



Paul Rohrer & Kathryn Lohmeyer Rohrer

9662 Highridge Drive, Beverly Hills, CA 90210

June 11, 2018

City Council  
City of Los Angeles  
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**Re: Council File Number: 18-0459;**  
**Council Meeting, June 12, 2018;**  
**Appeal from Determination of the Board of Department of Building and Safety**  
**Commissioners;**  
**Environmental Case Number Env.-2017-5004-CE;**  
**9607 West High Ridge Drive (aka Highridge Drive);**  
**CD.: 5 (Councilmember Koretz)**

Dear Honorable Councilmembers:

We are writing in support of our appeal of the action taken by the Board of Building and Safety Commissioners (the "**Board**") on the above referenced matter.

The Board's actions were to (a) find (the "**CEQA Finding**") that the demolition of an existing home, grading and hauling, and the construction of a new structure (the "**Project**") on property located at 9607 Highridge Drive (the "**Project Site**") was categorically exempt under the California Environmental Quality Act ("**CEQA**") and (b) to approve (the "**Approval**") the Application to Export 3,000 Cubic Yards of Earth (the "**Application**").

We appeal both the CEQA Finding and the Approval for the reasons set forth below and for the reasons set forth by us in previous correspondence submitted at each level of review.

1) **The CEQA Finding Fails to Satisfy CEQA Requirements.** The analysis and determinations set forth in the Notice of Exemption and Justification for Project Exemption Case No. Env-2017-5004-CE (the “**Environmental Staff Report**”) are inadequate to determine that the Project is categorically exempt under CEQA pursuant to Section 15332 of the California Public Resources Code (“**Categorical Exemption 32**”). As set forth in Section 15330.02 of the California Public Resources Code, a project will be excepted from the general scheme of categorical exemptions if, among other things, a project together with other like projects would have a cumulative impact on the community, or if a project would cause a substantial adverse change to a historic resource. Further, Categorical Exemption 32 states that it does not apply if among other things, a project site has any value as habitat for endangered, rare or threatened species, or a project would result in any significant effects relating to traffic, noise, air quality, or water quality.

For the reasons set forth below, the analysis contained in the Environmental Staff Report is inadequate to support a determination that the Project is exempt from CEQA analysis pursuant to Categorical Exemption 32.

a) **Inadequate Analysis of Cumulative Impacts.** The analysis contained in the Environmental Staff Report states that there are no cumulative impacts because there are no other projects with haul routes within 500 feet of the Project Site. This analysis is inadequate for three reasons:

i) The decision to only consider haul routes from other projects that are within 500 feet of the Project Site, is arbitrary and capricious. It does not matter whether the other project sites with haul routes are within 500 feet or 5,000 feet, if those projects use San Ysidro as part of their haul route, because they all have cumulative impacts on the same street. All projects on the two mile stretch of San Ysidro and the side streets served by it use San Ysidro as a haul route because it is the only public access to the neighborhood. Moreover, trucks going to Beverly Park have been observed using San Ysidro as a haul route, even though their permitted routes are off of Mullholland.



ii) In order to determine whether or not the haul route for the Project will have a cumulative impact on traffic, a baseline for existing traffic would have had to have been established through a traffic study conducted by a traffic engineer. Here, there is no such traffic study. Without a baseline, it is impossible to determine that there is not a cumulative impact.

iii) The analysis is inadequate because it does not cover all of the cumulative impacts of the Project and the many other nearby projects, as required by CEQA. The analysis only covers haul routes – and, while this may be the only discretionary element of the Project, it is not the entirety of this Project or the many other nearby projects. CEQA requires that all of the cumulative impacts of a project – not just its discretionary elements – be analyzed. Here, no analysis of the cumulative impacts of any element of the Project or any other projects other than the haul routes have been analyzed in the Environmental Staff Report.

Consequently, the analysis of cumulative impacts contained in the Environmental Staff Report, is inadequate.

b) Inadequate Analysis of Historic Resources. The home that is currently located on the Project Site is over 40 years old and, therefore, presumptively historic. Further, it appears to be part of an intact historic district containing other like homes. However, the entirety of the analysis contained in the Environmental Staff Report is a conclusion that the home is not a historic resource because it is not currently listed on a historic register. While, like the homes age, listing on a historic registry creates a rebuttable presumption that a home is historic – the inverse is not true; the City cannot determine that a home is not historic solely because it is not so listed. Here, because of the presumption raised by the age of the current home on the Project Site, an architectural historian is needed to provide a study of the existing home and any potential historic district, and no such study was conducted.

c) Inadequate Analysis of Effects on Habitat. The Project Site is over one-half acre in size, with the current home located on a small flat pad at the top of a hill, with a large undeveloped expanse behind it running down to a densely vegetated streambed. As depicted on the attached Exhibit A, the yard contains a large area of

native vegetation. Obviously, such native vegetation may constitute or may support endangered, rare or threatened species. Further, although we have not been provided access to the Project Site, the streambed may contain especially important riparian habitat. Because Categorical Exemption 32 requires that a project site have no value as habitat for endangered, rare or threatened species, and because the Project Site may be reasonably expected to have at least some value as habitat for endangered, rare or threatened species, a determination that Categorical Exemption 32 applies must be supported by a biological survey. No such survey is included in the Environmental Staff Report. Rather the Environmental Staff Report simply states – with no factual support – that the Project Site “is not inhabited by endangered, rare or threatened species.” Problematically, though, that is not the standard for the applicability Categorical Exemption 32, which requires that a project site have “no value as habitat for endangered, rare or threatened species.” In other words, Categorical Exemption 32 is concerned with the existence of habitat, not the presence of species. Consequently, the analysis set forth in the Environmental Staff Report, must fail, because it does not even consider the pertinent issue under CEQA.

d) The Project will Likely Have Significant Effects Related to Traffic, Noise, and Air Quality.

i) As described above, the Environmental Staff Report completely fails to analyze whether or not the Project will have an effect on traffic. Without a traffic study and without an accurate accounting of cumulative projects that could affect construction and other traffic, there is no way for anyone, including this City Council, to rationally determine that the Project will not have a significant effect on traffic. The Environmental Staff Report correctly states that the trips to be generated by the Project do not rise to the level under which a traffic study is mandated under the City’s policies, but this analysis is insufficient because it does not address concerns regarding cumulative haul route and construction traffic related to cumulative projects.

ii) The soil report states the need for pilings, which will likely lead to excessive noise for nearby sensitive receptors. Such noise needs to be analyzed cumulatively with other projects. The Environmental Staff Report contains no such analysis.

iii) The Project will also have significant effects on air quality, as it will result in airborne particulate matter, dirt and debris entering the air. Furthermore, given the age of the current home on the Project Site it is likely that it contains lead paint and asbestos. Studies have shown that children living in areas with high levels of demolition, suffer from lead related ailments. We have a child who, with the approval of this Project, will have experienced four home demolitions on her block before she is five years old (three of which were conducted by the applicant). Despite the obvious impacts, no study of the risks associated with lead paint or asbestos is included in the Environmental Staff Report. While the risks of such exposure are well documented, we have attached several articles discussing such risks as Exhibit B to this letter. Again, the analysis of air pollution, particulate matter and toxins needs to be cumulative with all other projects.

iv) The Project will also be expected to have significant effects on water quality. As noted above, the Project Site includes a streambed, for which no analysis has been conducted. Construction on a site that slopes into a streambed may be expected to impact the stream, but no analysis of such effects or specifically tailored mitigation measures are included in the Environmental Staff Report.

For the reasons set forth above the Environmental Staff Report's analysis in support of its conclusion that Categorical Exemption 32 applies for the Project is inadequate, and the Board was in error as to the CEQA Finding.

2) **The Granting of the Approval Violates City Ordinances.** The Approval should not have been granted for, among other things, the following reasons:

a) **Haul Route Safety.** LAMC Section 91.7006.7.5.5 requires that a haul route be denied if "the grading activity, including the hauling operation, will endanger the public health, safety and welfare." Here, the Approval was erroneous because the haul route endangers the public health, safety and welfare.

The Application requests a haul route utilizing, in part, San Ysidro Drive. San Ysidro is a substandard street in which a car and a truck cannot pass one another when cars or

trucks are parked on both sides of the street. Because there are so many current construction projects on San Ysidro and in the surrounding neighborhoods, there is highly impacted parking and heavy truck and worker vehicle traffic. The distance between vehicles in the photo taken on June 1, 2018, attached as Exhibit C, is only fifteen feet, which is insufficient for a car and a truck to pass. In addition, for most of its length, San Ysidro has no sidewalks, so pedestrians walk in the street. Further, bicyclists utilize San Ysidro extensively. The danger of the narrow street is exemplified by the traffic accident that took place on June 4, 2018.

