

Channel Law Group, LLP

8200 Wilshire Blvd.
Suite 300
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III *
JAMIE T. HALL **
CHARLES J. McLURKIN
JOEL M. HOLLAAR
ROBERT JYSTAD***

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Colorado
**ALSO Admitted in Texas
***Of Counsel

September 2, 2016

VIA PERSONAL DELIVERY

Etta Armstrong
City of Los Angeles
Office of the City Clerk
3rd Floor, Room 395
Etta.Armstrong@lacity.org

Re: Appeal of Haul Route Permits for 911 Tione Road and 865 North Stradella Road (Board File Numbers 160032, 160033)

Dear Etta:

This firm represents the Bel Air Homeowner's Alliance. On or about August 23, 2016, the Board of Building and Safety Commissioners ("Board") approved haul route permits for 911 Tione Road and 865 North Stradella Road. Pursuant to Los Angeles Municipal Code Section 91.7006.7.5, both the Bel-Air Alliance ("Alliance") and the Bel Air Association ("Association") (collectively referred to as "Appellants") appeal the grant of the aforementioned haul route permits to the Los Angeles City Council.

The Board erred in granting the haul route permits because the proposed grading activity will endanger the public health, safety and welfare and denial was therefore mandated pursuant to Los Angeles Municipal Code ("LCAMC") Section 91.7006.7.5.

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The Project

The "Project" is the proposal to construct an approximately 25,000 square foot home and a large guesthouse. These two new, extremely large structures would replace an existing home and tennis court (see picture below). The developer of the Project has proposed to grade a total of 9,950 cubic yards.

Current Home and Tennis Court



Proposed Project - New Home and Guest House



Applying for Two Separate Haul Route Permits Is an Attempt to Game the System

In this case, the developer has sought to evade the maximum grading limit established for Bel Air in Interim Control Ordinance No. 183497 (“ICO”) by filing two *separate* applications for haul routes arguing that – as a purely technical matter – the two homes are on two separate legal lots (with two separate addresses) and therefore he should be entitled to double the amount of grading authorized under the ICO. As explained below, this is clearly an example of a developer attempting to find a “loophole” in the City’s regulatory process and game the system.

In adopting the ICO, the City determined that proliferation of new residential construction in areas such as Bel Air “*poses a current and immediate threat to the public welfare, including degradation of neighborhood character, loss of neighbors’ privacy, curtailment of development potential, and negative impacts to aesthetics and general quality of life.*” The City established a 6,000 cubic yard limitation on exempted grading in Bel Air in order to reduce the current and immediate threat the public welfare.

The ICO’s legislative history demonstrates that residents and other community leaders had legitimate concerns regarding impacts associated with large scale grading activities in their community. Indeed, human life has tragically been lost as a result of large construction vehicles colliding into other vehicles. The new grading limitation in the ICO was intended to reduce the number of trucks that would be required to develop residential development projects and thereby reducing the threat to public welfare and safety.

Here, the overwhelming evidence demonstrates that the “project” is the construction of a 25,000 square foot mansion **and** a guest house. The fact that these two structures may be on separate legal lots misses the point – they are actually part of the same “project,” owned by the same person, and marketed together. Here are some of the undisputed facts:

- The website of Jay Belson markets the so-called “Tione” property and presents a proposed 25,000 square foot home *and a guest house* (connected by a walkway). See marked up photo-simulation depicted above. The property is to be sold for \$100 million.
- At a May 10, 2016 Open House, representatives indicated to a resident and a visitor - who happened to be a reporter - that this development will be comprised of a new 25,000 square foot single family dwelling with elaborate water features and pools, and that the tennis court was *going to be a guest house* with an underground garage for additional parking.
- Site workers indicated to inquisitive residents the current home will be demolished to build a 25,000 square foot single family dwelling and that the tennis court area *was going to be a guest house*.

In this case, the developer is clearly trying to game the system and export more dirt that he would otherwise be allowed to do under the ICO. The ICO’s grading limitations were adopted to address a “current and immediate threat to the public welfare” and were designed to limit each project to 6,000 cubic yard of export. Regardless of whether or not there are two legal lots, it is clear in this situation that the “project” is the construction of *both* a primary residence

and a guest house. The City should not allow a loophole to be exploited and should exercise its lawful discretion to deny the requested haul route permits on the basis that the cumulative impacts of the project, namely the excessive grading, will endanger the public health, safety and welfare pursuant to LAMC 91.7006.7.5.

I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jamie T. Hall", with a stylized flourish extending to the right.

Jamie T. Hall