



Planning Commission Report

Meeting Date: August 13, 2015

Subject: **1184 -1193 Loma Linda Drive**
Hillside R-1 Permit, Amendments to the Streets Master Plan, Tree Removal Permit, and Lot Line Adjustment
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, request for a Lot Line Adjustment between 1184 Loma Linda Drive and 1117 Sutton Way, and a request to amend the Streets Master Plan to vacate portions of Loma Linda Drive and dedicate portions of the subject property for a new turnaround at the property located at 1184 - 1193 Loma Linda Drive.
PROJECT APPLICANT: Jason Somers

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project;
2. Direct Staff to continue working with the Applicant on Project revisions; or
3. Direct Staff to prepare a resolution either approving or denying the project

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 to dedicate a portion of 1184 Loma Linda Drive to the City to provide a new vehicle turnaround area. There is also a request for a lot line adjustment between 1184 Loma Linda Drive and 1117 Sutton Way that would result in a net transfer of 900 square feet to 1117 Sutton Way. The project will result in a new single family home with two stories and a basement, and will include pools, a cantilevered deck, retaining walls, and water features. This project was reviewed by the Planning Commission at its meeting on December 11, 2014, and direction was given to the applicant to redesign the project in a manner that is more compatible with the surrounding neighborhood. This report provides a summary of the project changes, and the recommendation in this report is for the Planning Commission to consider the scale and scope of the project revisions, and either provide direction to the applicants to make further revisions to the project, or direct staff to prepare a resolution approving or denying the project.

Attachment(s):

- A. Required findings
- B. Notice of Public Hearing
- C. Revised Final Mitigated Negative Declaration
- D. Street Vacation and Dedication Exhibits
- E. Lot Line Adjustment Exhibit
- F. Previously Recommended Conditions of Approval
- G. Correspondence from the Public
- H. Construction Traffic Management Plan
- I. Architectural Plans

Report Author and Contact Information:

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

BACKGROUND

This project was considered by the Planning Commission at its meeting on December 11, 2015. After a public hearing where neighbors expressed serious concerns about the project, and discussion amongst the Planning Commissioners regarding the overall scale and scope of the project, the applicants were directed to make project revisions that would result in a reduction in the size of the residence and the amount of earth material to be exported. The Planning Commission also directed the applicant to consider alternative street vacation and dedication proposals that would result in a more equal exchange of land between the property and public right of way.

PROJECT CHANGES

Pursuant to direction from the Planning Commission, the applicant has made revisions to the project. The following list represents a summary of major project revisions:

- Removal of the basement basketball court
- Relocating the attached guest house/office to meet the required side yard setback
- Reduction in the size of the basement garage
- Removing the deck above the garage ramp
- Removing an audio/visual room from the basement area
- Reducing the size and extent of the lower pool to meet required retaining wall heights
- Re-design and relocation of the proposed vehicle turnaround dedication
- Withdrawal of request for alley vacation

The table below provides a more detailed comparison of the results of these project changes as they relate to floor area and export of earth material:

	Original Project¹	Revised Project
Lot Area	85,813.2 sf (1.97 ac)	81,958 sf (1.88 ac) ²
Floor Area	Main Level: 6,077 sf Upper Level: 4,585 sf Basement (above natural grade): 3,264 sf <i>Total Floor Area: 13,926 sf</i> Basement (under grade): 12,447 sf <i>Total Square Footage: 26,373 sf</i> <i>Cumulative Floor Area: 24,473 sf</i>	Main Level: 5,998 sf Upper Level: 4,128 sf Basement (above natural grade): 2,921 sf <i>Total Floor Area: 13,047 sf</i> Basement (under grade): 8,368 sf <i>Total Square Footage: 21,415 sf</i> <i>Cumulative Floor Area: 19,515 sf</i>
Height	28 feet	28 feet
Grading	8,081 cubic yards export	5,374 cubic yards export

¹This data reflects corrections made subsequent to the December 11, 2014 Planning Commission meeting with respect to floor area calculations.

²In addition to a reduction in lot size due to a more balanced street vacation proposal, the applicant is requesting a lot line adjustment to transfer 900 square feet to 1117 Sutton Way.

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.
- **Streets Master Plan Amendment:** The proposed vacation of a portion of Loma Linda Drive and dedication of a new vehicle turnaround 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.
- **Lot Line Adjustment:** The proposed project includes a request for a lot line adjustment of the property line that separates 1184 Loma Linda Drive and 1117 Sutton Way, which would result in a net transfer of 900 square feet from 1184 Loma Linda Drive to 1117 Sutton Way.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	8/6/2015	7 Days
Newspaper Notice	10 Days	8/3/2015	7/31/2015	13 Days
Mailed Notice (Owners & Occupants - 500' Radius)	10 Days	8/3/2015	8/3/2015	10 Days
Property Posting	10 Days	8/3/2015	8/3/2015	10 Days
Website	N/A	N/A	8/6/2015	7 Days

Public Comment

Staff has received multiple inquiries and letters from the public about this project. All letters are included in their entirety as Attachment F to this report. In summary, the public comments suggest general opposition to the scale of the project and raise questions and concerns regarding potential street parking, traffic, construction impacts, 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. In addition, some of the comments include recommended conditions of approval in the event the Planning Commission decides to approve the project.

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.

TOPICS FOR CONSIDERATION

In reviewing the proposed project revisions, the Commission may wish to consider the following topics as they relate to the project and required findings.

Scale, Mass, and Integrity of Surrounding Area. The proposed project, or portions thereof, would be visible from adjacent properties, as well as from the street and from areas below the hillside, such as Coldwater Canyon Park. The properties that would most directly experience the new building's scale and mass are 1111-1115 Coldwater Canyon Drive, 1117 Sutton Way, 1185 Loma Linda Drive, and 1178 Loma Linda Drive. The Planning Commission may wish to consider the building massing as experienced from these properties, and more particularly, whether the scale and massing over the slopes are appropriate for the site and surrounding areas.

Construction Vehicles and Traffic. The project reviewed by the Planning Commission at the December 11, 2014 meeting included 8,081 cubic yards of export, primarily to allow construction of the basement. The revised project includes reductions to the basement area of the residence by removing the basketball court, reducing the size of the parking garage, and reducing the area of the guest bedroom to meet side yard setback requirements. The floor of the bowling alley was also raised, resulting in further reductions. The revised project includes 5,374 cubic yards of export, which represents a reduction of 2,707 cubic yards, or approximately 33% from the original proposal. This amount includes export required for construction of the main house, foundation construction, and general site grading. As a result of the reductions in the amount of export, the number of hauling trips has also been reduced from 22 round trips per day to 18 round trips per day during the proposed 30-day hauling period.

For informational purposes, it should also be noted that prior grading and export has occurred on the property. As a result of heavy rains, the subject property experienced slope failure and landslides in 2005. Remediation work was conducted thereafter, which required grading and export of earth material across the three properties affected by the landslides. These properties included 1184 Loma Linda, 1193 Loma Linda, and 1117 Sutton Way. City records indicate that a cumulative total of 3,390 cubic yards were exported from all three properties, however the City's records do not detail the specific amount that was exported from each property individually. Furthermore, the remedial work and associated hauling were not subject to the landform alteration and export thresholds because the work was required to address safety concerns resulting from the slope failure.

As part of the project revisions, more detailed information was requested regarding the types, sizes, and number of construction vehicles proposed to be used for project construction. The new

information resulted in revisions to the number of trips that would result from project construction. A comparison of these trips is provided in the table below:

	Original Project	Revised Project
Grading	8,081 cubic yards export	5,374 cubic yards export
Construction Duration	30 months total	25 months total
Hauling Truck Trips	<u>Grading</u> : 22 round trips per day ³	<u>Grading</u> : 18 round trips per day ⁴
Vendor Truck Trips⁵	<u>Building Construction</u> : 8 round trips per day ⁶	<u>Grading</u> : 2 round trip large equipment delivery and removal per day ⁷ <u>Concrete Foundation</u> : 15 round trips per day ⁸ <u>Rough Construction</u> : 5 round trips per day ⁹ <u>Finishing</u> : 7 round trips per day ¹⁰
Worker Trips¹¹	<u>Grading</u> : 5 round trips per day <u>Bldg Construction</u> : 9 round trips per day <u>Paving</u> : 7 round trips per day <u>Architectural Coating</u> : 2 round trips per day	<u>Grading</u> : 10 round trip shuttle trips per day <u>Concrete Foundation</u> : 12 round trip shuttle trips per day <u>Rough Construction</u> : 12 round trip shuttle trips per day <u>Finishing</u> : 14 round trip shuttle trips per day
Staff, Consultant, and City Trips¹²	Not analyzed	<u>Grading</u> : 3 round trips per day <u>Concrete Foundation</u> : 3 round trips per day <u>Rough Construction</u> : 4 round trips per day <u>Finishing</u> : 4 round trips per day

³ Assumed truck capacity of 12 CY, Conservatively assuming the most intense phase of excavation takes place over 30 days.

⁴ Assumes truck capacity of 10 CY, Conservatively assuming the most intense phase of excavation would take place over 30 days

⁵ Note: Names of construction phases have changed. Old and new construction phase names are indicated.

⁶ Assumed 445 concrete mixer truck trips over a 90 day period (5 per day) and at most 3 steel, lumber, and finishing materials per day.

⁷ Large equipment would be delivered to site on Monday morning and removed on Friday afternoon. However, this analysis conservatively assumes 2 round trips per day for large equipment delivery and removal.

⁸ Assumes 445 concrete mixer truck trips over 60 days (8 per day), 150 rebar trips over 60 days (3 per day), and 4 concrete pump equipment deliveries per day.

⁹ Steel and lumber trips combined are estimated to occur over 8 months and include 150 total trips. Trips are proposed to only be done on Mondays. Over 8 months (8 months = 32 weeks = 32 Mondays = 32 Days), this results in approximately 5 round trips per day for both steel and lumber combined. This analysis conservatively assumes 5 trips per day, though trips would only occur one day per week.

¹⁰*Finishing materials would be delivered over approximately 8 months and include 200 total trips. Trips are proposed to only be done on Mondays. Over 8 months (8 months = 32 weeks = 32 Mondays = 32 Days), this results in approximately 7 round trips per day. This analysis conservatively assumes 7 trips per day, though trips would only occur one day per week.*

¹¹*Revised project assumes workers would park off-site and be transported onsite via a 10-person capacity shuttle. Revised project worker trips assume half of round trip shuttle trips would occur during the morning peak hour and half would occur during the afternoon peak hour. Further, revised project includes staff, consultant, and City trips. These were not considered in the original project.*

¹²*Staff, consultant, and City trips would occur over the course of the work day between 8:00AM and 5:00PM. These were not considered in the original project.*

Geology and Soils. During the Planning Commission's review of the project at its meeting on December 11, 2014, concerns were raised regarding the east-facing slope on the property, where the proposed guest house/office is located adjacent to 1111-1115 Coldwater Canyon. Subsequently, two supplemental soils reports were provided by the applicant's soils engineer (Irvine Geotechnical) and were peer reviewed by the City's environmental consultant team (LGC Valley). The findings of the peer review indicated that the site appears to be sufficiently reviewed and assessed from a geologic and geotechnical perspective and the proposed development appears suitable based on the known data. Further analysis was also conducted by Irvine Geotechnical regarding the surficial stability of the east-facing slope, and another supplemental soils report was provided indicating that the natural residual soil mantling the slope is surficially stable with a safety factor in excess of 1.5, and that fill is surficially stable up to a thickness of 1.5 feet, but where thicker than 1.5 feet and located on an exposed slope, the fill is potentially unstable. It was recommended that the fill be stabilized in place by removing and recompacting the fill behind pipe and board retaining devices, and that 2:1 compacted fill slopes will be surficially stable.

Privacy. The Planning Commission may wish to consider the revised project's potential privacy impacts to adjacent properties. The proposed project would have potential privacy impacts on two adjacent properties at 1185 Loma Linda Drive and 1111-1115 Coldwater Canyon Drive. If the requested street vacation 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 closer to a public street than it is today. As part of the project revisions, modifications have been made to the location of the new turnaround to move it away from the adjacent structure at 1178 Loma Linda Drive and to provide landscaping in the setback area adjacent to that property in order to mitigate privacy concerns. The project also includes an attached guest house/office in the area adjacent to 1185 Loma Linda Drive and 1111-1115 Coldwater Canyon Drive. Neighbors at 1185 Loma Linda Drive and 1111-1115 Coldwater Canyon Drive have expressed serious concerns regarding the privacy, scale, and massing impacts resulting from the location of this guest house/office, as well as the cantilevered deck that serves as a walkway between the street and the pools. Based on the identified concerns, the Commission may wish to discuss whether alternative design options are more desirable.

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. 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 if the revised vehicle turnaround were implemented, approximately 1 to 2 on-street parking spaces that are available today 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.

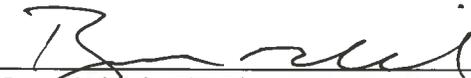
Vehicle Turnaround Dedication and Emergency Vehicle Access. The proposed project requires a large amount of excavation in order to facilitate construction of the proposed basement areas. As a result, many hauling, concrete, and equipment delivery trips will be needed during portions of the construction 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 original plans, found that they were 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. Subsequent to that review, the applicants proposed a revised turnaround that was reviewed by the Fire Department. The Fire Marshal found that the revised turnaround dimensions meet the minimum requirements for a fire apparatus to safely negotiate. The Fire Department further recommends that, if the project is approved, the City accept the applicant's offer to allow fire access within the circular driveway in exigent circumstances, and to accommodate such access, it is recommended that the applicants install a Knox Box type system, as approved by the Fire Department, on the driveway gate to enable use by emergency responders. 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 1 to 2 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.

NEXT STEPS

It is recommended that the Planning Commission conduct a public hearing and receive comments and testimony regarding the project. It is further recommended that the Planning Commission consider the following options and provide staff with direction as appropriate:

- Provide direction to the Applicant to redesign the Project;
- Direct staff to prepare a resolution conditionally approving the project, based on specific findings; or
- Direct staff to prepare a resolution denying the project.

Report Reviewed By:



Ryan Goblisch, City 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.

Lot Line Adjustment Findings. The Planning Commission may approve a Lot Line Adjustment provided that the following findings are made:

- 1) The proposed lot line adjustments will not deny access to any parcel;
- 2) The proposed lot line adjustment will not result in a conflict with any public or private easement; and
- 3) The proposed lot configurations meet all standards of the zoning, subdivision, and building ordinance provisions, except that existing, legally nonconforming lots need not meet all standards of the zoning, subdivision, and building ordinance provisions, provided that the proposed lot line adjustment will result in either a decrease or no change in the degree of any existing nonconformity, and will not create a new nonconformity.

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

ATTACHMENT A

Required Findings

- 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: August 13, 2015

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

LOCATION: City Council Chambers
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, August 13, 2015**, 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 approximately 19,515 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 also includes a lot line adjustment of the property line that separates 1184 Loma Linda Drive and 1117 Sutton Way, which would result in a net transfer of 900 square feet from 1184 Loma Linda Drive to 1117 Sutton Way. The project would also include amending the City's Streets Master Plan to vacate portions of Loma Linda Drive 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 5,374 cubic yards of earth material are proposed to be exported);
- Amendment of the City's Streets Master Plan for a street vacation and street dedication;
- Tree Removal Permit to remove 1 protected tree; and
- Lot Line Adjustment

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

August 13, 2015 Planning Commission Meeting
1184-1193 Loma Linda Drive

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.

The case file on this project, which includes the plans, applications, and related environmental review documents, is available for public review at the Community Development Department, 455 North Rexford Drive, Beverly Hills, CA 90210. If there are any questions regarding this notice, please contact Andre Sahakian, Associate Planner at (310) 285-1127.

Sincerely,

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

Andre Sahakian, Associate Planner

Mailed: August 3, 2014

ATTACHMENT C

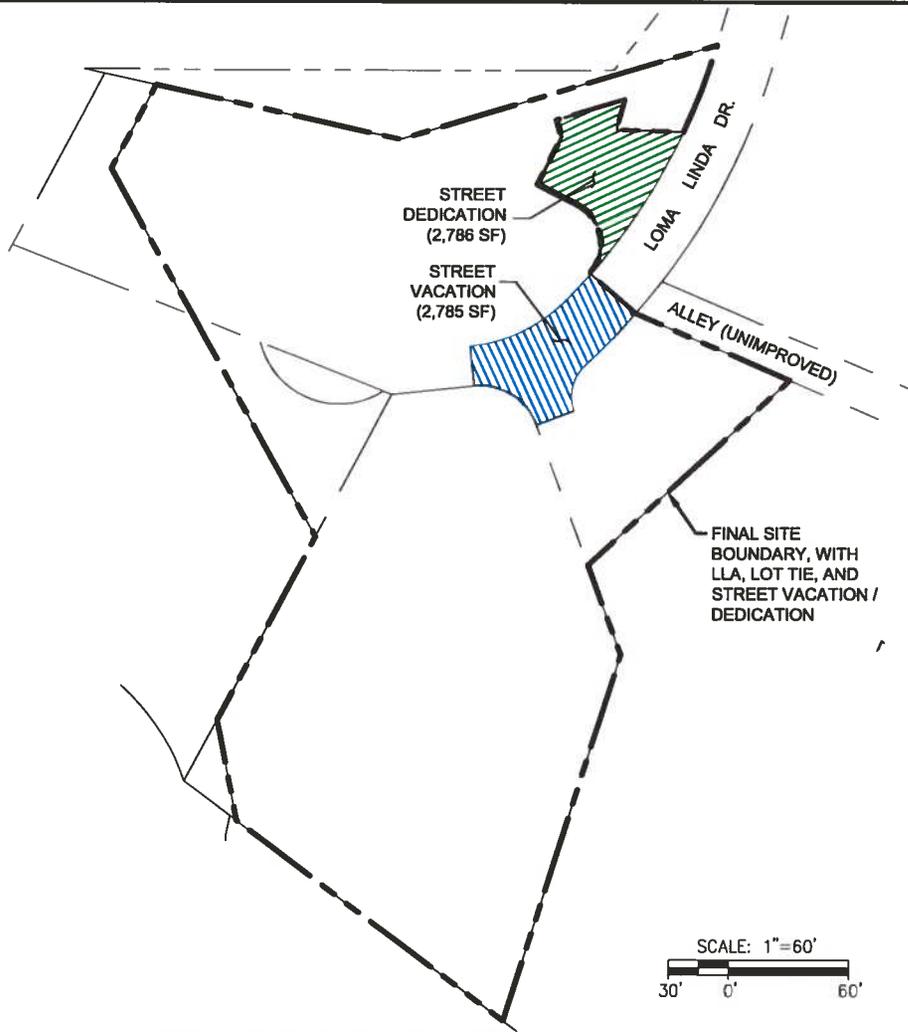
REVISED FINAL MITIGATED NEGATIVE DECLARATION

(PROVIDED AS SEPARATE ATTACHMENT)

ATTACHMENT D

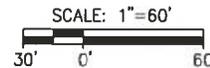
STREET VACATION AND DEDICATION EXHIBITS

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**AREA GAIN / LOSS
SUMMARY**

DESCRIPTION	SQ. FT.
DEDICATION	2,786
VACATION	2,785
NET (TO CITY)	1



LC ENGINEERING GROUP, INC.
 CONSULTING ENGINEERS
 889 Pierce Court, Suite 101, Thousand Oaks, California 91360
 (805)497-1244 (618)991-7148 FAX(618)991-5942 Email:workfiles@lcegroupinc.com

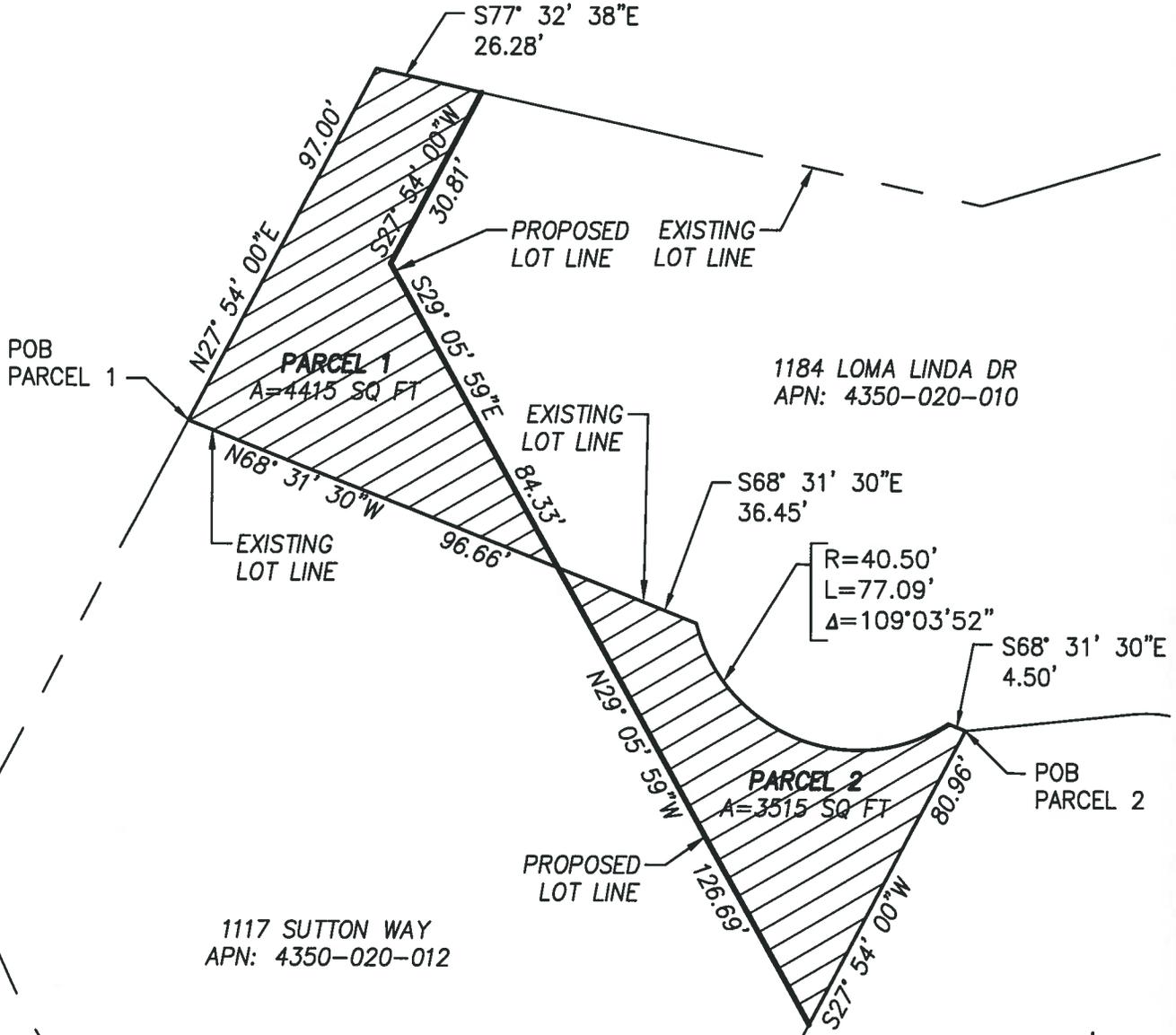
Dedication/Vacation Exhibit

1184 Loma Linda Dr.

5-11-15

ATTACHMENT E
LOT LINE ADJUSTMENT EXHIBIT

EXHIBIT "A"



LC ENGINEERING GROUP, INC.

CONSULTING ENGINEERS
 889 Pierce Court, Suite 101, Thousand Oaks, California 91360
 (805) 497-1244 (818) 991-7148 FAX (818) 991-5942 Email: workfiles@lcegroupinc.com



EXHIBIT "B"
LOT LINE ADJUSTMENT

LEGAL DESCRIPTION

PARCEL 1

THAT PORTION OF LOT 6 OF 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 LOT 6; THENCE NORTH 27°54'00" EAST 97.00 FEET, ALONG THE WESTERLY LINE OF SAID LOT; THENCE SOUTH 77°32'38" EAST 26.28 FEET; THENCE SOUTH 27°54'00" WEST 30.81 FEET; THENCE SOUTH 29°05'59" EAST 84.33 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT; THENCE NORTH 68°31'30" WEST 96.66 FEET ALONG SAID SOUTHWESTERLY LINE TO THE POINT OF BEGINNING.

A=4,415 SQUARE FEET MORE OR LESS

PARCEL 2

THAT PORTION OF LOT 8 OF 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 EASTERLY CORNER OF SAID LOT 8; THENCE SOUTH 27°54'00" WEST 80.96 FEET ALONG THE EASTERLY LINE OF SAID LOT; THENCE NORTH 29°05'59" WEST 126.69 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT; THENCE SOUTH 68°31'30" EAST 36.45 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 40.50 FEET, TO WHICH A RADIAL LINE BEARS SOUTH 76°00'26" WEST; THENCE IN A GENERALLY SOUTHEASTERLY DIRECTION ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 109°03'52" AN ARC DISTANCE OF 77.09 FEET TO ITS INTERSECTION WITH SAID NORTHERLY LINE; THENCE SOUTH 68°31'30" EAST 4.50 FEET ALONG SAID NORTHERLY LINE TO THE POINT OF BEGINNING.

A=3,515 SQUARE FEET MORE OR LESS



LC ENGINEERING GROUP, INC.

CONSULTING ENGINEERS
889 Pierce Court, Suite 101, Thousand Oaks, California 91360
(805) 497-1244 (818) 991-7148 FAX: (818) 991-5942 Email: workfiles@lcegroupinc.com



ATTACHMENT F

PREVIOUSLY RECOMMENDED CONDITIONS OF APPROVAL

ATTACHMENT F

Staff-Recommended Conditions of Approval from December 11, 2014 Planning Commission Meeting

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.

ATTACHMENT G

CORRESPONDENCE FROM THE PUBLIC

Correspondence from Sheri Bonstelle

Received on 8/5/15

Sheri L. Bonstelle
Direct: (310) 712-6847
Fax: (310) 712-3377
SBonstelle@jmbm.com

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

August 5, 2015

VIA E-MAIL AND FEDERAL EXPRESS

Beverly Hills Planning Commission
Alan Robert Block, Chair
Farshid Joe Shooshani, Vice Chair
Craig Corman, Commissioner
Howard S. Fisher, Commissioner
Lori Greene Gordon, Commissioner
Attention: Karen Myron
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Opposition to Residential Development at 1184-93 Loma Linda Drive
Hearing Date: August 13, 2015

Dear Chairman Block and Members of the Planning Commission:

Enclosed are letters from neighbors, community members and a health expert opposing the proposed residential development at 1184-93 Loma Linda Drive. Despite numerous requests for adequate time to review the project's plans and revised Mitigated Negative Declaration, the developer submitted these documents and the City made them available to neighbors for review on Monday, August 3, 2015, less than 48 hours prior to distribution of the project packets to the Planning Commission. As such, we reserve our rights to submit additional letters and material at or prior to the hearing on August 13, 2015, and prior to the Planning Commission's future hearing taking any action on the project. In addition, we were not informed that the hearing would occur until the end of the day on July 29, 2015, so numerous residents are away on summer vacations. Some submitted letters earlier in the summer due to the unknown nature of the hearing date, and the concern that they may not be available. In addition, numerous neighbors signed a petition opposing the project, which is submitted under a separate letter.

The following opposition letters are attached:

1. Ted and Michele Waitt, 1170 Loma Linda Drive, August 4, 2015
2. Hashim Minaiy, 1130 Sutton Way, August 1, 2015
3. Matt Leipzig, 1143 Coldwater Canyon, August 1, 2015
4. Shiva and Joseph Yafeh, 1178 Coldwater Canyon, July 31, 2015
5. Susan Niman, 1118 Coldwater Canyon, July 30, 2015
6. Daryoush Jadali, MD, 1169 Loma Linda Drive, July 30, 2015
7. Marilee Hartling, RN, MFT, Early Childhood Development Associates, July 25, 2015

Planning Commission

August 5, 2015

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8. Justin Shouhed, 1230 Coldwater Canyon, undated and received August 1, 2015
9. Sabrina Heravi, 1139 Coldwater Canyon, undated and received August 1, 2015

In addition, the following opposition letters and e-mail correspondence have been provided to Andre Sahakian, Ryan Gohlich and/or Karen Myron at the City, and should be included in the Commission packet:

10. Linda Kunik, 1147 Coldwater Canyon Drive, July 30, 2015
11. Shirin and Robert Farasat, 1168 Coldwater Canyon Drive, June 30, 2015
12. Rosita Yacobi, 1185 Coldwater Canyon Drive, July 29, 2015
13. Ardeshir Davoodian, 1154 Coldwater Canyon Drive, July 27, 2015
14. Franny Rennie, 1125 Coldwater Canyon Drive, July 9, 2015
15. Tom Schulhof, 271 Lago Vista Place, June 18, 2015
16. Dan Zaharoni, Isaac and Suzanne Zaharoni, 1165 Loma Linda Drive, June 8, 2015
17. Helen Oda Abe, 1179 Coldwater Canyon Drive, May 18, 2015
18. Tom and Melanie Staggs, 1115 Coldwater Canyon Drive, December 10, 2014

Sincerely,



SHERI L. BONSTELLE for
Jeffer Mangels Butler & Mitchell LLP

SLB:slb

cc: (via e-mail)
Mayor Julian A. Gold M.D. (mayorandcitycouncil@beverlyhills.org)
Hon. Lili Bosse (lbosse@beverlyhills.org)
Susan Healy Keene, Director of Community Development (skeene@beverlyhills.org)
Ryan Gohlich, Senior Planner (rgohlich@beverlyhills.org)
Andre Sahakian, Planner (asahakian@beverlyhills.org)
Howard S. Fisher, Chair, Planning Commission (kmyron@beverlyhills.org)
Alan Robert Block, Vice Chair, Planning Commission
Craig Corman, Planning Commissioner
Farshid Joe Shooshani, Planning Commissioner
Lori Greene Gordon, Planning Commissioner

Ted and Michele Waitt
1170 Loma Linda Drive
BEVERLY HILLS, CA 90210

August 4, 2015

Dear Planning Commission Members,

My wife Michele and I just recently purchased a home for our family at 1170 Loma Linda Drive, which we are preparing to move into soon. We acquired this location to experience the pleasant, quiet, intimate nature of Loma Linda Drive.

Much to our chagrin, we have now become aware of the megamansion development project proposed for 1184 Loma Linda Drive. The scale of this project would permanently destroy the character of Loma Linda. The residence would loom heavily over Coldwater Canyon Park below. The amount of truck and van traffic generated would be far in excess of what Loma Linda or the Coldwater/Loma Linda intersection can bear. Construction noise and erosion in air quality in this whole area would be harmful.

The Developer's request for the vacation of a segment of the street by the City to enable this monster project for the benefit of a private developer, to the detriment of the residents, is outrageous.

This project should be rejected as proposed. While we respect the Developer's "right to build" of 15,000sf and 3000 CY of dirt export, this is more than enough in this location. We appeal to the Planning Commission to protect the quality of life in which we have invested and entrusted our family's well-being.

Respectfully,



Ted Waitt

cc: Beverly Hills City Staff and City Council

**HASHEM MINAIY
1130 SUTTON WAY
BEVERLY HILLS, CA 90210**

August 1, 2015

Honorable Planning Commissioners,

My family and I reside at 1130 Sutton Way. We greatly value the residential character and quality of life in our neighborhood. Now I have become aware that a proposed project at 1184 Loma Linda Drive would bring harm to us.

The proposed project's massive scale is too much for the location. It would loom overbearingly over our house and Coldwater Canyon Park, invading our privacy. We would be forced to bear excessive construction noise and dirt. Major traffic dangers and congestion would be generated on Coldwater Canyon Drive.

Development on this site should not exceed code of 15000 sf cumulative area or generate in excess of code of 3000 CY of dirt export. R1 Permit guidelines intended to protect the character, safety, and privacy of our lives should be honored. We appeal to you to protect us from this outrageous proposal.

Sincerely,



Hashem Minaiy

cc: Beverly Hills City Staff and City Council

**Matt Leipzig
1143 Coldwater Canyon Drive
BEVERLY HILLS, CA 90210**

August 1, 2015

Honorable Planning Commissioners,

My name is Matt Leipzig and my family lives at 1143 Coldwater Canyon. We cherish our home and our neighborhood, including beautiful Coldwater Canyon Park and tranquil Loma Linda Drive.

The proposed project at 1184 Loma Linda Drive threatens all this that we hold dear. Its massive scale is completely out of character with the neighborhood. In pushing for maximum square footage, the project will generate excessive noise, dirt, and traffic dangers. Superficial MND traffic analysis does not reflect the specific challenges of narrow, winding Loma Linda Drive and the Coldwater/Loma Linda intersection.

Another appalling impact of this project is its massive water requirements for pools and landscaping, which scoff at City authorities and Residents attempting to cope with our terrible water crisis. Allowing this project would undermine the credibility of City authorities in appealing to Residents for water conservation, and create cynicism and anger among residents.

Code limits of 15,000 sf of cumulative floor area and 3000 CY of dirt haul are plenty large for this site. Whatever development is undertaken should also not require a grant of right-of-way by the City. The Applicant's right of way request, to the detriment of and against the intense opposition of neighborhood Residents, should be strongly rejected.

We must count on Beverly Hills authorities to protect us by rejecting this flagrantly wrong proposal. A failure to do so would be a fundamental violation of public trust, and would signal to speculative megamansion developers that they are free to trample on our quality of life.

Sincerely,



Matt Leipzig

cc: Beverly Hills City Staff and City Council

The Yafeh Family
1178 Coldwater Canyon Drive
Beverly Hills, CA 90210

July 31, 2015

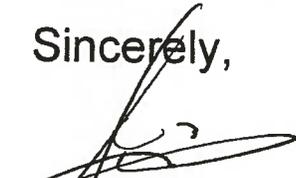
Honorable Planning Commissioners,

My husband Joseph and I live at 1178 Coldwater Canyon Drive in Beverly Hills. We love our neighborhood, and are raising a family here. To our chagrin, we now find our quality of life threatened by the proposed development at 1184 Loma Linda Drive.

The proposed project is much too large for this neighborhood. It would hover over Coldwater Canyon Park which our family so enjoys. It would create dangerous truck traffic and congestion beyond what Coldwater can bear, or what Residents should be asked to bear.

Our family appeals to you to reject this project. We must rely on our City institutions to protect us.

Sincerely,


Shiva Yafeh



cc: Beverly Hills City Staff and City Council

Susan Niman
1118 Coldwater Canyon
Beverly Hills, CA 90210

July 30, 2015

Dear Honorable Planning Commissioners,

My family and I have lived in Beverly Hills for many years at 1118 Coldwater Canyon. We love our neighborhood, but now find ourselves threatened by the massive project being proposed for 1184 Loma Linda Drive.

The proposed project would overwhelm the scale and character of our neighborhood. It would loom out over homes below as well as the Coldwater Canyon Park. It will create terrible traffic dangers and congestion on both Loma Linda and Coldwater Canyon Drive.

Please stop this project as currently proposed. Please have the owners restrict their proposed project to fit the integrity of the neighborhood in size and character. The Applicant needs to be respectful of City guidelines and reduce the project to not exceed 15,000 cumulative SF and not to export more than 3000 CY of dirt. There should never be granting of public right of way to benefit a private developer to the detriment of Residents.

Sincerely,

A handwritten signature in black ink that reads "S. Niman". The signature is written in a cursive, flowing style.

Susan Niman

Daryoush Jadali, M.D
1169 Loma Linda Drive
Beverly Hills, CA 90210

July 30, 2015

Honorable Planning Commissioners of Beverly Hills,

My name is Daryoush Jadali, and I am the owner of the residence at 1169 Loma Linda Drive. The purpose of this letter is to speak out against the proposed residential project at 1184 Loma Linda Drive.

The proposed project is offensively excessive. The scale of the project will overwhelm and destroy the character of our street. Particularly given the way the project cantilevers out over its east hillside, its view lines will invade the privacy of my residence, as well as other nearby residences and the precious Coldwater Canyon Park below. The project will also generate dangerous traffic impacts, particularly given (a) the winding, narrow nature of Loma Linda with its 3 blind curves, and (b) the already dangerous nature of the Coldwater/Loma Linda intersection. No amount of mitigation measures can protect our neighborhood from this project's magnitude and intensity.

I appeal to the Planning Commission to reject the 1184 project. Development on the site should not exceed the "right to build" of 15,000 cumulative square feet and 3,000 CY of dirt hauling. There should be no granting of right of way by the City Council for the benefit of this Developer, to the detriment of the community.

Sincerely,



Daryoush Jadali, M.D

cc: Beverly Hills City Staff and City Council

Marilee Hartling RN, MFT
Early Childhood Development Associates
8344 Melrose Ave. Suite 23
Los Angeles, CA 90069

July 25, 2015

VIA E-MAIL (kmyron@beverlyhills.org) AND HAND DELIVERY

Beverly Hills Planning Commission
Alan Robert Block, Chair
Farshid Joe Shooshani, Vice Chair
Craig Corman, Commissioner
Howard S. Fisher, Commissioner
Lori Greene Gordon, Commissioner
Attention: Karen Myron
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: 1184-93 Loma Linda Drive
Health Issues for Young Children Caused by Construction

Dear Chairman Block and Members of the Planning Commission:

I am the founder and director of Early Childhood Development Associates. I have twenty-three years in this field, including sixteen years in neonatal intensive care, where I received specialized training in promoting positive maternal-child relationships and supporting infant development. I have a master's degree in Marriage and Family Therapy from Pacific Oaks College and currently teach "Therapy with Children" as an adjunct faculty member. Additionally, I have a certification in Infant Mental Health and in Family Infant Relationship Support Training (FIRST). I led the First Weeks group at Cedars-Sinai Medical Center prior to conducting groups privately. I have taught and supervised practitioners in the infant mental health certification program at Cedars-Sinai Medical Center. As a developmental specialist, I provide parents with the tools they need to promote their infant and toddler's growth, development, and healthy sleep.

I am writing to inform you of the significant health impacts that construction has on children, especially young children under the age of twelve. As you are aware, there are four young children, all under the age of seven, living at the home at 1185 Loma Linda Drive, directly adjacent to the construction site. I have been the family therapist for one of these children, and am very familiar professionally with the family. Two of these children, both just over two years old, were born prematurely and are particularly sensitive to the effects of construction. I understand several other small children live nearby on the block, and the Coldwater Park Preschool is located just south of the development site. Therefore, you should carefully consider the impacts of the proposed project on the youth that live and attend school in the neighborhood during the hours of construction.

The State Office of Environmental Health Hazard Assessment (OEHHA) and the California Environmental Protection Agency (Cal EPA) provide studies and reports regarding the health hazards for children, including hazards caused by construction. The findings in their 2014 Report to the Legislature, and related studies, are noted briefly below. In addition, the California Air Resources Board (CARB) of Cal EPA has conducted several children's health studies related to the impact of air pollution on children's growth¹.

Air Quality Impacts. Children may have greater exposure than adults to airborne pollutants. Infants and children generally breathe more rapidly than adults, which increases their exposure to any pollutants in the air. Infants and children often breathe through their mouths, bypassing the filtering effect of the nose and allowing more pollutants to be inhaled. Further, children are often more susceptible to the health effects of air pollution because their immune systems and developing organs are still immature. For example, lead that is inhaled is more easily deposited in the fast-growing bones of children. Irritation or inflammation caused by air pollution is more likely to obstruct their narrower airways. It may also take less exposure to a pollutant to trigger an asthma attack or other breathing ailment due to the sensitivity of a child's developing respiratory system. Infants have a surface area to body weight ratio that is twice as high as adults, making them especially vulnerable to toxicants that are absorbed through the skin. Exposure to toxic air contaminants during infancy or childhood could affect the development of the respiratory, nervous, endocrine and immune systems, and could increase the risk of cancer later in life. In addition, exposure to air pollution can have additional negative temporary effects, such as decreased immunity and headaches.

Numerous studies demonstrate the direct link of exposure to air pollution caused by traffic to asthma and other respiratory illnesses, including even short term exposure. In 2002, one study found a direct public health impact from air pollutants such as volatile organic compounds (VOCs) from outdoor toxic emission sources, which include automobiles and trucks. The study determined that over a three month period, there was a distinct increase in asthma caused by VOCs, NO₂, SO₂ and O₃.² A subsequent 2015 study found that "emergency department visits and hospital admissions for asthma were positively associated with ambient air pollution data, including PM2.5 and O3 in the warm season and PM2.5, CO, NO2, and NOx in the cool season," and "found consistent results that acute asthma morbidity is increased in relation to short-term (1 to 7 days) elevations in various indicators of air pollution from fossil fuel combustion sources (including traffic), particularly during the cool seasons."³ Other studies have shown that increased exposure to fine particulate matter (PM2.5) in children could lead to

¹ The ARB studies are located at <http://www.arb.ca.gov/research/research-results.php?searchtype=keyword&searchterm=health+effects+children>.