Furthermore, San Ysidro is extremely steep, and would not satisfy current road-grade requirements. The upper portion of San Ysidro has a grade of 10%.<sup>1</sup>

The combination of a steep, narrow, street running downhill for nearly two miles with its impacted parking and heavy traffic creates a high danger to the community – the sort of danger that has already caused fatalities in like circumstances on Loma Vista in Beverly Hills (*see* Exhibit D).

b) Facial Inadequacy of Analysis. The analysis contained in the Application is facially and obviously inadequate. The Application addresses the removal and transportation of 3,000 cubic yards of dirt. However, the Project includes the demolition and removal of the existing house and existing trees and vegetation – none of which is addressed in the Application. Because of this discrepancy, the actual Project and its effects have not been properly noticed, reviewed or determined.

c) Failure to Properly Post Notice. LAMC Section 91.7006.7.5.(4)(c) requires that a notice of hearing be posted by the applicant “in a conspicuous place and in clear public view on the property.” In this case, the 8½” by 11” notice was posted on the front door of the residence, which was measured by the authors of this letter, using a laser measuring device, as being 50 feet from the public right of way. While LAMC Section 91.7006.7.5.(4)(c) does not explicitly set forth the meaning of the words “a conspicuous place and in clear public view,” the usual meaning of the words read

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<sup>1</sup> See,

<http://veloroutes.org/hillgradecalculator/?loc1=1943+San+Ysidro%2C+Beverly+Hills%2C+CA+90210&loc2=2205+Summitridge+Drive%2C+Beverly+Hills%2C+CA+90210&units=e>

together with the intention of the ordinance to give effective notice to the public, requires that “clear public view” means “readable” by the public. Without such a meaning, the requirement of notice would be rendered superfluous. Further, with regard to like ordinances, the City’s Department of Planning provides the guidance that a hearing notice must be placed “in a conspicuous place . . . so that it can be easily read by the public” (see Exhibit E). Consequently, because the notice was unreadable by neighbors without trespassing on the Project Site, it was not posted “in a conspicuous place and in clear public view on the property,” as required by law. Therefore, the hearing notice requirements have not been satisfied, and, under the City’s own laws, the Approval cannot be granted.

Counsel for the Project applicant argues in his letter of June 4, 2018, that the “photographs of the posting included as an exhibit [to our previous correspondence and attached to this letter as Exhibit F] ... proved that ... the posting [was] done in compliance with the LAMC.” It does nothing of the sort. The photograph together with the measurement proves that the notice was 50 feet away from the public right of way and unreadable by the public in violation of the LAMC. In fact, although we surmised that the sheet of paper posted on the door constituted the alleged notice when nothing else appeared on the Project Site, we could not have proved it without the admission by counsel for the Project applicant. Our knowledge of the Board meeting came not from the unreadable posted notice, but from a neighbor who had received a mailed notice. While we were made aware of the Board meeting by a neighbor, there is no way to determine how many members of the public were deprived of legal notice and their opportunity to be heard because of the applicant’s failure to properly post notice as required by the LAMC.

d) Failure of the Board to Follow its Rules and Procedures. At the hearing, the Board failed to follow its established rules and procedures in a manner that deprived the Project opponents of a fair hearing for, among other things, the following reasons:

i) Project Proponent Was Allowed to Speak Twice in Violation of the Board’s Rules. The Board’s rules allow each public speaker one opportunity to speak for a total of two minutes. In violation of the rules, the Board



explicitly allowed a member of the public speaking in support of the Project to return to the podium (not at the Board's request but at the request of the public speaker) after having already exhausted his time. This opportunity was not offered to any opponent of the Project. Consequently, this was a breach of the Board's own rules in a manner that prejudiced the Project opponents.

ii) Project Proponents Were Allowed to Collectively Speak Longer than Allowed by the Board's Rules. The Board's rules allow each side an opportunity to speak for a cumulative total of ten minutes. In violation of these rules, the Board allowed members of the public speaking in support of the Project to speak in excess of ten minutes. This opportunity was not offered to the opponents of the Project. Consequently, this was a breach of the Board's own rules in a manner that prejudiced the Project opponents.

For the reasons set forth above, we respectfully request that the City Council declines to support the CEQA Finding and Approval granted by the Board and denies the Application.

Sincerely,



Paul Rohrer

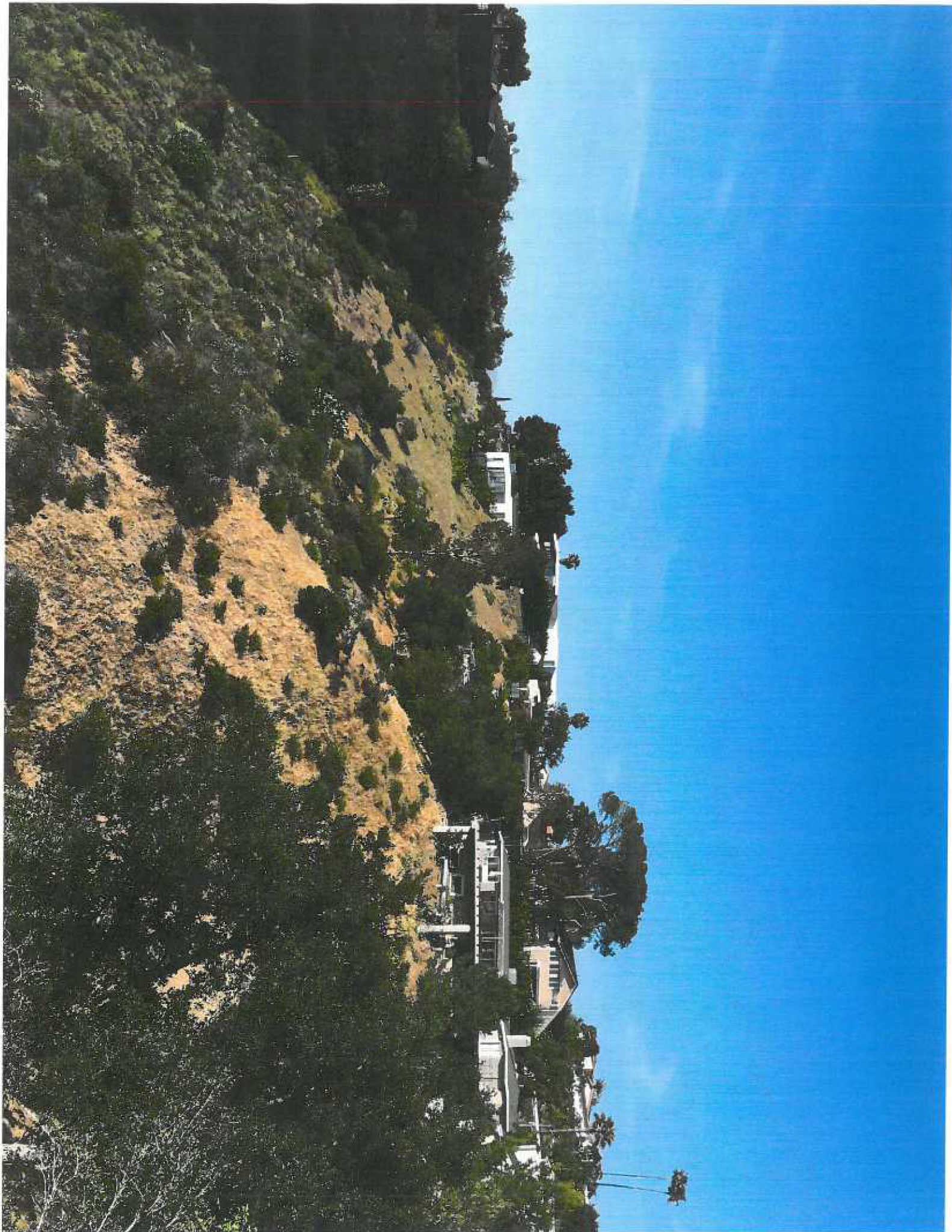


Kathryn Lohnmeyer Rohrer

# **EXHIBIT A**

(See Attached)







## **EXHIBIT B**

(See Attached)

ASK REAL ESTATE

# The Risks of Inhaling Construction Dust

By Ronda Kaysen

May 14, 2016

## Dangerous Dust

*My building is being repointed, and seven of the 11 windows in my apartment are on walls undergoing work. For the last six weeks or so, I have been experiencing tightness in my chest, some wheezing and a deep cough. Otherwise, I am not ill. Have respiratory problems among apartment dwellers ever been linked to this type of masonry work?*

*Gramercy, Manhattan*

Some days, it seems like the dust is inescapable — another indignity New Yorkers endure during this era of rampant construction. “The dust is everywhere: It’s in the hallways, it’s in the windows,” said Samuel J. Himmelstein, a Manhattan lawyer who represents tenants. “There could be different kinds of irritants in that dust.”

