

“LU 6.2: Housing Character and Design. Require that new, renovated, and additions to housing be located and designed to maintain the distinguishing characteristics and qualities of the neighborhoods in which they are located, including prevailing lot sizes, building form, scale, massing, relationship to street frontages, architectural design, landscaping, property setbacks, and other comparable elements.”

“CON 9.4: Sewer System Upgrades. Continue to upgrade, inspect, and improve the City’s sewer infrastructure to minimize deficiencies, reduce leaks and contamination, and minimize the number of sanitary Sewer Overflows (SSOs).”

Section 4. Based on the foregoing review, the Planning Commission hereby finds that the vacation of the portion of the public street located at the terminus of Loma Linda Drive is consistent with the City’s General Plan. The Planning Commission further finds that the vacation of the portion of the intersecting, unimproved public alley located near the terminus of Loma Linda Drive between 1193 and 1185 Loma Linda Drive is not consistent with the City’s General Plan.

Section 5. The Secretary shall forward this Resolution to the City Council for its consideration together with the proposed development project at 1184-1193 Loma Linda Drive.

Section 6. The Secretary shall certify to the adoption of this Resolution and shall cause this Resolution and this certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: December 11, 2014

Howard S. Fisher
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Susan Healy Keene, AICP
Director of Community Development

A-S.