² California Air Resources Board, Contract No. 99-302, Evaluation of Health Effects of Toxic Air Pollutants in Southern California Community: A Pilot Study, August 27, 2002, by Ralph J. Delfino, MD, PhD, Department of Epidemiology, School of Medicine, University of California, Irvine. ("Significant effects of ambient VOCs on asthma symptoms were found for benzene, 1,3-butadiene, ethylbenzene, styrene, tetrachloroethylene, toluene, m,p-xylene, o-xylene, acetone, acetaldehyde and formaldehyde.")

³ California Air Resources Board, Contract No. 10-319, Risk of pediatric asthma morbidity from multipollutant exposures, February 18, 2015, by Ralph J. Delfino, MD, PhD, Department of Epidemiology, School of Medicine, University of California, Irvine.

decreased lung capacity and pulmonary function.⁴ All of this air pollution can be caused by heaving hauling trucks and construction machinery.

I understand the hauling period for the project may last more than 5 months, with constant truck trips occurring while the children are home during the day; and that the entire construction period may last more than two and a half years, with continuous excavation, grading, and construction that causes dust in addition to the truck exhaust. This can significantly impair the development of the lungs and pulmonary functions in young children. The City should take all measures to limit the number of trucks on the street, limit the duration of the construction that causes dust and increases in ambient air pollution, and fully protect the children living on the street and utilizing the outdoor spaces during construction.

Noise Impacts. Young children are particularly sensitive to the effects of loud noises, which can impair hearing development and even cause deafness in some cases. The United States EPA provides standards for identifying and protecting children from harm caused by loud noises.⁵ Noise levels at 85 dB or above can be harmful to a child's hearing and development. Noise can pose a serious threat to a child's physical and psychological health, including learning and behavior. Repeated exposure to noise during critical periods of development may affect a child's acquisition of speech, language, and language-related skills, such as reading and listening. The inability to concentrate in a noisy environment can affect a child's capacity to learn. Tinnitus, often described as a ringing or buzzing sound in the ear, is a symptom associated with many forms of hearing loss. Noise Induced Hearing Loss is a permanent hearing impairment resulting from prolonged exposure to high levels of noise or by sudden high level (impulse) noise. In addition, continual loud noises in the home may significantly affect a child's ability to sleep, particularly during the day.

Based on the recommended exposure limits identified in the National Institute for Occupational Safety and Health (NIOSH) Revised Criteria for a Recommended Standard: Occupational Noise Exposure, the table attached provides some common sound sources, their corresponding sound intensities (in decibels), and the duration of exposure limits before hearing damage begins. It shows that any exposure for a decibel level over 85dB should be limited, and a hearing protection should be used. (See Exhibit A)

It is my understanding that construction for the proposed project will far exceed these decibel levels and duration limits and may cause hearing loss for the children in close proximity to the development site or haul route. The best method for restricting sound is to limit the use of trucks and machinery to those that do not cause sound in excess of 85 decibels.

Stress. A loud, dusty construction site may cause a constant level of stress in both children and parents. The children will be restricted from playing outside due to the increased noise, impaired air quality, and dirt that is blown into the backyards and pools. They will be additionally affected by the lack of control of their surroundings, and the further stress on their parents. As stated above, these conditions may impair a child's ability to nap during the day,

⁴ California Air Resources Board, Effects of Inhaled Fine Particles on Lung Growth and Lung Disease, June 16, 2010, by Michael T. Kleinman, Department of Medicine, School of Medicine, University of California, Irvine.

⁵ See <http://www2.epa.gov/children>.

which will add more stress to their developing bodies. Stressed children are vulnerable to disorders such as sleep disturbances (including nightmares and bed wetting), skin diseases, and infections.⁶ Like adults, they become more accident prone. Research suggests that even physical conditions with a genetic basis—like asthma, allergies, and diabetes—can be adversely affected by childhood stress. Children can also react to stress in measures similar to adults: high blood pressure, headaches, reduced eyesight, stomachaches and other digestive problems, and facial, neck and back pain. High levels of the major stress hormone, cortisol, depress the immune system.

Therefore, the stress caused by the construction work should be minimized to the extent possible by providing some measure of stability and control by the families affected by the project. This could potentially include stress reducing measures, such as a known fixed schedule, limited time and scope, and positive representative to deal with any negative issues associated with the construction.

Based on my work as a family therapist, I strongly believe the four young children residing in the home at 1185 Loma Linda Drive are particularly vulnerable to impacts caused by construction traffic, poor air quality and loud noise, and will negatively respond to the stress induced by this condition lasting over two and half years. The two very young children that were born prematurely are still developing lung tissue and function, and any airborne dust, air pollution, and toxic particulates has the potential to cause the children significant harm. The constant construction will likely lead to a compromised immune system, if not the numerous other conditions described above. The City must consider all of the potential damage to the children's growth and well-being, including both the children in this home as well as those directly across the street and in the nearby school.

Sincerely,



Marilee Hartling RN, MFT

⁶ See Lewis, Sheldon & Sheila, Stress-Proofing Your Child, Bantam Books, 1996 (cited in Victoria Tennant, The Powerful Impact of Stress, September 2005, at education.jhu.edu)

Exhibit A

Table 1: Sound, Sound Intensity, and Recommended Exposure Limits

Safe Sound Level			
Sound Source Examples	Sound Intensity (Decibels)	Recommended Exposure Limits For Repeated Exposures*	Comments
Quietest sound heard by person with normal healthy hearing	0	Any duration	None
Quiet empty classroom that meets U.S. acoustical standard†	35-40	Any duration	None
Typical library sound levels	40	Any duration	None
Typical unoccupied classroom	45	Any duration	None
Normal conversational speech	60	Any duration	None
Battery-powered pencil sharpener	71	Any duration	None
Potentially Hazardous Sound Level			
Sound Source Examples	Sound Intensity (Decibels)	Recommended Exposure Limits For Repeated Exposures*	Comments
School cafeteria	85	8 hours	Prolonged exposures might cause slight hearing loss. Hearing protection should be used if regularly exposed to this sound level beyond the exposure limit.‡
Band class	90	2 hours	Hearing protection should be used if regularly exposed to this sound level beyond the exposure limit.‡
Wood or metal shop, power tools, snowmobile	100	15 minutes	Hearing protection should be used if exposed to this sound level beyond the exposure limit.‡
Hazardous Sound Level			
Sound Source Examples	Sound Intensity (Decibels)	Recommended Exposure Limits For Repeated Exposures*	Comments
Personal stereo system at high volume	105	5 minutes	Hearing protection should be used if exposed to this sound level beyond the exposure limit.‡
Chainsaw, loud rock concert	110	1.5 minutes	Hearing protection should be used if exposed to this sound level beyond the exposure limit.‡
Ambulance siren	120	9 seconds	Hearing protection should be used if exposed to this sound level beyond the exposure limit.‡
Firecrackers, firearms	140-165	Immediate hearing damage possible	Hearing protection should be used whenever exposed to this sound level.‡
<p>*NIOSH Recommended Exposure Limits (RELs) are based on repeated exposures occurring over a period of years. For example, repeated exposure to 85 decibels during an 8-hour workday over a period of years or repeated exposure to 90 decibels during a 2-hour period over a period of years are potentially hazardous. Hearing damage from noise adds up over time. Single, one-time exposures do not pose an immediate risk of hearing loss unless sound levels equal or exceed 140 decibels.</p> <p>† American National Standards Institute (ANSI) S12.60 (2002).</p> <p>‡ Hearing protection devices include earplugs and earmuffs that are made to reduce the loudness of sound. Earplugs are placed in the ear canal so that they totally block the canal, reducing the loudness of sound. Earmuffs fit completely over both ears, fitting tightly to reduce the sound loudness. It is recommended that earplugs and earmuffs be used together when noise exposure is particularly high. Cotton in the ears, winter ear warmers, and audio headphones are not appropriate hearing protection devices.‡</p>			

Exhibit B

Selected References



**Report to the Legislature
Children's Environmental Health Program**

**Office of Environmental Health Hazard
Assessment
California Environmental Protection Agency**

February 2014



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Executive Summary

Protecting the health and future of our children is important to all Californians. In recognition of the fact that children are often differentially impacted by environmental contaminants, the Children's Environmental Health Program was established in the California Environmental Protection Agency (Cal/EPA) by the Children's Environmental Health Protection Act (Escutia, Chapter 731, Statutes of 1999). The program is responsible for ensuring that Cal/EPA's existing expertise and programs specifically protect children's health in California. The Children's Environmental Health Program serves as a resource for Cal/EPA and the State of California, performs outreach and education for the medical and public health community as well as for the general public, and coordinates with the Cal/EPA boards and departments to promote policies and efforts that protect children's health.

Children can be more affected by environmental chemicals than adults. They eat, drink, and breathe more per pound of body weight than adults. Thus, children's exposures to contaminants in our air, water, and food are higher than an adult in the same setting. Because children are still growing and developing, they can be more sensitive to the adverse health effects of chemicals than an adult. In some cases, the effects are irreversible. It is increasingly recognized that exposures early in life affect adult health. Thus, the work of the Cal/EPA Boards, Departments and Offices (BDOs) reducing children's exposures to environmental chemicals benefits Californians throughout their lifetime.

This report summarizes information from recent studies on the status of children's health as well as effects of environmental contaminants on California's children. The report focuses on four areas of health and development that can be impacted by environmental contaminants: asthma and respiratory disease, adverse birth outcomes, neurodevelopment, and cancer. These are of concern to all parents, and are burdensome in terms of medical and educational costs, life-long health and potential. These diseases have large impacts personally to the children, their families, and communities. Often children of lower socio-economic status are most highly exposed and least resilient in overcoming the impacts associated with exposure to environmental contaminants. In each section, the report highlights Cal/EPA BDO programs that protect the health of California's children.

Cal/EPA BDOs must continue to reduce exposures to environmental chemicals to enhance public health. These actions improve quality of life and reduce health care costs. While we have made strides in cleaning our air, water, and land, much more remains to be done. Specifically, Cal/EPA BDOs should continue to:

- evaluate and reduce the impacts of contaminants in our air, water, soil, food, and consumer products on children's health, including in the home, school, and daycare environments

- evaluate and reduce the cumulative burdens on children of environmental contaminants, climate change, and health disparities; it is essential that Cal/EPA continue its work to evaluate how cumulative burdens increase vulnerability to environmental chemical exposures
- measure the chemicals in our bodies through biomonitoring to more fully understand exposures to common environmental contaminants
- focus efforts on reducing waste and greenhouse gas emissions, and increasing reuse and recycling to reduce our environmental footprint for future generations
- improve the flow of information from the Children's Environmental Health Research Centers and other researchers to Cal/EPA scientists and policymakers in order to help address children's environmental health

The Changing Nature of Children's Health

Relative to acute infectious diseases, the proportion of chronic childhood illnesses such as asthma, cancer, and neurodevelopmental disorders has increased greatly in the past few decades. The increases in these disorders, some dramatic (e.g., asthma, autism), cannot be wholly attributed to improvement in diagnostic tools, and therefore scrutiny has increased on the contribution of environmental contaminants to these disorders and on child health generally.

This report focuses on the effects of environmental exposures on four areas of child health (asthma and respiratory disease, adverse birth outcomes, neurodevelopment, and cancer) that result in a majority of childhood illness and related health care costs and are a major concern of parents throughout the state. In each section of the report, we provide a few selected examples of Cal/EPA BDO activities that protect children's health.

Children are Uniquely Susceptible to Environmental Hazards

Infants and children are at particular risk for exposure to multiple environmental contaminants through the food and water they consume, the schools and outdoor areas where they learn and play, and even the homes where they are raised. Breastfeeding, child-specific behaviors like mouthing of toys and household objects, and types of outdoor play make them vulnerable to unique exposures not experienced by adults¹. Even when exposed to the same levels of contaminants as the adults around them, children experience higher exposures. Per pound of body weight, children inhale more air, eat more food, and drink more water than adults. Infants have a surface area to body weight ratio that is twice as high as adults, making them especially vulnerable to toxicants that are absorbed through the skin.

In addition to experiencing higher exposures, children can be more sensitive to the adverse effects of environmental chemicals than adults. Environmental exposures may be especially damaging if they occur during critical windows of susceptibility in developing organs such as the brain and lung, and systems such as the immune and endocrine. Some environmental exposures that occur during critical periods of in utero development are known to affect a child's health at birth or in infancy. Environmental exposures during pregnancy and infancy can also lead to poor health outcomes later in life^{2,3}. Other particularly susceptible stages of development include early childhood and adolescence. Exposure to environmental contaminants during any of these critical developmental periods may alter the structure or function of organs and organ systems.

Children in California: Our Most Vulnerable Population

As of 2011, California has over 9 million people age 18 years or younger, or 25% of the population. Fifty-two percent are Hispanic/Latino, 27% White, 11% Asian American, 6%

African American, 0.4% each American Indian and Hawaiian/Pacific Islander. Approximately 2.5 million Californians are under the age of five (Figure 1)⁴.

In 2011, 23 % of California's children lived in poverty, which equates to more than 2 million children⁵. Children living in poverty are more likely to be exposed to multiple environmental hazards than children from economically stable backgrounds. Low-income children may be more likely to live in older housing stock contaminated with lead, near freeways with high levels of traffic pollutants, or in farming communities near high levels of agricultural chemical use. They are also less likely to have access to nutritious food, clean water, and regular medical care. These disadvantages, as well as social stressors associated with poverty, such as exposure to violence, may exacerbate the effects of exposure to environmental toxicants.

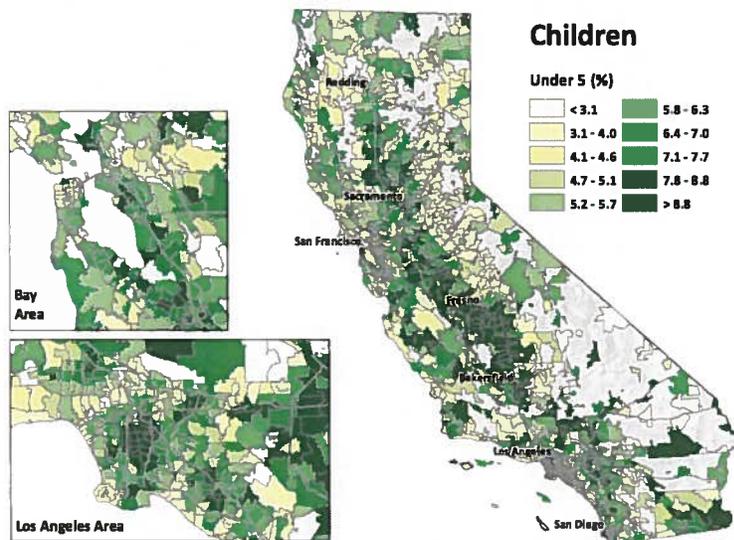


Figure 1. Percent of population under age five in California, 2010.⁶

The California Communities Environmental Health Screening Tool (CalEnviroScreen) (California Environmental Protection Agency 2013) combined indicators of exposure (e.g., presence of environmental hazards, levels of air pollution), indicators of population health (e.g., rates of emergency department visits for asthma, rates of low birth weight), and socioeconomic factors to develop a score for each zip code in the state⁶. The analysis indicates that there are proportionately more children in the populations in zip code areas with scores in the highest 10%. This means that more children tend to live where there is a higher pollution burden and in lower income communities.

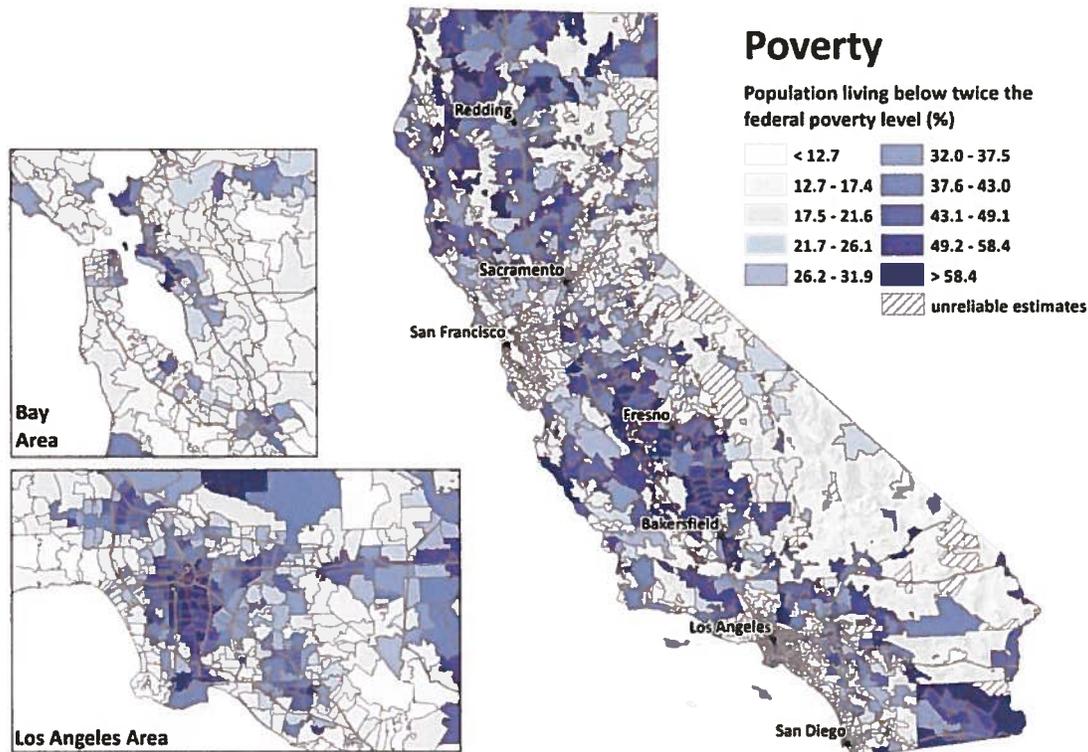


Figure 2. Percent of the population living at less than two times the federal poverty level, 2006-2010⁶.

California: A Leader in Protecting Children from Environmental Hazards

The Children's Environmental Health Program is the first established state program to explicitly address impacts of environmental contaminants on infants and children. The program is responsible for ensuring that Cal/EPA BDO's existing expertise and programs specifically protect children's health in California. In 2012, Cal/EPA delegated the Children's Environmental Health Program to the Office of Environmental Health Hazard Assessment (OEHHA). In January 2012, as its first activity in operating the program, OEHHA hosted the first of an annual series of symposia on children's environmental health. The topics addressed emerging research and implications for risk assessment and policy. California is home to six Children's Environmental Health Research Centers (CEHRCs), funded by U.S.EPA and the National Institutes of Health. These research Centers evaluate the impacts of environmental contaminants on children, including exposure to multiple chemicals and social stress. The first symposium featured speakers from five University of California-based CEHRCs, presenting study results to update state scientists on the latest relevant science. The research results of the CEHRCs and other university researchers provide relevant data useful to the assessments of risks of environmental contaminants to children. In 2013,

OEHHA held another symposium on the topic of cumulative impacts and children's health, again with the participation of several of the CEHRCs.

Selected Activities of Cal/EPA BDOs that Address Children and Their Environment

Office of Environmental Health Hazard Assessment (OEHHA)

- OEHHA performs health risk assessments that explicitly incorporate children's unique exposures and susceptibility to toxic chemicals. The assessments provide the scientific basis for state air-quality and drinking-water standards and health advisories.
- OEHHA maintains a list of Toxic Air Contaminants that disproportionately impact children. The Air Resources Board works to ensure that measures promulgated to control airborne emissions of these chemicals adequately protect children.
- OEHHA develops guidelines for assessing health risks for use in several programs, including the Air Toxics Hot Spots program and school site assessments; these guidelines explicitly consider infants and children.
- OEHHA lists chemicals that are developmental and reproductive toxicants under Proposition 65.

California Biomonitoring Program

The California Department of Public Health, OEHHA, and the Department of Toxic Substances Control work collaboratively to operate the Biomonitoring California program. This program, which analyzes environmental chemicals in blood, urine and other samples from Californians, is helping to answer such questions as:

- Which chemicals are in people's bodies and how high are the levels?
- Are there groups of people in California (including children and pregnant women) that have higher exposures to certain chemicals?

Air Resources Board (ARB)

- ARB sets Ambient Air Quality Standards for pollutants (such as ozone and particulate matter) that are specifically intended to protect infants and children.
- ARB develops air-pollution regulations that consider children's exposures and special susceptibilities.

- ARB's research program includes research grants to study both the short-term and long-term impacts of air pollution on children, including development of the lung and asthma.
- ARB conducts special studies on exposure of children to indoor air pollutants in schools, daycares, and school buses.
- ARB is implementing the landmark climate change legislation, AB 32, which is reducing greenhouse gas emissions and will protect future generations of children from adverse impacts of climate change, while providing co-benefits of reducing traditional air pollutants and protecting public health.
- ARB maintains an extensive website to educate children about the adverse health effects of air pollution and climate change. The ARB's Knowzone website (www.arb.ca.gov/knowzone/knowzone.htm) includes lesson plans and activities for teachers and students of all grade levels.

Department of Resource Recycling and Recovery (CalRecycle)

- CalRecycle brings environment-based education into kindergarten through twelfth grade (K-12) classrooms via the Education and the Environment Initiative (EEI) Curriculum. EEI addresses the importance to human health of the air we breathe, the water we drink, and the food we eat.
- CalRecycle works with local government to implement school/district waste prevention, reuse, recycling, and composting.
- CalRecycle coordinates with the Department of Pesticide Regulation and the Department of Toxic Substances Control on integrated pest management to reduce children's exposure to pesticides.

Department of Pesticide Regulation (DPR)

- DPR evaluates the potential human health hazards associated with pesticide exposure explicitly considering both exposure and special susceptibility of children.
- DPR conducts special investigations of exposure to pesticides in rural farming communities, including children's exposures.
- DPR promotes use of reduced-risk pesticides and integrated pest management at schools and child-care centers to decrease pesticide exposures of children.
- Before a pesticide can be registered for use in California, DPR evaluates toxicity information and requires submission of test results to determine whether the pesticide has adverse effects on development or produces birth defects.

State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs)

- The Water Boards provide general regulation of water quality of our lakes, streams, rivers, coastal waters, and groundwater. The standards set for bacterial contamination are important to protect children, who are often more susceptible to bacterial disease and are frequent users of our lakes and beaches.
- The Water Boards work to reduce contamination of groundwater with nitrates, to which infants are particularly susceptible.
- SWRCB has a public participation effort to educate and engage children in keeping our water clean and safe.

Department of Toxic Substances Control (DTSC)

- DTSC is responsible for assessing, investigating and cleaning up proposed school sites. Their actions ensure that selected properties are free of contamination or, if the properties were previously contaminated, that they have been cleaned up to a level that protects the students and staff who will occupy the new school. The assessments specifically include exposure and unique susceptibility of children to environmental chemicals.
- DTSC developed regulations for safer consumer products and will explicitly consider children as a vulnerable population when implementing the regulation.

Asthma and Respiratory Illness

National Statistics Show Disproportionate Impact of Respiratory Illnesses on Children

Children spend more time outside and inhale more air for their size than adults, which makes them particularly vulnerable to respiratory illnesses that are exacerbated by, environmental air pollution exposures^{1,7}. In the United States, respiratory disease is the leading cause of hospitalization for children ages one to nine. One of the most common respiratory illnesses in the US is asthma, a chronic airway disorder that can be controlled, but not cured. In 2010, the U.S. Centers for Disease Control and Prevention estimated that 7.7% of American adults and 9.5% of American children (age 18 and younger) have received an asthma diagnosis at some point in their lives and still have asthma⁸. Asthma places a significant burden on the US healthcare system, economy, and education system. Bronchitis and asthma are common causes of hospitalization for children in the United States, despite the fact that only a fraction of children with asthma and other respiratory illnesses are admitted to the hospital^{9,10}. In 2009, the average yearly cost of care for a child with asthma was \$1039¹¹. In 2008, American children missed 10.5 million days of school due to their asthma¹².

Asthma prevalence is higher for African-American children and persons with lower income. Between 2005 and 2008, non-Hispanic black children were seen in the emergency department and admitted to the hospital for asthma and other respiratory problems at much higher rates (1240/10,000 for emergency room (ER) visits, 84/10,000 for hospital admissions (HA)) than non-Hispanic white children (487/10,000 for ER visits and 52/10,000 for HA)⁹.

California Respiratory Illness Rates Higher Among Minorities, Low-Income Families

Asthma is an important health issue in California, where 13.1% of adults and 12.5% of children have been diagnosed with asthma¹³. In 2007, California children missed 1.47 million school days due to their asthma¹⁴; children living below 200% of the Federal Poverty Line (FPL) missed twice as many days as children living at or above 400% FPL¹⁵.

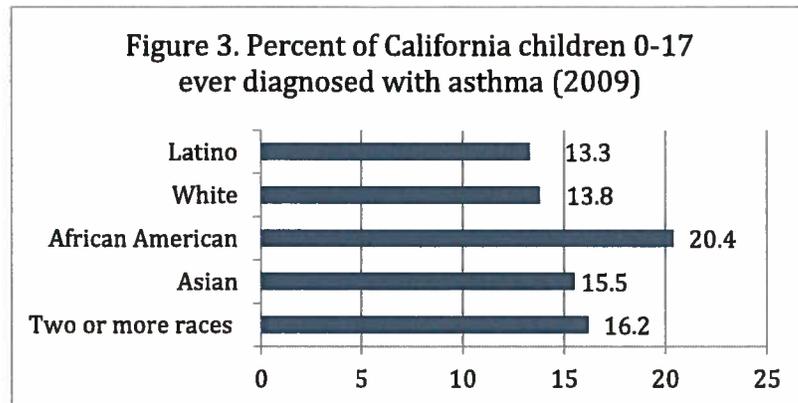


Figure 3. California children diagnosed with asthma.

From: California Health Interview Survey, 2009¹⁶

Emergency department visit and hospitalization rates are useful indicators of whether a person with asthma is receiving appropriate asthma care, which includes health insurance, continuity of care, and avoidance of asthma triggers (see next section). Statistics show that non-white Californians and those with lower incomes tend to be less likely to receive appropriate asthma care. Asthma hospitalization rates are highest among African Americans¹⁷, and persons living in lower income areas are much more likely to experience severe asthma symptoms and be hospitalized for their asthma compared to persons living in higher income areas. Children from low-income and minority families not only suffer higher incidences of respiratory illness and less access to medical care¹³, but are also more likely to be exposed to environmental pollutants that may cause or exacerbate their conditions.

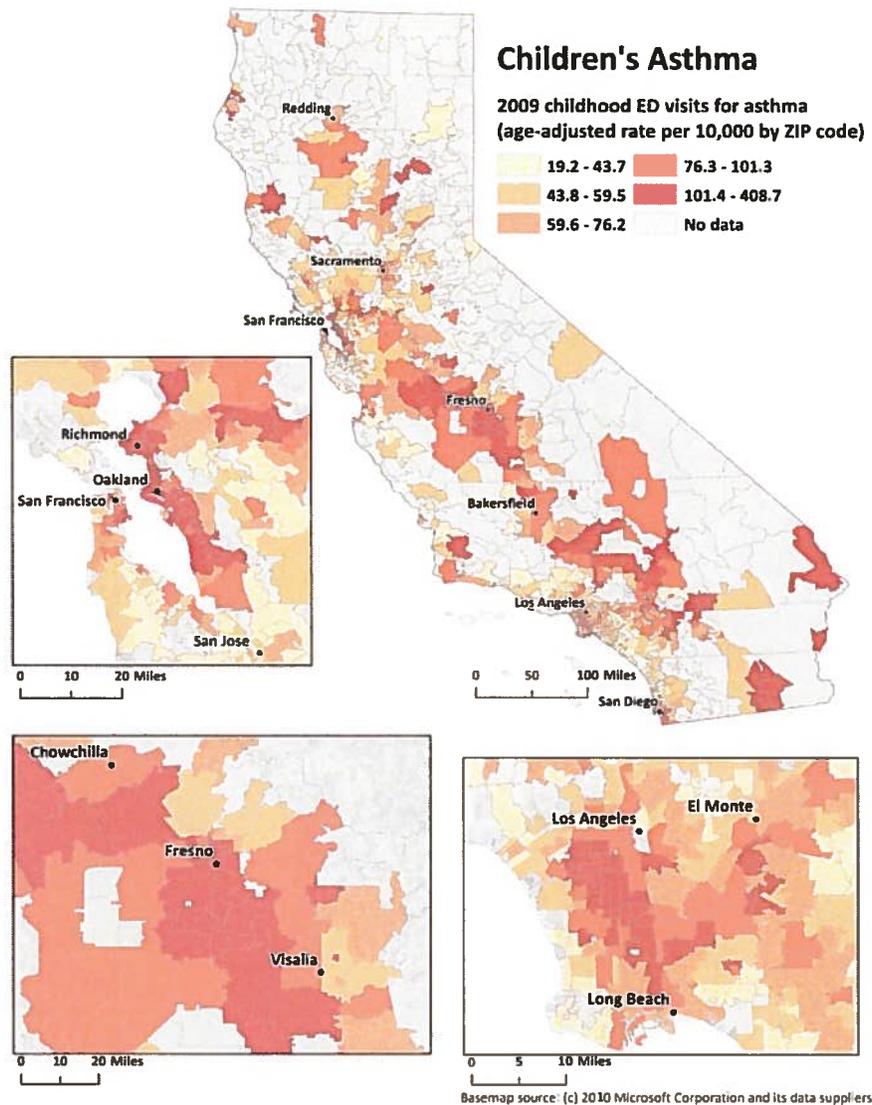


Figure 4. Rate (per 10,000) of emergency department visits for asthma, 0-17 years (2009).

Map derived from California Environmental Health Tracking Program, California Department of Public Health based on data from California Office of Statewide Health Planning and Development

Environmental Exposures are a Key Cause of Respiratory Illness

Because asthma is a disorder of the airways, airborne substances that irritate the airway can be triggers for an asthma attack. Studies have linked exposure to air pollution to development of asthma, increased severity and frequency of asthma attacks, bronchitis, bronchiolitis, and decreased growth of lung function in

children^{9,18,19,20}. Because lung function in infancy and childhood partially predicts lung function in adulthood, persons whose lung function growth is decreased in childhood may suffer from poor health throughout their lifetime²¹. Infants spend the majority of their time indoors, where they may be exposed to mold, animal allergens and dust mites, environmental tobacco smoke, and household chemicals^{22, 23}. In addition to these indoor asthma triggers, school-age children are also exposed to outdoor pollutants, especially during the time they spend outdoors for play and sports. These include toxic air contaminants, pesticides, traffic emissions, and the criteria air pollutants (e.g., particulate matter, ozone, nitrogen oxides, sulfur oxides). All of these exposures have been linked to exacerbation of asthma symptoms or to causing asthma^{9,24}. Outdoor pollutants come indoors through windows and other openings, and can therefore affect infants and other vulnerable populations who do not spend as much time outdoors²³.

Environmental Exposures in California More Severe for Vulnerable Populations

Statewide exposure monitoring has found that ambient concentrations of ozone, particulate matter, and other traffic and industrial related pollutants are higher in areas of California that are home to greater numbers of non-white persons and persons living below the national poverty level^{25,26}. The East Bay Children's Respiratory Health Study, conducted by OEHHA and partially funded by ARB, found that children who live and/or attend school near heavily trafficked roadways are at greater risk for asthma and bronchitis symptoms than children who are less exposed to heavy traffic pollution²⁴. A Southern California study obtained similar results and also noted greater asthma susceptibility when children were exposed to traffic emissions before two years of age²⁷. These results hold true even in areas of California with good regional air quality²⁸. The Fresno Asthmatic Children's Environment Study further found that asthmatic children whose residences are located near highways experience significantly diminished lung function²⁹. Schools closer to major California highways have higher percentages of non-white and low-income students than schools further from roads with heavy car and truck traffic³⁰.

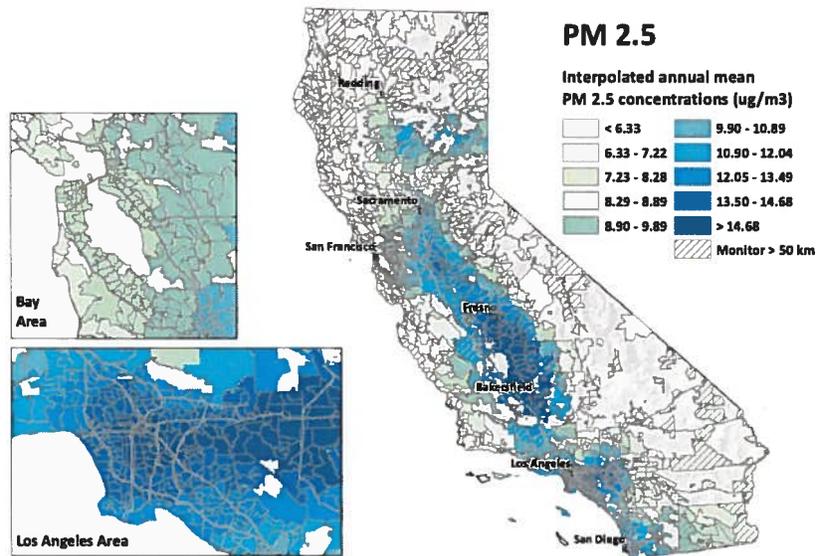


Figure 5. Average annual mean concentration of PM 2.5 (2007-2009)⁶

Select Cal/EPA BDO Activities That Improve Respiratory Health of Children

- OEHHA's health-based recommendations have been the basis of the California Ambient Air Quality Standards (AAQs) promulgated by the Air Resources Board, most recently for particulate matter (2003), ozone (2006), and nitrogen dioxide (2008). The health-based recommendations specifically protect children's growing lungs and reduce asthma triggers. OEHHA also maintains and regularly updates a list of Toxic Air Contaminants (TACs) that disproportionately increase illness, including asthma, in infants and children.
- ARB establishes Airborne Toxics Control Measures for chemicals identified as Toxic Air Contaminants, with special emphasis on those chemicals that adversely impact infants and children; the list includes chemicals that are linked to asthma, such as diesel engine particulate matter.
 - ARB's efforts to reduce diesel engine exhaust have been quite successful based on both measurements of particulate matter near major sources, such as ports and roadways, and emissions estimates from newer diesel engines using California diesel fuel (Figure 6).

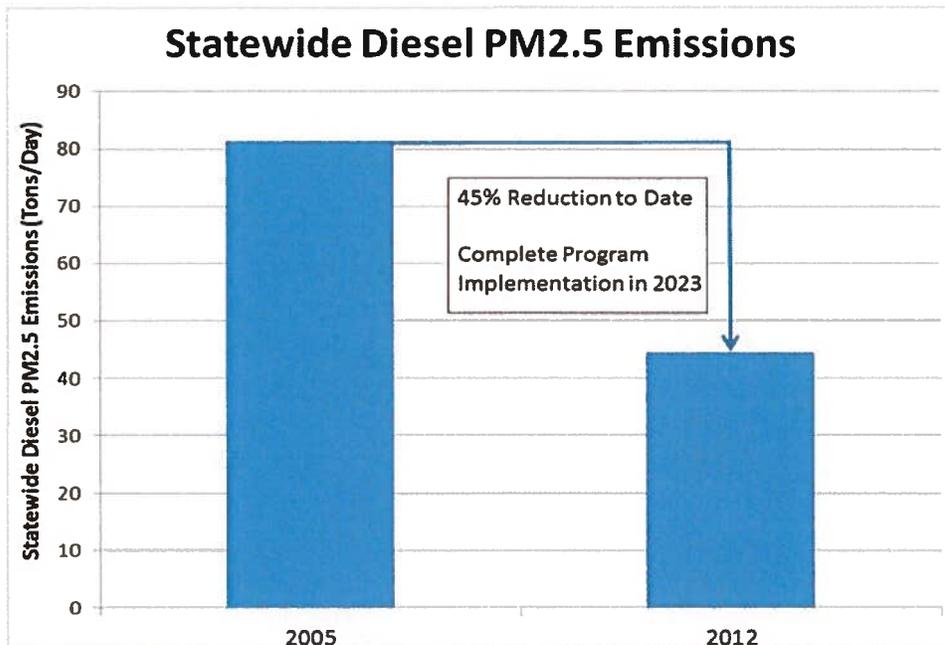


Figure 6. Estimated statewide emissions of diesel PM2.5 in tons per day.

Source: California Air Resources Board.

- OEHHA developed and updated procedures to assess health risks to children from exposure to airborne contaminants. These procedures give special consideration to chemicals that cause asthma or trigger asthma attacks.
- DPR developed an ambient air monitoring network for pesticides in agricultural areas to compare monitored levels to child-specific health-based screening levels. In a 2011 pilot, 29 pesticides were detected, all well below the screening levels (except for acrolein due to non-pesticide sources).
- OEHHA published a number of epidemiological research papers evaluating the impacts of air pollution on the health of children.
 - For example, OEHHA examined the relationship between specific chemical components of fine particulate matter (PM 2.5) and pediatric respiratory hospitalization, which was used by the U.S. Environmental Protection Agency in its Integrated Science Assessment of particulate matter.

- Through the East Bay Children's Respiratory Health Study, OEHHA identified air pollution related to heavily trafficked roadways close to schools and homes as increasing children's risk for respiratory symptoms. This informed legislation requiring an evaluation of potential air pollutant exposure during the school siting process in California.
- OEHHA evaluated the scientific evidence on the health effects of secondhand smoke in children as part of ARB's listing of Environmental Tobacco Smoke as a Toxic Air Contaminant. OEHHA subsequently listed secondhand smoke as a TAC to which infants and children may be especially susceptible. ARB identified in-vehicle exposures as potentially very high. Subsequently in 2007, California passed legislation for smoke-free cars when children are present.
- It is well known that several common air pollutants, particularly ozone, particulate matter, and traffic related pollutants can exacerbate asthma in children, and that these pollutants can get indoors. In 2012, ARB provided funding to U.C. Davis researchers for a study that is investigating whether air filtration to reduce indoor exposure to air pollution leads to reduction in asthma exacerbation and improved asthma control in school age children.
- In 2012, ARB provided funding to U.C. Berkeley researchers for a California study of children's exposures to environmental contaminants (including volatile organic chemicals (VOCs), pesticides, flame retardants) in 40 daycare centers. Concentrations of most were comparable to levels previously measured in California homes and schools, but formaldehyde, was elevated well above health benchmark levels. Chemicals from cleaning products and personal care products were found at relatively high levels (A fact sheet and final study report available at http://www.arb.ca.gov/research/single-project.php?row_id=64830).
- An ARB funded study of asthmatic adults and children, conducted by UCLA researchers and published in 2013, which linked health data in the California Health Interview Survey with air pollution data, found lower-income, Latino, and American Indian/Alaska Native children, as well as African-American and

The Southern California Children's Health Study (CHS), partially funded by ARB, conducted by researchers at USC and UCLA found that children living in high air pollution communities had reduced lung function growth compared to children living in communities with cleaner air. Although it remains unknown whether this will impact the future respiratory health of these children, smaller than average lung size is a risk factor for development of chronic lung disease. ARB has funded several studies that continue to investigate this critical topic.

Asian/Pacific Islander adults and children, were more vulnerable to the effects of air pollution exposures compared to high income white children and adults of the same ages (see: <http://www.arb.ca.gov/newsrel/newsrelease.php?id=419>).

Adverse Birth Outcomes: Low Birth Weight, Preterm Birth, and Birth Defects

Proper Fetal Development Important for Lifelong Health

The fetal-development period is an important determinant of lifelong health. Some adverse effects are immediately apparent at birth or in infancy (e.g., birth defects), while others are not apparent for many years (e.g., learning disabilities). Scientists still do not know the cause of most birth defects. However, both animal and human studies indicate that environmental pollution contributes to developmental problems.

Birth defects and other health problems in newborns resulting from adverse conditions during pregnancy and birth are the leading causes of infant death in the United States. Beyond infant mortality, poor fetal development can result in birth defects, developmental and learning delays in childhood, and increased lifetime risk of many adult-onset diseases. Two of the most common indicators of a healthy pregnancy are birth weight and length of pregnancy. Birth weight has a wide normal range, but in general, infants born weighing less than 2500 grams (about 5.5 pounds) are considered low birth weight. Low birth weight may occur in pregnancies of normal length (small for gestational age) or in conjunction with pre-term birth. Normal length pregnancies, which may range from 37 to 41 weeks, are important because they allow adequate time for full fetal development. In the United States, 8.2% of all babies are born low birth weight, and 12.2% are born preterm³¹. In 2006, the Institute of Medicine estimated that preterm births cost the United States about \$26 billion annually³².