Pointing involves grinding mortar joints to remove the damaged mortar. Then new mortar is installed. The grinding can generate mineral dust fine enough for you to inhale, which could inflame your airways, said Edward Olmsted, the president of Olmsted Environmental Services, an industrial hygienist. If waterproofing materials were inserted behind the brick, chemical vapors could seep into your apartment, irritating your respiratory system and causing headaches and sinus problems.

If you and your neighbors inhale silica particles found in the dust, you could experience short-term and even long-term respiratory problems, said E. Neil Schachter, the Maurice Hexter Professor of Pulmonary Medicine at the Icahn School of Medicine at Mount Sinai.



An otherwise healthy person may experience coughing, shortness of breath and mucus. The dust could also exacerbate underlying health conditions like allergies, asthma or cardiovascular disease, requiring treatment that could outlast the pointing work. And if water seeps into cracks in the brick and infiltrates the building, bacteria and mold could grow, leading to chronic allergic conditions, Dr. Schachter said.

Pointing work can be done safely, but you need to compel your landlord to act. A lone complaint from one disgruntled tenant will probably be ignored. So enlist your neighbors, particularly those whose windows face the work. If they are reluctant to join the fight, educate them about the health risks they face. As a group, hire an expert to inspect the work.

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“It’s one thing to say that you’re having these symptoms; it’s another thing to send it to a lab to have it tested,” Mr. Himmelstein said, referring to the air sample such an expert would take.

Once you’re armed with that information, insist that the landlord make safety improvements. The pointing work might be necessary, but that is no excuse for jeopardizing your health.

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### **The Super’s Access**

*My building’s superintendent enters my apartment without notice, sometimes with a crew, claiming there is an emergency, although the emergencies are unclear to me. He takes pictures in my apartment and makes outlandish claims about his political ties. Our co-op has a policy about signing keys in and out with the doorman, but the super does not follow protocol. I worry about what happens when I am not home. I am spooked and feel as if my privacy is being violated. What can I do?*

*Tudor City, Manhattan*

No one, not even the super, can waltz into your apartment without permission. Management should enter only if there is a genuine emergency like a fire, said Ron Kaplan, a Manhattan real estate lawyer.

A real emergency should go something like this: “They know for sure that they or the police or the fire department should be going in,” Mr. Kaplan said. “No questions asked — no time to ask — no time to call attorneys, accountants or priests.”

In the absence of such a dramatic episode, the super is trespassing, which violates the proprietary lease and the law. And the doorman is aiding and abetting him by handing out your keys, Mr. Kaplan said.

As for the photography, no one should take pictures inside your apartment without your permission. “Is he posting them somewhere?” asked Maureen Curtis, the vice president of criminal justice and court programs at Safe Horizon, a victims’ advocacy agency. If he is posting them online without your permission, and continues to do so after you have told him to stop, that could amount to stalking, an often unpredictable crime, but one that you can report to the police. “It can be one of the most dangerous crimes,” Ms. Curtis said. “It’s also one of the most underreported.” Threatening statements might also be criminal.

At the very least, report these actions in writing to the co-op board and the managing agent, and demand that the board take steps to reprimand the super and the doorman and ensure your safety.

You may also want to file a criminal complaint against the super. A crime victims’ advocate could help you to understand your rights and options, develop a plan to protect yourself and navigate the criminal justice system, if it comes to that.

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## **Mysterious Landlord**

*A limited liability company owns my market-rate apartment. My lease recently came up for renewal, and I would like to renegotiate the terms with the landlord. The people who work in the management office refer to him simply as “he.” When I ask for a name, they say, “That information is not available,” and hang up. How can I find out his name and contact information?*

*Morningside Heights, Manhattan*

With a little digging, you could probably figure out who owns your building. The Department of Housing Preservation and Development has a building information portal where multifamily buildings are registered. Type in your address, and you will find information about the property owner. “This will provide you with the name of an individual and the address for your building’s registered managing agent,” said Kevin R. McConnell, a Manhattan real estate lawyer.

You could also find deed, tax and mortgage documents for your building on the Automated City Register Information System, or Acris, website. Some of these documents may contain an owner’s name, Mr. McConnell said.

But while finding a name might satisfy your curiosity, it will not help you achieve your goal of negotiating the terms of your new lease.

For that, continue to work with the management company, which the landlord hired to speak on his behalf. “A tenant must assume that the lease renewal terms accurately reflect the landlord’s position,” said Andrew Jon Wagner, a Manhattan real estate lawyer. You would be taking a big risk if you cold-called your landlord, as he has obviously made a great effort to remain anonymous.

One angry phone call from him to your property manager and you may not get offered a new lease at all when the current one expires.

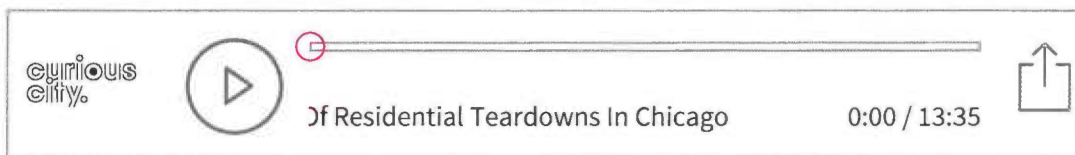
Submit your question as a comment, or email [realestateqa@nytimes.com](mailto:realestateqa@nytimes.com).

# What's With That Demolition Dust?

Tearing down an old home can release dust containing asbestos or lead. *Curious City* and *City Bureau* found that Chicago rarely enforces demolition laws meant to minimize exposure to these contaminants.

By Jeremy Borden ([https://twitter.com/Jeremy\\_Borden?](https://twitter.com/Jeremy_Borden?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)), Tucker Kelly (<https://twitter.com/Tuckerwrites>), and Manny Ramos (<https://twitter.com/ManuelRamos>)  
January 7th, 2018





*Editor's note: This piece was produced in partnership with [City Bureau](http://www.citybureau.org/) (<http://www.citybureau.org/>), a Chicago-based civic journalism lab.*

Robert Beedle can still remember the frustration he felt one day last spring, when he watched two houses, located across from the daycare near his home, get pulverized to the ground. The dust flew everywhere, and the leftover debris sat there for days.



Robert is not an expert on demolitions — but he knows a lot about the old homes in his McKinley Park neighborhood. When he was thinking about renovating his 19th-century house, he learned there were harmful materials



Questioner Robert Beedle wondered if there are any health impacts associated with the demolition of old homes. He became concerned after walking past a demolition in his McKinley Park neighborhood. (Courtesy Robert Beedle)

like asbestos and lead in the walls and floors. And there are many old homes like his in the neighborhood.

Which is why the demolition he witnessed that day seemed almost absurd: How was it that these two old homes could be torn down with potentially dangerous dust and debris scattered everywhere?

He says he called 311 because he was so concerned. Then he reached out to his alderman. He didn't get any response, so he turned to *Curious City*. Maybe we could find out what the deal was. He asked:

*What are the laws around the demolition of residential buildings in Chicago, and what implications does this have for health and the environment?*

The effects of hazardous building materials has been well-documented. Dust from asbestos can cause serious long-term problems, such as the fatal lung cancer mesothelioma, and lead that is ingested can cause severe developmental delays in children. Health and environmental experts don't agree on exactly how much exposure to these poisonous contaminants is safe, which is why they want to minimize exposure as much as possible.