Many studies have found an association between low birth weight and cardiovascular illnesses in adulthood. Coronary heart disease, atherosclerosis, hypertension, and stroke have all been found to occur more frequently in adults who were born weighing less than 2500 grams, regardless of gestational length³³. Low birth weight has also been linked to insulin resistance and type II diabetes in adulthood².

The negative effects of adverse birth outcomes are not limited to extreme cases. Even moderately low birth weight and moderately preterm birth place infants at risk for physical, mental, and behavioral issues throughout their lifetimes. Moderate to late premature birth (between 32 and 36 weeks) is associated with developmental delay and related disabilities, and academic difficulties throughout the school years and into adulthood; children of lower socioeconomic status are at highest risk^{34,35,36}. Moderate to late preterm birth is also associated with increased rates of respiratory illness in adulthood, resulting from inadequate lung development in utero and subsequent deficits in lung function throughout infancy and childhood^{37,38}.

Moderately low birth weight (1,500 to 2,499 grams) and moderate to late preterm births account for the majority of low birth weight and preterm births in the US^{31,39}. Incidence of preterm birth is highest among African-Americans and Native Americans. Complications of preterm birth and low birth weight are the leading cause of death for African-American infants in the United States^{32,40}.

Adverse Birth Outcomes Disproportionately Affect African Americans, and those with Low Income in California

California has lower rates of low birth weight (6.9%) and preterm birth (9.2%) than the United States as a whole. However, African-American children are at greater risk for both outcomes: 12.6% of African American children in California are born weighing less than 2500 grams and 12.3% are born at less than 37 weeks gestation, compared to 6.5% low birth weight and 8.7% preterm for white children. Children born to mothers age 15 and younger are also more likely to be born weighing less than 2500 grams⁴¹.

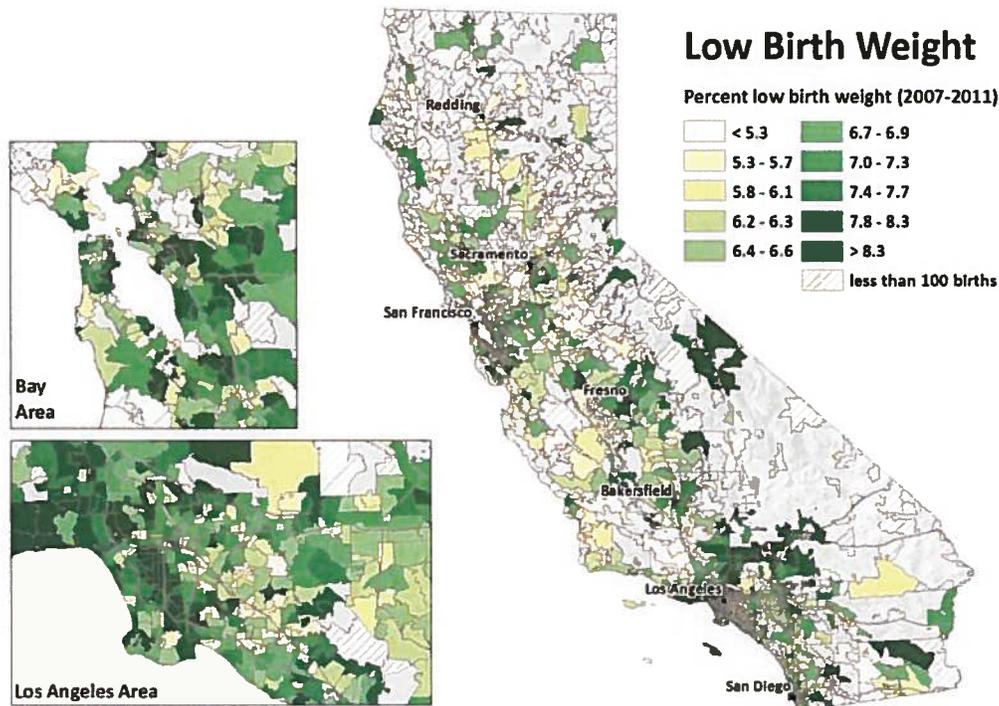


Figure 7. Average low birth weight as percent of live births in California, 2007-2011⁶

Environmental Exposures Are a Factor in Adverse Birth Outcomes in California

There is a growing body of evidence to suggest that adverse birth outcomes are associated with maternal environmental exposures. Two well-documented associations

are that of exposure to tobacco smoke (as a result of smoking during pregnancy) and to second-hand smoke, also known as environmental tobacco smoke (ETS). Infants whose mothers were exposed to ETS are more likely to weigh less than 2500 grams than non-exposed infants, even if the mothers did not themselves smoke^{42,43}. OEHHA estimates that every year in California, ETS exposure causes 4,700 preterm births and 1,600 cases of low birth weight⁴⁴. In addition, there is evidence that suggests that ETS exposure during pregnancy increases risk of miscarriage and decreases fetal growth. Recent studies indicate infants born to mothers who smoke during pregnancy may be more likely to be born with birth defects including intestinal defects and cleft palate⁴⁵.

Ambient air pollutants and traffic contaminants have also been linked to adverse birth outcomes in California and elsewhere^{46,47}. A Southern California study found higher rates of heart defects in infants whose mothers were exposed to higher levels of ambient carbon monoxide during pregnancy⁴⁸. A study performed in the San Joaquin Valley found exposure to air pollution to be associated with increased risk for neural tube defects⁴⁹. Carbon monoxide and particulate matter exposure during pregnancy have also been shown to increase the risk of preterm birth. A study in the South Coast Air Basin found that second- and third-trimester exposure to acute air pollution from the 2003 Southern California wildfires was associated with a moderate reduction in birth weight⁵⁰. Research in Los Angeles County found that women living near high-traffic roads are at much higher risk of having low birth weight and preterm babies than women living further away from high-traffic roads⁴⁷.

Drinking water can also become contaminated with chemicals that may impact infants and children's health. For example, there is evidence in the literature for associations between trihalomethanes (created during disinfection) in drinking water and smaller babies, miscarriages, and neural tube defects⁵¹. Evidence from animal toxicology studies indicates that some chemicals in drinking water have the potential for inducing birth defects.

Climate change may also impact adverse birth outcomes in California. A study performed by OEHHA found that high ambient temperatures were significantly associated with preterm births, especially among younger mothers, African Americans, and Asian Americans. These associations were independent of other environmental factors like air pollution⁵².

Select Cal/EPA BDO Activities That Improve Birth Outcomes

- OEHHA conducts epidemiological studies of the effects of air pollution and ambient temperature on adverse birth outcomes.
 - OEHHA found a relationship between higher temperatures and preterm birth. The results were included in the California Energy Commission's report on the effects of climate extremes in California and will aid in developing climate change mitigation strategies.

- OEHHA's studies of the relationship between exposure to traffic-related pollution, and fine airborne particles and adverse birth outcomes such as spontaneous abortion, low birth weight, preterm birth and stillbirth provide data useful for the regulation of air pollutants.
- DPR evaluates the potential for pesticides to produce birth defects and other developmental problems before allowing a pesticide to be registered for use in California. DPR requires pesticide manufacturers to provide the necessary data.
- Under Proposition 65, OEHHA lists chemicals that are known to cause birth defects and other reproductive harm.
- OEHHA sets Reference Exposure Levels for airborne contaminants, and Public Health Goals for drinking water to protect against effects on development where data indicate the possibility of adverse birth outcomes from exposure.
- ARB's many measures regulating ambient air pollution reduce the risk of adverse birth outcomes in California's children.
- The Water Boards' protection of ground and surface waters reduce exposures of pregnant mothers and infants to contaminants like nitrates that adversely affect the health of infants and children. The State Water Board recently adopted a statewide septic system policy to address, in part, direct water quality impacts due to nitrate and nitrite contamination from these systems.
- Studies by OEHHA and other investigators have shown that exposure to excessive heat results in adverse birth outcomes such as premature delivery. Both OEHHA and ARB participated in developing a multi-agency report preparing California for increased heat - *Preparing California for Extreme Heat: Guidance and Recommendations*, California Heat Adaptation Workgroup, October 2013. (available at:http://www.climatechange.ca.gov/climate_action_team/reports/Preparing_California_for_Extreme_Heat.pdf). This report provides guidance to local and state agencies with respect to reducing community vulnerabilities to excessive heat.

Neurodevelopmental Disorders

Nationwide Prevalence of Neurodevelopmental Disorders on the Rise

The prevalence of neurodevelopmental and behavioral disorders (such as autism, learning disabilities, and intellectual disability) is on the rise in American children. These include moderate to severe deficits in one or more of the following: learning, executive function (ability to plan, organize, pay attention to details and respond appropriately), and social-skills development in infancy and childhood. Such deficits may be found in children diagnosed with autism, attention-deficit/hyperactivity disorder (ADHD), intellectual disability (mental retardation) and other disorders. Children with neurodevelopmental and behavioral deficits struggle in school and with social interactions, and often require a combination of school-based special education services, therapists, medication, and social-services case management continuing into adulthood.

Based on surveys by the U.S. Centers for Disease Control and Prevention (CDC), about 1 in 6 American children have a neurodevelopmental disorder; many of these children have more than one condition⁵³. Between 1997 and 2010, the number of children age 5 to 17 years diagnosed with ADHD increased substantially (Figure 8)⁹. The prevalence of autism increased substantially during the same time period. CDC recently estimated that 1 out of every 88 children is diagnosed with an autism spectrum disorder (ASD), though autism remains rare in comparison to other neurodevelopmental/behavioral disorders⁵⁴. Male children and Medicaid-insured children have higher prevalence of ADHD or Learning Disabilities than female children and those with private insurance or no health coverage^{9,55}. In 2005, Medicaid per capita expenditures for children with ASDs were six times higher than expenditures for children without an ASD diagnosis⁵⁶.

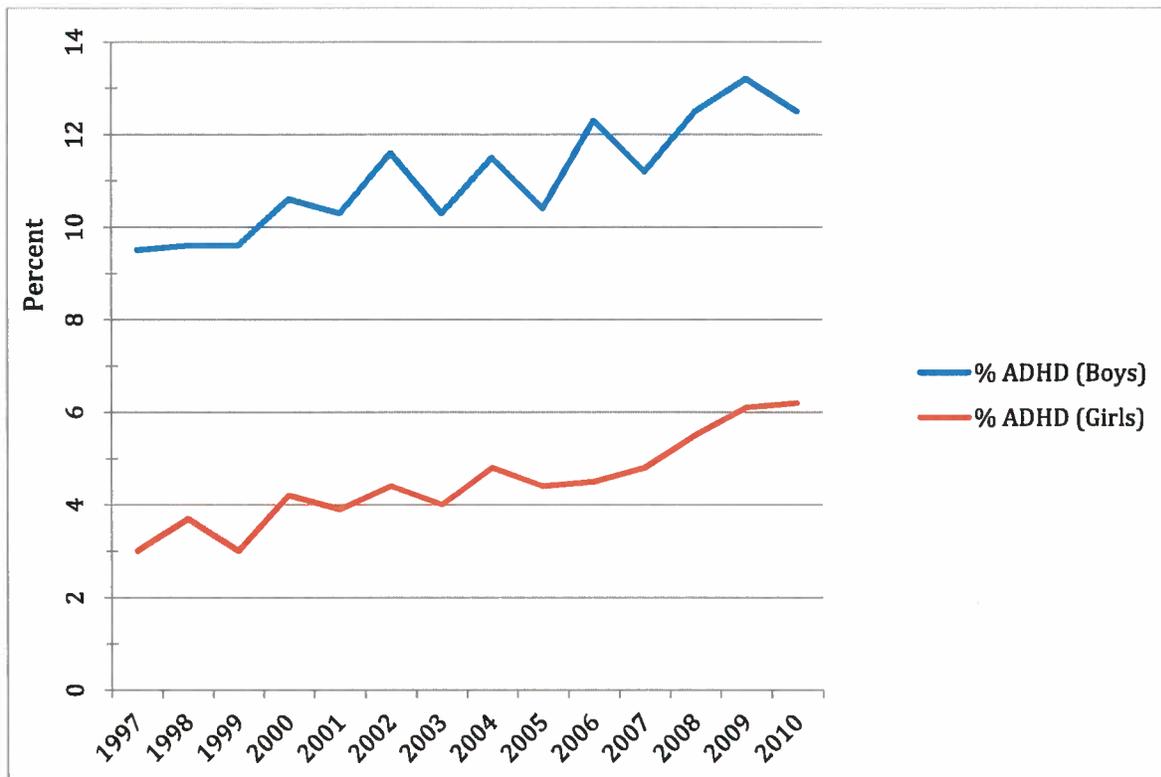


Figure 8. Percentage of children age 5-17 years reported to have attention-deficit/hyperactivity disorder in the United States, 1997-2010.

Adapted from America's Children and the Environment Third Edition, United States Environmental Protection Agency. Based on data from the National Health Interview Survey, National Center for Health Statistics, Centers for Disease Control and Prevention.⁹

Neurodevelopmental Disorders Increasing, Particularly Among Males, in California

Neurodevelopmental disorders are also a pressing health, education, and economic issue in California. As diagnosis has improved over time, these disorders are being diagnosed earlier in children's lives, offering hope for improved outcomes with early intervention. Yet, the state still carries a substantial burden of providing services for the life of the child.

Male children in California are more likely than female children to experience a developmental disorder and require social services. In 2007, 61% of all persons receiving housing, education, and therapeutic services through the Department of Developmental Services (DDS) were male, and that discrepancy is projected to increase⁵⁷. From 1987 to 2007, the number of persons receiving services for an autism spectrum disorder increased almost twelve-fold (Figure 8). Male children receiving

services for an autism spectrum disorder outnumbered female children by nearly five to one⁵⁸.

The ethnic breakdown of developmentally disabled persons in California roughly follows the ethnic distribution of California as a whole. The majority of DDS service recipients are White, although this fraction has been decreasing as the number of Hispanic service recipients has increased in the last 15 years. In 2007, 40% of service recipients were under 13 years of age, with 57% being under 21 years of age⁵⁴.

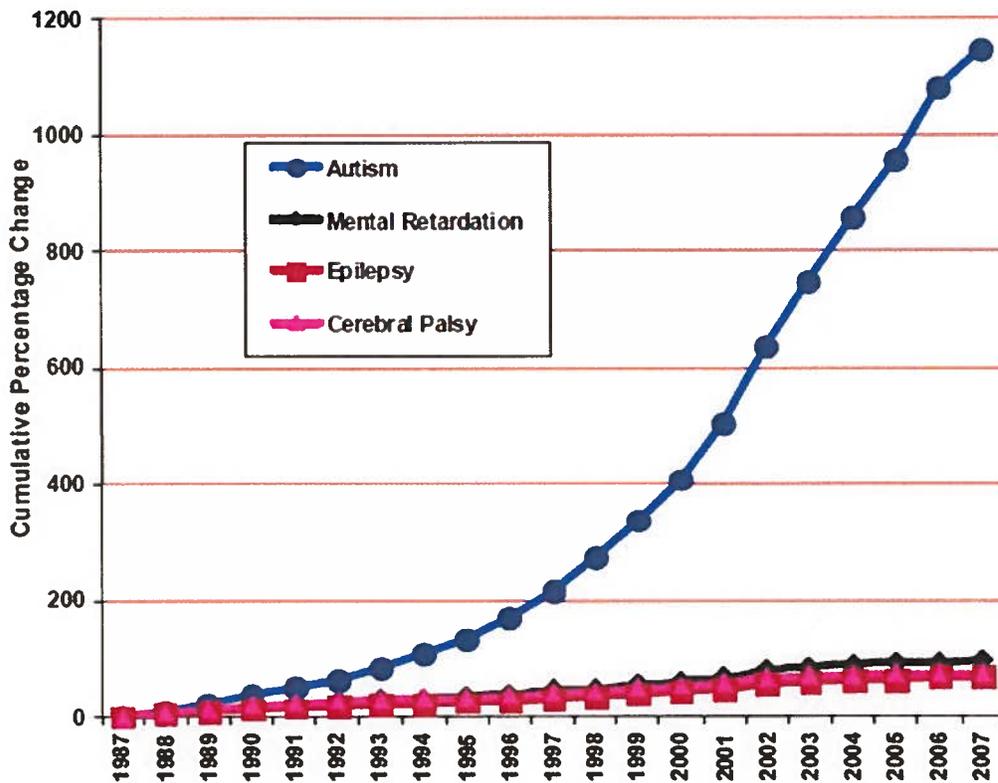


Figure 9. Cumulative percentage change in those served by California Department of Disability Services with diagnoses of autism, cerebral palsy, epilepsy, and mental retardation over two decades.

From: Autism Spectrum Disorders: Changes in the California Caseload. An Update: June 1987-June 2007⁵⁸

Environmental Exposures Implicated in Neurodevelopmental Deficits

The increasing prevalence of autism, ADHD, intellectual disabilities, and other neurodevelopmental disorders may be partially related to changes in diagnostic criteria and techniques, but these changes cannot account for the entirety of the rapid increase in the last few decades. Thus, scientists are concerned that the environment is playing an important role in the increasing prevalence of these disorders. There has been much

historical focus on classic neurodevelopmental toxicants such as lead and mercury and the class of pesticides known as organophosphates. A number of regulatory efforts have focused on reducing exposure to these toxic chemicals. Even so, there are still many sources of lead and mercury in our everyday lives and children continue to be exposed. Moreover, there is mounting evidence that exposure to many common chemicals and environmental toxicants in the womb and during childhood is associated with neurodevelopmental deficits. For example, studies have found that children exposed as a fetus to polycyclic aromatic hydrocarbons (PAHs), a component of traffic emissions, at levels present in U.S. cities, perform worse on cognitive and psychomotor development tests in infancy and early childhood^{59,60}.

Concern is also growing around many industrial and household chemicals that are ubiquitous in children's home and school environments. Phthalates are a family of chemicals widely used in the manufacture of plastic products and other consumer goods including cosmetics and fragrances. Studies show that children born to women with high phthalate levels during pregnancy may experience psychomotor delay and behavioral difficulties in early childhood^{61,62,63}. Prenatal exposures to other industrial chemicals like polychlorinated biphenyls (PCBs) and dioxins have been linked to cognitive deficits in preschoolers, lower IQ scores, difficulty with reading comprehension, attention and behavior deficits, and impaired fine motor skills in school-age children^{64,65,66,67,68}.

Another class of chemicals that is of particular concern in California is flame retardants, which are added to many household products, including furniture foam, baby products, and the plastic casings of consumer electronics. California's children have some of the highest measured body burdens of flame retardants of any population in the world⁶⁹. Pre- and post-natal exposure to polybrominated diphenyl ethers (PBDEs), a common family of flame retardant chemicals, is associated with reduced IQ scores and delayed motor and cognitive development^{70,71}. Children may be exposed from house dust where they play as well as via breast milk. Of note, the value of these chemicals in fire prevention has been questioned by experts⁷².

Select Cal/EPA BDO Activities That Protect the Neurodevelopment of Children

- Many pesticides have adverse effects on the nervous system. DPR developed an Integrated Pest Management (IPM) Toolkit and trainings for child

In order to minimize childhood exposure to pesticides, DPR conducts Integrated Pest Management training for school districts throughout the state. Approximately 82% of the state's school districts have received training in these methods for least-hazardous pest management practices.

care providers in collaboration with UC San Francisco, School of Nursing and UC Berkeley.

- In estimating exposures to airborne and waterborne pesticides, DPR explicitly includes estimates for children since they may have higher exposures due to higher inhalation rates, and higher food and water consumption per pound. In estimating exposures to pesticides used on lawns, carpets, and pets, DPR includes specific child behaviors such as putting hands or objects in mouths.
- DPR often regulates pesticides based on effects on the developing nervous system, including the organophosphates and carbamates.
- At DPR's request, ARB conducts air monitoring for pesticides that are candidate or identified toxic air contaminants at sites that often include schools. Ambient air monitoring is conducted in specific areas, and specific monitoring is conducted during periods of high expected use of the target pesticide(s). DPR uses the data to determine if ambient levels are within safe levels, or if additional mitigation is needed.
- OEHHA developed Reference Exposure Levels (levels of exposure in air that are considered safe) for a number of developmental neurotoxins, including mercury and manganese. Further, OEHHA's drinking water Public Health Goal for perchlorate is based on concern for neurodevelopmental effects.
- OEHHA has listed a number of chemicals under Proposition 65 that cause developmental neurotoxicity.
- Since being established in 2006, Biomonitoring California (a collaborative effort of DTSC, OEHHA, and CDPH) has:
 - Identified *priority* chemicals for biomonitoring that are of concern because of potential effects on the fetus or the developing child. These include chemicals toxic to the developing nervous system:
 - Metals, such as lead and mercury
 - Bisphenol A (BPA)
 - Phthalates
 - Flame retardants, such as polybrominated diphenyl ethers (PBDEs)
 - Pesticides, such as pyrethroid and organophosphate pesticides
 - Biomonitoring California collaborates with the UC Davis MARBLES (Markers of Autism Risk in Babies—Learning Early Signs) study to investigate possible biological and environmental exposures that may contribute to the rising incidence of autism.
- OEHHA identifies chemical contaminants commonly found at school sites that are of greatest concern based on child-specific exposure and physiological sensitivities. OEHHA prepares child-specific health guidance values for use by DTSC and other state and local agencies to assess exposures and health risks at existing and proposed school sites. Recent child-specific health guidance values have been

completed for a number of neurotoxic chemicals such as chlorpyrifos, lead and manganese.

- DTSC developed a tool, LeadSpread, for evaluating exposure and the potential for adverse health effects resulting from exposure to lead in the environment. The tool explicitly considers children as well as women of child-bearing age.
- DTSC has taken enforcement action against a wide variety of discount stores, department stores, gift shops and vending machine operators for selling children's jewelry containing lead.

Cancer

Cancer: A Leading Cause of Disease-Related Death in the United States

There is evidence that early-life exposures to carcinogens may in some instances be much more potent than exposure occurring in adulthood. Exposure to environmental carcinogens in the womb and during childhood may increase risk of cancers throughout life, including in old age. A growing and developing child is more susceptible to the types of cell damage that lead to cancer⁷³.

Cancer can happen at any age, though some cancers are more common in certain subsets of the population and cancer incidence increases as we age. In children, leukemia and brain/central nervous system cancers together account for about half of the childhood cancer burden in the United States⁹. Cancer is the leading disease-related cause of death in American children under 15 and women between 15 and 39, and the number two disease-related cause of death in American men between 15 and 39^{74,75}. Survival rates have increased in the past few decades due to improvements in screening and treatment, but disparities in survival persist; African Americans have the poorest five-year survival rates for all cancers of any racial or ethnic group. Childhood cancer survivors are especially at risk for lifelong illnesses, including neurocognitive deficits, fertility issues, and other cancers, due to the harsh effects of early chemotherapy and radiation on still-developing bodies^{9, 76,77}.

Cancer Also a Leading Cause of Death in California Children

In California, approximately 24% of all annual deaths are cancer-related, making cancer the second leading cause of death in the state. It is the leading cause of death among children under 14. Leukemia and brain/central nervous system cancers account for half of the state's childhood cancer burden⁷⁸. The incidence of leukemia among all California children age 0-14 has been increasing about 1% per year between 1999 and 2009 and is highest in Hispanic children. The rate of leukemia has increased about 1% and 1.7% per year among Hispanic and African-American children, but has not significantly increased in white children⁷⁹. Brain and central nervous system cancers, while still

extremely rare, increased in incidence about 1.9% per year between 2001 and 2009. White and Asian/Pacific Islander children experienced statistically significant increases in these cancers of 2.6% and 3.2% respectively. Similar increases were not noted in other groups.

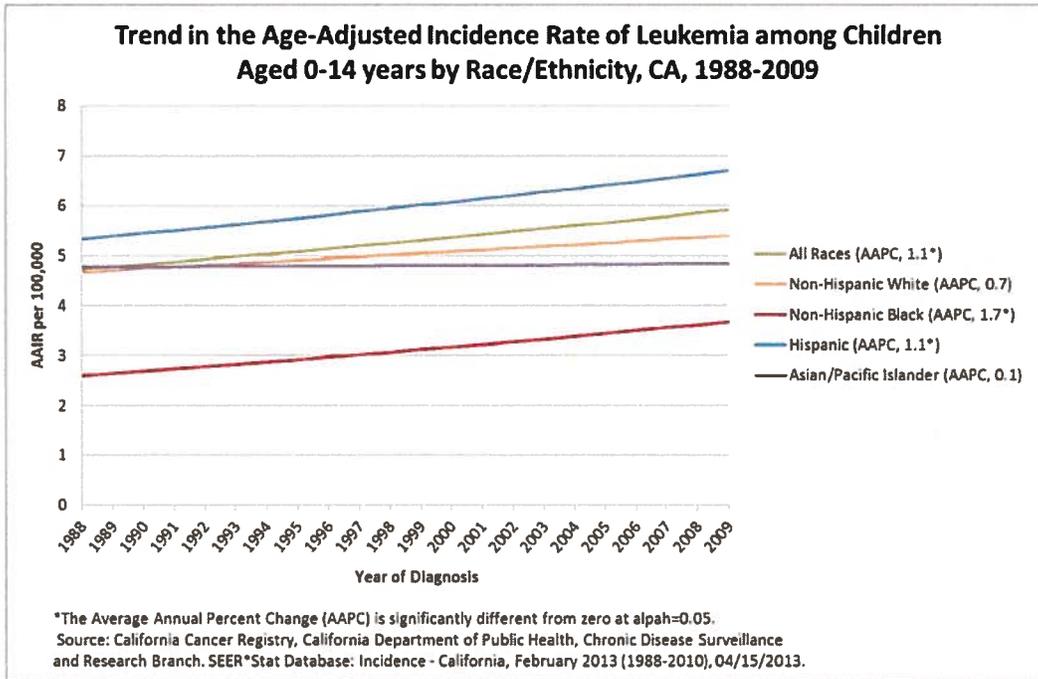


Figure 10. Incidence rates per 100,000 of leukemia in California children 0-14, by race, 1988-2009⁸⁰.

Based on data from the California Cancer Registry, California Department of Public Health.
 *Statistically significant result.

Toxic Exposures Increasingly Linked to Cancer Incidence in Children and Adults

It is difficult to ascertain the exact causes of many cancers because of their long latency period (time between exposure and clinical diagnosis). Despite this difficulty, there is a growing body of evidence to suggest that environmental exposures may play a role in the incidence of many cancers, especially when those exposures occur early in life during critical windows of development. While it has been well understood for some time that tobacco use causes lung, mouth, and esophageal cancers as well as adult myeloid leukemia, both the US Surgeon General and OEHHA have also found evidence suggestive of a causal association between secondhand tobacco smoke and childhood lymphomas and brain cancer^{80,44}. Paternal smoking prior to conception has also been associated with increased risk of childhood acute lymphoblastic leukemia^{81,82}.

Benzene, a common industrial solvent and component of both gasoline and diesel fuel, is a known human carcinogen. Adults exposed to benzene in the workplace are at increased risk of developing acute and chronic myeloid leukemia⁸³. More recent understanding of the way benzene affects bone marrow indicates that exposure to benzene, a ubiquitous air pollutant, may contribute to childhood leukemia.^{84,85,9} Exposure to household insecticides and indoor pesticides while in the womb has also been linked to increased risk of childhood leukemia⁸⁶.

Endocrine-disrupting chemicals are toxicants that disrupt hormonal systems, including hormones involved in reproduction and development and which regulate metabolism. Endocrine disruptors include some common chemicals that we are all exposed to, such as bisphenol A (a component of polycarbonate plastics), the halogenated “dioxins” (products of combustion), certain brominated flame retardants, and polychlorinated biphenyls (PCBs) (used in electrical transformers and elsewhere). Exposure to PCBs in household dust may be associated with an increased risk of childhood leukemia⁸⁷. Exposure to endocrine-disrupting chemicals during critical periods of development, (gestation, puberty, and pregnancy) has been linked to changes in breast development that may place women at increased risk of breast cancer later in life⁸⁸. Aside from skin cancer, breast cancer is the most common cancer in women, and one of the most common causes of death in women.

Overall cancer incidence and mortality rates (for all ages) in California have decreased by 11% and 23% respectively between 1988 and 2009⁸⁹, but these decreases have not been seen in all ethnic groups. For example, though the overall California incidence rate for breast cancer has declined 7% since 1988, the Asian/ Pacific Islander community has seen a 26% increase in breast cancer incidence during this period⁸⁹. This disparity in incidence for different ethnic groups may reflect differences in both environmental and genetic factors.

Select Cal/EPA BDO Activities That Protect Children from Exposure to Carcinogens

- In 2009, OEHHA analyzed the scientific evidence from animal studies to compare the cancer risk from exposure to carcinogens in the womb and early after birth with exposures occurring only during adulthood. The data reveal higher lifetime risk when exposures occur during development. Based on this analysis, OEHHA’s risk assessment guidelines recommend adjustments,

Under Proposition 65, the Office of Environmental Health Hazard Assessment maintains a list of chemicals known to cause cancer and/or reproductive toxicity. As of 2012, the list contains over 900 chemicals, including many common solvents, pesticides, and industrial chemicals.

called Age Sensitivity Factors, which recognize the increased risk of developing cancer when exposure occurs early in life.

- There are a number of Public Health Goals in drinking water (set by OEHHA) that are based on carcinogenic effects. For some Public Health Goals, including benzo(a)pyrene and hexavalent chromium, OEHHA applies Age Sensitivity Factors to account for greater sensitivity of infants and children.
- The ARB, in consultation with OEHHA, has formally identified over 200 substances as Toxic Air Contaminants, most of which are carcinogens.
- The ARB has developed a number of Airborne Toxics Control Measures (ATCMs) for Toxic Air Contaminants that are carcinogens in ambient air. Included in these are diesel engine exhaust and formaldehyde, both of which are Toxic Air Contaminants listed by OEHHA as disproportionately impacting children.
 - ARB has promulgated numerous ATCMs for sources of diesel including trucks, buses, stationary engines; these measures have greatly reduced exposure to diesel engine exhaust carcinogens (Figure 6).
- As part of its mandate to evaluate possible contamination at proposed school sites, DTSC assists school districts in conducting site assessments and, if necessary, remediation to protect students from hazardous chemicals, including carcinogens.
- DPR promulgates regulations to restrict exposure to a number of pesticides based on their carcinogenicity.

Conclusions

Cal/EPA's many programs and activities are at the forefront of protecting children from environmental contaminants. The Children's Environmental Health Program at OEHHA will continue to provide scientific support to Cal/EPA BDOs and other state and local agencies for their actions that reduce exposures to environmental chemicals in air, water, food, and consumer products. The actions of environmental chemicals, the influence of an individual's genetics, and of other factors in a person's environment on fetal and child development are areas of continued scientific exploration. As new evidence becomes available, the Children's Environmental Health Program can be a conduit for that information to the Boards and Departments at Cal/EPA and to other state agencies. Policies and regulations that impact children's health should be based on the best scientific information available. Our children are California's future and deserve to be protected from environmental contaminants that impact lifelong health.

While we have made great strides in cleaning our air, water, and land, much more remains to be done. Specifically, Cal/EPA BDOs should continue to:

- evaluate and reduce the impacts of contaminants in our air, water, soil, food, and consumer products on children's health, including in the home, school, and daycare environments
- evaluate and reduce the cumulative burdens on children of environmental contaminants, climate change, and health disparities; it is essential that Cal/EPA continue its work to evaluate how cumulative burdens increase vulnerability to environmental chemical exposures
- measure the chemicals in our bodies through biomonitoring to more fully understand exposures to common environmental contaminants
- focus efforts on reducing waste and greenhouse gas emissions, and increasing reuse and recycling to reduce our environmental footprint for future generations
- improve the flow of information from the Children's Environmental Health Research Centers and other researchers to Cal/EPA scientists and policymakers in order to help address children's environmental health.

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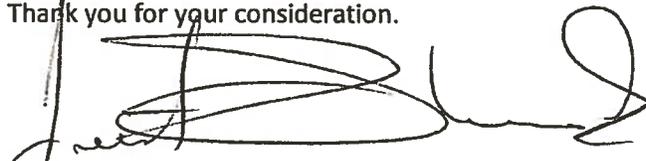
Dear Planning Commission,

I live at 1230 Coldwater Canyon. My family wholeheartedly objects to the "house" at 1184 Loma Linda that really more resembles a hotel or a casino. This is not the neighborhood for this project. It doesn't sit in with the character of the neighborhood, and it doesn't even fit within the restrictions of current code. They should build it somewhere else where it does fit.

There is no reason why all of the people here on Coldwater Canyon, Loma Linda, and everyone using these and nearby streets needs to sit in endless traffic day after day just so another rich developer can get even richer.

Residents all of LA, for example Bel Air, have had it with these greedy developers taking advantage of the residents. The time has come for the Cities to put a stop to this.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Justin Shouhed". The signature is stylized with large loops and a long horizontal stroke.

Justin Shouhed

1230 Coldwater Canyon

Beverly Hills Planning Commission
Alan Robert Block, Chair
Farshid Joe Shooshani, Vice Chair
Craig Corman, Commissioner
Howard S. Fisher, Commissioner
Lori Greene Gordon, Commissioner
Attention: Karen Myron

Dear Planning Commissioners,

My family and I reside at 1139 Coldwater Canyon.

We were dismayed to learn that a Mega Mansion is attempting to be erected in our neighborhood that is asking for a permit that allows them to build a house even larger than they are allowed to without this exception. When we did a small project at our house, the City made us jump through hoops. How is this project even being considered?

They should build what they are allowed to by current code.

The traffic resulting from construction will be bad enough. Please do not make it worse by allowing excess hauling and house size.

Thank you for your consideration.

Sabrina Heravi

A handwritten signature in black ink that reads "Sabrina Heravi". The signature is written in a cursive, flowing style with a large initial 'S'.

Correspondence from Debbie Weiss

Received on 8/3/15

3 August 2015

Dear Planning Commission,

I wanted to submit a separate letter impressing upon you the extreme burden that has been placed upon the neighborhood to try to achieve transparency on this project.

I echo the sentiments that Larry Murphy submitted in his letter dated 2 August 2015.

Projects should be approved because they make sense for the community. Not because a savvy Developer knows how to game the system.

With the meeting called for Aug 13th, in order for my comments to be included in the Aug 5th submission packet

- I have **2 days** in which to respond to the revised MND
- I have 2 days to view yet another set of revised plans that were submitted late July 31st
- I have **not** been sent by the City the most recent conditions submitted by the Applicant
- I have still not received some of the information I requested through the public records request
- The response to one of my public record requests was missing vital information

I now have to put my entire life on hold and not go to work because information received is incomplete and sent in a flurry last minute.

This system is unfairly skewed towards Developers. They have months and months to take their time and meet with the City at their own pace. Not only are we beholden to their schedule of submission, we have very little time to react.

This is far from a level playing field and is not due process.

At least 5 households thus far have cumulatively spent hundreds of thousands of dollars on attorney fees. Collectively, thousands of man-hours have been expended.

I have a full time job and four children. I alone have spent an average of 2-3 hours a day, adding to around 1000 hours, on this project since December. A great deal of this time is trying to get a grip on what the true picture of this development is. This process has been the opposite of transparent.

The question is **why**.

I cannot even begin to describe the extreme arduousness of this process. While Andre Sahakian has been responsive and polite in his communications, the communications lack weight. Meaningful answers are simply not forthcoming. An example- it took us 7 months of repeated requests from multiple residents to finally get the City records for a (partial) amount of past hauling- 3400 cy. The City admits this number is actually much more, they just don't have detailed records of it.

Every two weeks we wait and see if the Planning Commission hearing will be called. **Every single time** (except for the two times key City and Applicant personnel were away) we are not let known until that Wednesday, mostly in the evenings. Vacation plans have been made around potential hearing dates-

emergency plans have been put in place in case certain neighbors were away during potential dates. **For the last 8 months.**

All because Aquilini America isn't satisfied with building their by right project and are doing everything in their power to exploit gray areas and loopholes in the code.

Plan resubmissions update square footage numbers each time. Yet repeated requests to the Planning Department for detailed explanations of these changes have been met with muddled responses, errors Residents catch, and "we're waiting to hear from the Applicant on that."

Is it really that hard to tell us the size of this house and how big each area is? Maybe it is, since the City just conceded to us that for the Dec 11th Planning Commission meeting, the Developer actually understated the size of the house by approximately **2500 square feet**.

Maybe that alone should be taken as an indication that this project is simply too convoluted to be allowed to continue in any other fashion than the "by right".

The fact-checking by the City has been sloppy, sometimes egregiously so. Despite the Developer having a track record of incomplete and faulty data, time and again we are told that the City has taken the Applicant's "word for it." And Residents are then left scrambling on their own dime, and time, to find out the true nature. Many, many errors have been uncovered only due to the Residents work.

I am the one who discovered this project would take 5-6 parking spaces from the street. Surely something of that significance should have been discovered by the City and disclosed to the Residents, in staff reports, and to the Planning Commission.

In meeting with City staff where I express concerns, I am told "Well you'll have your 3 minutes in the Planning Commission meeting to air them!" Are you kidding me? How can I possibly address the complex issues of this project in 3 minutes. This is not a court- I do not get to cross examine and comment on things said after my turn.

And then I am told "Well, that is why we open it up for feedback, so residents can let us know about things." Yes, but surely the City bears a responsibility to perform due diligence. It is not reasonable that the Residents had to identify incorrect truck sizes, the location of the nearest school, etc.

When I bring up a serious concern, the response is "well, make sure you submit a condition request for that." I don't want to submit a condition request, I want underlying issues solved. The City has admitted to me that there will be issues in enforcing conditions. An example, these "privacy trees" the Applicant is desperately trying to convince the Planning Commission will restore privacy. The City has admitted they won't do anything if suddenly the landscape plan can't be planted as proposed because of x,y,z, or if the Applicant or the new owner decides to cut any of them down.

So, I am supposed to put my faith in a "condition" that determines whether or not the Developer can be granted the Hillside R-1 permit, that won't even be enforced? What is happening here?

The deck is stacked against us.

Professional renderings, from their plans, have been produced at the Residents' expense. We have been told to expect that the Developer will attempt to discredit them. May I ask you take a moment to consider that? If the Developer attacks the renderings, they are in actuality conceding the project is a

problem. Trying to discredit the rendering that shows the scale is too big? The renderings are from their plans- 1184 is too big!

Trying to discredit the renderings that demonstrate privacy violations? My backyard rendering lines up with the one they provided. They are actually confirming what I am trying to prove.

Every time we start to get a handle on this project, the goalposts change and we are once again sent chasing answers. And with the Aug 13th hearing looming, despite months of preparation, we are off scrambling again.

Jake McEwen told me that after we discovered errors that the City backed us up on, he is reluctant to share information. Because when their information is scrutinized, it is found to be problematic. They rest on the "we aren't obligated to share" argument. Well, as I recall at the Dec 11th Planning Commission meeting, they were instructed to share with the neighbors.

There have been many plan resubmittals- including two in the last two weeks! Despite promises to alert us and other neighbors when plans were submitted, for the ones submitted mid-July the City failed to notify us and others. On Tuesday July 28th, my attorney went over the new plans with Andre for an hour. And then at the 11th hour on Friday July 31st, a new set of plans citing setback calculation errors concerning the guest house were submitted.

On that date, the city did not know if they were going to send a notice for hearing the next day, and did not know when the MND would be completed. On Wednesday, July 29th at 6pm we were advised that the notice had been sent.

Did they not know that the developer would submit revised plans on Friday July 31st after the hearing notice was sent? Doesn't the MND evaluate the new plans? After 8 months of revisions, why doesn't the city and developer allow the residents a few weeks to review all of the new material – instead of 2 days? The city had the option to schedule the hearing on August 27th, but elected to schedule it on August 13th – the earliest available date after their revised submission.

Is this really reasonable?

I don't trust them to build what you direct them to. I think no matter what you tell them, they are going to try to fly under the radar and build whatever they want anyway like Strada Vecchia. I do not want to become Gladys Kravits from Bewitched watching their every move for compliance.

The Residents deserve better. It shouldn't take this much money, time, and effort to get the facts on this project. I implore you to extend the time periods for people to respond. Less than two weeks (and two days for inclusion in the packet) to respond to the MND, staff report, etc might be fine if one is an expert, but not for regular people who have to take time off of work and then figure out if there are issues to be dealt with.

On this project, I have had enough. Enough of the game-playing, enough of the misrepresentations. The City told us they spend more time on this project than ones much larger- why is that? Because this Developer is not presenting a true and honest picture of what they are trying to build.