The city of Chicago has numerous laws on the books ([http://library.amlegal.com/nxt/gateway.dll/Illinois/chicago\\_il/title11utilitiesandenvironmentalprotection/chapter11-4environmentalprotectionandcon?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:chicagoil\\$anc=JD11-4-2170](http://library.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/title11utilitiesandenvironmentalprotection/chapter11-4environmentalprotectionandcon?f=templates$fn=default.htm$3.0$vid=amlegal:chicagoil$anc=JD11-4-2170)) to protect the public's health, but public health experts, contractors, and some city officials told *Curious City* that they are rarely enforced for residential demolition sites. It's also unclear if city officials are even aware of the potential health risks posed by these kinds of demolitions.



A backhoe lays the foundation for the construction of a new building at the site of the McKinley Park demolition that inspired Robert's question. (City Bureau/Manny Ramos)

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## What the law requires

Robert says the demolition site he saw in McKinley Park looked like a “cutaway dollhouse,” with its half-exposed inner rooms and potentially poisonous dust exposed to the elements for hours.

The city’s permit process — required for all residential demolitions — is supposed to ensure that developers and contractors adhere to best practices for how to handle hazardous materials.

To obtain a wrecking permit for a residential demolition, a contractor must:

- *Have a license.*
- *Inform adjacent neighbors within a 75-foot radius about the demolition via certified mail.*
- *Inform the alderman in the ward where the demolition is taking place. In a written letter to the alderman, contractors are required to detail that demolition crews are adhering to best practices for environmental contamination and other issues.*

- *Obtain approvals from various city departments, including plans to deal with water line issues, public street closures, rodents, flammable liquids, and sewers and demolition plans.*

As for how materials like asbestos are supposed to be managed on demolition sites, the law is clear. Chapter 11 of the city municipal code outlines the procedures that need to be followed: contractors should wet down a site to prevent dust from spreading, wet down and bag potentially hazardous asbestos or other materials and remove debris quickly in covered containers. These steps mirror best practices required (<https://www.epa.gov/asbestos/asbestos-national-emissions-standard-hazardous-air-pollutants-neshap>) by the Environmental Protection Agency for asbestos.



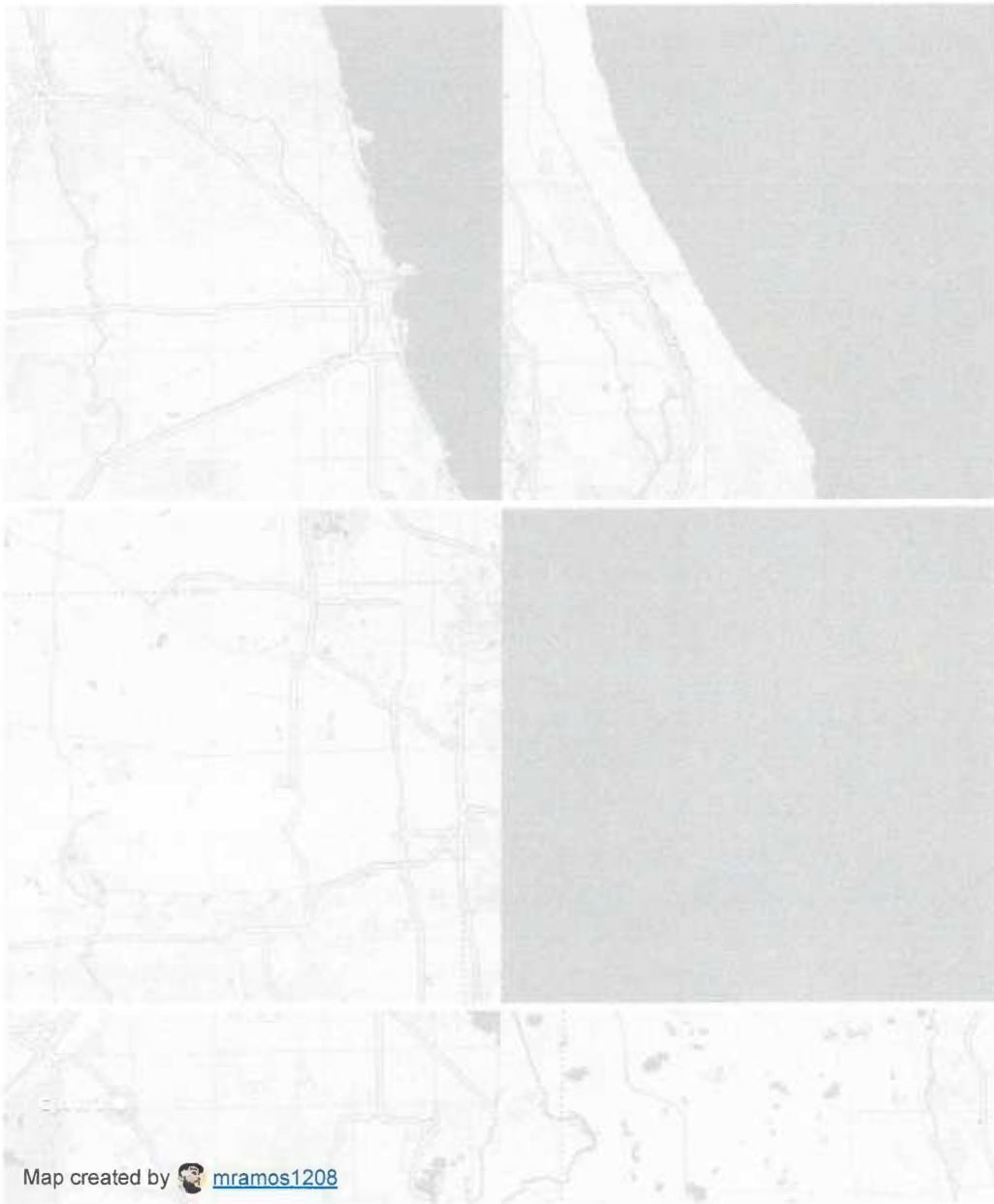
In order to reduce exposure to harmful dust, workers suppress dust by wetting down the debris. (Courtesy David Jacobs)

While most larger-scale demolition projects require approval from the city's Department of Public Health, smaller projects — like tearing down single family homes — do not. The city's Department of Public Health "strongly recommends

([https://www.cityofchicago.org/content/dam/city/depts/cdph/environmental\\_healthandfood/DemoRenovationsAsbAbatemntFAQContractors2015.pdf](https://www.cityofchicago.org/content/dam/city/depts/cdph/environmental_healthandfood/DemoRenovationsAsbAbatemntFAQContractors2015.pdf))" contractors hire an expert to handle contaminants for smaller residential

demolitions — but doesn't require it.

## **Building demolition sites in Chicago, 2017**



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### **So, does the law get enforced?**

The city's laws and regulations are one thing, but enforcement of those rules is another.



Contractors and environmental health experts say Chicago officials generally do a good job of inspecting and ensuring there are safeguards when it comes to big construction or demolition projects that involve messy environmental issues, like taking down old industrial plants or clearing old gas stations. The city also stays on top of interior home renovations, which could put the homeowner or occupant at risk.

But environmental experts and contractors say it's another story when it comes to the demolition of smaller residential properties.

Ian Cull, a Chicago-based environmental consultant (<https://indoorsciences.com/>) who advises contractors on how to handle and remove hazardous materials, says he believes city officials need to pay more attention to residential demolitions. Cull says he often works in nearby suburbs where enforcement is much tougher than Chicago. Cull's office is in Logan Square, which has a high number of demolitions, according to city data. He says he frequently sees contractors failing to adhere to the best practices outlined by the city.

"I could count on one hand the number of demolition projects that I've seen that are using water and spraying it," Cull says.



In 2017, the city's Department of Buildings issued more than 50 citations for improper removal of debris out of a total of more than 1,219 demolition permits, according to city records. Just five of those citations resulted in a fine, according to the city's data portal (<https://data.cityofchicago.org/Administration-Finance/Ordinance-Violations-Buildings-/awqx-tuwv>). The Department of Public Health, which issues citations to contractors for environmental concerns, issued just one citation and fine in 2017 for a contractor failing to minimize dust during a



Environmental consultant Ian Cull inspects for asbestos at a client's home. (Courtesy Indoor Sciences, Inc.)

demolition or renovation, [city records show](https://data.cityofchicago.org/Environment-Sustainable-Development/CDPH-Environmental-Enforcement/yqn4-3th2/data) (<https://data.cityofchicago.org/Environment-Sustainable-Development/CDPH-Environmental-Enforcement/yqn4-3th2/data>).

Department of Buildings Commissioner Judith Frydland says she is not aware of any complaints about her department's enforcement efforts. She says the department has plenty of inspectors. She also says the buildings department is primarily concerned with ensuring contractors follow the appropriate steps to obtain a permit.

"We look for basic safety," she says.

While Frydland says she hasn't heard any complaints, the alderman of an area that has seen a lot of development says he gets plenty. Ald. Scott Waguespack, whose 32nd Ward includes areas of Bucktown and Lincoln Park, says he gets hundreds of complaints about contractors who don't control dust, set up fencing, notify neighbors, or display their permit as required.

Waguespack, who drives around his ward to check on demolition sites, says contractors know the city rarely inspects for problems like debris removal and hardly issues fines, so they don't have any incentive to follow the rules.

"I can't write a ticket. If I could write a ticket, I'd guarantee you there'd be like thousands of tickets," he says.



Waguespack says he would like the city to deploy more inspectors, particularly during the busy summer construction months. He also says city officials aren't responsive when he reports a concern.

"When there is an issue, we just don't rely on the Buildings Department," the alderman says.

A worker plows through a plume of dust and debris on a demolition site in the Uptown neighborhood.  
(City Bureau/Manny Ramos)

Contractors we spoke with, like Jose Duarte, the founder of general contractor Blackwood Group LLC, say that while the permitting process is fairly thorough, the city could do a better job of sending inspectors out to sites once demolition is underway.

“The Building Department or these enforcement agencies have to be more aggressive on that and distinguish who the bad players and who the good players are,” Duarte says.

Waguespack says the city used to be more responsive to these kind of concerns. But he says that’s changed under Mayor Rahm Emanuel, and it has to do with how his administration approaches developers.

“It was always hands off the developers,” Waguespack says. “Let them get the job done. Stay out of their way. This is money coming in the door. It was always about money.”

Emanuel’s spokesman, Adam Collins, and a spokeswoman for the Department of Public Health did not respond to repeated requests for comment about how the city handles environmental concerns related to small residential demolitions.



An Uptown resident watches as a residential building is torn down. There is no wet down of the debris. (City Bureau/Manny Ramos)

## What are the consequences of poor oversight?

So, without this oversight, how much do these small construction and demolition sites contaminate the neighborhood? What kind of health risks do they pose?

When it comes to household contamination, experts mostly worry about workers during demolition or children who are exposed. The health risks are serious, and experts aren't always sure how much contamination people can be exposed to before they develop serious health problems. Lead can cause, among other things, lower IQ and delayed development. Asbestos can cause mesothelioma, a fatal lung cancer, and asbestosis, a chronic lung disease.

It's often workers who suffer most from contaminant-related diseases because of weak regulation and enforcement, according to a 2015 investigation (<https://www.publicintegrity.org/2015/06/29/17518/slow-motion-tragedy-american-workers>) from the nonprofit Center for Public Integrity. Thousands of workers get sick and die from contaminant-related diseases every year, the nonprofit found.



Workers are often those who suffer most from contaminant-related diseases because of weak regulation and enforcement, according to a 2015 investigation from

David Jacobs, who teaches at the University of Illinois at Chicago and works as the chief scientist at the National Center for Healthy Housing (<http://www.nchh.org/>), conducted a federal study on the issue (<http://www.nchh.org/Portals/0/Contents/Article0858.pdf>) that was published in 2013. Jacobs tested the quality of the air around dozens of demolition sites in Chicago. He found high levels of lead on average of 400 feet away

the nonprofit Center for Public Integrity. (City Bureau/Manny Ramos)

from the construction sites — meaning contractors weren't doing a good job containing dust.

He brought it up with city officials but they failed to address his concerns, he says. Frydland, the commissioner of the Department of Buildings, argues that smaller demolitions are not a huge problem.

“In a single family home, you often don't have issues that you have in (larger) buildings just in general,” she says.

But Jacobs says that while the issue seems like a small one, it is imperative to change how people think about contaminant-related problems. As it stands, most leave it to the doctors to treat illnesses that are caused by these contaminants. Instead, officials should spend more time, money, and effort to ensure people aren't exposed to as many contaminants in the first place, he says.

“Chicago has one of the worst blood lead levels in the country,” Jacobs says. “Nationwide, we know that half a million children have elevated blood lead levels, so that's an epidemic in anybody's book. There needs to be more done. I am hopeful that instead of just chasing poisoned children around, we would take some proactive measures, investigate the sources of exposure, whether it's in existing housing or in demolitions.”





Researcher David Jacobs tested the quality of the air around dozens of home demolition sites in Chicago. He found high levels of lead an average of 400 feet away from the sites. (Courtesy David Jacobs)

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### **What can be done?**

For his study, Jacobs also measured the amount of lead in dust near residential teardowns in Baltimore. He found that contractors in Baltimore generally paid close attention to contamination issues and frequently adhered to best practices — namely wetting down demolition sites so dust didn't spread. Interestingly, Jacobs found that compliance was voluntary. There was usually a person on the construction crew who ensured best practices were followed.

As a result, the amount of harmful lead in the air was considerably lower than in Chicago.



A research team uses a lead dust fall sampling apparatus to measure lead levels in the air during a demolition in Baltimore. (Courtesy [David Jacobs](#))

Jacobs says the Baltimore example offers just one possible solution — a contractor community that is hypervigilant to the issues — to ensuring contaminants like dust don't end up hurting people nearby. Other solutions involve stricter enforcement of the current laws.

(<http://www.nchh.org/Portals/0/Contents/Article0858.pdf>)

“This is not rocket science,” Jacobs says. “Wet methods like this have been used in industry. ... It’s a tried and proven technique. It works.

There’s no good reason not to implement these things.”

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### More about our questioner



Robert Beedle (right) visited the demolition site that inspired his question alongside Curious City audio producer Jesse Dukes (middle) and City Bureau reporter Jeremy Borden (left). (City Bureau/Manny Ramos)

Robert Beedle has mostly lived in old houses. His childhood home in the Cook County suburb of Riverside will soon turn 100 years old, he says.

It wasn’t just his personal history that made him mindful and interested in contamination. An older cousin died from an aggressive cancer that family members believe came from living near the now-shuttered Clark Oil refinery in Blue Island. (Illnesses and deaths related to contamination issues from the refinery led to a successful \$120 million class action lawsuit

([http://articles.chicagotribune.com/2008-06-17/news/0806160397\\_1\\_class-action-status-refinery-million-judgment](http://articles.chicagotribune.com/2008-06-17/news/0806160397_1_class-action-status-refinery-million-judgment)), and the refinery was closed in 2001 ([http://articles.chicagotribune.com/2005-11-23/news/0511230139\\_1\\_premcor-refinery-blue-island](http://articles.chicagotribune.com/2005-11-23/news/0511230139_1_premcor-refinery-blue-island)), according to the Chicago Tribune.)

Robert is a Ph.D. student in clinical psychology at the Illinois Institute of Technology, and he says the university has motivated him to become more curious and ask questions.

He says he's learned a lot about how the city enforces the rules around demolitions.

"If there was a teardown happening next door or a couple houses away, at that point I really would be more concerned," he says.

Robert's concern isn't just for himself, but for the future of the McKinley Park neighborhood, where he bought a home in 2015 that was originally built in 1888.

"I love this place and want to contribute to making it an even better city to live now and in the future," he says.

*Full-screen photos by Manny Ramos.*



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A photograph showing a large, conical pile of rubble and debris, possibly from a destroyed building, viewed through trees and a fence. The debris is light-colored and contrasts with the dark green foliage of the trees in the foreground. A chain-link fence runs across the middle ground, and the sky is visible in the background.

Parents and staff blame illnesses inside the Gateway school complex on debris brought over from the site of the planned National Geospatial-Intelligence Agency headquarters. The piles tower over a fence next to the school.

Isaiah Carson was happy and healthy on an early April afternoon as he worked on spelling with his dad at the family's kitchen table.

That wasn't the case a few months earlier when he started having trouble breathing. He was wheezing and had a shallow cough.

Isaiah, who's 5, would lie in bed with his parents at night, unable to sleep. His father, Michael Carson, felt helpless. "He scared me to death," Carson said.