I implore you to please put an end to the toll this development is taking on the neighbors, and your own City Staff, and enforce the by right project.

I'd like my life back please.

Correspondence from Larry Murphy

Received on 8/2/15

Andre Sahakian

From: Larry Murphy <LarryMurphy@lpmco.net>
Sent: Sunday, August 02, 2015 6:54 PM
To: Susan Healy Keene; Ryan Gohlich; Michele McGrath; Andre Sahakian; David Snow
Cc: Karen Myron
Subject: 1184 Loma Linda Protest

Dear City Staff,

The purpose of this communication is to register an official protest and complaint regarding the City Staff's conduct of process on 1184 Loma Linda Drive. City Staff actions, and its tolerance and facilitation of bad behavior on the part of the Applicant, have placed Residents at unfair disadvantage in attempting to develop and make their case in opposition to the proposed development.

The MND presented for the 2014 December Hearing on this project was fraught with overt errors and omissions, called out by Residents and the Planning Commission. Over the past 9 months, the MND has reportedly been under revision. During this time: (a) the Applicant has made design changes, and (b) a significant additional number of errors, misrepresentations, and omissions in Applicant submissions have been revealed. Residents have appealed to City Staff and the City Attorney to address these many issues, and to be given reasonable time to respond to a new revised MND, in order to properly prepare a response to it for the next Hearing now scheduled for August 14. These requests have been ignored, and now the MND is reportedly being released tomorrow, only 2 business days before the City Staff Report deadline on August 5, and only 8 business days before the Hearing.

In general the City Staff is fully aware that request for information from this Applicant have been constantly resisted, obstructed, and shot full of errors, misrepresentations, and omissions. The Applicant makes false representations of agreement with Residents on matters, and reverses itself on matters agreed to. At the December Hearing, the Applicant advanced much information up to the last minute before the meeting, and claimed the City reviewed the information - - with the City only revealing toward the end of the Hearing session that they had not conducted such a review. The problem is that the City had in fact facilitated all the late submissions and the creation of confusion in the Hearing by watching it all happen, without doing anything about it, despite Resident protest. The damage of this corrupted process in December was mitigated only by Residents' mustering a strong response, under duress and at substantial cost, and by the thoughtful, careful questioning and judgment of Planning Commissioners.

During the past 9 months, the Applicant has continued to stonewall and delay in submitting information in response to the City or Residents. Major additional errors in original submitted plans have been discovered, and new plans have been fraught with error as well. The Applicant cut off conversations with most Residents some time ago. **Most brazenly, the Applicant has refused to participate in a Subcommittee process requested by the Planning Commission.** This Subcommittee, to be led by Commissioners Alan Black and Shooshani, was intended to facilitate a full airing and open dialogue on issues between the Applicant and Residents. Clearly the Applicant does not believe such constructive process will be to their advantage.

Residents have been steadfastly and adamantly clear in their demands that the City ensure that the Applicant information be thorough, complete, and subjected to careful diligence. **We have simply asked that (a) the Hearing be based on facts, not errors, false claims, and misrepresentations, and (b) the Hearing therefore be as free as possible from the contention and confusion that the Applicant might exploit.** We have also adamantly requested that there be rigorous deadlines for the submission of Applicant information, in order to allow reasonable time for diligence and review by City Staff and Residents. City Staff members Ryan Gohlich and Andre Sahakian both informed me personally that this would happen. Now, in the final hour, their promises have been completely renege upon.

On July 30, the City Staff announced a Hearing for August 13, knowing full well that the Applicant would be submitting a new full set of plans on July 31 that Residents had not seen. This is well after the previous deadline for Plan submissions of July 27 that City Staff had said they would insist upon. Moreover, even as of the afternoon of July 31, the numbers in the newly submitted plans "did not tie down", according to a City Staff member.

The controversy and complexity of this project are grounded in the excesses the Applicant has proposed in the project. Residents face disadvantage in contending with this situation to begin with:

- 1) We are outgunned by the Applicant's massive resources paid for with corporate funds, whereas Residents must expend personal time and expense.
- 2) Plans are made available to us only at the City offices, making it absurdly impractical and costly to conduct diligence on them - - especially in a short timeframe.
- 3) Constant stonewalling and errors in submissions mean endless unproductive time wasted in meetings with the City where deliverables are not met. While there may be false claims to the contrary, Residents have not been the cause of months of delay in this process. Delays have been caused by (a) the Applicant's constant obstinacy, stonewalling, and delays in submitting information; (b) the need to constantly contend

with errors and misrepresentations in the MND and Applicant submissions; and (c) the Applicant's need for time to resolve a dispute with a neighbor to the project (only very recently resolved). The Applicant's only significant attempt to redesign was not to mitigate project impacts, but to adjust for the Applicant's own miscalculation in sideyard setback.

- 4) At formal Hearings, the opportunity for Resident dissent is strictly limited. There is little or no chance to respond to false claims and representations made by the Applicant. Knowing that their game thrives on obstruction and misrepresentations, the Applicant refused the subcommittee process that was intended to facilitate open dialogue.

The deadline for submission of Resident materials in the City Report package to go to the Planning Commission, in order understandably to allow for responsible review time for the Commission, is this Wednesday August 5. In the December Hearing, then Planning Commission Chairman Howard Fisher chastised late submissions, which in fact were caused by the Applicant's last minute shenanigans. Now, Residents have only 2 days to respond to the MND, and 3 days, to respond to a whole new plan set. While bad behavior is to be expected from the Applicant, the City Staff's actions to disadvantage Residents and stifle their opposition are disappointing and unacceptable.

Let the record show that the City Staff is consciously enabling a process that disadvantages Residents and harms their ability to properly review submissions, prepare their dissent, and defend their rights. A promise by City Staff to not let this happen has been reneged upon. The Applicant is having its way again. The involvement of highly paid potential lobbyists with inside City connections only adds further to the stench of misconduct here.

The current situation is regrettably and painfully history repeating itself. I have for months on end exposed malfeasances by the Applicant, and appealed for City Staff to clean up the mess. The Applicant's Machiavellian maneuvering against Residents is transparent, and has been forewarned to the City Planning Staff and the City Attorney. City Staff has in effect conspired with the Applicant against Residents, as overtly evidenced by enabling this last late round of submissions, and by stonewalling and minimizing the opportunity for response to the resubmission of an MND that was an embarrassing mess the first time around.

In summary, and again **for the record**, the City Staff's actions have:

- 1) Disadvantaged Resident opposition and provided unfair advantage to the Applicant, reneging on specific promises to Residents' backs be placed against the wall,
- 2) Caused an ineffective, prolonged process fraught with error, poor analysis, and confusion that has been horribly costly and stressful for Residents.

- 3) Subjected the City to liability for misconduct, at potential taxpayer expense
- 4) Violated and undermined public trust in the Planning Department's abilities, credibility, and integrity.
- 5) Undermined the responsible, careful, and complete consideration of the project's impacts.

Clearly the stakes in this matter go beyond the outrageous excesses of the 1184 project itself. If such conduct advantaging a Developer is perpetrated in a project so controversial and intensely opposed by Residents as this one, then what are the broader implications for our Community?

Immediate action is requested as follows:

- 1) The Applicant should be demanded to **immediately** release complete copies of the new plan set to Residents for their careful review. If the Applicant refuses, the Hearing should be postponed.
- 2) City Staff should be 100% available every hour between now and the Hearing to support Residents and get their questions answered. Immediate, thorough, and accurate responses to questions should be demanded and received from the Applicant, or else the Hearing should be postponed.
- 3) The Planning Commission should be advised of the circumstances in which Residents have been placed. It should be requested on behalf of Residents that: (a) Planning Commissioners be forgiving of late Resident submissions up to the date of the Hearing, as we attempt to cope with the predicament we are in, and (b) the Hearing process be adjusted on August 13 to allow a full dialogue back and forth on issues, with ample opportunity for Residents to respond to any and all claims made by the Applicant. If late submissions will unduly inconvenience Planning Commissions or limit their ability to carefully review Resident submissions after August 6, then the Hearing should be postponed.

There should be an objective review of what has transpired here, and corrections made to ensure better process in the future.

In the Hearing on August 13, the flagrant excesses and wrongness of this proposed project will be clear. I am confident that in its wisdom, the Planning Commission will unearth the truths on this project as it did in December. The rejection of this bellwether project will serve as a signal

to speculative megamansion developers that our City and its Residents are not going to be disrespected and abused. At the same time, however, the City process for dealing with these developers needs to be repaired. Residents should not have to bear the burden of defending against not just powerful Developers, but against City Staff itself. Fundamental questions of public trust and the protection of our Community are at stake.

Sincerely,

Larry Murphy

Note: Please will Ms. Myron forward this communication to members of the Planning Commission.

Correspondence from Linda Kunik

Received on 7/30/15

Andre Sahakian

From: Linda K <lindakunik@gmail.com>
Sent: Thursday, July 30, 2015 6:09 PM
To: Karen Myron; Susan Healy Keene; Michele McGrath; rgohlich@beveryhills.org; Andre Sahakian; David Snow
Cc: WebCBH MAYORANDCITYCOUNCIL; John Mirisch; William Brien; lbsse@beverlyhills.org; Nancy Krasne
Subject: Opposition to 1184 Loma Linda Project

To Whom It May Concern:

I have lived at 1147 Coldwater Canyon Drive, the corner of Coldwater and Loma Linda since 1983. Our neighborhood has always maintained an elegant and sophisticated appearance. The residents have remodeled and rebuilt homes on our street, but always with the idea of maintaining the character of the neighborhood. I oppose the 1184 Loma Linda project, because a home of that size has no place in our neighborhood. It is an abomination, and the fact that the Beverly Hills Planning Commission and City Council is even considering it, is a mystery to me.

Doesn't the city of Beverly Hills want to maintain it's good reputation, a place where everyone wants to live because it is so elegant, upscale and sophisticated? A place where the concerns and wishes of the residents makes a difference? Allowing a monster mansion of this size ruins our little neighborhood, not to mention the destruction to the street, the noise, the dirt and the traffic jams it will cause.

Linda Kunik

Linda Kunik
lindakunik@gmail.com
www.lkunik.com
Salon 2.0

Correspondence from Rozita Yacobi

Received on 7/29/15

Andre Sahakian

From: Rozita Yacobi <yacobilawapc@gmail.com>
Sent: Wednesday, July 29, 2015 10:41 AM
To: Andre Sahakian
Cc: kmyrone@beverlyhills.org
Subject: 1184 Loma Linda Drive Project Opposition

Dear Mr. Sahakian:

On or about October 1999, we purchased our home, located at 1185 Coldwater Canyon Drive, Beverly Hills, CA 90210. We purchased our home for our growing family and have lived therein since 1999. We now have 3 children.

Our family uses the Coldwater park on a weekly basis. I personally walk from our home to Coldwater Canyon Park and use the walking/jogging path several times a week. During our walks, our family frequently uses the side streets, mainly Loma Linda, for walking on different inclines and getting exercise in the clean air and tranquil environment of Loma Linda.

Recently, we have become aware that Aquilini America Construction, Inc. (hereinafter Aquilini) a developer, is in the process of building an excessively large home on Loma Linda Drive. Our family finds many significant problems with this development. A few of the many points of objection are listed below for your reference.

The **SIZE** of the proposed construction does not fit with the homes in the neighborhood. The average size of the homes in the neighborhood are 6,200 square feet. The proposed project is in excess of 25,000, which shall include a 14,000 square foot basement and 2 outdoor pools. This large scale development shall have a substantial and permanent adverse impact on the scale, integrity and character of our neighborhood.

The detrimental impact of the construction, including the loss of parking for many months, and the **DUST** will be especially harmful for our children. The extensive hauling required by this project shall create a substantial adverse impact on the neighborhood. As mentioned above, I personally walk from our house to the park 3-4 times a week and our children play at the park, at least, on a weekly basis. I have not seen any environmental analysis regarding the impact of the dust and construction on children. If the developer has conducted an environmental analysis of the impact of the dust and construction, especially on young children, we respectfully request that a copy be forwarded to all the residents in the neighborhood.

Furthermore, there are in excess of 14,000 cars that travel through Coldwater Canyon on a daily basis. The current main water pipes running through Coldwater are old and should the pipes be subjected to long term and excessive **heavy** hauling, there is a substantial likelihood that the water pipes shall burst and thereby cause massive disruption for the lives of all the occupants of the neighborhood.

Moreover, we understand that the City of Beverly Hills is potentially granting Aquilini the right to take part of the public street for its development. It is truly not clear why the City of Beverly Hills with such stringent rules regarding development, character retention and neighborhood preservation, would allow and grant Aquilini to take a part of the public street for personal use.

The proposed project shall cause significant impact after construction, including loss of historic character and scale, excessive water consumption by this large development and the loss of access to parking on Loma Linda.

Please note that our family vehemently objects to the proposed construction on 1184 Loma Linda. The proposed project and construction shall have a significant impact on our health, use and enjoyment of our home.

Should you have any questions regarding the foregoing, please do not hesitate to contact me at (310) 995-8804.

Sincerely,

Rozita C. Yacobi, Esq.
YACOBI LAW, APC
(310) 276-1128

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

Correspondence from Ardeshir Davoodian

Received on 7/27/15

Andre Sahakian

From: David D. <macpro@earthlink.net>
Sent: Monday, July 27, 2015 6:24 PM
To: Andre Sahakian
Cc: larrymurphy@lpmco.net
Subject: 1184 loma linda

Good Afternoon,

Im writing to you regarding 1184 Loma Linda DR. BH.

I have been living here on Cold water Canyon DR. in Beverly Hills for the past 20 years.

I have seen many home construction sites in my area,

But the project on 1184 Loma Linda looks like a hotel / motel.

I don't think any family would ever need such a large home.

(no matter the size of the family)

Please consider the amount of traffic / noise / headache it will bring to our Community.

Thank you for your time, consideration & cooperation

Ardeshir Davoodian

1164 Cold Water Canyon DR. BH 90210

Correspondence from Franny Rennie

Received on 7/9/15

Andre Sahakian

From: Frannyrennie <frannyrennie@gmail.com>
Sent: Thursday, July 09, 2015 1:20 AM
To: Andre Sahakian; Karen Myron
Subject: Attention Planning Commission re 1184 Loma Linda Drive Project Opposition

Beverly Hills Planning Commission
Howard S. Fisher, Chair
Alan Robert Block, Vice Chair
Craig Corman, Commissioner
Farshid Joe Shooshani, Commissioner
Lori Greene Gordon, Commissioner
Attention: Karen Myron
455 N. Redford Drive
Beverly Hills, Ca 90210

RE: 1184-93 LOMA LINDA DRIVE PROJECT OPPOSITION

Dear Chairman Fisher and Members of the Planning Commission:

I am Franny Rennie, writing to you as a 20 year resident at 1125 Coldwater Canyon which is located around the corner and a few houses from the proposed new project located at 1184 Loma Linda Drive.

I, like so many of my neighbors moved to this beautiful neighborhood in the hills with young children, sent them to our Beverly Hills schools and plan to live here for as long as possible. I have been very involved in our community and the leadership of our five schools for the last 15 years and have great pride in our City and all we do to preserve the unique community we all live in.

I strongly oppose the massive development proposed for 1184 Loma Linda. It is completely out of scale with our neighborhood and the hillside it sits on has a recent history of instability. Loma Linda is a quiet, quaint street with historic homes by Gerald Colcord. How was it possible that a Wallace Neff house was destroyed by the developer on this proposed new site? I also don't understand why you would agree to or how it is even legal to take part of a public street for private use by a developer. I am very concerned about the precedent this would set.

For many years I have walked my dogs up to the end of Loma Linda so have seen over the years the previous home, the massive slide that happened and the leveling of the property for a new home. I didn't realize until recently that the proposed new homeowners are hoping to build an extremely massive 21,000 plus square foot project. I understand the right to build and I believe the area is permitted for around 15,000 square feet which is massive already, so I trust The Planning Commission will strictly hold firm to the regulations. How would it be possible to approve a project that is clearly over the permitted area without making questionable concessions to a developer? I realize there are rights and regulations for new homes but there are also the neighbors and neighborhood which are critical to our City.

There is another major issue of concern for the area residents which is how the traffic and safety will be handled on Loma Linda and Coldwater with the large construction trucks that will be needed for all the hauling. Loma Linda is very short and a steep grade as it intersects with Coldwater which is also a steep grade for the block after Loma Linda. There is a " No Heavy Hauling" mandate for the hills in place which I would think applies to these two streets. How will the large trucks turn onto and from Loma Linda from the extremely busy Coldwater Canyon without having a major impact on stopping traffic and residents. There have been numerous major accidents on the 1100 block of Coldwater Canyon as many of you know. Safety in a neighborhood where there are many residents walking with kids and dogs is crucial.

Thank you for your time. I am out of town or I would be at the meeting to speak in person.

Best Regards,
Franny Rennie
Sent from my iPad

Correspondence from Shirin Farasat

Received on 6/30/15

Andre Sahakian

From: Karen Myron
Sent: Tuesday, June 30, 2015 4:40 PM
To: Shirin Farasat
Cc: Andre Sahakian; Ryan Gohlich
Subject: RE: 1184-93 LomaLinda Drive. PROJECT OPPOSITION

Thank you for your email. Your comments will be included in the correspondence provided to the Planning Commissioners.

Best Regards,

Karen Myron
Community Development Department
Planning Division
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210
p (310) 285-1126
f (310) 858-5966



From: Shirin Farasat [<mailto:shirinfarasat@hotmail.com>]
Sent: Tuesday, June 30, 2015 2:48 PM
To: Karen Myron
Subject: 1184-93 LomaLinda Drive. PROJECT OPPOSITION

Sent from my iPad

From: Shirin Farasat <shirinfarasat@hotmail.com>
Date: June 30, 2015 at 2:28:38 PM PDT
To: shirin farasat <shirinfarasat@hotmail.com>
Subject: Fwd: 1184-93 LomaLinda Drive. PROJECT OPPOSITION

Sent from my iPad

Begin forwarded message:

From: shirin farasat <shirinfarasat@icloud.com>

Date: June 30, 2015 at 2:25:47 PM PDT

To: shirinfarasat@hotmail.com

Sent from my iPadDear Members of the Planning Commission:

We are Robert and Shirin Farasat and we live at [1168 Coldwater Drive](#) ,Beverly Hills We are writing to you in opposition to the proposed project at [1184 Loma Linda Drive](#) .

We are opposed to this construction due to the following reasons:

The scale of the project will result in impacts that are far in excess of what one would normally expect during the construction of a home in our area, and what is allowed for under current code.

This construction will be a major disturbance to our residential neighborhood as it involves transportation of heavy construction material which must be provided by machinery which will certainly obstruct the flow of traffic and create constant chaos, danger, pollution and noise in the neighborhood.

Cold water Canyon is already suffering from congestion and accidents, in a number of them, many victims have been deceased , there is no need to add to the existing problems of this street.

We also oppose the developer's proposal to take the end of a public street for their private use, to the detriment of all of the residents in the area. We also fear this would set a dangerous precedent for other developers.

As residents our aim is to improve our living conditions and not to worsen and jeopardize the situation even further. Therefore we are strongly against this project, and its scale needs to be drastically reduced. We appreciate you taking our concerns seriously.

Sincerely ,
Shirin and Robert Farasat

Correspondence from Tom Schulhof

Received on 6/18/15

Andre Sahakian

From: Karen Myron
Sent: Thursday, June 18, 2015 4:40 PM
To: Thomas Schulhof
Cc: Andre Sahakian; Ryan Gohlich
Subject: RE: Opposition to 1184-93 Loma Linda Drive

Thank you for your email. Your comments will be included in the correspondence provided to the Planning Commissioners.

Best Regards,

Karen Myron
Community Development Department
Planning Division
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210
p (310) 285-1126
f (310) 858-5966

-----Original Message-----

From: Thomas Schulhof [<mailto:tbschulhof@gmail.com>]
Sent: Thursday, June 18, 2015 10:51 AM
To: Karen Myron
Subject: Opposition to 1184-93 Loma Linda Drive

Dear Ms. Myron:

My name is Tom Schulhof and I have been the home owner of 1271 Lago Vista Place for 13 years. My property runs down to Loma Linda Drive, with approximately 500 feet of my property abutting the street itself. My master bedroom sits approximately 50 feet directly above Loma Linda Drive.

I am firmly opposed to the granting of the variances requested by the owner of 1184-93 Loma Linda Drive.

1. We, as a community, have rules for a reason. Among them are zoning regulations for the benefit of everyone. I full well understand granting a variance in the case of hardship. Such is not the case here. The owner knew the rules before he purchased the house. He should comply with those rules. If he wanted a bigger house than permitted then there was an easy solution - buy a property that permitted a bigger house. Offering a variance means we might not have even had the rules in the first place.

2. I urge each of the commissioners to visit the intersection of Loma Linda Drive and Coldwater Drive. This is a dangerous intersection for just regular cars, let alone a dump truck packed with dirt or a concrete mixing truck. It is far more dangerous than Loma Vista and its recent serious accidents.

3. Imagine the trucks coming up Coldwater and waiting for traffic to clear to turn left onto Loma Linda. How many miles of back up on Coldwater is acceptable to the community at large - forgetting about the immediate neighbors.

4. I think it unfair that I will be subjected to extreme noise and pollution over an extended period far beyond what the current regulations permit. I am entitled to rely on the existing regulations to protect me from that scenario.

5. My house sits on one of the most visible promontories in the city - It is visible from virtually all of Beverly Hills. I cannot imagine a similar variance being granted in light of the effect it would have on the whole town. Similarly, this variance should not be granted even though the universe of residents affected is smaller.

As I do not have all the e-mails of the Planning Commission members, I would appreciate if you would forward this communication to them.

Most respectfully
Tom Schulhof
1271 Lago Vista Place
Beverly Hills, California 90210
310-274-9373

Correspondence from Dan Zaharoni

Received on 6/8/15

The Zaharoni Law Firm

5400 W. Rosecrans Ave.
Suite #105
Hawthorne, CA 90250

Tel: (310) 727-3025
Fax: (310) 727-3026
danz@zaharoni.com

June 8, 2015

Andre Sahakian
Beverly Hills Planning Dept
455 N. Rexford Dr.
Beverly Hills, CA 90210
asahakian@beverlyhills.org

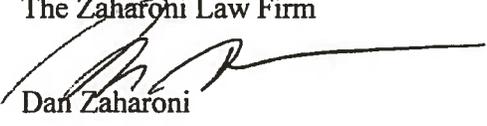
Re: 1184-93 Loma Linda Dr.

Dear Mr. Sahakian,

My office represents the interests of Isaac and Suzanne Zaharoni, the owners of the property located at 1165 Loma Linda Dr. ("Zaharoni Residence"). While the Zaharoni Residence is not directly next door to the proposed development at the address referenced above, due to the winding nature of the street, the new home would have direct sight lines into the backyard, bedrooms and all living areas of the Zaharoni Residence. Moreover, the Zaharoni Residence would be subject to many, if not all, of the inconveniences that would be suffered by the other residents of Loma Linda Dr. during the construction of what must be one of the most inappropriate and outrageous homes in the City of Beverly Hills.

My clients have been in touch with Mrs. Debbie Weiss, the owner of 1185 Loma Linda and have received the attached letters written by their attorneys at JMBM. My clients share all of the concerns referenced in said letters and, rather than reiterate the pages upon pages of clearly stated and obviously relevant objections, would simply like to note that they join with the Weiss family in strenuously opposing the construction of this "home" for all of the reasons set forth in the attached two documents.

Sincerely
The Zaharoni Law Firm



Dan Zaharoni

cc: (via email)

Mayor Julian A. Gold, MD (mayorandcitycouncil@beverlyhills.org)
Hon. Lili Bosse (lbosse@beverlyhills.org)
Susan Healy Keene (skeene@beverlyhills.org)
Ryan Gohlich (rgohlich@beverlyhills.org)
Jake McEwan (jake.mcewan@aquilini.com)
Howard S. Fisher (kmyron@beverlyhills.org)

Correspondence from Helen Oda Abe

Received on 5/18/15

Andre Sahakian

From: helen abe <helenodaabe@yahoo.com>
Sent: Monday, May 18, 2015 1:40 PM
To: Andre Sahakian
Subject: Re: Complaint as to 1184-93 Loma Linda Drive

Thanks for responding so quickly!

I went to the 3rd street post office a couple of hours ago and mailed 2 copies of my letter to the City attn: Karen Myron

I am a computer illiterate, so I am pasting the letter:

Beverly Hills Planning Commission
Attn: Karen Myron
455 N. Rexford Drive
Beverly Hills, Ca. 90210

Andre Sahakian (asahakian@beverlyhills.org)
Beverly Hills Planning Department
455 N. Rexford Drive
Beverly Hills, California 90210

re:1184-93 Loma Linda Drive

Allowing the above-referenced development will result in “a substantial adverse impact on the scale, integrity, or character of the area or on the privacy of neighboring properties.”

Allowing a mega mansion in excess of 20,000 square feet will unquestionably impact the character of Coldwater Canyon and the residents and homeowners on Coldwater Canyon Drive should be notified of this development. We residents should have the opportunity to object to another mega mansion adulterating the beautiful hillside area that we are surrounded by.

Moreover, the impact of the construction at the above-referenced development on Coldwater Canyon Drive traffic should require notification of the Coldwater Canyon Drive residents and the opportunity to object, as we already endure enormous traffic.

When my son attended the BH City preschool in the Coldwater Canyon park, I was so dismayed to see the construction of the 85th largest residence in the US at 1156 Shadow Hill Way (having over 35,000 square feet) overlooking the preschool. I believe this mega mansion is located in the BHPO/LA. It has adulterated the “character” of the hillside area for Coldwater Park as well as for the residents of the Beverly Drive canyon and the City of Beverly Hills residents in the area.

I hope that the Planning Department and Planning Commission will adhere to the BH Municipal Code’s square footage limitations as to the above-referenced development.

Helen Oda Abe, homeowner at 1179 Coldwater Canyon Drive, BH 90210

On Monday, May 18, 2015 11:56 AM, Andre Sahakian <asahakian@beverlyhills.org> wrote:

Hi Helen,

Thank you for your email. I'm unable to open the document attached. Can you please re-send the attachment as a different file type, preferably in Microsoft Word (.doc, .docx) or PDF?

Regards,

--

Andre Sahakian
Associate Planner|City of Beverly Hills
310.285.1127

From: helen abe [<mailto:helenodaabe@yahoo.com>]
Sent: Monday, May 18, 2015 11:51 AM
To: Andre Sahakian
Subject: Complaint as to 1184-93 Loma Linda Drive

I am attaching a letter I'm sending to the Beverly Hills Planning Commission concerning the above-referenced development. I'm also sending a copy of the letter to you in the same envelope, which I hope someone forwards to you as well.

I hope that the residents on Coldwater Canyon Drive are given notice of the development to provide the opportunity to object.

Helen Oda Abe

The City keeps a copy of all E-mails sent and received for a minimum of 2 years. All retained E-mails will be treated as a Public Record per the California Public Records Act, and may be subject to disclosure pursuant to the terms, and subject to the exemptions, of that Act.

Correspondence from Benjamin Reznik

Received on 4/27/15

Sheri L. Bonstelle
Direct: (310) 712-6847
Fax: (310) 712-3377
SBonstelle@jmbm.com

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

April 27, 2015

VIA E-MAIL AND MAIL

Andre Sahakian
Beverly Hills Planning Department
455 N. Rexford Drive
Beverly Hills, CA 90210
asahakian@beverlyhills.org

Rincon Consultants, Inc.
180 North Ashwood
Ventura, California 93003

Re: 1184-93 Loma Linda Drive
Comments to Mitigated Negative Declaration

Dear Mr. Sahakian:

As you know, we represent Debbie Weiss and Adrian Lorimer, the owners of the home located at 1185 Loma Linda Drive, directly adjacent to the developer's property. We voiced concerns about numerous significant unmitigated impacts that are caused by the proposed massive 21,000 square foot residential development (the "Project") on this hillside property, located at 1184-93 Loma Linda Drive (the "Property"). The mitigated negative declaration ("MND") for this Project fails to adequately evaluate numerous impacts, including traffic, air quality, geotechnical, noise, aesthetics, historical resources, parking, water restrictions and proximity to known sensitive uses, such as the Beverly Hills Coldwater Park Preschool and the nine young children living in the two adjacent homes. These impacts were made known to the City in two letters to the Planning Commission, dated December 10, 2014 and February 24, 2015, and in numerous conversations with the planning department.

The MND must be revised to include this new analysis, and must be circulated for public comment for 20 calendar days, in compliance with the California Environmental Quality Act ("CEQA") (CEQA Guidelines §§ 15072, 15073 (a)). The City is required to recirculate a negative declaration when the document must be substantially revised when (i) a new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or (ii) the lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. (CEQA Guidelines § 15073.5 (a)) In this case,

the MND failed to fully evaluate and mitigate numerous significant impacts caused by the Project, and did not evaluate at all the recent water restrictions imposed by the Governor that would make the proposed landscape and planting mitigation measures entirely infeasible. This letter sets forth a summary of the key issues.

1. Governor Brown Recently Imposed Significant Water Restrictions Not Considered in the MND

On April 1, 2015, Governor Brown directed the State Water Resources Control Board to implement statewide mandatory water reductions due to continuing drought conditions. On April 21, 2015, the Beverly Hills City Council approved a modified version of Stage D of the City's emergency water conservation program. The strict new water conservation measures will be implemented to meet the state-mandated goal of a 36% reduction in water use. During the May 5, 2015 meeting, the Beverly Hills City Council will consider instituting a Stage D water conservation program, and if approved, the water use restrictions will go into effect immediately. The water restrictions include watering outdoor property no more than two times per week, for a maximum of eight minutes per station, before 9am or after 5pm. These restrictions will not allow growth of any of the foliage proposed on the east and south side of the property as mitigation for privacy issues, and identified as necessary for slope stabilization.

In addition, the proposed restrictions prohibit refilling of existing pools and filling of new pools. The proposed Project includes two large swimming pools and additional fountains that wrap around the outside of the property. The use of these pools is clearly contrary to the new water restrictions. These restrictions are considered new information under CEQA, and must be considered in a revised MND. (CEQA Guidelines § 15073.5 (a))

2. The MND Failed to Evaluate the Permanent Vacation of a Public Street for Private Use.

The City cannot make any of the findings required to vacate the public street for private use by the developer. The process and procedures for vacation of a public street and public easement are found in the Public Streets, Highways and Service Easements Vacation Law, California Streets and Highways Code section 8300, *et seq.* (the "Streets Code") Section 8324 (b) of the Streets Code provides that the City Council can adopt a resolution vacating a public street only if the legislature finds, from all the evidence submitted, that the street "*is unnecessary for present or prospective public use.*" The City Council cannot make this finding, because the public street is required, now and in the future, for public parking, circulation and public utilities. Specifically, this portion of the street is necessary for the existing emergency turn-around, as required under the Fire Code.

The code also provides that no street shall be vacated until the Planning Commission determines that the street vacation conforms with the General Plan. (Government Code section 65402(a)) The Planning Commission cannot make this finding, because the street is necessary under the Land Use and Circulation sections of the General Plan for use by the

adjacent residents, by the City for public utilities, and by emergency vehicles for the turn around. The initial staff report cites two provisions of the Fire Code requiring access for emergency vehicles as a reason to justify street vacation. To the contrary, the Project can comply with the Fire Code requirements without vacating any portion of the street by simply dedicating or providing an easement on a small portion of the property for a turn around. This has been done on numerous other single family residences in Beverly Hills.

The developer presents the street vacation as a “land swap,” which he purports merely requires that he dedicate an amount of land equal to or greater than the area of the street that is vacated. The Project vacates approximately 2,800 square feet of public street at the end of Loma Linda Drive, which has sweeping views of the City, so that the developer can locate their main house to take advantage of this vista as a private view. The developer proposes to provide the City with 2,800 square feet of land for emergency turn-around and landscaping, which although it is the same area, has significantly less value to the City and the public. In addition, the developer proposes to relocate the existing turn around to an area that creates significant impacts to the residents on the entire street due to loss of parking and increased noise. The MND must fully evaluate all impacts caused by the loss of public land.

The Project also causes significant fiscal impact to the City for relocation of existing utilities due to increased future maintenance costs. Section 8340 (c) of the Streets Code states that if the street contains any public utility facilities, then an easement for such utilities should be reserved unless relocation is to occur. The street contains both sewer and water lines that must be relocated. The developer proposes to relocate the public water lines from the existing easement on the Property, under the proposed guest house, to a new 15 foot easement around the north and west side of the Property adjacent to 1178 Loma Linda Drive. This will be very costly, and will make the utilities difficult to maintain along the steep slope. The City must evaluate the utility relocation, because it is caused by the permanent street vacation and construction on top of the existing utility easement. In the event that this relocation proceeds, the City must provide conditions in the project approval to ensure the neighbors that the relocation of utilities will not have any impact on their service during installation and operation. The MND must be revised to fully evaluate and mitigate the impacts of the utility relocation.

3. The MND Failed to Identify the Beverly Hills Coldwater Park Preschool as a Nearby Sensitive Use.

The MND failed to identify a sensitive use that is located directly adjacent to the south of the Property. The Beverly Hills Coldwater Park Preschool is located at 1100 North Beverly Drive, Beverly Hills, California 90210. It operates from 9am to 2pm, which is during the Project’s prime construction period. In addition, the children frequently use the outdoor areas of the park during this time, and will be specifically affected. The MND must be revised to evaluate the traffic, air quality and noise impacts to this sensitive use, especially during the hauling and 30 month construction period. If the City is required to close this school during the construction, the MND must evaluate the impact caused by increasing enrollment at the City’s other preschools.

4. *The MND Failed to Calculate and Evaluate the Impact of All Hauling on the Property in the Past 5 Years.*

The MND incorrectly calculates the number of haul trips, because it utilizes 12-cy trucks instead of the maximum 10-cy trucks allowed on Loma Linda Drive. For 6,000 cubic yards of hauling, the Project will still require 600 round trip truck trips for hauling only. The developer acknowledged this, and submitted a construction traffic management plan that identifies a total of 1,545 round trips (3,090 single trips) heavy truck trips utilizing 10-cy trucks for hauling and material import. Therefore, the MND must be revised to include the traffic, parking, and air quality impacts caused by this level of hauling.

In addition, the MND must provide an analysis of all of the hauling done on the Property in the last five years. As stated in our prior letters, the developer failed to include the amount of soil remediation performed in 2010 and 2012 in the total calculation for import/export from the site within a five (5) year period. (BHMC 10-3-2521) This is important, and legally necessary, to identify and evaluate the amount of hassle and impacts the neighbors have already endured.

In order to approve an export of material in excess of 3,000 cubic yards in a five (5) year period, the Planning Commission must find that “the import or export will not create a substantial adverse impact on the surrounding neighborhood.” The Planning Commission must also consider haul routes, scheduling, phasing, and safety precautions proposed. The MND fails to provide the analysis and mitigation necessary for the Planning Commission to make this finding. The long hauling and heavy machinery schedule will cause an unsafe street and limit emergency access; significantly affect the air quality especially in the backyard of adjacent home backyards; cause significant traffic delays entering and leaving the homes; and create constant loud noises 44 decibels over the current ambient noise level. The MND fails to adequately evaluate and mitigate the significant construction impacts caused by the Project, specifically related to the export of material.

5. *The MND Failed to Evaluate Demolition of the Historic Resource on the Property, and the Impact on Adjacent Historic Resources.*

The cultural resource evaluation in the MND states that “The project site previously contained a single-family home that was demolished in January 2014.” It then states that the site is currently vacant, and no surrounding homes are designated as historic resources; therefore, there would be no impact to historic resources. The MND failed to evaluate the demolition of the existing historic resource on the Property, and to identify and evaluate the effect on adjacent historic resources. The original home at 1184 Loma Linda Drive was designed in the early 1950s by Wallace Neff, who is on the City’s list of Master Architects. The home was recently demolished after being red tagged during a landslide; however, the MND must identify and evaluate the historic role of the Property.

For any project that includes subsequent development requiring a discretionary action, the demolition must be included as part of the environmental assessment of the project. Failure to do so constitutes “project splitting” in violation of CEQA. CEQA defines a “project” to include the “whole of an action” that may result in direct or reasonably foreseeable indirect impact on the environment. (CEQA Guidelines 15378 (a); *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 139) Even if a particular permit is ministerial in nature, it requires analysis under the whole of the Project. (*Association for a Cleaner Environment v. Yosemite Community College Dist.* (2004) 116 Cal.App.4th 629, 640.)

The MND also insufficiently evaluates the impact on nearby cultural resources, by claiming that none of the surrounding homes are actually designated as historic resources, but fails to provide any analysis regarding their qualification as historic resources, as required by the Historic Preservation Ordinance (MND p. 41). In fact, the three adjacent houses to the east, 1178, 1176 and 1170 Loma Linda, are more than 45 years old and were designed by Gerard Colcord, who is on the City’s List of Local Master Architects. Under the Historic Preservation Ordinance, all three houses qualify as potentially historic structures.

The City determined that the adjacent home at 1178 Loma Linda Drive does have historic significance, and required compliance with historic standards for a current building addition. A fence ran along the side yards of the shared property line, with a setback, carport and landscaped side yard on the 1184 property, and a landscaped side yard adjacent to the bedroom windows on the 1178 property. The developer’s Project will destroy the quiet respectful relationship between the two historic properties by constructing a massive concrete 6,000 square foot circular driveway in the prior front and side yards, that includes an extension of the street as a fire truck turnaround immediately adjacent to the existing side yard of 1178 Loma Linda. The Project will obliterate the historic setting of the two properties, and the historic fabric of the entire street, which includes two additional homes designed by Gerard Colcord at 1176 and 1170 Loma Linda. Therefore, the MND must be revised to identify and evaluate the impact of the Project on a historic resource – especially considering the location of the proposed street turn around immediately adjacent to the side yards of the historic building.

6. *The MND Failed to Properly Evaluate Construction Air Quality and Noise Impacts to Sensitive Uses Caused by Large Heavy Trucks and Machinery During The 30 Month Construction Period.*

As stated above, the 30 month construction period will create real and significant air quality impacts on the surrounding sensitive uses, including young children in the immediate homes, and the Coldwater Park Preschool to the south. Our clients have four small children under the age of six living at home, and there are five additional children across the street. During the day, the children primarily play in the backyard, indoor areas with open windows, the pool area, and occasionally, the street. The long 30 month hauling and construction period will substantially adversely impact the lives of the neighbors due to the impact to air quality, noise and traffic on the street.

The MND claims that impacts during construction would be less than significant because they are temporary in nature. Under CEQA, construction impacts may still be significant, and cannot be dismissed merely due to the temporary nature. (*Forest Tull v. Yuba County*, 2013 Cal. App. LEXIS 247 (3rd Dist, January 11, 2013)) In the Project, the hauling and concrete material delivery, which utilize loud heavy machinery, will take place over a 5 month period, and will require more than 1,525 round trip heavy trucks.

The running trucks make significant noise as they travel up the street and enter the property. The construction noise levels during hauling and excavation are approximately 86-96 dBA (MND, p. 65), while the ambient noise in the area is currently 51.6 dBA (MND, p. 65). Under CEQA, a significant impact occurs if the noise level increases more than 5 dBA, and the noise in this Project will increase by over 44 dBA. The application fails to analyze the impact of such constant noise during hauling and construction on the adjacent neighbors, especially the small children.

This is clearly a significant impact of the Project that is not mitigated to a level of insignificance. The MND claims that “these noise levels would occur during the daytime in accordance with the permitted hours stipulated in the Municipal Code, and would be temporary, occurring only during certain construction phases. Therefore, impacts would be less than significant.” This is directly contrary to the strict language of CEQA. The developer knows that the children will be at home during most of the hours of construction and that the Coldwater Preschool will be open and using the park area. The MND failed to evaluate the impact of construction noise on these children, and other neighbors, during the stated hours of construction.

Similarly, the MND states that “dust and exhaust emissions associated with construction activities are considered temporary air quality impacts.”; the MND then concludes that the Project has a less than significant impact on daily construction emissions. However, the analysis is based on inaccuracies. First, the thresholds state allowable emissions 87 feet from the Property; however, the adjacent houses are immediately adjacent and within 20 feet from the Property. The MND assumed a 12 cy capacity truck for hauling; however, the City standard and updated Construction Management Plan identify a 10 cy capacity and additional truck trips. Therefore, the MND must be revised to evaluate the impact of the additional trips not considered in the evaluation of air quality or traffic impacts that would extend the time of hauling, and increase the impact.

7. The MND Failed to Fully Evaluate the Traffic Impact During the 30 Month Construction Period on Loma Linda Drive and the Surrounding Streets, Including Coldwater Canyon.

The on-going construction will cause a constant traffic issue, especially during hauling. Every trip from the Project down to Coldwater Canyon may require significant delay to neighbors while waiting for a truck to make the trip past their homes. This will occur not only during the 5 month hauling period, but also during the entire 30-month construction period. The traffic will also be backed up on Coldwater Canyon in both the north and south direction, as the

large trucks make wide turns onto Coldwater Canyon. The MND must evaluate the proposed Construction Management Plan, and identify all delays and impacts caused during the construction of the Project.

8. *The MND Failed to Consider the Impact to Privacy*

In response to claims of lack of privacy, the MND merely stated that privacy is not an environmental issue under CEQA. However, the City failed to understand that it is a necessary finding under the Code for approval of a Hillside R-1 Permit, and is a necessary finding under a land use evaluation under CEQA. The developer proposes to use landscaping and trees to protect privacy; however, as stated above, the inability to water the shrubbery will not allow for any mitigation of privacy impacts. The MND must be revised to consider the necessary land use findings of privacy for an R-1 Permit, and to identify feasible mitigation design measures.

9. *The MND Failed to Identify and Mitigate the Loss of Parking on Loma Linda Drive*

The MND claims that the Project will cause a loss of 5 or 6 public street parking spaces, and concludes that it is a reduction of “a small percentage of the overall available on-street parking in the neighborhood” and “would not result in a significant environmental impact.” Loma Linda Drive is a narrow street with very limited street parking on the top of a steep hill. The street parking is often full during the day due to guests, staff, landscape companies, and other visitors. There is no driveway at 1185 Loma Linda Drive, and the owners rely on immediately accessible street parking for guests. Therefore, any loss in parking will create a significant impact to the existing residents.

In response to this Project, the City prepared a street parking plan that identifies the existing areas of permitted parking. The Project proposes to vacate a portion of the public street for private use, and relocate the emergency turnaround adjacent to 1178 Loma Linda Drive, and across the street from 1185 Loma Linda Drive. This will cause a loss in public street parking across from the emergency turn around. To make matters worse, the developer proposes to include an 8-car underground garage, and a circular driveway with room for 8 additional cars on-site. The MND must be revised to fully evaluate all permanent public street parking eliminated by the Project, including the street vacation.

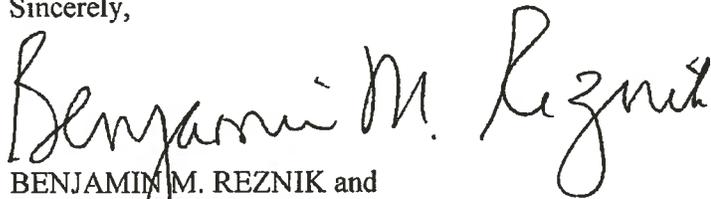
The developer proposes to park all trucks on-site during construction, so that there will not be a loss of parking. However, the diagrams provided show that due to the size of the trucks, parking on Loma Linda Drive will be severely restricted during the 30 month construction period to accommodate the heavy trucks necessary for hauling and material supply. The MND must be revised to identify and evaluate any loss of public street parking caused by the 1,525 heavy truck trips.

10. The MND Failed to Evaluation the Vibration Impact Caused by Using Pile Foundations

The stability of the slope, and the safety of their homes, is a key issue for the immediate neighbors on Loma Linda Drive and those below the property on Coldwater Canyon and Sutton Way. The developer submitted an updated geotechnical analysis by Irvine Geotechnical, dated January 12, 2015, for the east facing slopes. The report notes that the weathered bedrock will not be used to support the structure, and instead the Project will include friction pile foundations. However, the Project environmental review has not evaluated installing pile foundations, including the impacts from vibration on neighboring properties. As our clients' carport and pool are located adjacent to this property line, the amount of vibration is a significant concern. The MND must be revised to evaluate vibration impacts.

The developer claims that he was not required to provide an MND to evaluate the Project, but the City performed one as a conservative measure. This is not true, because the vacation of a public street for private use also triggered the required environmental review. Under the Municipal Code, a 15,000 square foot "by-right" home on his property could not have more than 3,000 cubic yards of hauling, and cannot include a street vacation. And, the by-right project must accommodate emergency vehicles on site, as required by the Fire Code. In order to approve the proposed Project on the Property, the City must fully evaluate the environmental impacts, and prepare and recirculate a revised MND. If the MND cannot mitigate all of the significant impacts, an Environmental Impact Report must be prepared.

Sincerely,



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

SLB:slb

cc: (via e-mail)

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Andre Sahakian
April 27, 2015
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Craig Corman, Planning Commissioner
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Correspondence from Benjamin Reznik

Received on 2/24/15

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February 24, 2015

VIA E-MAIL (kmyron@beverlyhills.org) AND HAND DELIVERY

Beverly Hills Planning Commission
Howard S. Fisher, Chair
Alan Robert Block, Vice Chair
Craig Corman, Commissioner
Farshid Joe Shooshani, Commissioner
Attention: Karen Myron
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: 1184-93 Loma Linda Drive
Comments to Revised Drawings

Dear Chairman Fisher and Members of the Planning Commission:

As you know, we represent Debbie Weiss and Adrian Lorimer, the owners of the home located at 1185 Loma Linda Drive, directly adjacent to the applicant's property. At the Planning Commission hearing on December 11, 2014, we and our clients voiced significant concerns regarding the massive proposed development, because of its scale compared to the other historic homes on this narrow street, invasion of privacy, removal of scarce street parking and other significant public welfare and safety impacts.

At the hearing, the Commission directed the applicant to work with the neighbors to address their concerns, to provide a revised design that significantly reduced the size of the project, and to meet with an ad hoc committee of the Planning Commission to provide a means to more fully discuss the neighbor's issues. The applicant has failed to do this.

The revised project includes only minor adjustments and compliance with code-required setbacks. These small gestures fail to reduce the significant impact caused by the large development that requires taking of a public street without providing any benefit to the community in return.

1. ***Failure to meet with our clients prior to submitting revised plans.*** The applicant failed to meet with our clients, as directed by the Commission, to obtain their input prior to submitting their final plans to the City.

Our clients corresponded with the architect, Bernardo Broas, to set a meeting to discuss their specific concerns. Even though Debbie Weiss provided several available dates and followed up on the meeting status, the architect never set a meeting but stated that they wanted to

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meet with City departments first. To our clients' surprise, on January 28, 2015, they received an e-mail from the planner, Andre Sahakian, stating that the applicant had submitted a revised set of plans without having any conversation with our clients. On February 4, 2015, the planner notified us that the architect submitted a full set of plans.

We finally met with Jake McEwan and Bernardo Broas on February 5, 2015 to review the revised design and voice our concerns. We requested that they submit revised plans addressing the issues and hold an ad hoc committee hearing to allow a fuller discussion about the changes.

On February 9, 2015, we reviewed the full drawing set submitted to the Planning Department, which did not adequately address our concerns. There were several questions that Mr. Sahakian could not answer, and we were directed to the Public Works Department and the Streets Department. The following is our summary of comments to the revised project.

2. ***Maintenance of Street Parking.*** Loma Linda Drive is a narrow street with very limited street parking on the top of a steep hill. The street parking is often full during the day due to guests, staff, landscape companies, and other visitors. (see attached photos) Any events require valet services that park off the street.

The revised project proposes to take approximately 2,800 square feet of public street at the terminus of Loma Linda Drive, while providing 14 parking spaces on the project site (8 of which are in a subterranean garage) for the applicant's private use. This is equivalent to all of the remaining parking spaces on the entire street. The revised project will eliminate some of the rare street parking spaces, but the City and the applicant provide conflicting information regarding the number of lost spaces.

The owner's representative, Mr. McEwan, informed us that there will not be any loss of parking along the entire frontage of our clients' home at 1185 Loma Linda Drive, except for potentially one space adjacent to the alleyway. This is extremely important, because our clients do not have a driveway, and typically utilize several street parking spaces daily for staff and guests. However, Mr. Sahakian told us that approximately half of the street parking along this frontage may be removed across from the emergency turn-around. (see attached diagram) The MND for the original project stated that up to 6 street parking spaces may be eliminated. We have been unable to get a definitive answer regarding the loss of street parking from the City.

The removal of any street parking is not acceptable, and, in fact, the project should be adding parking to the street considering that the project is taking public street space for private benefit.

3. ***Loss of Public Land with Views.*** The revised design still vacates approximately 2,800 square feet of public street at the end of Loma Linda Drive, which has sweeping views of the City, so that the applicant can locate their main house to take advantage of this vista as a private view. The living room of the proposed house is located directly on top of the existing street turn-around. (see attached diagram) In exchange for obtaining this prime land from the City and the public, the applicant proposes to provide an approximate 1,000 square foot emergency vehicle

turn area, and another 1,800 square foot landscaped area that provides no usable value to the neighbors or the City. In fact, the City will now be required to maintain this landscaped area.

The emergency turn around was moved approximately 20 feet further from the neighbors at 1178 Loma Linda Drive, but is still located directly across from the master bedroom and family room at 1185 Loma Linda Drive. Our clients' home is located on the street with no driveway or gate, and will be significantly affected by the noise caused by use of the turn-around in this location. According to Mr. Sahakian, it will also require removal of street parking in front of the house directly across from the turn-around. The City could gain a code-compliant emergency turn-around that remedies these two issues simply by vacating and swapping only the necessary 1,000 square feet, and locating it at the end of the existing street.

Why should this turn around be relocated to our clients' front door for the purpose of providing the developer choice City-owned real estate in the form of a public road? This is unfair and illegal. There is no public use or purpose served by such an arrangement.

4. ***Failure to Request Required Entitlements and to Provide Legally Adequate Findings for a Street Vacation.*** The City cannot make any of the findings required to vacate the public street for private use by the applicant. The process and procedures for vacation of a public street and public easement are found in the Public Streets, Highways and Service Easements Vacation Law, California Streets and Highways Code section 8300, *et seq.* (the "Streets Code")

Section 8324 (b) of the Streets Code provides that the City Council can adopt a resolution vacating a public street only if the legislature finds, from all the evidence submitted, that the street "***is unnecessary for present or prospective public use.***" The City Council cannot make this finding, because the public street is required, now and in the future, for public parking, circulation and public utilities. Specifically, this portion of the street is necessary for the existing emergency turn-around, as required under the Fire Code.

The code also provides that no street shall be vacated until the Planning Commission determines that the street vacation conforms with the General Plan. (Government Code section 65402(a)) The Planning Commission cannot make this finding, because the street is necessary under the Land Use and Circulation sections of the General Plan for use by the adjacent residents, by the City for public utilities, and by emergency vehicles for the turn around. The initial staff report cites two provisions of the Fire Code requiring access for emergency vehicles as a reason to justify street vacation. To the contrary, the project can comply with the Fire Code requirements without vacating any portion of the street by simply dedicating or providing an easement on a small portion of the property for a turn around. This has been done on numerous other single family residences in Beverly Hills.

The applicant presents the street vacation as a "land swap," which he purports merely requires that he dedicate an amount of land equal to or greater than the area of the street that is vacated. As stated above, he proposes to dedicate land in front of his property, the majority of which provides no public benefit at all. In addition, he proposes to relocate the existing turn

around to an area that creates significant impacts to the residents on the entire street due to loss of parking and increased noise. The applicant cannot use the street vacation process to relocate an emergency turn around simply to benefit his project. The City cannot make the required legal findings and the street vacation must be denied.

5. ***Substantial Adverse Impact on Privacy.*** The revised design depicts the guest house/office at the minimum side yard setback required by the code, which is 15'-2" from the property line. Two large balconies, approximately 8 feet in depth, extend from the first and second level of the guest house and still have a direct view into our clients' backyard, pool, shower, and children's play area. In addition, views from the upper level of the main house will look directly down on the backyard as well. The applicant proposes to plant ficus trees in the area between a new retaining wall on the property line and a stairway along the outside of the guest house. In addition to these trees being blocked by the guest house and not having sufficient sunlight to thrive, the applicant has been repeatedly advised that plantings, walls and fencing are not acceptable remedies as they do not solve the privacy issues.

The guest house does not have to interfere with our clients' privacy. It could be located elsewhere on the 85,000 square foot property or be removed altogether. There is still a 10 foot gap between the guest house and the main house on the ground level; therefore, there is no reason that the guest house cannot be located further from the property line and from our clients' home. As the second level of the main house also has a sightline from windows and balconies into our clients' backyard, the design of the main house needs to be revised to ensure privacy as well.

In order to approve a Hillside R-1 Permit for a single family home, the Commission must make the specific findings that "the development will not have a substantial adverse impact on the scale, integrity, or character of the area or on the privacy of the neighboring properties." (BHMC 10-3-2502.B) This revised project still includes balconies, open areas and rooms that look directly into our clients' backyard; therefore, even with the revised design, the Commission cannot make these findings.

6. ***Significant Hauling and Other Construction Impacts.*** The revised design eliminates the proposed underground basketball court and two parking garage spaces, but, according to the applicant's calculations, still requires 6,000 cubic yards of hauling – which is twice that permitted by code. The revised design removes 1,150 square feet of floor area in the basement, but adds approximately 600 square feet of area on the main level; so, there is minimal change in the overall size of the project (approximately 2%).

The applicant acknowledged that the MND incorrectly calculates the number of haul trips, because it utilizes 12-cy trucks instead of the maximum 10-cy trucks allowed on Loma Linda Drive. For 6,000 cubic yards, the project will still require 1,200 single way truck trips for hauling only.

However, the calculations fail to take into account the additional truck trips required to bring construction materials and worker vehicles for the new 600 square feet of upper level floor

area, landscaping, relocation of water lines, and installation of utilities over two plus years. Requests to the applicant to supply revised truck trip figures go unanswered. Although the haul times for soil removal are reduced from the original project, truck trips in other areas will increase. The truck traffic still causes a significant impact to the neighbors.

As stated in our prior letter, the applicant failed to include the amount of soil remediation performed in 2010 and 2012 in the total calculation for import/export from the site within a five (5) year period. (BHMC 10-3-2521) This is important to identify and evaluate the amount of hassle and impacts the neighbors have already endured.

~~As stated in our prior letters and testimony, our clients~~ have four small children under the age of six living at home, and there are five additional children across the street. During the day, the children primarily play in the backyard, indoor areas with open windows, the pool area, and occasionally, the street. The long hauling and construction period will substantially adversely impact the lives of the neighbors due to the impact to air quality, noise and traffic on the street. Even with mitigation, the dust from excavation and hauling soil will be airborne and will come down in the backyards and pools of the adjacent houses. The running trucks make significant noise as they travel up the street and enter the property. The construction noise levels and vibration during hauling and excavation are extremely high (86-96 dBA, which is more than 44 dBA over the current noise levels), which will not allow for any quiet or sleep time.

The revised project still has significant hauling for rarely used but excessively large luxury uses. The 11,291 square foot below-grade lower level is excavated solely to allow additional floor area that does not fit within the allowable building envelope. This floor area includes an underground bowling alley, 8-car underground garage, gymnasium, gymnasium bath, salon, spa, massage room, multiple maids rooms, media room, simulator room, wine room and two separate bars, in addition to a family room.

As stated in the original staff report for the project, the applicant has agreed to comply with all of the conditions for hauling required in Trousdale Estates, which should be included in any conditions of approval. In addition, we will provide a separate list of conditions necessary to mitigate the impact of the hauling and construction on the neighbors, especially on the small children who will be at home during the entire construction period.

7. **Geotechnical Analysis.** The stability of the slope, and the safety of their homes, is a key issue for the immediate neighbors on Loma Linda Drive and those below the property on Coldwater Canyon. The applicant submitted an updated geotechnical analysis by Irvine Geotechnical, dated January 12, 2015, for the east facing slopes. The report notes that the weathered bedrock will not be used to support the structure, and instead the project will include friction pile foundations. However, the project environmental review has not evaluated installing pile foundations, including the impacts from vibration on neighboring properties. As our clients' carport and pool are located adjacent to this property line, the amount of vibration is a significant concern.

8. **Relocation of Public Utilities.** The applicant proposes to relocate the public sewer and water lines from the existing easement on his property, under the proposed guest house, to a new 15 foot easement around the north and west side of the property adjacent to 1178 Loma Linda Drive. This will be very costly, and will make the utilities difficult to maintain along the steep slope. In the event that this relocation proceeds, the City must provide conditions in the project approval to ensure the neighbors that the relocation of utilities will not have any impact on their service during installation and operation.

9. **Additional Concerns.** Even with the revisions to the project, our clients maintain all of their original claims identified in the letter to the Commission, dated December 10, 2014. These include, but are not limited to: (i) the failure to evaluate the demolition of a historic resource and the impacts on neighboring significant historic resources, which is required under CEQA even for a retagged building, and (ii) the failure to comply with the California Environmental Quality Act, due to impacts from air quality, geotechnical, noise, traffic, parking, lack of alternatives and project splitting. In addition, the applicant did not submit any views of the project from the park below the property, as requested by the Commission.

10. **By-Right Project.** Under the Municipal Code, the applicant can build a "by-right" home on his property that includes up to 15,000 square feet of floor area with no more than 3,000 cubic yards of hauling. This project would not include any street vacation, and the applicant must accommodate emergency vehicles on site, as required by the Fire Code. The building would be located primarily on the northwestern portion of the site (the location of the original house), and would not benefit from the sweeping views from the end of Loma Linda Drive.

If the applicant wants the significant value of taking valuable public property with spectacular views and to haul 6,000 cubic yards of dirt (more than twice permitted by code) on a narrow winding street, he must provide a design that considers the neighbors' real concerns and that complies with the code. The Commission can only approve the project if it finds that it does not have "a substantial adverse impact on the scale, integrity, or character of the area or on the privacy of the neighboring properties"; even for the revised design, the Commission cannot make these findings.

Sincerely,



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

Enclosures

BMR:slb

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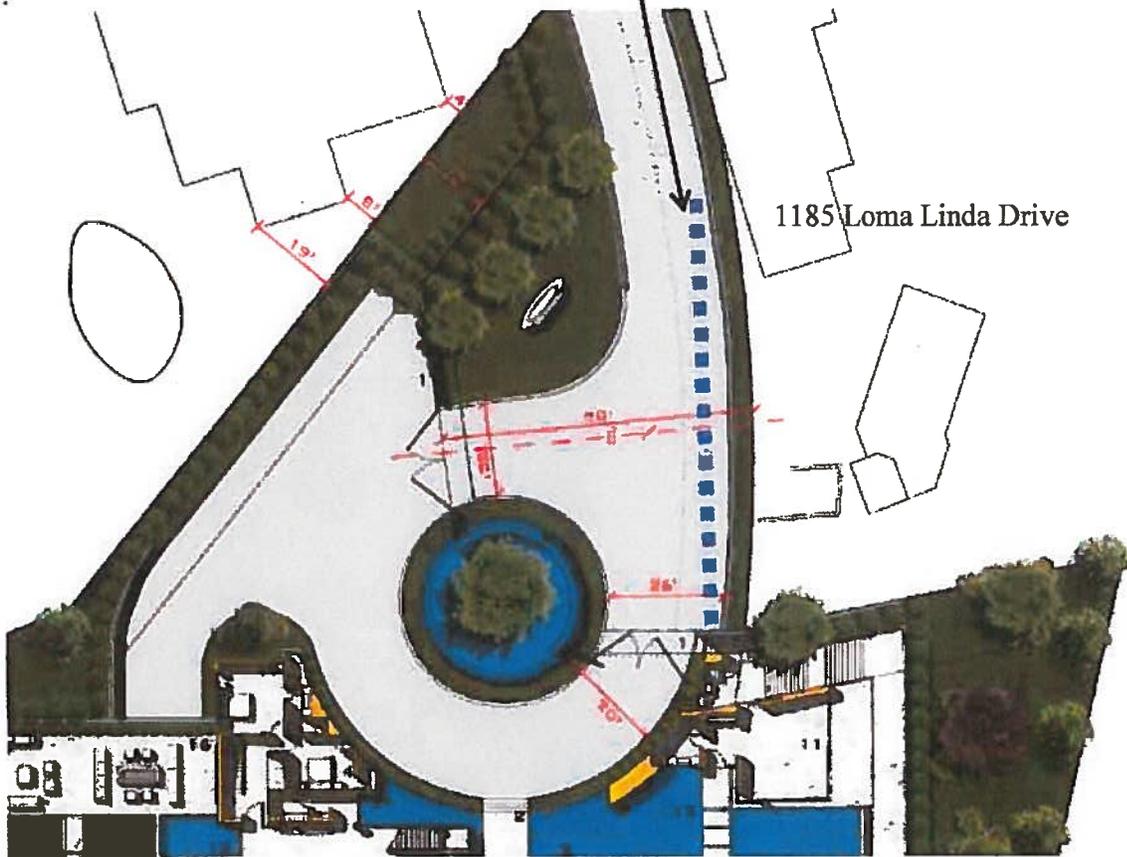


PARKING EXHIBIT
1184 Loma Linda Drive
February 2015



Per Fire Code, no parking is permitted within the emergency turn around area on either side of the street.

The dotted purple line depicts the loss of parking in front of 1185 Loma Linda Drive.



STREET VACATION EXHIBIT
1184 Loma Linda Drive
February 2015

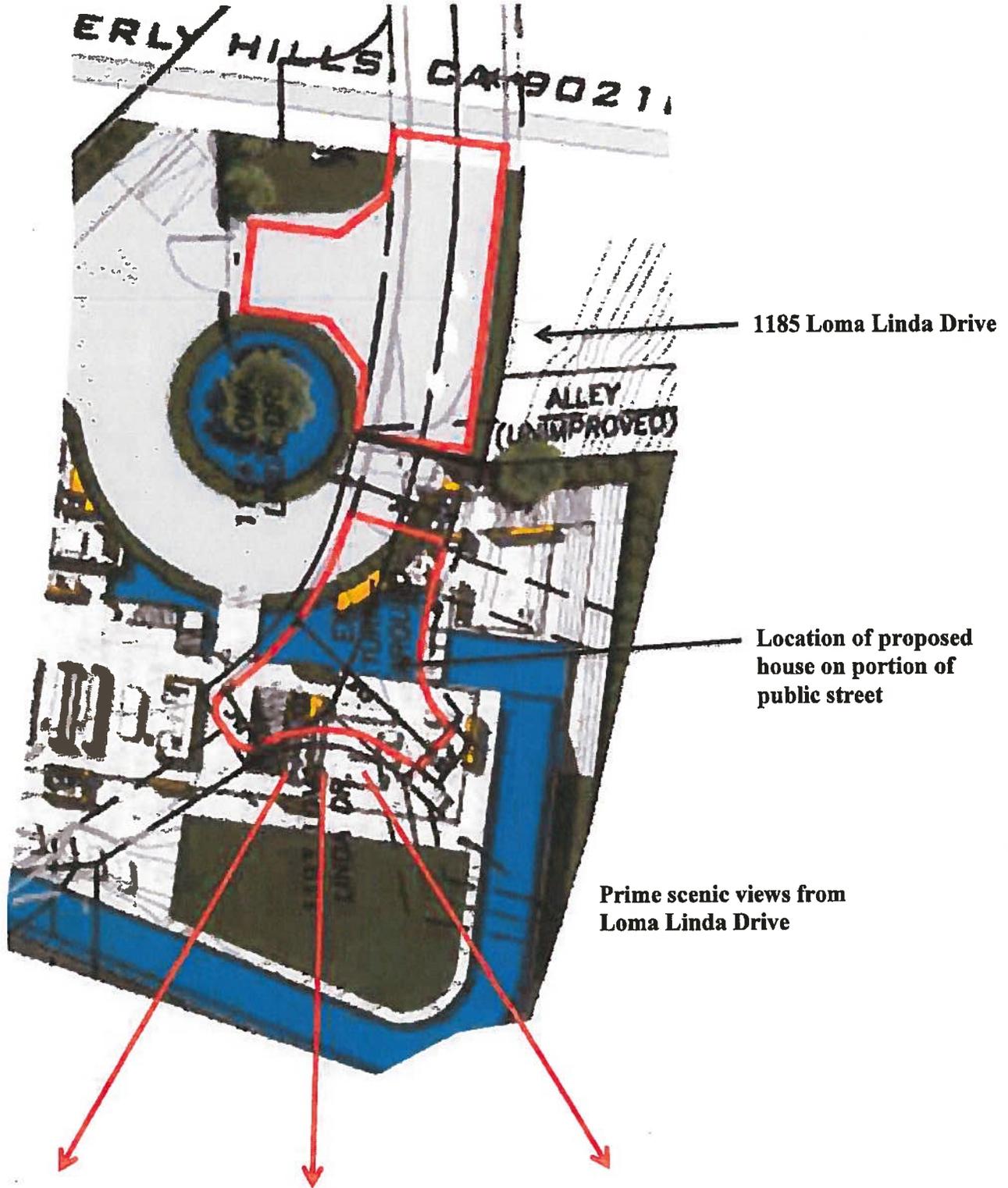


PHOTO EXHIBIT
1184 Loma Linda Drive
February 2015



1. Index



2. South Facing



3. South Facing



4. North Facing

Correspondence from Benjamin Reznik

Received on 12/11/15

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December 11, 2014

VIA E-MAIL (kmyron@beverlyhills.org) AND HAND DELIVERY

Beverly Hills Planning Commission
Howard S. Fisher, Chair
Alan Robert Block, Vice Chair
Craig Corman, Commissioner
Brian Rosentstein, Commissioner
Farshid Joe Shooshani, Commissioner
Attention: Karen Myron
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: 1184-93 Loma Linda Drive
Hearing Date: Thursday, December 11, 2014
Item No. 2

Dear Chairman Fisher and Members of the Planning Commission:

We represent Debbie Weiss and Adrian Lorimer, the owners of the home located at 1185 Loma Linda Drive, and Nataalia Rey and Glen Revivo, the owners of the home at 1178 Loma Linda Drive, both of which are directly adjacent to the applicant's property on either side (collectively, the neighbors). On December 10, 2014, we submitted a letter to the City Planning Commission stating the neighbors opposition to the proposed massive 23,632 square foot structure (the "Project") at 1184-93 Loma Linda Drive (the "Property"), and providing substantive legal analysis supporting denial of the Project. We now supplement this letter with diagrams that illustrate the key issues. The following is a list of issues described on the attached architectural boards.

Boards 1/7: **The building is over allowable total height.** The maximum height from the lowest exposed point on the structure to the highest element of the structure must not exceed 55 feet. (BHMC 10-3 2503.B) Based on the dimensions on the submitted drawings, the building is 59'-9" in height – almost 5 feet over height. The drawings clearly mislabel the 55 foot height on specific drawings, and measure it from the upper pad level instead of the lowest level, as required by code.

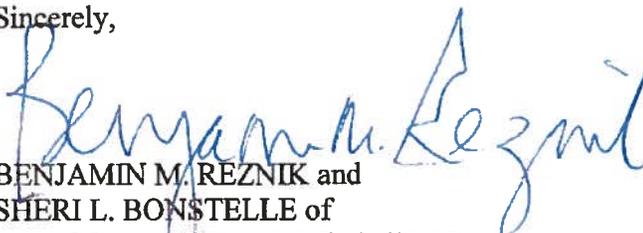
Board 2: **The building is over allowable building height.** The maximum allowable height of a structure over a slope is 22 feet; the maximum height of the building on a

level pad is 30 feet. (BHMC 10-3 2503.B) The section through the guest house shows the building is 23'-6" and is located over a slope; therefore, it exceeds allowable height. The maximum allowable grade adjacent to a building is 2:1. As shown on the illustration, the slope far exceeds this ratio. Using the correct slope, the grade will hit the building at the bottom of the retaining wall, increasing the height of the building to approximately 32 feet in height – far exceeding allowable height.

- Board 3: **The guest house does not comply with code setback.** The guest house does not comply with the required 15'-2" side yard setback – which is shown in the dashed purple line – and it is located far too close to the Weiss/Lorimer home with a direct view of pool, backyard and rear windows. The sole reason for the alley vacation is to allow a structure closer to the neighbor than permitted by code.
- Board 4: **The City donates 2,298 square feet of public land to owner at no cost.** The Project dedicates approximately 1,484 square feet for public turn around (calculated from applicant drawings) and receives 3,782 square feet (per City street vacation exhibits). This is a net gain of approximately 2,298 square feet of land at no cost to the owner. The street vacation results in a loss of 6-8 frequently used public parking spaces. The turnaround could easily be located further south on Loma Linda to reduce the impact to neighboring homes, and per City Fire Code standards, could be smaller in width while accommodating fire vehicles.
- Boards 5/6: **Guest house violates privacy of Weiss/Lorimer home.** The corner of the guest house and balcony is located 38 feet away from and 5 feet above the adjacent private backyard and pool. As shown on the photograph, there is a clear view from the guest house into the neighbor's backyard.

These diagrams supplement the information and analysis in our prior letter, and clearly show that the Project violates the height and setback regulations in the Code, without any justification, and the applicant fails to make the findings of privacy, and compatibility with scale, integrity and character of the neighborhood, as required for a Hillside R-1 Permit. The Project is contrary to public policy, the City's Municipal Code, and CEQA, and must be denied.

Sincerely,

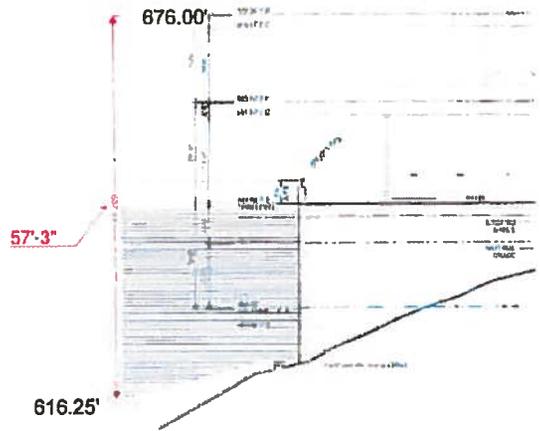


BENJAMIN M. REZNIK and
SHERI L. BONSTELLE of
Jeffer Mangels Butler & Mitchell LLP

Beverly Hills Planning Commission
December 11, 2014
Page 3

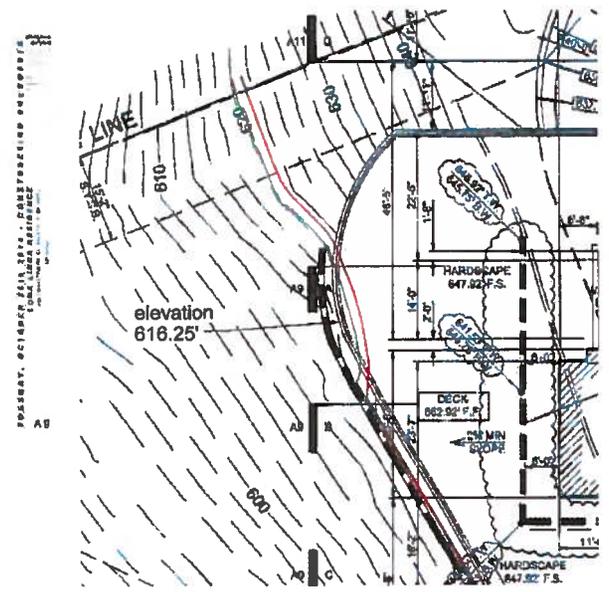
Attachments
BMR:slb

cc: via e-mail:
Susan Healy Keene, Director of Community Development (skeene@beverlyhills.org)
Ryan Gohlich, Senior Planner (rgohlich@beverlyhills.org)
Andre Sahakian, Associate Planner (asahakian@beverlyhills.org)
Tom Levyn, Attorney for Applicant (tlevyn@glaserweil.com)



SECTION C
SCALE: 1/8" = 1' - 0"

② Drawing 1
1/4" = 1'-0"



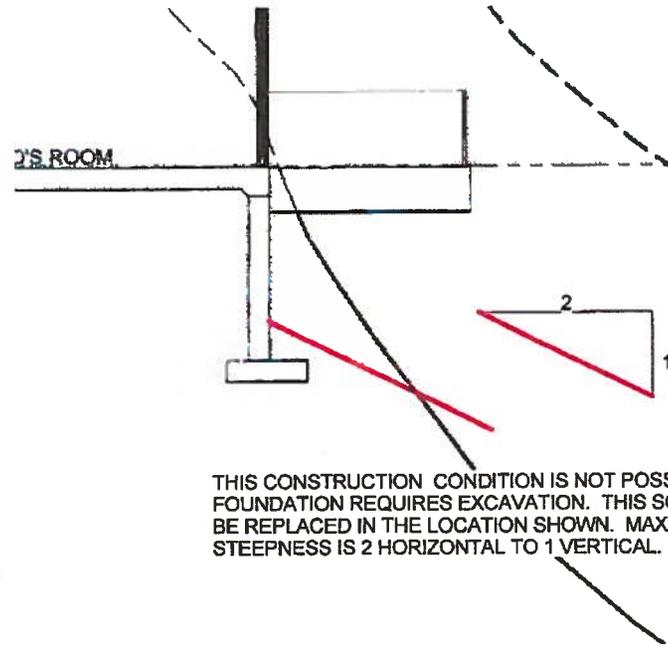
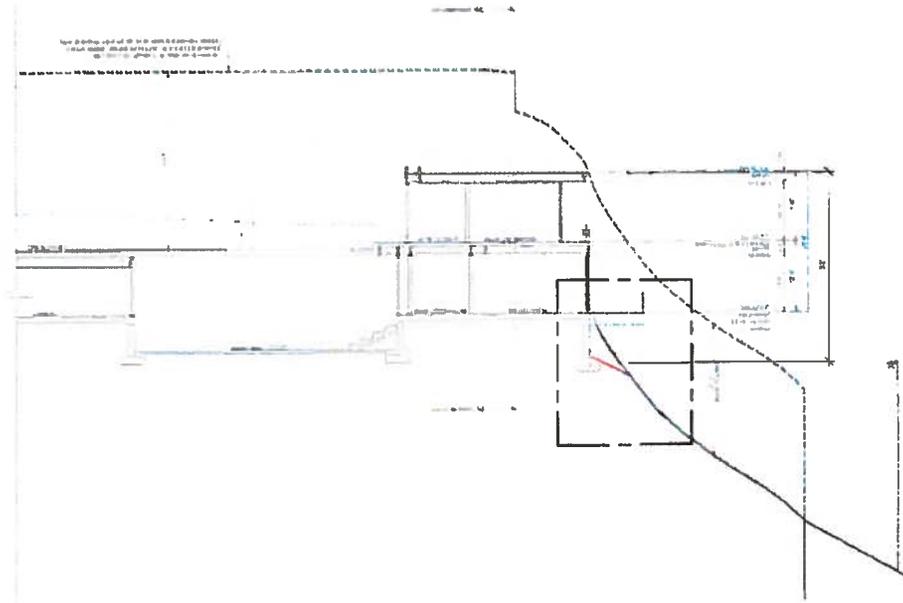
① Copy of Level 1
1" = 10'-0"

ROOF HEIGHT ELEVATION= 676.00'
 MAXIMUM HT OF 55 FT - 55.00
 MINIMUM GROUND ELEVATION = 621.00'

BASED ON TOPOGRAPHY SHOWN BUILDING HEIGHT IS 59'-9"

BASED ON DRAWING PROVIDED BUILDING HEIGHT IS 57'-3"

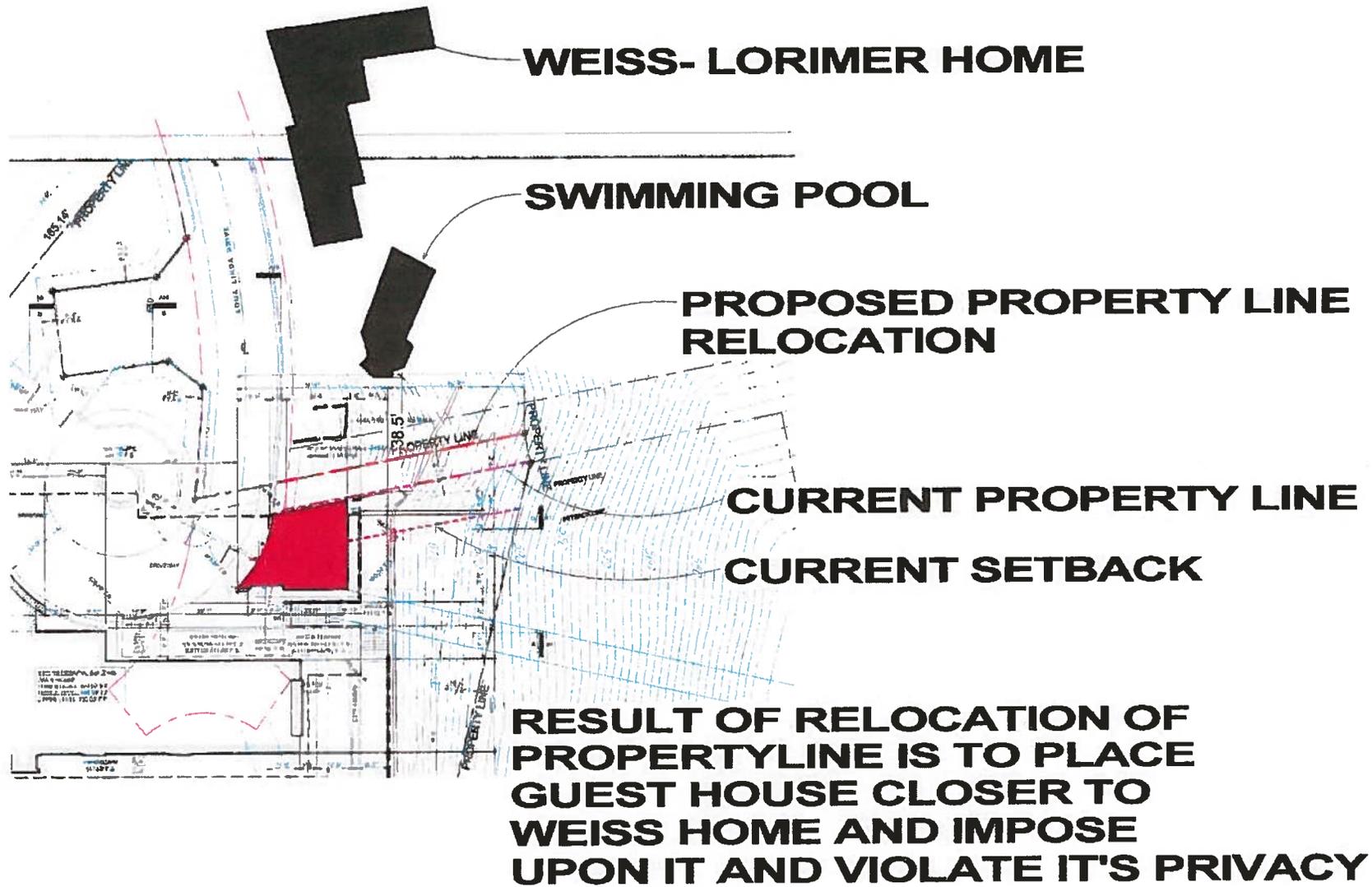
BUILDING IS OVER HEIGHT



THIS CONSTRUCTION CONDITION IS NOT POSSIBLE:
 FOUNDATION REQUIRES EXCAVATION. THIS SOIL CANNOT
 BE REPLACED IN THE LOCATION SHOWN. MAXIMUM FILL
 STEEPNESS IS 2 HORIZONTAL TO 1 VERTICAL.

① *Optima 2*
 34-114

IMPOSSIBLE CONSTRUCTION CONDITION AFFECTING BUILDING HEIGHT



GUEST HOUSE LOCATION



PRIVACY VIOLATION

Correspondence from Benjamin Reznik

Received on 12/10/15

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December 10, 2014

VIA E-MAIL (kmyron@beverlyhills.org) AND HAND DELIVERY

Beverly Hills Planning Commission
Howard S. Fisher, Chair
Alan Robert Block, Vice Chair
Craig Corman, Commissioner
Brian Rosentstein, Commissioner
Farshid Joe Shooshani, Commissioner
Attention: Karen Myron
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: 1184-93 Loma Linda Drive
Hearing Date: Thursday, December 11, 2014
Item No. 2

Dear Chairman Fisher and Members of the Planning Commission:

We represent Debbie Weiss and Adrian Lorimer, the owners of the home located at 1185 Loma Linda Drive, and Natalia Rey and Glen Revivo, the owners of the home at 1178 Loma Linda Drive, both of which are directly adjacent to the applicant's property on either side (collectively, the neighbors). The neighbors oppose construction of the proposed massive 23,632 square foot structure (the "Project") at 1184-93 Loma Linda Drive (the "Property"), because it is out of scale with the other historic homes on this small street, will invade neighbors' privacy and quiet enjoyment of their homes, eliminates scarce street parking and will cause significant public welfare and safety impacts that have not been evaluated or mitigated.