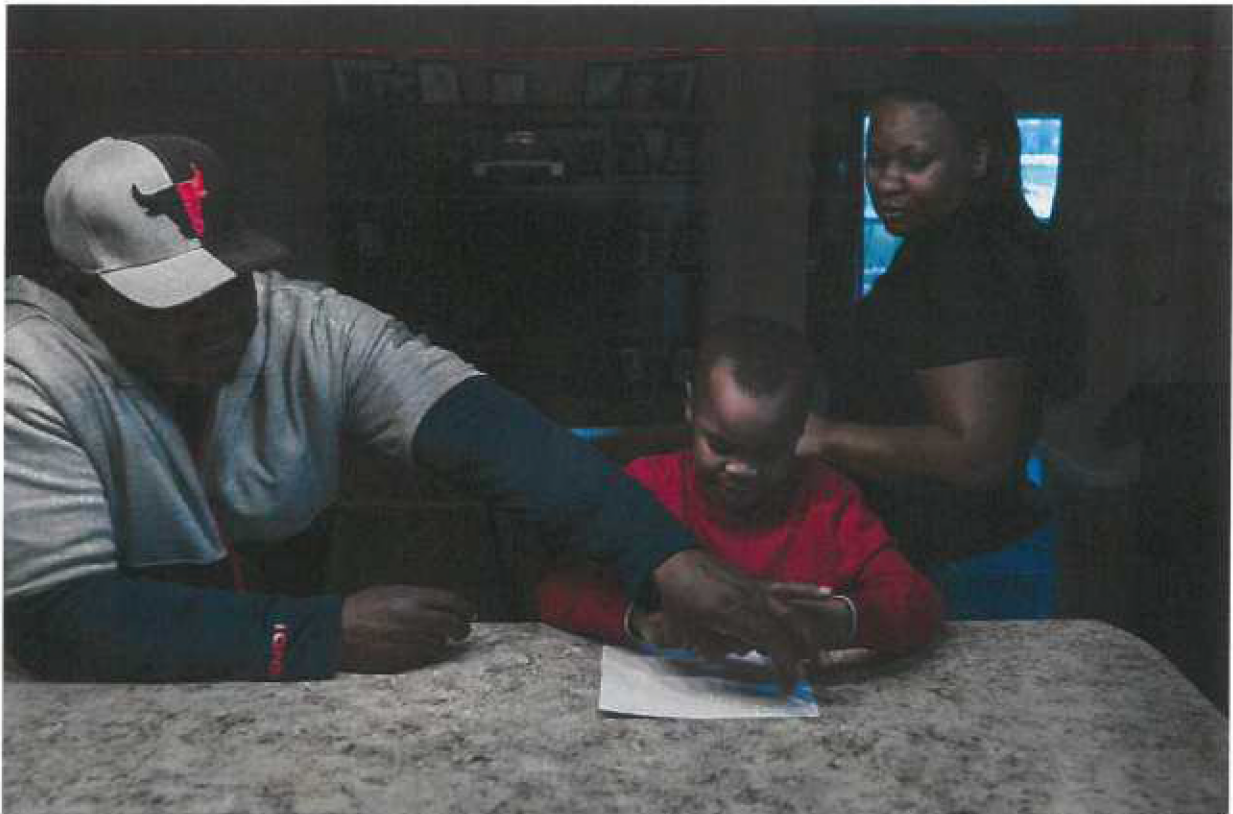
Isaiah's doctor diagnosed him with an upper respiratory infection and prescribed an anti-inflammatory medication. He missed a week of kindergarten at Gateway Elementary School. His parents blame the illness on all the dust from work on the site of the former Pruitt-Igoe housing development right next to the school.



Listen

4:14

*Concrete and debris from the construction of the new National Geospatial-Intelligence Agency headquarters began piling up outside the door of a school in north St. Louis last fall. Soon after, students and teachers say they started having health problems.*



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*Michael and Elizabeth Carson watch their son, Isaiah, work on spelling colors in their home. The kindergartener at Gateway Elementary School missed a week of school with a respiratory infection. His parents blame dust from demolition work near the school.*

CREDIT RYAN DELANEY | ST. LOUIS PUBLIC RADIO

Last fall, trees and brush growing on the site after four decades of vacancy were torn out. They were soon replaced with debris piles brought by a demolition company working under contract with St. Louis Development Corporation from the site of the planned National Geospatial-Intelligence Agency West headquarters right across Cass Avenue.

The demolition company, Kolb Grading, struck a deal with Paul McKee, the prominent St. Louis developer who owns the former Pruitt-Igoe site, to store material there. Piles of concrete slab, brick and rock soon grew to 30 feet tall, towering over the chain link fence separating Pruitt-Igoe from the Gateway school complex's north entrance.

***Read part 2 of the investigation: Who's responsible for monitoring demolition material when it moves from a public project to private property.***

***(<http://news.stlpublicradio.org/post/nga-site-debris-moved-next-st-louis-school-air-monitoring-didn-t-follow>)***



The Gateway complex on North Jefferson Avenue in St. Louis' Carr Square neighborhood is comprised of three schools — elementary, middle and an orthopedic special needs school — educating more than 1,000 students in all.

Parents and school staff expressed bewilderment about why Kolb Grading piled the debris so close to the school, rather than on another side of the vacant lot, or someplace else entirely. The vice president at the company, Jeff Kolb, has not returned numerous voicemails requesting an interview. McKee spoke with St. Louis Public Radio by phone but refused to be quoted or recorded.



## Schools near northside construction

Both the National Geospatial-Intelligence Agency site and the former Pruitt-Igoe site are being prepared for development. With several schools near the sites, parents and teachers have raised concerns about children's health.



*Credit: Brent Jones / St. Louis Public Radio*

One morning after dropping Isaiah off at school, Carson sat in his truck and watched the construction crews for about three hours “and my whole front windshield was dust.”

Carson began referring to the elementary side of the complex as “the dust bowl.”

St. Louis Public Radio spoke with more than a dozen parents, volunteers and staff members at the Gateway school complex. Through interviews and open records requests, we found dozens of students and staff suffered breathing problems during the height of excavation work.

The school nurse at Gateway Elementary fielded 359 complaints from students of asthma and breathing problems from the start of the school year until early April, according to information provided by the district. Use of medication to treat asthma attacks also increased this school year. Attendance dropped, according to staff, one of whom described it as “deplorable.”

Denise Washington has a daughter and two nephews at Gateway, one of whom has asthma. She said her nephew’s asthma started getting worse shortly after Thanksgiving.

“They’re out there playing, they’re inhaling it,” Washington said about the dust. “It gets on their clothes and they take it home with them.”

Another mother said she’s sent her daughter to school with emergency asthma inhalers for five years and never needed them. Her daughter has since used the medication twice while at school, in December and again in January.

### **‘Murky’ air sickens teachers too**

St. Louis Public Schools did not make staff at the school available for recorded interviews. Six staff members from Gateway spoke to St. Louis Public Radio on the condition of anonymity out of fear they could be punished or lose their jobs.

The staff members said they often left work in late fall and early winter to find their cars

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covered in dust. One said on some days, the air outside the school looked “murky.”

“I had to hold my breath walking to the car sometimes,” another said.

Five of those employees said they experienced breathing problems this school year and consider the dust from next door a major factor. The staff members described swollen airways, shortness of breath while teaching, sinus infections, coughs and constant headaches.

Several workers said children were kept inside during lunch or recess on days when the air seemed particularly bad.

Sally Topping, president of American Federation of Teachers Local 420, the teachers’ union representing SLPS educators, said Gateway staff’s complaints are concerning. Topping visited Gateway in early spring and said she was “dismayed” when she saw the rubble piles.

“When you have something like this happen where staff is sick, children are sick, and more importantly, people are stressed out because they’re not sure why they’re sick, it affects the entire school atmosphere and it is not good for the children, not good for education,” Topping said.



**‘Not contaminated’**

SLPS declined an interview request to speak with an administrator. Instead, a spokeswoman provided a written statement, saying the district “is aware some concerns have been raised about construction projects near the Gateway Complex. In response, our Operations Team conducted testing and found no significant impact to air quality at the schools.”

St. Louis Public Radio was provided with results from a test for mold in two classrooms done on Sept. 21, 2017. The test did not find any mold. However, an air quality expert in Saint Louis University’s school of public health said a mold test was “not the right kind of test.” Professor Roger Lewis added that a mold test is “not sufficient” to address complaints of high levels of dust in the air by families and staff.



Custodial staff did change air filters in the building starting in December, according to maintenance logs. The district also convened two meetings with parents and staff.