The applicant demolished a historic Wallace Neff home without any evaluation under the California Environmental Quality Act ("CEQA"), and immediately filed an application for a vast house that exceeds the allowable floor area by more than 8,000 square feet. The applicant requests a special privilege that will allow him to construct an extravagant luxury home on a steeply sloped lot with a history of landslides at the expense of all of the neighbors on the street, but most significantly, the nine (9) children living in the two houses directly adjacent to this Property. To accomplish this design, the applicant proposes a land swap with the City that will increase his Property area by 1,094 square feet at no cost to him, remove a public street with six (6) street parking spaces (30 percent of the existing street parking), and locate a 6,000 square foot circular driveway with two gates and a fire truck turnaround immediately adjacent to the side yard of a historic home designed by Master Architect Gerard Colcord.

The City Planning Commission does not have the authority to approve this Project at this hearing, because the applicant has failed to apply for multiple necessary entitlements, such as variances for height and side yards, and exemption from the 2-acre lot requirement. Therefore, the Hillside R-1 Permit and related entitlements must be denied. The neighbors support development on the Property at a scale and in a manner that complies with the Code and compliments the quiet and safe neighborhood.

I. Executive Summary

The following is a brief summary of the key issues related to the application for entitlements for the proposed Project.

A. *Failure to Comply with Floor Area Limitation.* The 23,632 square foot single family house is 8,130 square feet greater than permitted by the Municipal Code ("Code"). The Project must comply with two separate floor area limitations. First, the maximum cumulative floor area shall not exceed a formula equal to 31% of the level pad plus 10% of the slope area, which is equal to 15,502 square feet. (BHMC 10-3-2502.B.2.d) Second, any single family home in excess of 15,000 square feet, including basement floor area, also requires a Hillside R-1 Permit with findings of neighbor privacy and scale and character compatibility. The Planning Commission does not have the authority to approve a development in excess of the 15,502 square foot maximum, because the lot area is less than 2 acres; the Planning Commission cannot make the findings for any area in excess of 15,000 square feet, because the Project significantly invades the privacy of the adjacent neighbors.

B. *Failure to Comply with Height Limitation.* The three-story structure does not comply with the height requirements of the Code. The Code limits the height of buildings on the Property to within an envelope extending from 22' at the required setback, then at a 33 degree angle to a maximum 30' in height. However, no portion of a structure over a slope may be 22' in height, and the across the Property may not exceed 55' in total vertical height. The drawings fail to identify these locations; however, by reviewing the height numbers on the sections and topography, it is clear that there are several locations that violate these 22' and 55' height limitations.

C. *Failure to Provide Guest Suite Setback.* The Project includes a grand 6,000 square foot circular driveway, and expansive balconies and plazas expanding from the building in three directions. To accommodate this, the Project locates the maid quarters and guest house directly on the property line across the 20' public alley from 1185 Loma Linda Drive. Without the required 15'-2" side yard setback, the applicant requests the City to vacate half the alley to count towards the setback, which the Staff Report recommends to deny due to necessary access to existing utilities. The guest suite will significantly invade the privacy of the 1185 Loma Linda home, as it has a direct view into the entire rear yard including the pool and the children's play area and the master bathroom through both the glass wall and extended balconies, and will cast a shadow on their backyard.

D. Significant Impact on Adjacent Historic Resource. In the early 1950s, the home at 1184 Loma Linda, designed by Wallace Neff, was constructed directly adjacent to the home at 1178 Loma Linda, designed by Gerard Colcord, both of whom are now considered Master Architects. A fence ran along the side yards of the shared property line, with a setback, carport and landscaped side yard on the 1184 property, and a landscaped side yard adjacent to the bedroom windows on the 1178 property. The applicant's Project will destroy the quiet respectful relationship between the two historic properties by constructing a massive concrete 6,000 square foot circular driveway in the prior front and side yards, that includes an extension of the street as a fire truck turnaround immediately adjacent to the existing side yard of 1178 Loma Linda. The Project will obliterate the historic setting of the two properties, and the historic fabric of the entire street, which includes two additional homes designed by Gerard Colcord at 1176 and 1170 Loma Linda. The Staff Report and MND provide no historical analysis, and no justification or mitigation for such substantial impact.

E. Inadequate Hillside R-1 Permit Findings for Floor Area in Excess of 15,000 square feet. The seven current homes on Loma Linda Drive consist of elegant two-story buildings with white picket fences, primarily constructed in the 1950s and 60s, and ranging in size from 4,623 square feet to 8,430 square feet. At 23,632 square feet, the Project is more than three times the area of the largest house and four times the average area of homes on the street. In order to approve a floor area over 15,000 square feet, the Planning Commission must find that "the development will not have a substantial adverse impact on the scale, integrity, or character of the area or on the privacy of the neighboring properties." (BHMC 10-3-2502.B) The Staff Report and the applicant both fail to provide these findings at all.

The Project substantially impacts the privacy of multiple properties, including the two adjoining neighbors at 1185 Loma Linda Drive and 1178 Loma Linda Drive, and the properties below the Project at 1115 Coldwater Canyon and along Sutton Way, because it has direct primary views into their backyards. The construction will have a substantial adverse impact on the scale, integrity and character of the area for several reasons: the proposed house exceeds the average floor area of other residences on the street fourfold, creates a concrete expanse of driveway between the pedestrian and the house, completely blocks the sweeping view of the city from the public street, and constructs a 30 foot high wall of white stucco and glass at the terminus of the street. Based on these substantial adverse impacts, the Planning Commission cannot make the findings for an increase in floor area over 15,000 square feet for a Hillside R-1 Permit.

F. Inadequate Hillside R-1 Permit Findings for Export in Excess of 3,000 cubic yards. The applicant located more than 10,000 square feet of floor area partially underground in order to create a massive structure that would not otherwise fit within the City's zoning envelope on a hillside lot. As such, the Project requires export of 8,081 cubic yards of soil, 5,000 cy more than that allowed by Code, from the Property down the narrow winding street lined with homes. In order to approve an export of material in excess of 3,000 cubic yards in a five (5) year period, the Planning Commission must find that "the import or export will not create a substantial

adverse impact on the surrounding neighborhood.” The Planning Commission must also consider haul routes, scheduling, phasing, and safety precautions proposed. The Staff Report and the applicant both fail to provide these findings.

First, the applicant failed to identify and evaluate all of the material imported and exported from the site during a five (5) year period, because all of the remediation and grading work in 2012 and other work within the past 5 years was omitted from the 8,081 cy calculation. Second, the Project will include 5 months of heavy truck hauling and an additional 14 months of material delivery that will significantly impact all of the neighbors, but primarily the nine (9) children in the two adjacent homes at 1178 and 1185 Loma Linda.

This long hauling schedule will cause an unsafe street and limit emergency access; significantly affect the air quality especially in the backyard of adjacent home backyards; cause significant traffic delays entering and leaving the homes; and create constant loud noises 44 decibels over the current ambient noise level. The MND fails to adequately evaluate and mitigate the significant construction impacts caused by the Project, specifically related to the export of material.

G. *Inadequate Findings for Street and Alley Vacations.* The applicant’s Project requires the City to grant a special privilege that will create an unprecedented benefit to a wealthy landowner at a significant disadvantage to the neighbors on the historic street, especially the adjacent homeowners. The land swap, consisting of the proposed street and alley vacations, will increase the applicant’s property area by 1,094 square feet at no cost to him. It will result in a loss of 6 frequently used street parking spaces (30 percent of the street parking), while providing 16 private parking spaces (10 subterranean, 6 at grade) on the site. This is more than all of the remaining public parking on the street (14 spaces). It will create a 6,000 square foot concrete circular driveway and fire truck back up/turn around area (which is larger than the entire floor area of the adjacent homes) on the prior front and side yards of the home, which is located directly adjacent to the quiet side yard of the adjacent historic Gerard Colcord home – and will significantly devalue the property. It will destroy the historic relationship and fabric of the street. It will allow the guest suite to be located 10 feet closer to the neighboring property than allowed by Code setbacks, which will cause a significant invasion of privacy.

To recommend a vacation and Amendment to the Streets Master Plan, the Planning Commission must find that the street and alley are no longer necessary for present or prospective public street purposes and/or other public uses; and, the vacation and Amendments conform to the General Plan. The Planning Commission cannot make these findings because the alley and street are both necessary for public street purposes, and as stated above, loss of such public street and alley use will cause substantial impacts on the adjacent neighbors and the entire community.

H. *Failure to Comply with CEQA.* The applicant prepared an MND for the Project in an effort to convince the City that there are no significant impacts that cannot be mitigated; however, the Project creates significant construction noise, traffic and air quality impacts that the MND dismisses as insignificant because they are “temporary,” contrary to CEQA caselaw. As

stated in the MND, the surrounding residential homes are sensitive receptors, especially considering the nine (9) children residing in the two adjacent houses. The MND also violates CEQA by project splitting by not evaluating the demolition of the potentially historic Wallace Neff home on the site in 2014 as part of the new proposed development. The MND insufficiently evaluates the impact on nearby cultural resources, because the three adjacent houses to the east, 1178, 1176 and 1170 Loma Linda, were designed by Gerard Colcord, who is on the City's List of Local Master Architects.

The environmental review failed to consider alternatives that would have an environmentally superior alternative by reducing or eliminating some of these significant impacts, such as locating the guest house and turn around away from adjacent residences, and reducing the scale of the excavation to limit the significant construction impacts. The MND violates CEQA in numerous other areas, including but not limited to geotechnical analysis, land use analysis, construction effects, utilities/service systems, and lack of sufficient mitigation. Due to the fact that there are significant impacts that are not mitigated, an Environmental Impact Report ("EIR") must be prepared for the Project.

I. ***List of Necessary Entitlements Not Noticed.*** In order to approve the Project as designed, the Planning Commission must approve other additional entitlements that have not been properly noticed, contrary to the provisions of the Brown Act. These include but are not limited to, variances for total vertical height, building height, and side yard setbacks; determination to evaluate a smaller lot under 2-acre lot standards for a Hillside R-1 Permit; reallocation of the street vacation; and, environmental analysis under CEQA of these new entitlements.

J. ***Insufficient Application Materials.*** The applicant failed to provide the required complete application materials for a Hillside R-1 Permit to allow the Planning Commission and the public to understand the Project to the level necessary to make the required findings and evaluate the environmental impacts. The site plan, plans and elevations fail to include the adjacent houses in order to evaluate the proximity of the proposed Project structures on the neighbors. The elevations do not include an elevation of the guest suite facing the 1185 Loma Linda yard. The materials fail to include view analysis diagrams, setback diagrams from the current property line, and separate site plans identifying the location and lot area of each of the flat lot areas. The materials are inconsistent, such as the topographic lines on the survey do not match the topographic lines in the drawings, and the drainage easements to be relocated are not identified anywhere on the plans. Finally, the City accepted a signed affidavit that the submitted plans are full and complete without these necessary drawings.

II. The Floor Area of the Project Far Exceeds that Permitted by Code, Even Under a Hillside R-1 Permit

Pursuant to the Staff Report, the proposed Project provides 23,632 square feet of floor area, including 13,089 square feet on two upper levels, and 10,543 square feet on a partial subterranean level. The partial subterranean level does not qualify as a basement, because the

lower level extends beyond the perimeter of the upper levels and is not entirely below the natural grade. (BHMC 10-3-100) The Project must comply with two separate floor area limitations. First, the maximum cumulative floor area shall not exceed a formula equal to 31% of the level pad plus 10% of the slope area. (BHMC 10-3-2502.B.2.d) Pursuant to the Staff Report, this floor area is 15,502 square feet. An applicant can request to exceed this floor area limit, if the site area is more than two acres. (BHMC 10-3-2502.B.3)¹ The Property is 85,813 square feet, which is less than two acres, so this option does not apply.

Second, any single family home in excess of 15,000 square feet, including all basement areas, also requires a Hillside R-1 Permit with additional findings of neighbor privacy and scale and character compatibility. Therefore, the maximum floor area permitted on the Property is 15,502 square feet with these additional findings. (see additional discussion below) The proposed Project is 23,632 square feet, which is 8,130 square feet more than permitted by Code.

The applicant proposes that the City can approve any floor area over 15,000 square feet; however, his Property is too small to qualify for this exception. In addition, the hearing notice did not state that the applicant would be requesting any deviation from this Code provision. Therefore, the Planning Commission cannot act on any request that exceeds 15,502 square feet this at the hearing.

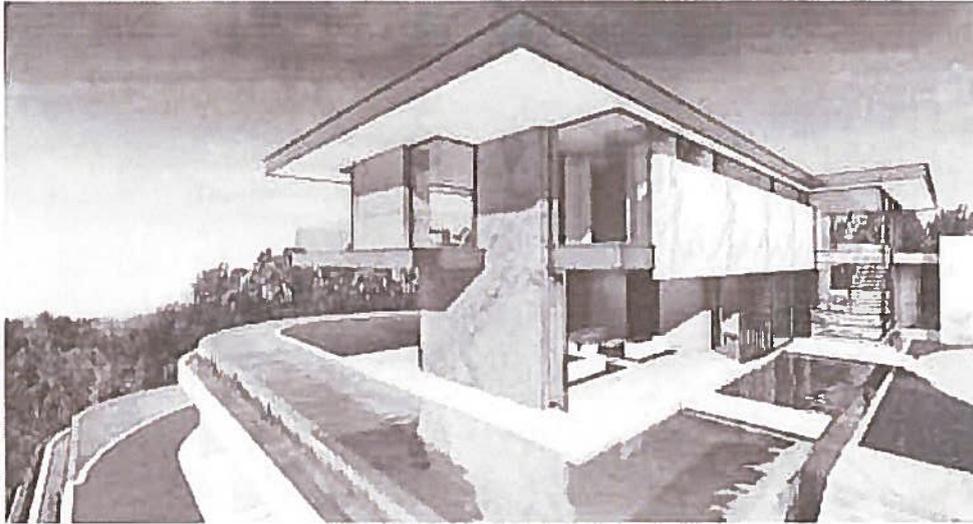
The applicant also implies that the basement should not really count toward floor area, because it is partially subterranean. This is also incorrect; the Municipal Code specifically defines floor area to include subterranean levels, where the subterranean level extends beyond the perimeter of the building as is not below the natural grade. Drawing A-6, South Elevation, and Drawing A10, Section F, clearly show that a significant portion of the lower level (at least 51'-6") extends outside the perimeter of the upper levels and is above the natural grade. It also appears from the drawings that some areas of the finished floor exceed three feet above grade, and some of the lower level windows exceed 18 inches above grade. Therefore, it does not qualify as a basement that would be excluded from floor area calculation.

The Code language reads:

"For the purposes of determining floor area in a single-family residential zone, "basement" shall mean any floor level below a story which has a finished floor level that is a maximum of three feet (3') above grade at any point along the perimeter of the building facing a front or street side setback line and which has no windows exceeding eighteen inches (18") above grade at any point along such perimeter of the building. A basement may extend beyond the perimeter of the building provided that such portion of the basement is below the natural grade." (BHMC 10-3-100, "Floor Area" Definition)

¹ BHMC 10-3-2502.B.3 states: "If the area of a site equals or exceeds two acres [87,120 square feet], the maximum cumulative floor area may exceed the limitations set forth in subsections B1 and B2 of this section if permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter."

The lower level clearly extends past the perimeter of the upper levels in this Project rendering:



Finally, the applicant proposes that a floor area of 15,502 square feet is permitted under slope and building pad lot areas, and the Staff Report repeats this number. However, based on the applicant's numbers in the Hillside R-1 Permit application, the Project may only be a maximum 14,728 square feet (29,274 sf pad area x 31% + 56,539 slope area x 10%). Therefore, there is a discrepancy as to the maximum cumulative floor area permitted for the Project.

III. The Height of the Project Far Exceeds that Permitted by Code, Even Under a Hillside R-1 Permit

The Single-Family Residential Development Standards for the Hillside Area of the City, Article 25 of the Code, provides specific height restrictions in hillside areas. The proposed Project fails to comply with these standards in several respects.

A building must be constructed at least 5 feet from the edge of a level pad, or the building must extend at least 20 feet over the downslope beyond a level pad. (BHMC 10-3-2507) The Project extends off of the level pad over a slope on the western, southern and eastern sides of the building. If a building extends over a slope, the maximum height of a structure over a slope is 22 feet; the maximum height of the building on a level pad is 30 feet; and the maximum height from the lowest exposed point on the structure to the highest element of the structure shall not exceed 55 feet. (BHMC 10-3 2503.B)

The Project fails to comply with this limit in several areas on the structure. For example, the edge of the northwestern deck is at topo elevation 616' (Drawing A3), while the top of the building is at an elevation height of 676' (Drawing A6). This is a total vertical height of 60 feet, and exceeds the 55 foot vertical limit. In another example, the height of the guest house is

658.50', and is identified as 23.5 feet above the lower level finished floor. However, the ground level slope is so steep that the retaining wall below the guest house will be exposed and must be included in the total height calculation. (BHMC 10-3 2503.C) Based on the drawing scale, the total height of the guest house will be approximately 33.5 feet, which will exceed the 22 foot height limit over a slope.² These are but two of the numerous examples of height violations that must be reduced to comply with Code limits.

IV. The Setbacks and Accessory Structure Location of the Project Fail to Comply with Code, Even Under a Hillside R-1 Permit

The guest suite does not comply with the accessory structure requirements of the Code, which states that attached guest suites must maintain the same side yard setback as required for the primary residence (15'-2"). A second unit qualifies as an accessory structure, whether it is detached or attached to the primary residence (BHMC 10-3-409.A.11). The Planning Commission may, through a Hillside R-1 Permit, allow an accessory structure up to 14 feet in height to be located within 5 feet of a property line. (BHMC 10-3-2550.H) In the Project, the accessory structure is located on the property line with little or no setback and exceeds 14 feet in height (Drawing A11 shows 23'-6"; the retaining wall below increases the height to approximately 33'). The City Planning Commission does not have the authority to approve a height increase and reduced setback through the Hillside R-1 Permit process, and the applicant has not requested it.

In addition, as set forth below, the Planning Commission is not able to make the findings of privacy, scale, integrity and character, and there is no evidence in the record of these findings. The proximity to the neighbor's property at 1185 Loma Linda Drive will have a significant impact on the privacy, because the guest suite will have a direct view into the entire rear yard including the pool and the children's play area through the glass wall and extended balconies, a direct site line into the master bathroom shower, and will cast a shadow on their backyard.

The applicant relies solely on a request for a public alley vacation to meet the side yard setback requirement; however, the Staff Report strongly recommends denial of this request due to the necessary access for existing utilities in this right of way and the limited options for relocation of these utilities. The applicant did not notice and request approval of a reduced side yard setback; therefore, the Planning Commission may not act on any request at the hearing.

V. The City Fails to Make the Required Findings for a Hillside R-1 Permit of No Adverse Impacts on the Scale, Integrity or Character of the Area or on the Privacy of Neighboring Properties

The applicant requests a Hillside R-1 Permit to allow a floor area in excess of 15,000 square feet on the lot. The applicant did not request any Hillside R-1 Permit approvals related to

² As a note, there are numerous inconsistencies in the drawings; for example, the topographic lines in the survey and the applicant's topographic plans do not match, and in fact, run in contrary directions.

the proposed building heights, setbacks or floor area that do not comply with Code. As stated above, the applicant may only request a floor area up to 15,502 square feet,³ because this is the total cumulative floor area permitted on the Property. In order to approve a floor area over 15,000 square feet, the Planning Commission must find that “the development will not have a substantial adverse impact on the scale, integrity, or character of the area or on the privacy of the neighboring properties.” (BHMC 10-3-2502.B) The Planning Commission may require the applicant to submit such information and reports as it deems appropriate to determine the nature and extent of the impacts on these findings. The applicant has submitted no reports that address these issues, and the City has provided no evidence in the record to support these findings.

A. Privacy. The Project will have a significant impact on the privacy of the two adjoining neighbors at 1185 Loma Linda Drive and 1178 Loma Linda Drive, and on the properties below the Project at 1115 Coldwater Canyon and along Sutton Way. The proposed guest suite is located close to the property line at a height of approximately 13 feet above grade, adjacent to 1185 Loma Linda Drive. As described above, the guest suite has a glass wall and balcony on the upper level that can look directly into the backyard of the home, which is where the four young children play. The guest suite must be relocated further from the property line or to the other side of the Property to avoid the invasion of privacy caused by its location.

The proposed expansive circular driveway with two gates and emergency vehicle backup will greatly impact the home at 1178 Loma Linda Drive. The western side yard of the 1178 property currently abuts a side yard of the Property, and previously had a landscape buffer between the two private properties. The Project will create a public street along what was previously a quiet side yard, and the master bedroom will look directly at this street; and in turn, the public will have a direct view into the master bedroom. This turn around will be used by every vehicle that drives up the narrow street. The turn around can be located further up Loma Linda Drive, which may limit the impact.⁴ However, creating a public street in a prior side yard will significantly impact the privacy of the neighbor even after the applicant set the turnaround back 10 feet from the adjacent property. The Project’s large circular driveway with two high gates will be in direct view of 1178 Loma Linda’s side windows; therefore, any activity at the Project, such as parties and events will drastically affect the quiet and enjoyment of the neighbor. Finally, the second floor of the Project will have views directly into the side and rear areas of the house and yard.

The large lower deck and pool in the rear yard of the Project are located much closer to the Sutton Place properties due to the greatly expanded footprint, including an infinity pool located at the edge of the retaining wall. The extended deck and pool on one side, and the guest house on the other, now have a direct view into the properties below at 1115 Coldwater Canyon and along Sutton Way below. The Project provides no mitigation that limits the imposing views into any of the neighbors’ properties; therefore, the Project will have a significant impact on the privacy of all neighbors below.

³ As stated above, by our calculations using applicant’s pad and lot areas, the allowable floor area is 14,728 sf.

⁴ For alternative options, see 2013 California Fire Code, attached as Attachment D.

Based solely on the significant impact to privacy, the applicant cannot make the findings for an increase in floor area over 15,000 square feet for a Hillside R-1 Permit. In response to claims of lack of privacy, the Mitigated Negative Declaration (“MND”) merely stated that privacy is not an environmental issue under CEQA. However, the City failed to understand that it is a necessary finding under the Code for approval of a Hillside R-1 Permit, and is a necessary finding under a land use evaluation under CEQA. The City provides no evidence in the record that the Project will not have a significant adverse impact on the privacy of neighbors, because clearly, it cannot make this finding.

B. *Scale, Integrity and Character* . The Project will have an undeniably substantial adverse impact on the scale, integrity, and character of the area. Loma Linda Drive consists of only eight houses on a cul-de-sac, including the Property. The other seven houses have property sizes ranging from .56 to 1.34 acres with appropriately scaled two story structures with floor areas from 4,623 square feet to 7,584 square feet (approximately 6,200 square foot average) with well landscaped yards.⁵ A list of lot areas and building areas is attached as Attachment A.

The applicant proposes a 23,632 square foot structure that is almost three (3) times larger than the grandest home on the street, and four (4) times the average floor area of all the homes on Loma Linda Drive. The Project includes a large circular driveway with a 90 foot radius, which is a paved area of approximately 6,358 square feet (which is larger than the average size of homes on the street), leading up to a stark white modern two story glass building (when viewed from the street). This is in direct contrast to the integrity and character of other homes on the street with well landscaped lawns and detailed structures with the quality stonework and other craftsmanship of their various styles. The homes mostly have low white picket, or similar fences with direct views to pathways leading to the front door and a welcoming direct relationship with pedestrians on the street. The house facades, as viewed from the street, are attached as Attachment B.

The applicant proposes a Project with a tall fence that blocks any public view from the street, and an expansive paved driveway distancing the front door and the homeowner from the pedestrian and neighbor. The applicant also proposes to vacate a portion of the end of Loma Linda for use as the private driveway. This area currently provides sweeping open views to the public of the Los Angeles basin, and the Century City and Santa Monica cityscapes. The demolished Wallace Neff house had retained the public views across the Property over the bathhouse. The applicant proposes to completely block these views with a 30’ high structure, when viewed from the street. This is directly counter to the existing integrity of neighborhood and the original building on the Property.

Construction of a home that exceeds the average floor area of other residences on the street fourfold, creates a concrete expanse of driveway between the pedestrian and the house, completely blocks the sweeping view of the Los Angeles from the public street, and constructs a 30 foot structure of white stucco and glass at the terminus of the street clearly has a substantial

⁵ Per LA County Assessor website.

adverse impact on the scale, integrity, or character of the area. The City provides no evidence in the record that the Project will not have a significant adverse impact, and it cannot make this finding. Therefore, the Hillside R-1 Permit should be denied.

VI. The City Fails to Make the Required Findings for a Hillside R-1 Permit of No Adverse Impact on the Surrounding Neighborhood Caused by Export of 8,000 Cubic Yards of Hauling.

The applicant requests a Hillside R-1 Permit to allow import/export of material from the site in excess of 3,000 cubic yards in a five (5) year period, as limited by the Code. (BHMC 10-3-2521). In 2012, the property owner provided soil remediation that included stabilization of the lot and grading. It is our understanding that additional soil export may have occurred in approximately 2010 as well. The applicant failed to include the cumulative amount of this import/export in his application.

In order to approve the Hillside R-1 Permit, the Planning Commission must find that “the import or export will not create a substantial adverse impact on the surrounding neighborhood.” The Planning Commission must also consider haul routes, scheduling, phasing, and safety precaution proposed. The export of 8,081 cubic yards of grading and import of 4,000 cubic yards of concrete, with an estimated 2,236 trips (plus an additional 336 trips for material delivery), will cause a substantial adverse impact to the neighbors living on the street, especially the numerous small children.

There is no justification to create these substantial impacts on the neighborhood. The 10,543 square feet partially subterranean lower level is excavated solely to allow additional floor area that does not fit within the allowable building envelope. This floor area is proposed solely for rare used but excessively large luxury uses, such as an underground basketball court, a bowling alley, 10-car underground garage, gymnasium, gymnasium bath, massage room, multiple maids rooms, media room, wine room and two separate bars, in addition to a family room. The basketball court and bowling alley alone create 2,000 cy of export and 200 round trips of truck hauling.

A. Street Safety and Emergency Vehicle Access. There are currently four (4) young children at the 1185 Loma Linda home and five (5) children at the 1178 Loma Linda home, both directly adjacent to the Property, in addition to other children on the street. The children often ride bicycles, roller skate, and play in Loma Linda Drive. Frequent visitors with children park on the street and walk to the houses, and neighbors walk their dogs throughout the neighborhood. The applicant proposes that the hauling of the soil export and concrete for the foundation walls will take 4 months, with constant hauling between 3 and 6 trucks per hour. The children will not have any access to use the street for recreation during that time, and it will be unsafe for visitors walking along the street from parked cars.

In fact, the applicant’s estimates are based on trucks with 12 cubic yard capacity. However, in 2012, the City limited trucks on this street to 10 cubic yard capacity. This reduced

capacity would increase the number of trips by 20 percent to 2,683 trips, and extend the hauling time by another month. The children and parents who are home during the day will be trapped in their homes for 5 months. There have been fatal accidents caused by hauling trucks on similar roads in the past few years, including one with a LAPD officer; therefore, potential for such accidents cannot be discounted.

The narrow 22 foot wide street does not allow a vehicle to pass in the other direction when cars are parked on the allowed side. Removing the parking during the 5 month hauling is not an option, because the guests and home workers would be required to trek all the way up the hill from Coldwater Canyon, which is not feasible – especially in the case of children, the elderly and any disabled guests. This is especially true for 1185 Loma Linda that does not have a driveway for guest parking. During the time that a truck is slowly moving up or down the winding street, there will be no access by emergency vehicles, because there is no room to pass. One of the children required an ambulance last year, and the hauling could delay such access. Therefore, every day that the hauling continues on the street poses a greater threat of harm. This will continue during the 16 month of material delivery; although it will occur less frequently.

B. Air Quality, Noise and Traffic. The 5 month hauling schedule will substantially adversely impact the lives of the neighbors due to the impact to air quality, noise and traffic on the street. Even with mitigation, the dust from excavation and hauling soil will be airborne and will come down in the backyards and pools of the two adjacent houses. The children spend a significant amount of time playing and relaxing in these backyards. During a similar project, a neighboring pool had to be drained and scrubbed down several times during grading and construction. Therefore, the residents will be inhaling a significant amount of dust that will more directly affect those with asthma and other respiratory conditions, including some of the children on the street.

The running trucks make significant noise as they travel up the street, and loiter with their engines on in front of the two adjacent homes. In addition, the loud construction noise during excavation and concrete pouring of the foundation and lower level will cause further significant impacts. The construction noise levels during hauling and excavation are approximately 86-96 dBA (MND, p. 65), while the ambient noise in the area is currently 51.6 dBA (MND, p. 65). Under CEQA, a significant impact occurs if the noise level increases more than 5 dBA, and the noise in this Project will increase by over 44 dBA! The application fails to analyze the impact of such constant noise during hauling and construction on the adjacent neighbors, especially the small children.

The MND does not provide sufficient evaluation of the impact of such dust and noise on young children, especially when they are known to be located directly adjacent to the site. The MND merely claims that such impacts cannot be significant, because they are “temporary”. However, a 5 month hauling period and 30-month construction period during which there will be limited use of the street, constant loud noise, significant dust, and restricted access to their homes will have a substantial adverse impact to the children, as well as the parents, on the entire street.

In addition, the on-going construction will cause a constant traffic issue, especially during hauling. Every trip from the homes down to Coldwater Canyon may require significant delay while waiting for a truck to make the trip past the home to the Project site. This will occur not only during the 5 month hauling period, but also during the entire 30-month construction period.

Therefore, the excavation work of 8,081 cubic yards will substantially impact the health and safety of the residents, especially related to noise, traffic, air quality and emergency vehicle access, and it will specifically adversely impact the nine children living in the adjacent homes. As such, the Planning Commission does not have substantial evidence in the record to approve a Hillside R-1 Permit for this excessive construction.

VII. The City Staff Report Recommends Denial of the Alley Vacation, Because the Alley is Necessary for Existing Utilities

To recommend a vacation and Amendment to the Streets Master Plan, the Planning Commission must find that the street and alley are no longer necessary for present or prospective public street purposes and/or other public uses; the right of way proposed to be vacated is not useful for a non-motorized transportation facility; and, the vacation and Amendments conform to the General Plan.

The applicant requests vacation of 10' wide half of an alley that separates the Property from the adjacent residence at 1185 Loma Linda Drive. The alley includes subterranean utilities that run down a steep slope to Summit Ridge below; these utilities service all of the homes on Loma Linda Drive. As this is the terminus of the street, there is no room to relocate such utilities on public property. As stated in the Staff Report, 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. Therefore, the Planning Commission cannot find that the alley is not necessary for present public street purposes.

The sole reason for requesting the alley vacation is so that the guest house/office accessory structure can be located 10' closer to the residence at 1185 Loma Linda Drive, because the side yard would be measured from the new property line rather than the existing property line. As such, the Staff Report does not recommend vacation of any portion of the alley, even with an access easement to the City. In addition, the Property is an estate lot with more than 85,000 square feet of lot area; therefore, there are multiple other locations on the lot to locate the guest house that will not directly impede the adjacent neighbors. The vacation should be denied and the guest house should be setback the full 15'-2'' side yard from the existing property line.

The applicant also proposes to vacate approximately 3,000 square feet at the end Loma Linda Drive (78 feet of length) to be used as part of the applicant's expansive circular driveway and guest house location. The applicant proposes to transfer an area of approximately 35' x 20' to the City as a fire truck turn around area adjacent to the home at 1178 Loma Linda. This will result in a net gain of 1,094 square feet of private property at no cost to the applicant. The reason

the applicant sought the land swap is to include the public street area in the building pad area, because it provides preferred views. However, the applicant proposes to locate the public turn around on the easternmost portion of the Property, where it will be the most advantageous to him, but most significantly impact the adjacent neighbor, including a substantial reduction in property value. There are multiple alternative configurations and locations that would reduce the impact on the 1178 Loma Linda home that the City failed to consider and evaluate.

The street vacation will result in the loss of 6 street parking spaces typically used by visitors and employees of the homes at 1185 and 1178 Loma Linda. The short cul-de-sac street only allows approximately 20 street parking spaces on the top of the steep winding road for use by the eight (8) houses along this stretch. Removing six (6) parking spaces is a loss of 30 percent of street parking, and will significantly affect the daily lives of the neighbors, especially the two adjacent homes, who will have to walk up the steep hill with blind curves.

The applicant's Project includes a 10-car subterranean garage, as well as a circular driveway large enough for 6 additional parking spaces; so the applicant is essentially taking the 6 parking spaces from the neighbors and the public and relocating it on-site for his private use. In fact, the amount of parking in the Project (16 spaces) exceeds the remaining street parking (14 spaces) on the entire upper portion of Loma Linda Drive. The parking on the street is essential; therefore, the street is necessary for present public street purposes and/or other public uses and should not be vacated. The turn around can be located near the end of Loma Linda Drive, which will allow most of the street parking spaces to remain while still allowing the upgrade for emergency vehicles.

VIII. The City Violates CEQA Because it Fails to Fully Evaluate and Mitigate All of the Significant Impacts of the Project, and an EIR is Required

The City violates the California Environmental Quality Act ("CEQA") by failing to identify and evaluate numerous significant impacts caused by the Project in the Mitigated Negative Declaration ("MND"). As there are significant impacts that cannot be mitigated, the City should have prepared an Environmental Impact Report that fully evaluated all issues, including providing reasonable alternatives. The City provides no alternatives.

The MND failed to fully evaluate or sufficiently address the following issues, among others:

- *Construction Impacts.* The MND claims that impacts during construction would be less than significant because they are temporary in nature. Under CEQA, construction impacts may still be significant, and cannot be dismissed merely due to the temporary nature. (*Forest Tull v. Yuba County*, 2013 Cal. App. LEXIS 247 (3rd Dist, January 11, 2013)) In the Project, the hauling and concrete material delivery, which utilize loud heavy machinery, will take place over a 5 month period. The remaining construction work is estimated to take at least 30-months. The two homes adjacent to the Property, at 1185 Loma Linda and 1178 Loma Linda Drive, have a total of nine (9) children that would be directly affected by the construction

impacts. The MND fails to identify the sensitive uses in close proximity, and to evaluate all of the construction impacts on the children, who will be at home during the day.

- *Construction – Noise Impacts.* The MND states that the existing ambient noise levels are currently 51.6 dBA, and would increase to 86 to 94 dBA with the use of heavy machinery during the 5 month hauling and concrete stages (MND p. 65-66, Table 9). Both of the adjacent houses are within 25 feet of the location of the heavy equipment. A significant impact occurs with an increase of 5 dBA, the level at which a change in sound level is audible; the Project will increase the noise level by over 44 dBA!

This is clearly a significant impact of the Project that is not mitigated to a level of insignificance. The MND claims that “these noise levels would occur during the daytime in accordance with the permitted hours stipulated in the Municipal Code, and would be temporary, occurring only during certain construction phases. Therefore, impacts would be less than significant.” This confounds the intent and strict language of CEQA. The applicant knows that the children will be at home during most of the hours of construction, and will be playing in the backyard due to the loss of the use of the street for construction traffic. The MND failed to evaluate the impact of construction noise on these children, and other neighbors, during the stated hours of construction.

- *Construction – Air Quality Impacts and Traffic.* Similarly, the MND states that “dust and exhaust emissions associated with construction activities are considered temporary air quality impacts.”; the MND then concludes that the Project has a less than significant impact on daily construction emissions. However, the analysis is based on inaccuracies. First, the thresholds state allowable emissions 87 feet from the Property; however, the adjacent houses are immediately adjacent and within 20 feet from the Property. The MND assumed a 12 cy capacity truck for hauling; however, the City standard for this road size is 10 cy capacity. Therefore, the haul time would require additional trips not considered in the evaluation of air quality or traffic impacts that would extend the time of hauling, and increase the impact.

Finally, the MND only evaluated the LOS standard for determining traffic impacts and related air quality impacts, which determines an impact if the level of service at an intersection increases to LOS D, E or F. This is not the proper analysis to impact on a neighborhood, where the time delay will be caused by the small width, slope and configuration of the street and not the number of cars. The Project should have been evaluated by a neighborhood intrusion standard, which is more relevant considering the sensitive receptors of neighbor homes identified in the MND. Therefore, the MND failed to adequately evaluate the impact of construction air quality and traffic on the neighbors.

- *Cultural Resource & Project Splitting.* The cultural resource evaluation in the MND states that “The project site previously contained a single-family home that was demolished in January 2014.” It then states that the site is currently vacant, and no surrounding homes are designated as historic resources; therefore, there would be no impact to historic resources.

However, the MND fails to mention that the home demolished was designed by Wallace Neff, a renowned architect on the City's list of notable architects. The City of Beverly Historic Preservation Ordinance, adopted January 25, 2012, requires that for any building more than 45 years old and listed as a Local Master Architect, a 30-day hold period is required prior to demolition to determine if the property is eligible for listing on the Local Register. (BHMC 10-3-3201 to 3229) Wallace Neff is listed on the City's List of Local Master Architects. See building permit and List of Local Master Architects, attached as Attachment C.

For any project that includes subsequent development requiring a discretionary action, the demolition must be included as part of the environmental assessment of the project. Failure to do so constitutes "project splitting" in violation of CEQA. CEQA defines a "project" to include the "whole of an action" that may result in direct or reasonably foreseeable indirect impact on the environment. (CEQA Guidelines 15378 (a); *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 139) Even if a particular permit is ministerial in nature, it requires analysis under the whole of the Project. (*Association for a Cleaner Environment v. Yosemite Community College Dist.* (2004) 116 Cal.App.4th 629, 640.)

In the Project, the applicant received signoff of the demolition permit in January 2014, and immediately turned around and filed for development entitlements for the 23,632 square foot single family home. Therefore, at the time of demolition, the applicant was already preparing plans for the new house; as such, the City violated CEQA by failing to evaluate the historic significance of the Wallace Neff house as part of the Project.

The MND also insufficiently evaluates the impact on nearby cultural resources, by claiming that none of the surrounding homes are actually designated as historic resources, but failing to provide any analysis regarding their qualification as historic resources, as required by the Historic Preservation Ordinance (MND p. 41). In fact, the three adjacent houses to the east, 1178, 1176 and 1170 Loma Linda, are more than 45 years old and were designed by Gerard Colcord, who is on the City's List of Local Master Architects. Under the Historic Preservation Ordinance, all three houses qualify as potentially historic structures. The City determined that the adjacent home at 1178 Loma Linda Drive does have historic significance, and required compliance with historic standards for a current building addition. Therefore, the MND erred in failing to identify and evaluate the impact of the Project on a historic resource – especially considering the location of the proposed street turn around immediately adjacent to the side yards of the historic building. The building permits identifying Gerard Colcord as the architect are attached as Attachment C.

- *Traffic/Parking.* The MND claims that the Project will cause a loss of 5 or 6 public street parking spaces (and misstates in a second line that it will cause a loss of 1 or 2 spaces), and concludes that it is a reduction of "a small percentage of the overall available on-street parking in the neighborhood" and "would not result in a significant environmental impact."

However, the MND fails to count the number of parking spaces on the street to make this determination. In fact, the street has a steep hill, where no parking is permitted, and a curved portion adjacent to a sliding slope, often peppered with falling rocks, where parking is not feasible. Therefore, there are approximately only 20 spaces available, of which 6 spaces would be a 30% reduction, leaving only 14 street spaces for the use of all other homes.

This is significant to the houses on Loma Linda Drive that utilize the street parking regularly during the day for guest, domestic employee, and other visitor parking. To make the analysis worse, the applicant requests the street vacation to allow construction of an on-site 10-car subterranean garage, with space for 6 additional cars on the circular drive; therefore, the neighbors must give up 6 street parking spaces to allow 16 on-site private parking spaces. The MND fails to address or analyze the significant impact caused by the lack of parking.

- *Alternatives.* There are other alternative configurations of the lot that would allow the proposed use, and substantially reduce the significant impacts to the adjacent homes and other neighbors. The fire truck turn around could be located towards the end of Loma Linda Drive, further from the side yard of 1178 Loma Linda. The guest house could be located on the northern portion of the property, to avoid privacy invasion to the adjacent house at 1185 Loma Linda. The project could eliminate some of the extravagant basement uses, such as the basketball court and bowling alley, that would reduce the hauling by approximately 2,000 cubic yards and save a month of heavy construction hauling. The environmental assessment failed to identify the need for alternatives that could be environmentally superior to the proposed Project.
- *Other CEQA violations.* The MND violated CEQA in multiple other areas, including geotechnical analysis (especially on a property with known recent landslides), land use analysis, construction effects, utilities/service systems, and lack of sufficient mitigation. Due to the fact that there are significant impacts that are not mitigated, and EIR must be prepared for the Project.

IX. The City Planning Commission Cannot Take an Action Because the Notice Failed to Identify all of the Necessary Entitlements for the Project

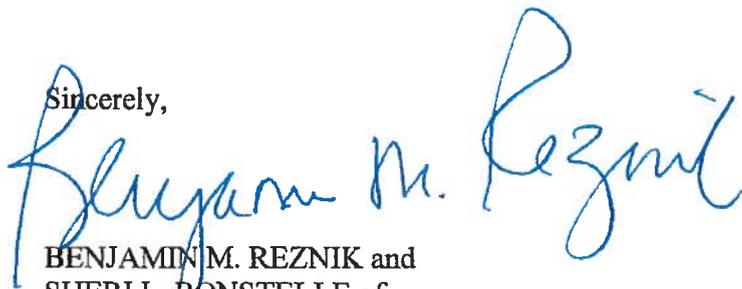
The Notice for the City Planning Commission hearing identifies five requests (i) a Hillside R-1 Permit for a single family home in excess of 15,000 square feet; (ii) a Hillside R-1 Permit for export of more than 3,000 cy in a five (5) year period; (iii) a Tree Removal Permit, (iv) an Amendment to the Streets Master Plan, (v) a street and alley vacation to vacate a portion of Loma Linda and a portion of the alley; and (vi) adoption of the Mitigated Negative Declaration. As stated above, the Staff Report has not made the findings to support the Hillside R-1 Permit for a home in excess of 15,000 square feet or for export of 3,000 cy in a five (5) year period, the street and alley vacations, or adoption of the MND.

Under the Brown Act, the Planning Commission may not take an action on an item not expressly disclosed on the agenda. (*San Joaquin Raptor Rescue Center v. County of Merced*, 216 Cal. App. 4th 1167 (5th Dist May 31, 2013))

In order to approve the Project, as designed, the Planning Commission must also consider other entitlements that have not been legally noticed. These include, but are not limited to: (a) a height variance to allow a total height in excess of 55 feet, and a height including retaining walls in excess of 30 feet; (b) a determination that the Planning Commission will apply Hillside R-1 Permit 2-acre parcel standards to a property that is less than 2 acres, (c) a side yard variance to allow a 5 foot setback for the guest house taller than 14 feet, which is not permitted by Code under a Hillside R-1 Permit, and (d) environmental review of these additional requests under CEQA.

In summary, the City prepared a faulty MND in an effort to rush the Project through City approvals without proper and thorough evaluation. The Project is greatly out of scale and character with the small quaint street lined with historic structures, and the City cannot make the findings to justify a project greater than 15,000 square feet due to the site topography and the significant impact to privacy, public safety, air quality, parking, noise, traffic, and other issues that must be endured daily by the neighbors for the 30 month construction. In approving the Project, the City would create a special privilege and take land from the public and from the neighbors to benefit the extravagances of one wealthy owner. This is contrary to public policy, the City's Municipal Code, and CEQA. The Project, as designed, must be denied.

Sincerely,



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

Attachments

BMR:slb

cc: via e-mail:

Susan Healy Keene, Director of Community Development (skeene@beverlyhills.org)

Ryan Gohlich, Senior Planner (rgohlich@beverlyhills.org)

Andre Sahakian, Associate Planner (asahakian@beverlyhills.org)

Tom Levyn, Attorney for Applicant (tlevyn@glaserweil.com)

EXHIBIT A

ATTACHMENT A

Scale of Homes on Loma Linda Drive

No.	Address	Year	Lot Area	Floor Area	FAR
1	1184 Loma Linda Drive (prior) 4350-020-010	1953	.81 ac	4,434 sf	.070
	1193 Loma Linda Drive (bath house) 4350-021-010	1953	.9 ac 1.71 ac	1,273 sf 5,707 sf	.032 .132
2	1185 Loma Linda Drive 4350-021-014	1951	.63 ac	4,623 sf	.168
3	1178 Loma Linda Drive 4350-020-026	1951	1.08 ac	5,227 sf	.112
4	1176 Loma Linda Drive 4350-020-027	1964	1.25 ac	8,430 sf	.154
5	1170 Loma Linda Drive 4320-020-017, 18	1951	.76 ac	6,415 sf	.193
6	1177 Loma Linda Drive 4320-021-013	1951	1.29 ac	7,584 sf	.134
7	1169 Loma Linda Drive 4320-021-016	2009	.56 ac	6,537 sf	.267
8	1165 Loma Linda Drive 4320-021-015	1953	1.34 ac	5,015 sf	.085
	Average of Homes on Street			6,192 sf	.155
	Proposed Project 1184-1193 Loma Linda Drive	2014	1.97 ac	23,632 sf	.275

EXHIBIT B

ATTACHMENT B
Character of Homes on Loma Linda Drive



1. Aerial view of homes on Loma Linda Drive



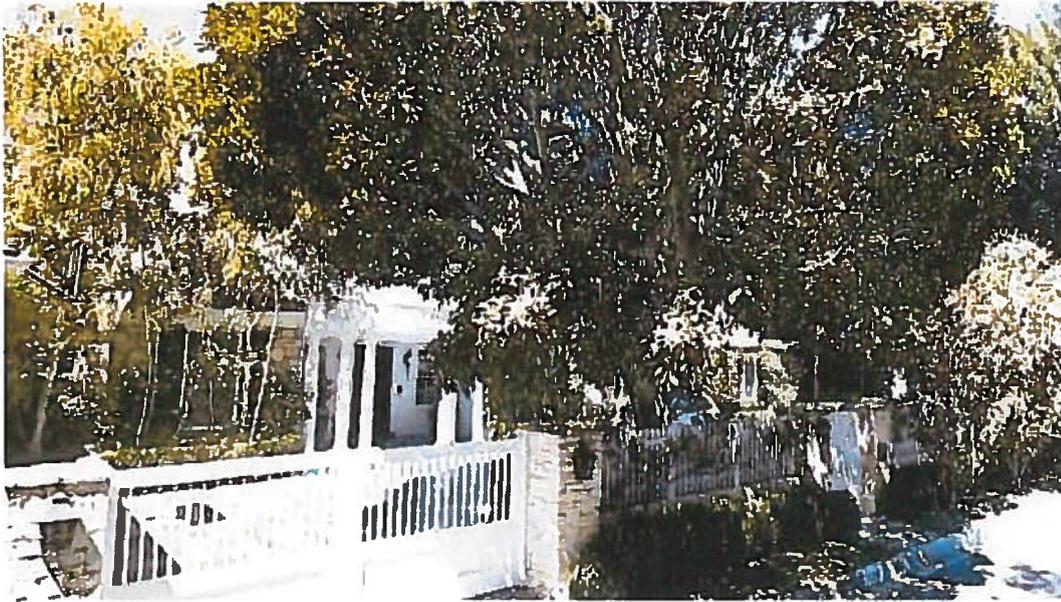
2. 1184 Loma Linda Drive



3. 1185 Loma Linda Drive



4. 1178 Loma Linda Drive



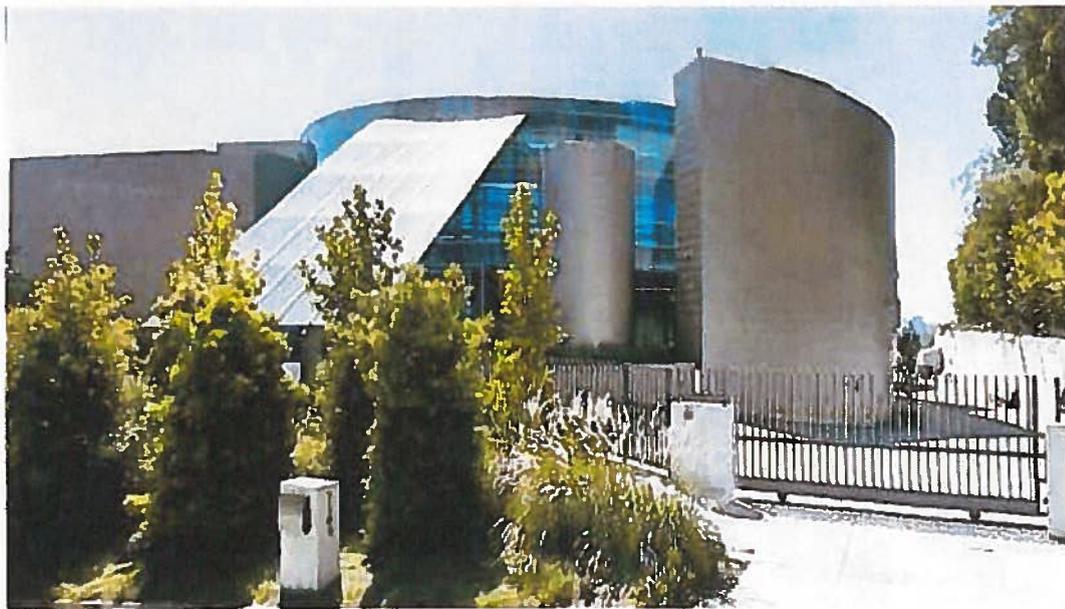
5. 1176 Loma Linda Drive



6. 1170 Loma Linda Drive



7. 1177 Loma Linda Drive



8. 1169 Loma Linda Drive



9. 1165 Loma Linda Drive, entry

EXHIBIT C

OCT 14 1952

All Applications must be filled out by applicant

PLANS AND SPECIFICATIONS and other data must also be filed

DEPARTMENT OF BUILDINGS

Application for the Erection of Buildings

ZONE _____ FIRE DISTRICT _____ TYPE _____ GROUP _____ DIVISION _____

TO THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS:

Application is hereby made to the Council of the City of Beverly Hills, through the office of the Chief Inspector of Buildings for a permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions, which shall be deemed conditions entering into the exercise of the permit:

FIRST: That the permit does not grant any right or privilege to erect any building or other structure herein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

SECOND: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Beverly Hills.

THIRD: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

FOURTH: Applicant agrees to hold the City of Beverly Hills, and all officers and employees harmless from all costs and damages, per Sec. 11-206(1), Beverly Hills Municipal Code.

Lot No. 6 Block _____ Tract 13101

1. Description of Work Residence + attached carport.

2. Street and No. 1184 Loma Linda Dr.

(Location of Property)
USE INK OR INDELIBLE PENCIL

3. Purpose of Building Residence No. of Rooms 11 No. of Families 1

4. Owner's Name B. Factor Phone _____

5. Owner's Address 1117 1/2 Westholme W.L.A.

6. Architect's Name Wallace Neff State License No. _____ Phone _____

7. Engineer's Name _____ State License No. _____ Phone _____

8. Contractor's Name Walter R. Johnson City License No. 6217 State License No. 101927

9. Contractor's Address 5101 Presidio Dr. L.A. 43 Phone AK 38838

10. VALUATION OF PROPOSED BLDG. [Including Plumbing, Gas Fitting, Sewers, Electric, Wiring and Lighting, Elevators, Heating and Ventilating, Painting, Finishing, all Labor, etc.] \$ 65,000.00
No foundation incl. - Permit prepaid

11. State how many buildings NOW on lot 0 How used? _____

12. Clear Height of Ceiling: Bath, Toilet 8'-6" Living Rooms 8'-7" Halls _____ Cellars 7'-10"
(State Law)

13. No. of Baths 3 No. of Fireplaces 2 No. of Chimneys 1

14. Areas: 1st fl. 3700 sq. ft. 2nd fl. _____ 3rd fl. _____ 4th fl. _____ 5th fl. _____

15. Total floor area 3700 sq. ft. No. of Stories 1 Height to Highest Point 23'

16. Size of Lot 275 x 200 Area of Lot _____ Per Cent of Area Covered by All Buildings _____
(Fill on Item 3 on No. 16 in case of Courts, Apartments, Hotels, etc.)

17. Set Back from Property Line {Including balconies, bays, porches, etc.} Front 8' Rear _____ Side 50'

18. Foundation Material conc. Footing With _____ Depth Below Natural Ground 12"

19. Height of Foundation Above Finished Grade 18" Wall Width 13" Mud Sills 2 x 6

20. Joint Clearance from Ground 2' Girders 4 x 6 Posts Under Girders 4 x 4

21. Materials of Exterior Walls Slate Veneer Material of Interior Wall Surfaces Wood + plaster

22. EXTERIOR Studs 2 x 6 INTERIOR BEARING Studs 2 x 4 Interior Non-Bearing Studs 2 x 4

_____ Ceiling Joists 2 x 6 Roof Rafters 2 x 8 FIRST FLOOR JOISTS 2 x 8

Second Floor Joists _____ Roof Covering Slate Roof Pitch 3 in 12 @ 4 1/2 in 12

I will comply with the State Labor Code and Workmen's Compensation Insurance Provisions.

I have carefully examined and read the above application and know the same to be true and correct, and that all provisions of the Ordinances and Laws of the City of Beverly Hills and the State of California governing Building Construction will be complied with, whether herein specified or not.

NOTE: If work is not started within ninety days this permit expires. Application for refund of permit fee must be made before expiration date.

(Sign Here) Walter R. Johnson
(Owner or Authorized Agent)

(FOR DEPARTMENT USE ONLY)

PERMIT NO. <u>2741</u>	Plans & Specifications checked and found to conform to Ordinances, State Laws, Etc.	Plans and Application rechecked and approved.	Stamp here when permit is issued.
	By <u>W. J. W.</u> Plan Examiner	By <u>[Signature]</u>	OCT 16 1952

D. D. Cargile
Chief Building Inspector

MAR 6 1953

All Applications must be filled out by applicant

PLANS AND SPECIFICATIONS and other data must also be filed

DEPARTMENT OF BUILDINGS

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- FIRST: That the permit does not grant any right or privilege to erect any building or other structure herein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.
- SECOND: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Beverly Hills.
- THIRD: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.
- FOURTH: Applicant agrees to hold the City of Beverly Hills, and all officers and employees harmless from all costs and damages, per Sec. 11.204 (D), Beverly Hills Municipal Code.

Lot No. 4 Block 13101 Tract 13101
X1 Description of Work Bath house

2. Street and No. 1193 Loma Linda Dr.

(Location of Property)

USE INK OR INDELIBLE PENCIL

3. Purpose of Building Bath house No. of Rooms 4 No. of Families 1

4. Owner's Name Mrs. Rella Factor Phone BR 9015

5. Owner's Address _____

6. Architect's Name Wallace Neff State License No. _____ Phone H17318

7. Engineer's Name _____ State License No. _____ Phone _____

8. Contractor's Name Walter R. Johnson City License No. 6217 State License No. 101921

9. Contractor's Address 5101 Presidio Dr. L.A. 43 Phone AX 38878

10. VALUATION OF PROPOSED BLDG. \$ 5000.00 (Including Plumbing, Gas Fitting, Sowers, Electric Wiring and Lighting, Elevators, Heating and Ventilating, Painting, Finishing, all Labor, etc.) wjw

11. State how many buildings NOW on lot 0 How used? _____

12. Clear Height of Ceiling: Bath, Toilet 8'-2" Living Rooms 8'-2" Halls _____ Cellars _____ (State Law)

13. No. of Baths 2 No. of Fireplaces 1 No. of Chimneys 1

14. Areas: 1st fl. 5000 2nd fl. _____ 3rd fl. _____ 4th fl. _____ 5th fl. _____

15. Total floor area 5000 No. of Stories 1 Height to Highest Point 9'

16. Size of Lot 200 x 200 Area of Lot _____ Per Cent of Area Covered by All Buildings _____ approx. (Fill out Item 3 on No. 16 in case of Courts, Apartments, Hotels only.)

17. Set Back from Property Line {Including balconies, bays, porches, etc.} Front 35 Rear _____ Side _____

18. Foundation Material Conc. Footing With 12" Depth Below Natural Ground 12"

19. Height of Foundation Above Finished Grade 6 Wall Width 7 Mud Sills 2 x 6

20. Joist Clearance from Ground _____ Girders _____ Posts Under Girders _____

21. Materials of Exterior Walls Plaster Material of Interior Wall Surfaces Plaster

22. EXTERIOR Studs 2 x 4 Interior Bearing Studs 2 x 4 Interior Non-Bearing Studs _____

_____ Ceiling Joists 2 x 8 Roof Rafters _____ FIRST FLOOR JOISTS _____

_____ Second Floor Joists _____ Roof Covering Comp. Roof Pitch Nominal

I will comply with the State Labor Code and Workmen's Compensation Insurance Provisions.

I have carefully examined and read the above application and know the same to be true and correct, and that all provisions of the Ordinances and Laws of the City of Beverly Hills and the State of California governing Building Construction will be complied with, whether herein specified or not.

NOTE: If work is not started within ninety days this permit expires. Application for refund of permit fee must be made before expiration date.

(Sign Here) Walter R. Johnson (Owner or Authorized Agent)

(FOR DEPARTMENT USE ONLY)

PERMIT NO. <u>27996</u>	Plans & Specifications checked and found to conform to Ordinances, State Laws, Etc. <u>wjw</u> Plan Examiner	Plans and Application rechecked and approved. <u>DDG</u> By	Stamp here when permit is issued. MAY - 3 1953
----------------------------	--	---	---

D. J. Stegmaier Chief Building Inspector

OCT 11 1950

Form E-110-311-4-10 - W. P. A. & Co.

All Applications must be filled out by applicant

PLANS AND SPECIFICATIONS and other data must also be filed

DEPARTMENT OF BUILDINGS

Application for the Erection of Buildings

ZONE _____ FIRE DISTRICT _____ TYPE _____ GROUP _____ DIVISION _____

TO THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS;

Application is hereby made to the Council of the City of Beverly Hills, through the office of the Chief Inspector of Buildings for a permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions, which shall be deemed conditions entering into the exercise of the permit:

FIRST: That the permit does not grant any right or privilege to erect any building or other structure herein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

SECOND: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Beverly Hills.

THIRD: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

FOURTH: Applicant agrees to hold the City of Beverly Hills, and all officers and employees harmless from all costs and damages, per Sec. 11-206(1), Beverly Hills Municipal Code.

Lot No. 9457 Block _____ Tract 13101

1. Description of Work NEW RESIDENCE & Pool.

2. Street and No. 1178 COMA LINDA DRIVE

(Location of Property)
(USE INK OR INDELIBLE PENCIL)

3. Purpose of Building RESIDENCE No. of Rooms 14 No. of Families 1

4. Owner's Name I. G. GORDMAN Phone PR-8145

5. Owner's Address 108 W. HARPER AVE W.A.

6. Architect's Name GERARD COLCORD State License No. C-35 Phone CR-53149

7. Engineer's Name _____ State License No. _____ Phone _____

8. Contractor's Name TREAL, LTD City License No. SK32 State License No. 24558

9. Contractor's Address 16521 SATONAY ST. VAN NUYS Phone ST-58851

10. VALUATION OF PROPOSED BLDG. (Including Plumbing, Gas Fitting, Sewers, Electric Wiring and Lighting, Elevators, Heating and Ventilation, Painting, Finishing, all Labor, etc.) \$49,500

11. State how many buildings NOW on lot. NONE How used? _____

12. Clear Height of Ceiling: Bath, Toilet 7'-6" Living Rooms 8'-6" Halls 8'-0" Cellars _____

13. No. of Baths 4 No. of Fireplaces 3 No. of Chimneys 2

14. Areas: 1st flr. 3321 sq 2nd flr. 1000 sq 3rd flr. _____ 4th flr. _____ 5th flr. _____

15. Total floor area 5100 sq No. of Stories 2 Height to Highest Point 25'-0"

16. Sites of Lot RECREATION Area of Lot 55,550 Per Cent of Area Covered by All Buildings 9.2%

(Fill out Item 16 on No. 16 in case of Courts, Apartments, Hotels, etc.)

17. Set Back from Property Line (including balconies, bays, porches, etc.) Front _____ Rear _____ Side _____

18. Foundation Material CONCRETE Footing With 14" x 16" Depth Below Natural Ground 12" & 18"

19. Height of Foundation Above Finished Grade 6" Wall Width 6" & 8" Mud Sills 2" x 6"

20. Joint Clearance from Ground 18" Cinders 4" x 6" Posts Under Cinders 4" x 4"

21. Materials of Exterior Walls FRAME & STONE VENEER Material of Interior Wall Surfaces HARPER & PAUL

22. EXTERIOR Studs 2" x 4" INTERIOR BEARING Studs 2" x 4" Interior Non-Bearing Studs _____

2" x 4" Ceiling Joists 2" x 6" Roof Rafters 2" x 6" FIRST FLOOR JOISTS 2" x 6"

Second Floor Joists 2" x 12" Roof Covering CEGAR SHEDS Roof Pitch 10" & 12"

I will comply with the State Labor Code and Workman's Compensation Insurance Provisions.
I have carefully examined and read the above application and know the same to be true and correct, and that all provisions of the Ordinances and Laws of the City of Beverly Hills and the State of California governing Building Construction will be complied with, whether herein specified or not.
NOTE: If work is not started within ninety days this permit expires. Application for refund of permit fee must be made before expiration date.

(Sign Here) Sejal, Pth. by Charles Paul Jovet, V.P. (Owner or Authorized Agent)

(FOR DEPARTMENT USE ONLY)

PERMIT NO. <u>25407</u>	Plans & Specifications checked and found to conform to Ordinances, State Laws, Etc.	Plans and Application rechecked and approved.	Stamp here when permit is issued.
	Plan Examiner <u>[Signature]</u>	By <u>[Signature]</u>	OCT 18 1950

D. J. Coniglio Chief Building Inspector

DEPARTMENT USE ONLY			STREET ADDRESS OF JOB
PLAN CHECK FEE	\$ 8.50		1176 Loma Linda
BUILDING PERMIT FEE	\$ 17.00		BUILDING BEVERLY HILLS, CALIFORNIA
TOTAL FEE	\$ 25.50		LOT 2 BLK. - TR. 21145
PLANS CHECKED BY	<i>[Signature]</i>	CORRECTIONS VERIFIED BY	DESCRIPTION OF WORK Addition of Dressing Room to New House
APPLICATION APPROVED BY	<i>[Signature]</i>	BUILDING TYPE	PROPOSED USE OR OCCUPANCY
PLAN ON FILE	<input checked="" type="checkbox"/>	PLAN ON BACK	OWNER I. C. Goldberg
		NO PLANS	OWNER'S ADDRESS 1176 Loma Linda
AREA OF BLDG.		NO. OF FAMILIES	CITY AND ZONE Beverly Hills
STORIES		HEIGHT	PHONE 245355
FRONT SET BACK		SIDE SET BACK L. R.	CONTRACTOR T. C. Washington
MATERIALS OF EXTERIOR WALLS			CONTRACTOR'S ADDRESS 2818 Bedford
BOND POSTED		INSURANCE POSTED	CITY AND ZONE L. A. 34
		EXPIRATION DATE-INSUR.	PHONE VE8774
ENGINEER			STATE LIC. NO. 129583 CITY LIC. NO. -
ADDRESS		PHONE	VALUATION OF JOB \$ 1400.00
STATE LIC. NO.		CITY LIC. NO.	ARCHITECT Gerald Colcord
			ADDRESS B.H. PHONE
			STATE LIC. NO. CITY LIC. NO.

— IMPORTANT —

Application is hereby made to the Director of Building and Planning for a permit subject to the conditions and restrictions set forth on the front and rear faces of this application.

- The applicant certifies that all workmen shall be covered by Workmen's Compensation Insurance in accordance with the laws of the State of California governing the same.
- Each person upon whose behalf this application is made and each person or whose request and for whose benefit work is performed under or pursuant to any permit issued as a result of this application agree to, and shall, indemnify and hold harmless the City of Beverly Hills, its officers, agents and employees in accordance with the provisions of Section 9-9.20) of the Beverly Hills Municipal Code.
- Any permit issued as a result of this application becomes null and void if work is not commenced within SIXTY (60) DAYS from date of issuance of such permit.

SIGNATURE OF APPLICANT *[Signature]*

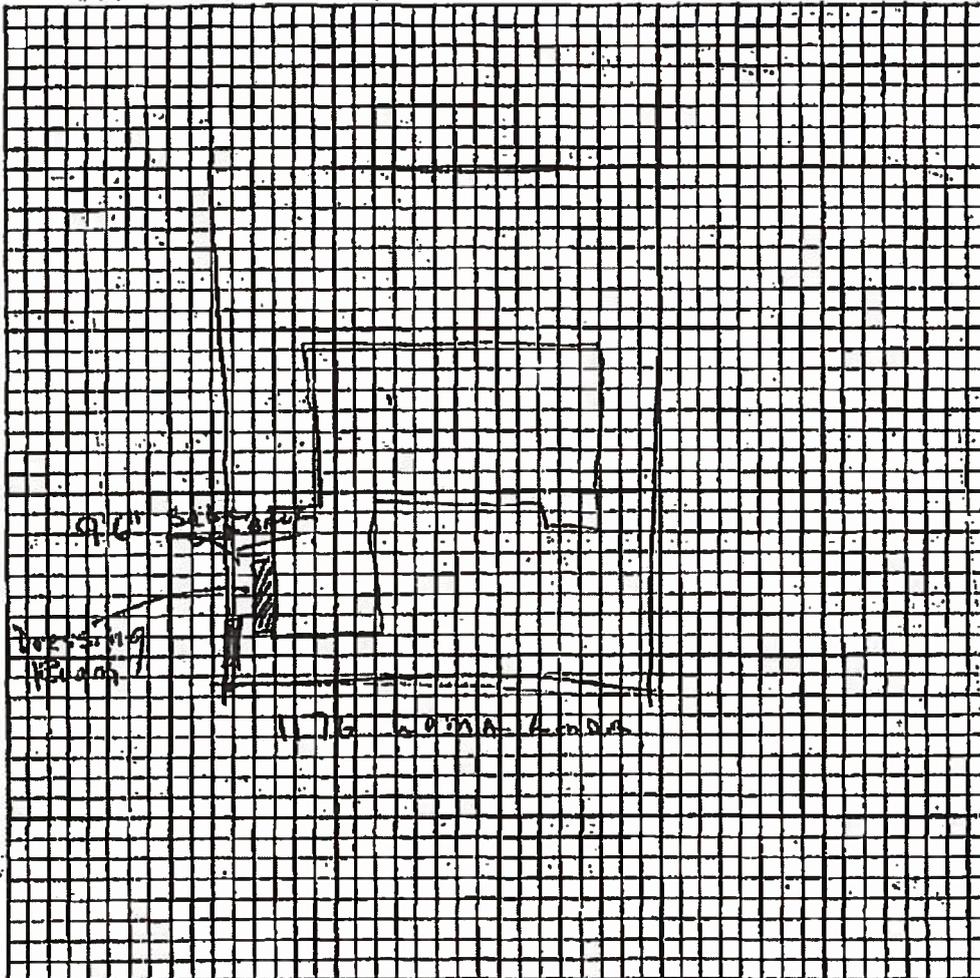
APPLICATION FOR PERMIT
640109

FEB-13-64 264419 A 3 15.00 OFFICE COPY
FEB-13-64 264420 A 3 8 0.50

Any permit issued as a result of this application

1. Does not grant any right or privilege to erect any building or other structure herein described, or any portion thereof, upon, under or over any street, alley or other public place or any portion thereof.
2. Does not grant any right or privilege to use any building or other structure herein described, or any portion thereof, for any purpose that is, or may hereafter be, prohibited by any provisions of the Beverly Hills Municipal Code.
3. Does not affect or prejudice any claim of title to, or right of possession in, the property described in such application.
4. Shall become null and void if work is suspended at any time during construction for a period of one hundred twenty (120) days, or if any work is done on the said building or other structure herein described in violation of the City ordinances or State laws governing the same.

Any and all workers employed on the job for other than daily wages MUST have a Beverly Hills City Business License.



MAY 9 1951

All Applications must be filled out by applicant

PLANS AND SPECIFICATIONS and other data must also be filed

DEPARTMENT OF BUILDINGS

Application for the Erection of Buildings

ZONE _____ FIRE DISTRICT _____ TYPE _____ GROUP _____ DIVISION _____

TO THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS:

Application is hereby made to the Council of the City of Beverly Hills, through the office of the Chief Inspector of Buildings for a permit in accordance with the description and for the purposes hereinafter set forth. This application is made subject to the following conditions, which shall be deemed conditions entering into the exercise of the permit:

FIRST: That the permit does not grant any right or privilege to erect any building or other structure herein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

SECOND: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Beverly Hills.

THIRD: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

FOURTH: Applicant agrees to hold the City of Beverly Hills, and all officers and employees harmless from all costs and damages, per Sec. 11-206(D), Beverly Hills Municipal Code.

Lot No. 11 & 59 Block _____ Tract 13101

1. Description of Work NEW RESIDENCE

2. Street and No. 1170 LOMA LINDA DRIVE

(Location of Property)
(USE INK OR INDELEIBLE PENCIL)

3. Purpose of Building RESIDENCE No. of Rooms 11 No. of Families ONE

4. Owner's Name MR. & MRS. FRANK SALE Phone CR. 59185

5. Owner's Address 508 WALDEN DRIVE

6. Architect's Name GABRIEL E. CALCORD State License No. C-35 Phone CR. 53749

7. Engineer's Name _____ State License No. _____ Phone _____

8. Contractor's Name OWNER City License No. _____ State License No. _____

9. Contractor's Address _____ Phone _____

10. VALUATION OF PROPOSED BLDG. [Including Plumbing, Gas Fitting, Sewers, Electric Wiring and Lighting, Elevators, Heating and Ventilating, Painting, Finishing, oil Labor, etc.] \$ 25,500

11. State how many buildings NOW on lot NONE How used? _____

12. Clear Height of Ceiling: Bath, Toilet 8'-0" Living Rooms 9'-0" Halls 8'-0" Cellars _____

13. No. of Baths 3 No. of Fireplaces 3 No. of Chimneys 3

14. Areas: 1st fl. 24'-0" 2nd fl. 6'-0" 3rd fl. _____ 4th fl. _____ 5th fl. _____

15. Total floor area 30'-0" No. of Stories ONE Height to Highest Point 26'-0"

16. Size of Lot 1.12 ACRES Area of Lot 4,800 % of Area Covered by All Buildings 8 1/2 %

(Fill out Item 16 on No. 26 in case of Courts, Apartments, Hotels only.)

17. Set Back from Property Line {including lineal, bay, porches, etc.} Front 14'-4" Rear 47'-6" Side 6'-0" Min.

18. Foundation Material CONC. Footing With 14" Depth Below Natural Ground 12"

19. Height of Foundation Above Finished Grade 6" Wall Width 6" Mud Sills 2 x 6 @ 3' 4"

20. Joist Clearance from Ground 18" Girders 4 x 6 Posts Under Girders _____

21. Materials of Exterior Walls BRICK & SIDING Material of Interior Wall Surfaces PLAS. & WOOD

22. EXTERIOR Studs 2 x 4 INTERIOR BEARING Studs 2 x 4 Interior Non-Bearing Studs _____

2 x 4 Ceiling Joists _____ Roof Rafters 2 x 6 FIRST FLOOR JOISTS 2 x 6

Second Floor Joists _____ Roof Covering SHAKES Roof Pitch 9:12

I will comply with the State Labor Code and Workmen's Compensation Insurance Provisions.

I have carefully examined and read the above application and know the same to be true and correct, and that all provisions of the Ordinances and Laws of the City of Beverly Hills and the State of California governing Building Construction will be complied with, whether herein specified or not.

NOTE: If work is not started within sixty days this permit expires. Application for refund of permit fee must be made before expiration date.

(Sign Here) Robert Kingdley (Owner or Authorized Agent)

(FOR DEPARTMENT USE ONLY)

PERMIT NO. <u>26003</u>	Plans & Specifications checked and found to conform to Ordinances, State Laws, Etc.	Plans and Application rechecked and approved.	Stamp here when permit is issued.
	By <u>W.</u> Plan Examiner	By <u>JK</u>	MAY 11 1951

D.D. Craig
Chief Building Inspector

**City of Beverly Hills
LIST OF LOCAL MASTER ARCHITECTS**

The *List of Local Master Architects* is an official list maintained by the City that includes master architects who have designed properties in Beverly Hills. As defined in the City's Municipal code, a Master Architect is an architect of recognized greatness in the field of architecture, or a designer, builder, landscape architect, engineer, or developer who has played an active role in the development of the architectural heritage of Beverly Hills.

This list has been compiled to assist in the identification and evaluation of properties for historical significance. This list will also serve as a guide to provide context for the works and careers of the prominent architects, designers, builders, engineers, developers, and landscape architects in the Los Angeles Region. Some of these individuals were locally based and spent much of their professional careers in Beverly Hills. Others may have designed only one or two structures in the community, yet those buildings are recognized as some of the City's most iconic landmarks.

Although this list is not comprehensive and other names will undoubtedly need to be added from time to time, it does serve to acknowledge the contributions of those individuals and firms that are now known to have contributed to creating the built environment in Beverly Hills.

Ache, William	Byrd, Robert
Adams, Charles Gibbs	Carpenter Brothers
Ain, Gregory	Chambers, H. C.
Ain Johnson, and Day	Clements, Stiles O.
Allison & Allison	Coate, Roland Eli, Sr.
Alperson, Edward	Colcord, Gerard
Arganbright, C.S.	Cook, Wilbur C.
Austin, John C.	Cornelius, James
Becket, Welton David	Curlett, Aleck
Beckett, William S.	Daniel, Mann, Johnson & Mendenhall
Black, Eric	Dentzel, E.P.
Bollenbacher	Derrah, Robert B.
Buff, Straub & Hensman	Dickason, James
Burgess, Carleton L.	Dolena, James E.
Byers, John	Dorman, Richard

**City of Beverly Hills
LIST OF LOCAL MASTER ARCHITECTS**

Douglas Honnold and John Rex	Gruen Associates
Dryden, Thomas Nathaniel	Haines, William (Billy)
Eckbo, Garrett	Harris, Harwell Hamilton
Eckbo, Royston & Williams	Holmes & Sanborn
Eggers, Henry	Honnold, Douglas
Ehmck, Casper	Honnold & Lautner
Elsenshtat, Sidney	Honnold & Russell
Ellwood, Craig	Houseman Brothers
Emmons, Frederick Earl	Hudson, W. Asa
Farquhar, Robert	Hunt, Myron
Fickett, Edward H.	Hunt, Sumner P.
Flewelling, Ralph C.	Hunter, Paul
Fowler, David	Hillock, J.H.
Froehlich, Arthur	Hillock & Son
Froehlich, Arthur & Associates	Johnson, Kaufmann, & Coate Architects
Gable and Wyant	Johnson, Reginald Davis
Gage, William J.	Jones, Archibald Quincy
Garrett Van Pelt	Jones and Emmons
Gehry, Frank O.	Kaufmann, Gordon Bernie
Gibbs, Hugh	Kelley, H. Roy
Gogerty, Henry "Hank" L.	Kelly, Arthur
Greene and Greene	Kennedy, Frederick Jr.
Greene, Charles Sumner	King, Richard Douglas
Greene, Henry Mather	Kieffer, Roy J.
Grey, Elmer	Koerner & Gage
Gruen, Victor David	Kolyar, Clinton B.

**City of Beverly Hills
LIST OF LOCAL MASTER ARCHITECTS**

Krisel, William	McCarty, Walter G.
Ladd, Thornton	Meier, Richard
Laszlo, Paul	Richard Meier & Partners
Lautner, John	Meyer & Holler
Lee, S. Charles	Milwaukee Building Co.
Levitt, Harold	Moore, Charles Willard
Lincoln Mortgage	Morgan, Julia
Lind, George Julius	Morgan, Walls, & Clements
Lotery, Rex	Morgridge, Howard Henry
Luckman, Charles	Muir, Edla
Lumsden, Anthony	● Neff, Wallace
Lundberg, Armet & Davis	Neutra, Richard Joseph
Lustig, Alvin	Nomland, Kemper
M. Burgbacher and Sons	Nordstrom and Anderson
MacLean, George	Oliver, Henry
Marston & Maybury	Pacific-Ready Cut Homes, Inc.
Marston & Van Pelt	Parker, Max
Marston, Van Pelt & Maybury	Parkinson Donald
Parkinson Donald	Parkinson, John
Marston, Carl	Parkinson & Parkinson
Marston, Keith Palmer	Peck and Canfield
Marston, Sylvanus Boardman	Pei, I.M.
Martin, Albert C.	Pereira and Luckman
Marx, Samuel	Pereira, William L.
May, Cliff	Pillsbury, A.C.
Maybury, Edgar W.	Polsky, Donald P.

City of Beverly Hills
LIST OF LOCAL MASTER ARCHITECTS

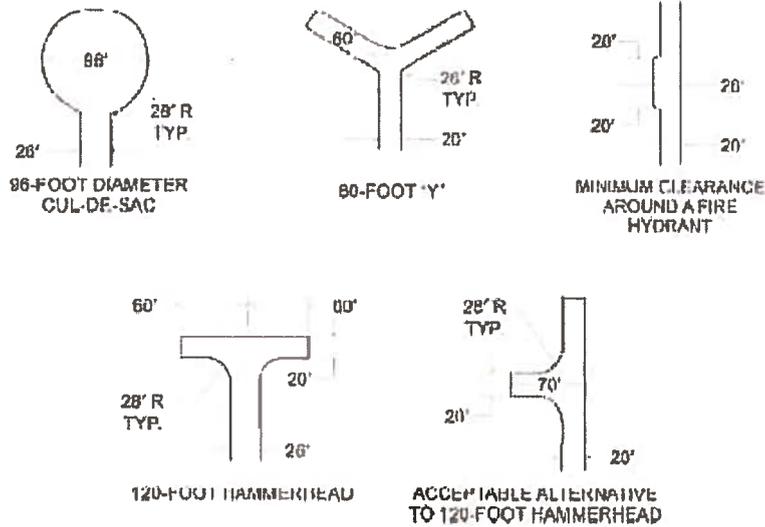
Price, Roy Seldon	Taylor, Arthur
Priteca, B. Marcus	Thiene, Paul
Rex, John	Trousdale, Paul
Reisbord, Samuel	Van Pelt, Garrett Beekman, Jr.
Riesenberg, Herbert	Van Pelt & Lind, Architects
Riverre, Rene	Verge, Gene
Rothenberg, Albert	Waldo, M.
Russell, H. Vernon	Walker & Eisen
Salisbury, Bradshaw & Taylor	Walker, Rodney
Schindler, Rudolph M.	Walter and Pierpont Davis
Schutt, Burton A.	Webber, Staunton, & Spaulding
Sheets, Millard	Werner, Harry E.
Siple, Allen	Weyl, Carl Jules
Skidmore, Owings & Merrill	Wilkinson, Marshall
Skinner, Robert	Williams, Paul Revere
Smith & Williams	Winslow, Carleton
Smith, Louis A.	Wong, Gin Dan
Stanberry, F.E.	Woolf, John Elgin
Starkman, Maxwell	Woolf, John Elgin & Robert Koch
Staunton, William F. Jr.	Wright, Frank Lloyd
Stephenson, William	Wright, Lloyd
Stone, Edward D.	Yoch, Florence
Stone, Hicks	
Taylor, Edward Cray	
Taylor, Ellis Wing	
Taylor & Taylor	

EXHIBIT D

ATTACHMENT D

California 2013 Fire Code – Appendix D, Fire Apparatus Access Roads

APPENDIX D



For SI: 1 foot = 304.8 mm.

FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

Correspondence from Tom and Melanie Staggs

Received on 12/10/14

Melanie and Tom Staggs
1115 Coldwater Canyon Drive
Beverly Hills, California 90210

December 10, 2014

Chair and Members of the Planning Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, ca. 90210

Re: Application for Hillside Permit for 1184 Loma Linda Drive

Dear Commissioners:

We own and occupy the single family home at 1115 Coldwater Drive. Our house is downslope and immediately below the proposed project. We have several concerns about the project which we feel need to be addressed prior to the approval of the project, including:

1. The stability of the hill immediately above our house and therefore the safety of our home;
2. The loss of our privacy and spoilage of the hillside views from our property
3. The siting of the "office" on a cantilevered area of their site immediately above our house.

The sets of plans we have been shown have been changed several times. We believe we have not seen the "final" plans filed with the city, which we understand will become the plans from which their house will be built. We should be given these plans as filed and given sufficient time to review them with our own architect and engineers.

We are requesting additional time to review the Applicant's final soils report. The entire area is unstable; about a decade ago the hillside failed and considerable remediation was required. Because of this, we request that the final soils report be given to us so it can be peer-reviewed by our own soils engineer. He could coordinate his findings with the Applicant's soils engineer, and the results and structural design implications can be

incorporated and submitted to the Planning Commission for consideration before any permit is granted.