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*Contractors for Ameren take soil samples from the parking lot of the Gateway school complex on March 28 before doing work to remove a substation in the former Pruitt-Igoe site. The test found no contamination.*

CREDIT RYAN DELANEY | ST. LOUIS PUBLIC RADIO

One meeting was with officials from Ameren, which needs to relocate a power substation inside the former Pruitt-Igoe site. At the March meeting, the utility company offered to test soil underneath the school's parking lot before digging into the ground. It found no hazardous materials, according to a copy of results provided through an open records request.

The second meeting, in April, included Kolb Grading, in which company officials assured parents it was done piling debris at Pruitt-Igoe and would hold off on more work, according to several people who attended.

The piles, however, still loom high over the school parking lot. They contain what in construction parlance is known as "clean fill," meaning it didn't test high for lead, asbestos or other hazardous chemicals, according to city and state officials.



The material that came from the NGA site “is not contaminated,” said Otis Williams, executive director of St. Louis Development Corporation, which is overseeing clearing of the land where the federal facility will be built. “It was appropriately tested.”

Williams said the work produced “an amount dust that would normally be around a construction site.”

### **A problem all by itself**

But high levels of dust in the air, regardless of its contents, can still cause the health problems described by parents and Gateway staff, according to John Kraemer, an air quality expert and professor at Southeast Missouri State University.

“Breathing in particles can irritate the airway all by themselves,” he said.

Kraemer conducts home, school and office visits to look for triggers of asthma and breathing problems as chief executive of the Institute for Environmental Health Assessment & Patient Centered Outcomes. He has not been inside Gateway.

“If you have stacks of material that have been around for a long time, all the wind has to do is blow and you have a thing called fugitive dust,” Kraemer said. “Fugitive dust emissions can come from any piles of debris or soils or any kind of material that can be blown by the wind and it could blow it to the school.”



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*The rubble placed on the former Pruitt-Igoe site is free of contamination, city and state officials said, but air quality experts said if putting it so close to the school generated high levels of dust, people can still get sick.*

CREDIT RYAN DELANEY | ST. LOUIS PUBLIC RADIO

## **Additional steps**

Health problems at the school have eased since the work halted. Yet parents' concerns linger as the work is only on hiatus.

Eventually, the concrete piles will be ground down for use in temporary roads and fill in the NGA construction. At the April meeting, the Kolb official said his workers would wait until after the school year ends later this month to resume work. He also said the company will take additional steps to reduce dust blowing toward the school, including monitoring wind direction and wetting down the material, according to people at the meeting.

Carson and other parents said they're skeptical those steps will be enough to prevent more illnesses. Summer school begins at Gateway in early June, making parents doubtful the grinding work can be completed during times no children are in the building.

Carson said he loves the education his son is getting at Gateway but questions whether he'll keep his son at the school because of health concerns.

"Why would you bring all those rocks and dirt and dust right next to the school?" Carson asked.

Follow Ryan on Twitter: @rpatrickdelaney (<https://twitter.com/rpatrickdelaney?lang=en>)

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BY LUKE HAROLD / MAY 18, 2017

# Beverly Hills reaches settlement with Loma Vista victims

The city of Beverly Hills will issue a \$32.5 million settlement following a series of accidents along Loma Vista Drive resulting in one death and two injuries, according to attorneys representing the plaintiffs.

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Cement truck driver Eric Johnson was seriously injured in May 2014 after his truck lost its brakes along Loma Vista Drive and he crashed into parked cars. One week later, Los Angeles Police Department Detective Ernest Allen was killed when another cement truck driver, Brandon Cascio, lost control of his truck and it rolled on top of Allen's pickup truck.



In 2014, an LAPD squad car collided with this big rig on Loma Vista Drive in Beverly Hills. One officer, Nicholas Lee, was pronounced dead at the scene.  
(photo by Aaron Blevins)

Cascio, who is in a vegetative coma, and Johnson were represented by law firm Panish Shea & Boyle LLP. Their case was consolidated with Allen's case for purposes of the trial. The settlement was agreed upon in February, a few days before the trial was scheduled to begin.

The law firm criticized Beverly Hills city officials for not adequately addressing the safety risks posed by Loma Vista Drive.

"For over 50 years, the city of Beverly Hills had known that Loma Vista Drive constituted a dangerous condition

because its unusual grades are too steep for too long at the top," according to the statement. "Because the roadway has grades that are unusually long and steep,

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drivers' brakes are used repeatedly while driving down the hill until some eventually fail."

AUG 5, 2015

In addition to the plaintiffs in the case, LAPD officer Nicholas Lee was killed in March 2014 when he was struck by a dump truck whose driver had lost control on Loma Vista Drive.

Following the accident between Allen, a 27-year veteran of the police department, and Cascio, the city of Beverly Hills suspended heavy haul deliveries and pick-ups from the Trowsdale area for 30 days. A city press release issued shortly after the accident stated that city officials considered commercial vehicle travel on Loma Vista Drive and surrounding streets to be a "critical public safety issue." It also said that Beverly Hills police and other departments were "aggressively" working to prevent future accidents.

But another driver was killed in January 2016 after his truck went out of control on Loma Vista Drive. A runaway truck ramp was among the measures implemented by the city to improve commercial vehicle safety on the street. The driver, however, did not use the ramp before hitting a parked car and colliding with a retaining wall on the 800 block of Loma Vista Drive.

"This was a settlement which arose out of two tragic accidents, one of them fatal, that involved a number of plaintiffs," according to a statement by Beverly Hills City Attorney Larry Weiner. "The settlement proceeds were paid by the city's insurers."



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## Steep Beverly Hills road closed for testing after series of fatal crashes



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City crews are testing a steep Beverly Hills road where three people, including two Los Angeles police officers, have been killed in separate crashes in the past two years.

By [Darsha Philips](#)

Sunday, April 17, 2016

**BEVERLY HILLS, LOS ANGELES (KABC)** -- City crews are testing a steep Beverly Hills road where three people, including two Los Angeles police officers, have been killed in separate crashes in the past two years.

According to the city of Beverly Hills, the road-testing was mandated by the court as part of litigation over the recent accidents on Loma Vista Drive.

In January, the driver of a runaway truck was killed when his truck crashed into an unoccupied parked car. Beverly Hills police said the victim was unable to stop the truck.

The crash occurred on the same stretch of Loma Vista Drive where two police officers were killed two months apart in 2014.

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Fallen Los Angeles Police Department officer Nicholas Choung Lee was remembered Monday, March 7, 2016 during a tribute ceremony held at Forest Lawn Cemetery in Glendale.

In March 2014, veteran LAPD officer Nicholas Choung Lee was killed and his partner critically injured when a dump truck collided with their police cruiser. The patrol car was torn apart and practically demolished in the crash.



The LAPD detective killed in a cement truck accident on Loma Vista Drive in Beverly Hills on Friday, May 9, 2014, was identified as Ernest L. Allen Sr.

Two months later, off-duty LAPD Detective Ernest Allen was killed when a concrete mixer collided with his vehicle.

Investigators are now working to determine if the area of narrow, curving residential streets may have played a role in the crashes. City crews plan to take a 3D scan of the terrain. Loma Vista Drive is set to remain closed until around 12:30 p.m.

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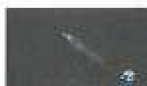
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## Beverly Hills News – Truck Driver In Loma Vista Crash Dead



Photo by Victoria Talbot

Updated: Friday, January 15, 2016 – 3:10 PM

The truck driver in a Friday morning crash in the 800 block of Loma Vista Drive has died, said coroner's Assistant Chief Ed Winter.

The trucker, who was in his 20s, was trapped in the wreckage for about a half-hour and died at a hospital about 10:30 a.m. His name was withheld pending notification of his relatives.

Friday's accident marks the third death in less than two years along the same steep stretch of road on Loma Vista. In March and May of 2014, LAPD officers were killed in separate accidents with construction trucks.

Sgt. Max Subin of the Beverly Hills Police Department said a landscaper's delivery truck with equipment and specimens in the bed was heading south on Loma Vista near Doheny Friday morning and "seemed to have lost its brakes and was unable to stop."

The vehicle was a medium-sized flatbed truck with a cab that held specimen trees to be delivered.

Subin said surveillance cameras in the area show the truck clipped a vehicle that was also traveling southbound, but at normal speeds, on Loma Vista. After crossing Doheny but before reaching Mountain Drive, the truck slammed into a parked Prius on the east side of the street, spinning it 180 degrees and destroying the entire front end, before hitting a brick wall and coming to a rest in the 800 block of Loma Vista Drive.