There is an "office" shown on the plans we were shown that was situated on a cantilevered area of their property immediately above our house. The location of this structure gives us concerns about both the safety and privacy of our home. In the event of an earthquake or other disaster that might render the slope on which it rests unstable, the slope could fail, putting our house in jeopardy. Furthermore, by allowing the "office" to be placed so close to the edge of the slope we lose our privacy. The proposed office would loom over our property and result in the loss of a substantial amount of hillside planting. Furthermore, a glass window shown on the plans affords an unobstructed view into our house and the open spaces around it. We believe the office structure should be located farther back from the edge of the slope.

While we believe that a different location for the office of the proposed project is the most appropriate solution, we have been in discussions with Applicant's landscape architect in order to mitigate our concerns over privacy and other intrusions on the view from our home through an acceptable landscaping plan. We believe we have finally agreed upon such a plan that is suitable. However, the draft Resolution submitted for the December 11, 2014 meeting is silent on the completion of and future maintenance of the agreed-upon landscape. We request that the applicant be required to enter into a covenant with us and with the city in a manner that survives any sale of the property to insure that the agreed-upon landscaping will be maintained and replaced, as needed, in the future.

One or both of us will attend the hearing on December 11, 2014, but we wanted you to be apprised of our concerns and issues with the proposed project in advance.

Sincerely yours,



Tom Staggs

Correspondence from Benjamin Reznik

Received on 12/8/15

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

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

December 8, 2014

VIA E-MAIL (kmyron@beverlyhills.org) AND FEDERAL EXPRESS

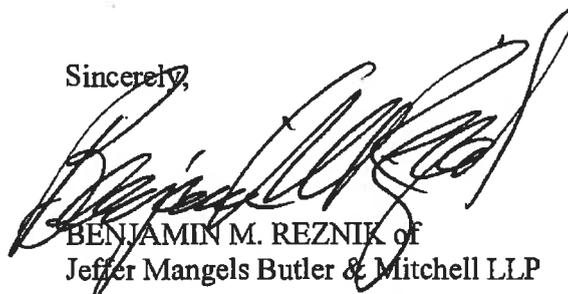
Beverly Hills Planning Commission
Howard S. Fisher, Chair
Alan Robert Block, Vice Chair
Craig Corman, Commissioner
Brian Rosentstein, Commissioner
Farshid Joe Shooshani, Commissioner
Attention: Karen Myron
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: Request for Continuation
1184-93 Loma Linda Drive
Hearing Date: Thursday, December 11, 2014, Item No. 2

Dear Chairman Fisher and Members of the Planning Commission:

We represent Debbie Weiss and Adrian Lorimer, the owners of the home located at 1185 Loma Linda Drive, which is directly adjacent to the applicants property. We request that the hearing on this matter be continued until January 8, 2014, so that we may have additional time to discuss mitigation options with the applicant. At the prior hearing, the Commission granted a continuance to allow the applicant to provide additional information to the neighbors. Despite several attempts to obtain updated plans and information since that date, our clients did not receive any information until the end of last week at the time that the City staff report was provided to them. Therefore, additional time is necessary for the applicant to consider our analysis, which we will provide under separate cover.

Sincerely,



BENJAMIN M. REZNIK of
Jeffer Mangels Butler & Mitchell LLP

BMR:slb

Beverly Hills Planning Commission
December 8, 2014
Page 2

cc: Via e-mail:
Susan Healy Keene, Director of Community Development (skeene@beverlyhills.org)
Ryan Gohlich, Senior Planner (rgohlich@beverlyhills.org)
Andre Sahakian, Planner (asahakian@beverlyhills.org)
Thomas Levyn, Esq. (tlevyn@glaserweil.com)

Correspondence from Debbie Weiss

Received on 12/1/14

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+fined+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 Pothecary 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>

Correspondence from Glen Revivo

Received on 12/1/14

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 if 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

Correspondence from Larry Murphy

Received on 12/1/14

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.

Correspondence from Debbie Weiss

Received on 11/30/14

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.**

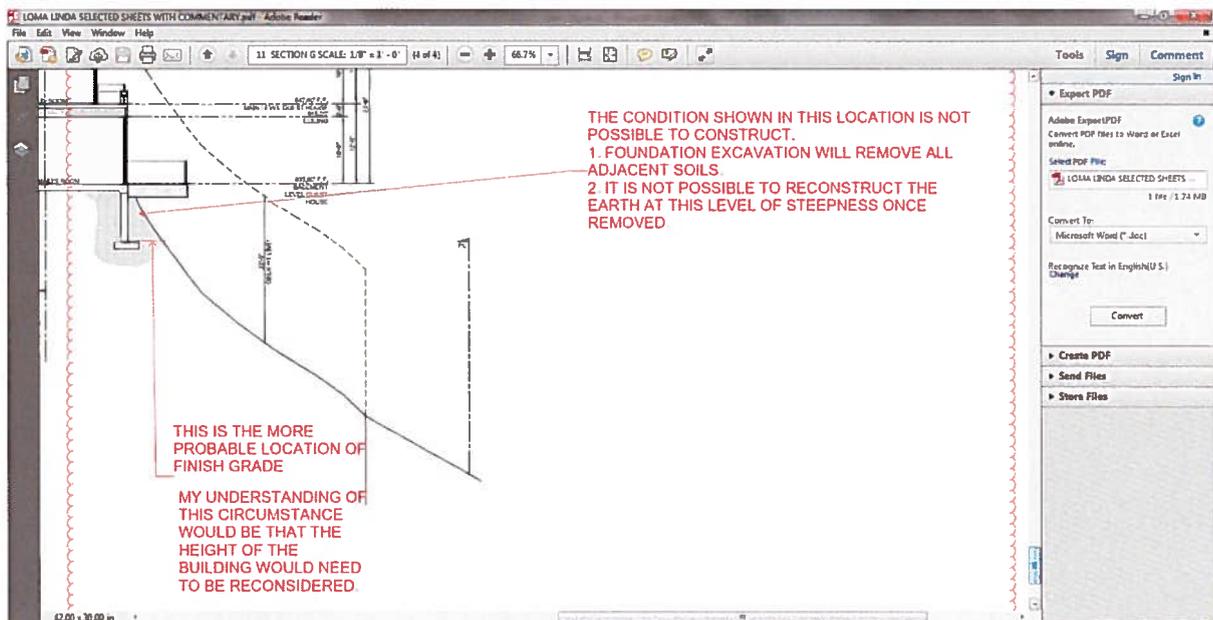
What was sent to us were inaccurate two dimensional plans that were **misleading because the plans misidentified North, South, East and West.** (Please note- the City agreed with our findings and has since requested corrections).

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.

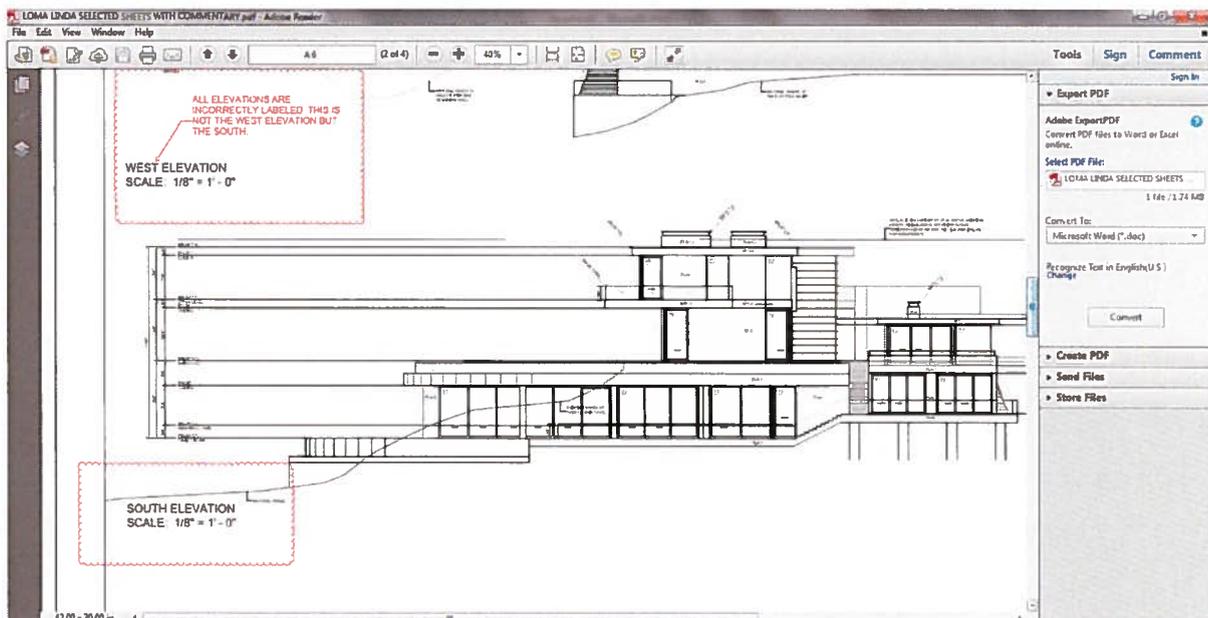
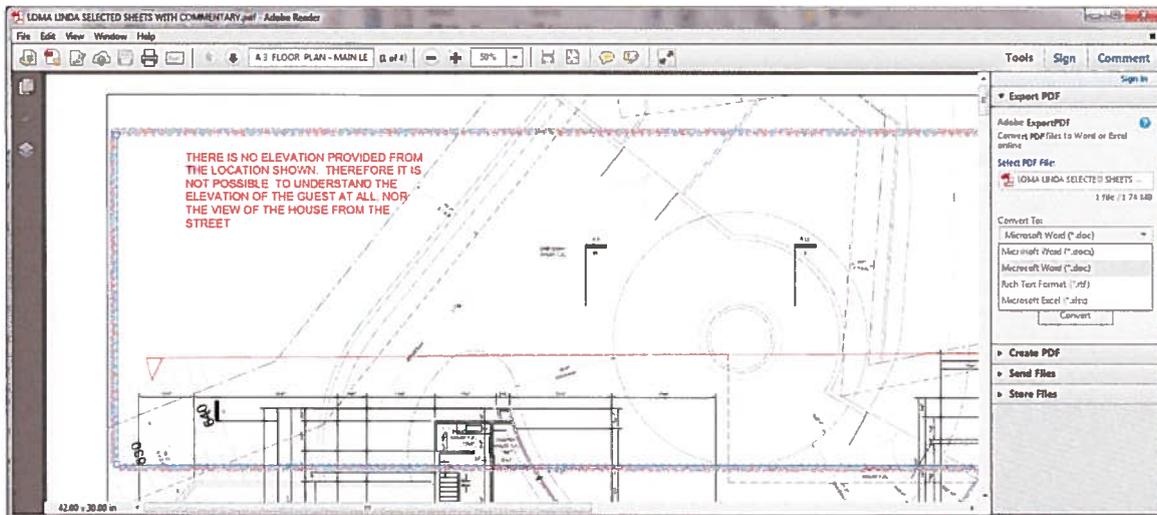
Based on what has been presented so far, it appears to us that the owner's representatives are aware of many of these issues, and the detrimental impacts this project will have on us and our neighbours, and therefore appear to be purposely misrepresenting the project.

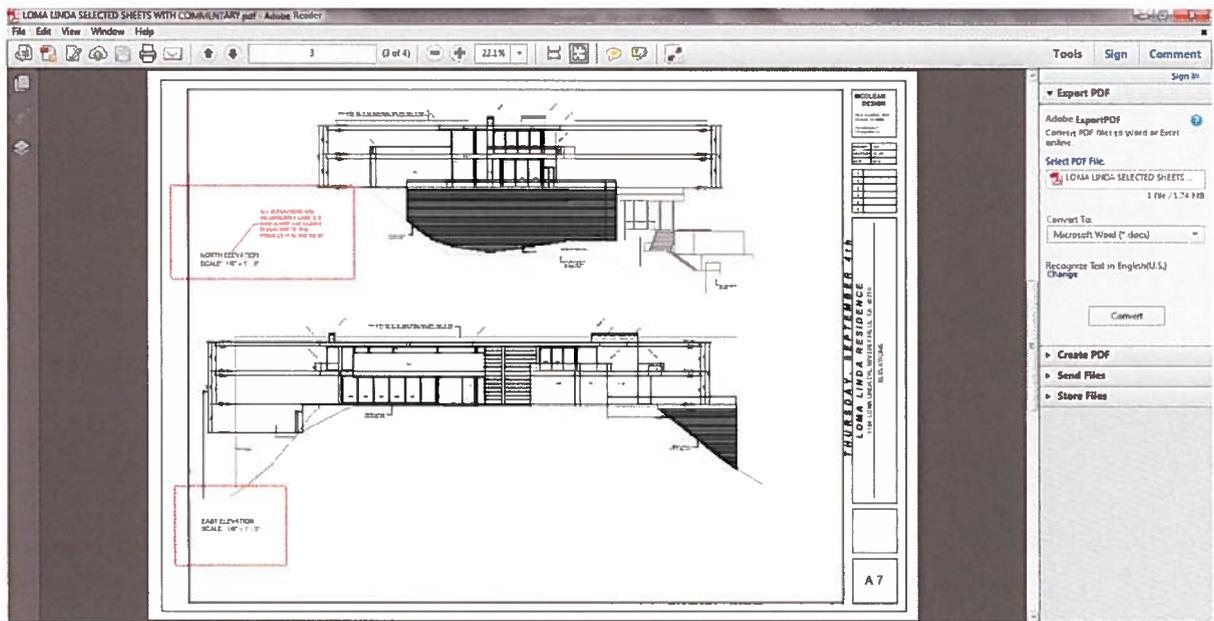
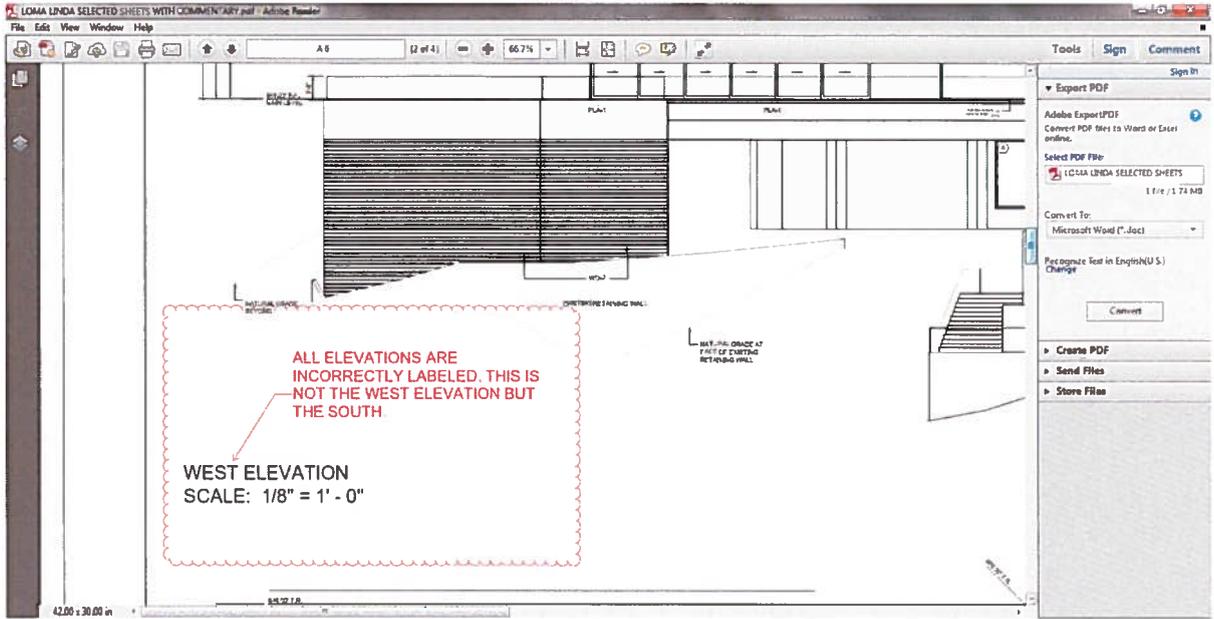
It is important that all these issues be thoroughly investigated and resolved prior to this project being given Planning Commission approval. The failure to deliver information, combined with the failure to deliver accurate information, have caused unnecessary confusion and delay. We request that the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

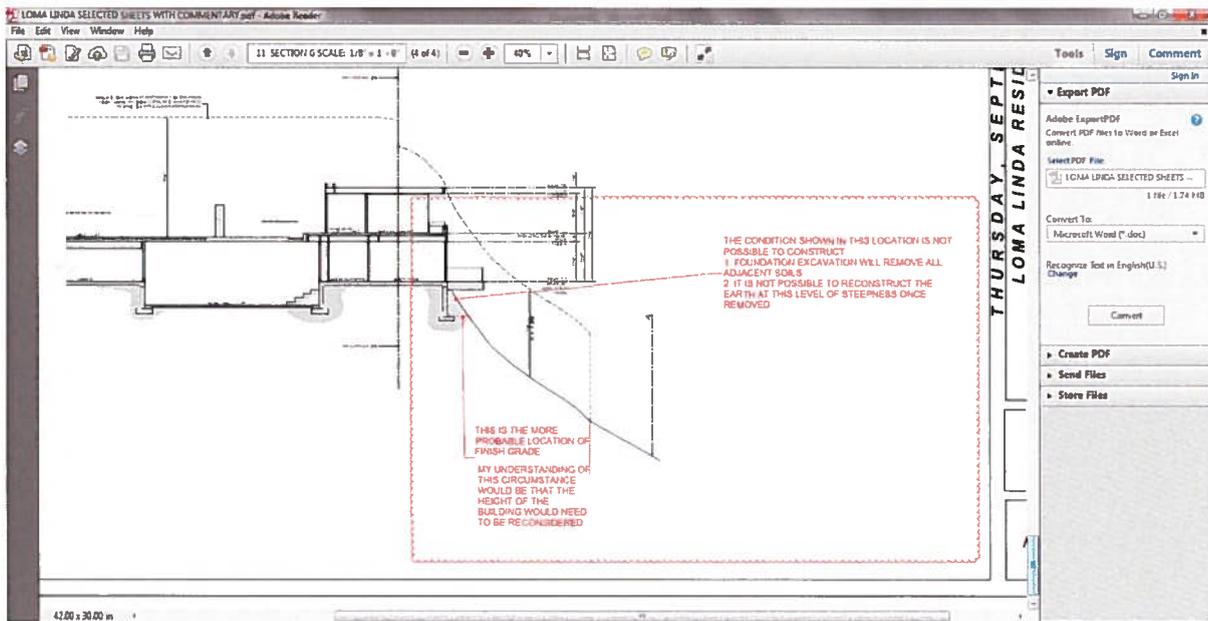
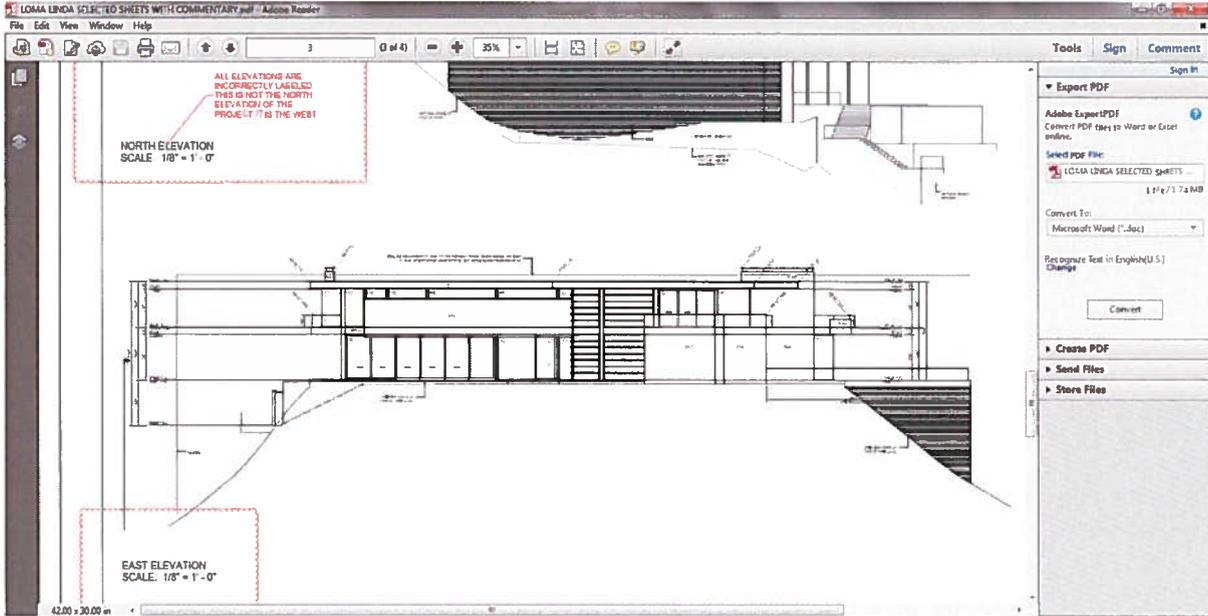
Yours Sincerely,

Debbie Weiss and Adrian Lorimer

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







Correspondence from Jack Nourafshan

Received on 10/8/14

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

Correspondence from Debbie Weiss

Received on 10/7/14

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.

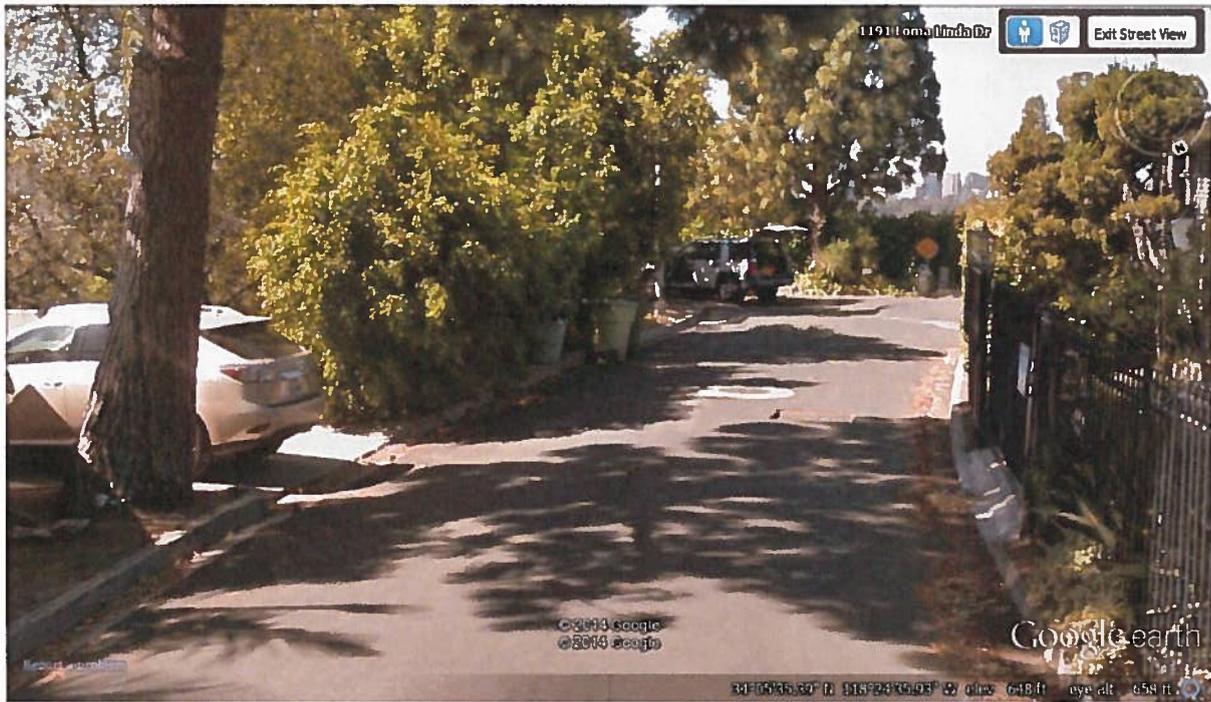
Now while we understand that they are under no obligation to supply us with these documents, we feel that if information is promised, it should be forthcoming.

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

Correspondence from Tom Schulhof

Received on 10/4/14

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 H

CONSTRUCTION TRAFFIC MANAGEMENT PLAN



CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Project: 1184-1193 Loma Linda Dr. Los Angeles, CA 90210

(1) A full, meaningful characterization of trip generation, by (a) phase of project (including overlaps), (b) vehicle type, and (c) peaking/time of day impact.

During the construction of the Residence located at 1184-89 Loma Linda Dr., L.A., CA, a trip generation by phase of project, vehicle type, and peaking/time of day impact is provided as follows.

CONSTRUCTION MANAGEMENT AND PARKING PLAN

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 the Director of Engineering and Transportation. The hauling plan shall take into consideration vehicle size and the limitations of adjacent residential streets with respect to size and width.

GENERAL SCHEDULE

Construction is anticipated to begin June/July of 2015 (site prep) and be completed, including all interior and exterior finished within 25 Months. The project generally includes phases of various durations including:

- Phase 1 (Site Preparation, Grading, Excavation) – Approximately 3 months
- Phase 2 (Concrete Construction) – Approximately 6 months
- Phase 3 (Rough Construction) – Approximately 8 months
- Phase 4 (Finish Construction) – Approximately 8 Months

TRAFFIC MANAGEMENT

PRE - CONSTRUCTION

Weekly meetings shall take place at the job site where the Design and Construction Team will meet to discuss construction design and procedures. A maximum of three automobile vehicles or pick-up trucks will be driving up to the project location weekly during the pre-construction phase of work. The pre-construction phase is anticipated to last six weeks.

CONSTRUCTION

During Construction: Subcontractors' time for work arrival will depend on the type of work required and the need for heavy equipment. The type of equipment transportation trucks,



Hauling trucks, delivery trucks are as follows:

TRIPS BY PHASE:

PHASE 1 – GRADING, SITE PREP, EXCAVATION:

Estimated preliminary project grading would include approximately 5,994 cubic yards (CY) of exported earth material. Assuming each truck has a capacity to haul 10 CY of material, the proposed project would result in approximately 600 round--trip hauling truck trips. Conservatively assuming the most intense phase of excavation and hauling would occur over approximately 30 days out of the entire phase (estimated as June or July permits pending) of the project would generate approximately 20 daily haul trips, or fewer than 1 trip every 17 minutes. It is assumed that the majority of truck traffic would be distributed evenly across the permitted hauling time period. As such, hauling activities during any hourly period would not cause significant traffic impacts. During the grading phase, trucks will be scheduled from 9:30 am to 4:00 pm to avoid school hours and peak hour traffic. No hauling trucks will pass each other on Loma Linda Drive.

In addition, the grading phase would include approximately 5 worker trips in the shuttle bus with up to 10 person capacity. This number of trips would not cause significant congestion on area roadways.

Equipment transportation trucks will deliver and pick up heavy equipment, using lowboys to deliver heavy equipment as wheel loaders, backhoes, compactors, etc a month during the grading phase, which is anticipated to last for approximately three months.

DRAFT - PHASE 1 SCHEDULE

(Including 30 Day Haul and 12 Week heavy removal Schedule)

Day	Time	Activity	Round Trips (Daily)
Mon - Fri	8:00 am to 8:30 am	Workers Arrive on Construction Site	5
Mon (12wk)	9:30 am to 10:30 am	Large Equipment Delivery to Site	1
Mon - Fri	9:30 am to 4:00 pm	Dump Truck Hauling (30 Days)	20
Fri (12wk)	3:30 pm to 4:30 pm	Large Equipment Removal from Site	1
Mon - Fri	4:30 pm to 5:00PM	Workers Depart from Construction Site	5
Mon - Fri	8:00 am to 5:00 pm	Aquilini Staff/Consultants/City	3
TOTAL DAILY MAXIMUM ROUND TRIPS			35
TOTAL DAILY AVERAGE ROUND TRIPS			33



PHASE 2 - CONCRETE FOUNDATION:

During concrete pouring, concrete mixer trucks with 10 CY capacity will be used, but only a maximum of 9 CY will be loaded on each truck. Trucks will enter from Coldwater Canyon up to Loma Linda Dr. In the event of all pours, traffic control will be scheduled. About 4,000 CY of concrete will be poured for foundations and structures, which will equate to approximately 445 concrete truck trips. The regularity of concrete deliveries to the site and spacing between deliveries will be minimized but depends on construction sequencing. Trucks will be scheduled from 9:30am to 4:00 pm to avoid school hours and peak hour traffic. We anticipate 150 truck trips to deliver the rebar and Caissons in this phase.

Pump trucks will be used at the time of pouring concrete and concrete pumps will be towed by pick-up trucks extending approximately 25 feet. In some cases Boom truck pumps will be used instead. Trucks will be scheduled from 9:30 am to 4:00 pm to avoid school hours and peak hour traffic. We anticipate shuttle workers during this phase in a 10 passenger van.

DRAFT - PHASE 2 SCHEDULE

Day	Time	Activity	Round Trips (Daily)
Mon - Fri	8:00 am to 8:30 am	Workers Arrive on Construction Site	6
Mon - Fri	9:30 am to 10:30 am	Rebar (150 total trucks)	3-4
Mon - Fri	9:30 am to 10:30 am	Concrete Pump Equipment Delivery*	2
Mon - Fri	9:30 am to 4:00 pm	Concrete Mixer Trucks*	7 or 8
Mon - Fri	3:30 pm to 4:30 pm	CM Pump Equipment Removal from Site*	2
Mon - Fri	8:00 am to 5:00 pm	Aquilini Staff/Consultants/City	3
Mon- Fri	4:30 pm to 5:00 pm	Workers Depart from Construction Site	6
TOTAL DAILY MAXIMUM ROUND TRIPS			32
TOTAL DAILY AVERAGE ROUND TRIPS			31

**Concrete pumps and workers departing are likely only going to be 60 working days or three months of the total time period and will average 7-8 a day totally 445.*

PHASE 3: ROUGH CONSTRUCTION

Delivery truck trailers will be used to deliver steel members while some framing will come in heavy duty flatbeds. We anticipate 150 total trucks for this portion of the hauling. In all cases, particularly for oversized loads, traffic control will be scheduled to accommodate a proper and safe delivery. Trucks will deliver and return empty. Steel installation is anticipated to commence approximately 9 months into the project. Crane trucks will arrived to the site according with the steel erection schedule (tbd). Trucks will be scheduled from 9:30 am to 4:00 pm to avoid school hours and peak hour traffic.



Delivery trucks will offload rough lumber to the site. Sometimes heavy---duty pick-up trucks will be used for lumber delivery. Trucks will be scheduled from 9:30 am to 4:00 pm to avoid school hours and peak hour traffic.

DRAFT - PHASE 3 SCHEDULE

Day	Time	Activity	Round Trips (Daily)
Mon - Fri	8:00 am to 8:30 am	Workers Arrive on Construction Site	6
Mon	9:30 am to 10:30 am	STEEL Equipment Delivery to Site	3-4
Mon	11:00 am to 1:00 pm	Lumber delivery to site (framing)	3-4
Mon - Fri	8:00 am to 5:00 pm	Aquilini Staff/Consultants/City	4
Mon - Fri	4:30 pm to 5:00 pm	Workers Depart from Construction Site	6
TOTAL DAILY MAXIMUM ROUND TRIPS			24
TOTAL DAILY AVERAGE ROUND TRIPS			18

PHASE 4 – FINISH CONSTRUCTION:

Approximately 200 Trucks, 100 being 10 wheelers and the other 100 being large pickup trucks should deliver finishing materials over the last eight months. These materials will be drywall, tile, flooring, roof, insulation, cabinets, wood, doors and windows, etc. Trucks will be scheduled from 9:30 am to 4:00 pm to avoid school hours and peak hour traffic.

DRAFT - PHASE 4 SCHEDULE

Day	Time	Activity	Round Trips (Daily)
Mon - Fri	8:00 am to 8:30 am	Workers Arrive on Construction Site	7
Mon	9:30 am to 10:30 am	Finishing Material delivery	6-7
Mon- Fri	4:30 pm to 5:00 pm	Workers Depart from Construction Site	7
Mon - Fri	8:00 am to 5:00 pm	Aquilini Staff/Consultants/City	4
TOTAL DAILY MAXIMUM ROUND TRIPS			25
TOTAL DAILY AVERAGE ROUND TRIPS			19

Summary – Heavy Truck Trips

The above break down of truck trips is an estimate by phase. To summarize the suggested total heavy truck round trip for the project broken down by category are:

- Grading– 600 trips with the 10CY trucks.
- Concrete – 445 trips with the 10 CY trucks (9 CY capacity).
- Rebar – 150 Trips with the10 Wheelers 48 foot where possible.



- Structural Steel and Framing – 180 trucks delivered with the 10 wheelers and flat bed trucks.
- Finishing Materials – 200 trucks with 100, 10 Wheelers (48') & 100 Heavy duty Pick-up trucks (3-5 ton).

Total Heavy Truck Round Trips: 1575

Notes Regarding Other Trips:

CITY OFFICIALS

Summary City officials will drive to the jobsite to perform work inspections, normally driving a compact car or pick-up truck. This will take place from the beginning of project to the end. Times will be determined by the city schedule and dependent on the contractor's construction sequencing and inspection requests.

All traffic (hauling, concrete, vendors, workers, and misc.) will be controlled during the entire duration of the project, whenever there is work going on in the proximity of the project.

Complete traffic control for the project will include:

- Warning and speed limit signs.
- 5 flagmen (2 at Coldwater and 3 on street) plus a dispatcher at the site entrance in accordance with the approved WCTP (attached).
- Advance directives to all drivers.
- Limits in trips per hour to avoid the concentration of trips and buildup of lines of traffic on Loma Linda or Coldwater Canyon.
- Hauls only uphill on Coldwater Canyon.
- Limits on truck size; 10 CY for Dirt and 10 CY for Concrete (9 CY capacity).
- Preferred, immediate access for residents, with window stickers to designate residents.
- Procedures in place to protect pedestrian traffic at all times.
- Weekly safety meeting held based on OSHA requirements to ensure a safe site is maintained.

Please note a traffic management plan has been submitted to at the City as of January Feb 1st, 2015

CONSTRUCTION MATERIALS / HAULING



The following is a list of the materials and equipment that will be associated with the project for construction methodology and for all finishes for the building. This list is intended to be complete as possible, but is not considered to be an exhaustive list of requirements:

GRADING/EXCAVATION

- Mini Excavator
- Skid Steer
- Both above to be hauled in on a small flat sized tow truck or equal
- Front end loader 5 yard/or tracked loader
- Backhoe
- Excavator 25---35k lbs
- Bull dozer (D6 or greater)
- Above will be hauled in using a low boy trailer and tractor (truck)

IMPORT/EXPORT

- 10 CY dump trucks for export

MISCELLANEOUS

- Boom fork lift for raising materials to higher levels or stage equipment properly throughout the site for the duration of the project. Will be hauled in using lowboy trailer and tractor
- All trash to be hauled away via CROWN DISPOSAL COMPANY or equal

CONCRETE

- 10 CY Concrete trucks (9cy capacity) & concrete pump trucks to accommodate far reach areas.
- Rebar steel requires 10 wheeler delivery trucks (48') to the site for the structural concrete steel scope.

STRUCTURAL STEEL

- Boom crane (approximately 35tons) to lift and set structural steel

WOODS/LUMBER

- To be hauled in via flat-bed truck (5---7ton) from Stock building supplies, valley builders supply.

GLAZING / WINDOW

- Glazing and frames expected to be metal window corp or equal
- Frames will be delivered via conventional flat-bed 3---5ton truck
- Glass will be delivered via a large glazing supply truck
- Boom crane 25 ton to be used to lift glazing and install or possibly by dolly



DRYWALL

- Delivery trucks = flat-bed truck
- Unload using boom forklift

STUCCO

- Sand to be delivered via 10yd or 6yd dump trucks
- Scaffolding -- to be delivered via flatbed trucks and installed by hand

HARDSCAPE

- Small concrete trucks where possible.
- Stone and or tile delivery via 7---10ton flatbed truck

ELECTRICAL

- Possibly need a transformer on site. This would require a light crane for install.

PLUMBING

- Materials will be delivered via a 710 ton flat-bed delivery truck

EQUIPMENT HAULING TRUCKS SIZE

- Lowboy Trailer Truck: Max 56 feet long, 8 feet wide; 48 Feet Long when possible.
- 10 CY Hauling truck: 22 feet long, 8 feet wide
- Concrete Hauling truck, 22 feet long, 8 feet wide
- Flat Bed truck, regardless of tonnage: 35 feet truck, 8 feet wide

OTHER KEY BUILDING MATERIALS:

- 2500/3000PSI concrete
- Pea gravel/ similar materials; i.e. ¾" rock
- PVC underground piping for storm drainage
- Copper plumbing lines, connectors
- Kiln dried wood framing
- Metal studs
- Structural Steel
- Metal Conduit & Electrical wiring
- Gypsum board
- Marble Stones, Limestone
- Large glass panels
- 95% HVAC System
- Metal ducting material
- Paint
- Torch down style roof material
- LED lighting
- High efficiency plumbing fixtures



AQUILINI
AMERICA CONSTRUCTION Inc.

- Televisions
- Insulations (Formaldehyde free)

PARKING

(2) No project--related street parking.

All construction--related parking shall be accommodated on---site or at an off---site designated parking location approved by the Director of Engineering and Transportation 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 Coldwater Canyon. Material deliveries and food service vehicles shall park on---site in accordance with the approved construction management and parking plan.

(3) Enforced by contract supervisors and flagmen, with license registration/permitting procedures.

Fulltime supervision and flagmen with license registration in according with all permitting procedures shall be provided.

ENVIRONMENTAL

(4) Fugitive Dust Emission Control Plan.

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.



(5) Daily sweeping of the street and pickup of trash, nails, or debris. Wash downs of the street with reasonable frequency on a regular basis every week.

Daily sweeping of the street and pick up of trash, nails, or debris shall occur. Wash downs of the street will occur on a regular basis every week.

(6) Best demonstrated dirt generation restrictions and management practices

The contractor will work with the grading company of choice to ensure that construction is sequenced in a way to reduce dirt export where possible. Correct sequencing will allow spoils from foundations to be reused for final grading and finished grading on the site. This will also avoid the need for additional exporting which could result in importing being required later in the project.

(7) Noise limitations, with periodic blind monitoring by the city.

No loud music will be allowed and no music will be allowed before 9am or after 4pm, equipment noise will be allowed only from 8:00 am to 3:00pm

Monday to Friday, and in accordance with Beverly Hills Municipal Code 5-1-202. Regular weekly house calls will be made by the GC to assess the noise impact to surrounding neighbors.

(8) Trash and waste containers.

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. Not more than three landscape clipping containers shall be allowed at any time. Landscape clippings shall typically be hauled offsite as part of a private landscape service.

ELECTRICAL

(9) Solicit an expert third party assessment(s) of existing electrical capacity, load requirements from the new home; specific solutions; and problems/issues of achieving these solutions. This should be a condition of project approval.

A letter from our MEP Engineer for the project has been provided as follows:



In conversation with S. CA Edison service planner Mr. Mudila Kangulunga regarding the new power request, he informed me that at the present time there is no service with Edison at this address. Therefore, based on the loads required (estimated at 800Amp, single phase) we would need a dedicated site mounted transformer independent of other residencies of about 6ft X 8ft with 3ft clearance, furnished and installed by Edison to supply the power desired.

To obtain power, the Contractor and Owner will coordinate to submit the necessary plans and calculations with Edison to begin the request process during the preparation of working drawings and design phase of the project. There are no issues with obtaining this approval following permit issuance and all power requirements for the site will be fully independent of the neighboring properties.

ROAD DAMAGE

(10) Substantial road damage is to be expected from the large number of trips in general, heavy hauls, and work on utilities

A slurry coat on the road in all areas required at the end of the project shall be provided. During construction, a weekly assessment will 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.

SECURITY

(11) G.C. will provide a trained security officer on the site during all hours of operation.

A security officer shall be provided during all hours of operation who will continually monitor the site and security of all personal, equipment, and surrounding activity on the street. This will be made a requirement in the main contract between the Owner and Contractor.

(12) Screening for each employee who will be work on job site before allowing the employee to work.

Contractor has confirmed that security screening is currently, and will always be, performed on all staff. Sub---contractors are also required to provide their own screening of employees for crime and sex offenses. This will also be made a requirement of the subcontract. Contractor will also perform regular spot checks on site staff to reconfirm that all personal are compliant with stated requirements.



CONSTRUCTION REPRESENTATIVE

(13) Construction representative

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

ATTACHMENT I
ARCHITECTURAL PLANS
(PROVIDED AS A SEPARATE ATTACHMENT)