Police are not yet releasing the names of those involved, including the Prius' owner and the first vehicle that was clipped, but they are aware of the identities and have interviewed them. The Prius' owner was visiting at the residence where the truck came to a stop.

The exact cause of the crash is still under investigation, but this accident is within a block of two accidents that killed LAPD officers in 2014.

LAPD Officer Nicholas Lee was killed March 7, 2014 when his patrol vehicle was struck in the Doheny intersection by a construction vehicle hauling heavy equipment that lost its brakes. Detective Ernest Allen, Sr. was killed May 2, just weeks later, when his private vehicle was struck by a full cement mixer that had lost its brakes and collided with Allen's small truck before hitting a tree. The cement mixer drove up the trunk of the tree and fell backwards onto Allen's truck, striking it a second time, where it came to rest.

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BHPD Sgt. Scott Dowling said the landscaping truck was likely traveling at speeds between 70-80 miles per hour when it hit the Prius, sheared off a tree at the roots and hit the vine-covered brick wall. The truck's cab went through the wall where it came to rest inside the perimeter of the private residence.

#### Traffic In Trousdale

On June 17, 2014, following the LAPD fatalities, the Beverly Hills City Council directed staff to implement a series of measures to address heavy haul vehicles traveling to and from construction sites in Trousdale.

The measures are being examined in communities throughout the hillside areas of Los Angeles County for their effectiveness, as construction in these areas responds to the Baseline Mansionization Ordinance and height restrictions by excavating hillsides to dig for more square footage for large, single-family homes. The resulting excavation requires heavy hauling trucks to remove hundreds of thousands of cubic yards of dirt from construction sites. Fully-laden cement trucks follow to shore up walls.

In Trousdale Estates, the City reduced hauling hours so trucks would not be on the street during morning and afternoon school drop off, set haul routes, reduced the size of trucks allowed on the streets, created an inspection requirement and mandated a secondary braking system.

Construction parking is required to be off-site, and vehicles over 26,000 pounds or 10,000 pounds with three or more axles are required to give 24-hour advance notice before entering Trousdale Estates.

It is not yet clear if there were any violations involved in this morning's accident.

— City News Service contributed to this story.

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#### Cuisine



The Los Angeles City Council voted Tuesday to name the Hollywood intersection where Pink's Hot Dogs is located as "Pink's Square."

#### Education / Enrichment



Two people were injured in a shooting at a school in the US state of Indiana on Friday, with a suspect taken into custody, police said.

#### Local Happenings



Harvey Weinstein on Tuesday pleaded not guilty to rape and sexual assault charges in a New York courtroom — the next step in a high-stakes legal battle that the #MeToo movement hopes will end with the disgraced Hollywood mogul behind bars.

#### Local



The City of Beverly Hills will make a tidy profit on a home which once housed former City Managers Rod Wood and Jeff Kolin, which has sold for \$2,700,000.

#### Sports



**BEARS ROAR** – The Beverly Hills Bears girls team of the Beverly Hills AYSO won the championship in the U-12 girls division at the Pot O'Gold tournament in Thousand Oaks. Bottom Row, from left: Gemma Macht, Lila Taheri and Samantha Nabati. Middle row, from left: Alessandra Emerson, Sarah-Lea Dahan, Ava Hollander, Hannah Pinchuck, Sophia Haroutunian, Elena Serrano, Audrey Perry and Arielle Efron. Back Row, from left: Coach Michael Taheri, Eva Franco and Coach Babak Nabati.

LOCAL NEWS

## **LAPD detective killed in crash was 27-year veteran**





Ernest L. Allen Sr.

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By **CITY NEWS SERVICE** |

PUBLISHED: May 10, 2014 at 3:50 pm | UPDATED: August 28, 2017 at 7:34 am

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BEVERLY HILLS >> The Los Angeles Police Department identified Saturday an off-duty police [detective who was killed](#) when a cement mixer struck his pickup truck along a winding, hilly stretch of road in Beverly Hills.

Ernest L. Allen Sr., 52, was a 27-year veteran of the department, where his assignments included stints at the 77th Street, Wilshire, Rampart and Southwest stations, according to a department statement.

Allen was survived by his mother, two children, two grandchildren, a sister and fiancé, according to the statement.

The crash, which happened at 1:53 p.m. Friday in the 1000 block of Loma Vista Drive, also seriously injured the cement truck's driver, who was taken to a hospital for treatment, Beverly Hills police Sgt. Max Subin said.

Los Angeles Police Department Chief Charlie Beck said Allen was pronounced dead at the scene.

Allen had been in his personal vehicle, had off-duty employment in the area and regularly travels the street where he was killed, according to Beck.



He said the cement truck that crushed him had been going southbound, down a steep hill, when the crash happened.

Los Angeles police Officer Nicholas Lee, 40, was killed on the same hill on Loma Vista Drive on March 7. Another cement mixer slammed into several parked cars on the road last Friday, leaving the driver hospitalized with non-life-threatening injuries.

Beverly Hills Police Department Chief David Snowden said a 30-day heavy traffic moratorium, effective immediately, is now in place on Loma Vista Drive and the rest of the Trousdale area. The street had been posted with a three-ton vehicle weight limit, but the California Vehicle Code allows exceptions of such rules for local deliveries.

Snowden said his officers, with help from the California Highway Patrol, would be weighing every vehicle attempting to enter the area.

Beverly Hills police issued a statement after May 2's crash saying officers had increased commercial vehicle enforcement in the area and that the city was "developing stringent regulations to control truck traffic on high-risk streets through the construction permit process."

The statement called it "a critical public safety issue" and said the Beverly Hills Police Department and other city departments "are aggressively working together to avoid future accidents."

The department said that construction managers would be informed of the new moratorium and city building inspectors will be in the area this weekend.

Two speed radar trailers have been deployed on Loma Vista Drive, police said.

"Signage will be installed at the entries to the Trousdale area indicating that heavy delivery to the area is prohibited," according to a police statement issued after the fatality crash.

Allen's death was the third of an LAPD officer in the span of a week and the fifth this year.

Officer Roberto C. Sanchez, 32, a six-year veteran of the force, died on Saturday when an SUV crashed into the cruiser in which he and his partner were following another vehicle in Harbor City.



The SUV driver, 20-year-old [Mynor Enrique Varela](#) of Harbor City, has been charged with murder for allegedly intentionally crashing into the patrol car to help a friend in the car being followed escape the police.

Sanchez's partner, Officer [Richard Medina](#), suffered a broken jaw and other injuries. He was released from the hospital Sunday and is home recovering, authorities said.

On April 5, motorcycle Officer [Chris Cortijo](#), 51, was struck from behind by an SUV while stopped at a red light at Lankershim Boulevard and Saticoy Street in Sun Valley. He died four days later. The driver was charged with driving under the influence of cocaine.

The department was also mourning the death of Officer George Nagata, a 35-year LAPD veteran who became ill while on duty, was hospitalized with an apparent heart condition, and died last Saturday.

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Tags: [accidents](#), [LAPD](#)



**City News Service**



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# **EXHIBIT E**

(See Attached)

# **ON-SITE POSTING OF PUBLIC HEARING NOTICES – LAMC 12.20.3 M, 12.24 D 3, 12.27 C 3, 12.28 C 2 (b), 12.32 C 4 (c), 14.00 B 4 (c), 16.50 E 3, 17.07 A 1**

City of Los Angeles – Department of City Planning

1. Obtain the blank posting sign and certificate form at the City Planning Development Services Center. Or, make arrangements with BTC, the City's mailing contractor for public hearing notices, at (213) 617-9600 or (818) 779-8866 to post the sign (subject to a service fee).
2. The applicant or designated poster will receive official written notice of the date, time and location of the public hearing (hearing notice or agenda) and a map showing the subject property on the reverse side of the notice sheet. Appeal or other notices may not have maps on the reverse side. It is the responsibility of the applicant/owner or representative to contact the City Planning Department for verification of date, time and location of meeting.
3. Attach a copy of the front (the written hearing notice/agenda) and back (the radius map or, in Land Division cases, the Tentative Tract or Preliminary Parcel Map) of the written notice to the lower half of the sign to be posted. For appeals the radius map need not be affixed to the sign. For other cases without a map of the subject property on the back of the written notice, place the Site or Plot Plan in the referenced location instead. (See illustration A below).
4. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing. (See illustration B below).
5. Regardless of who posts the site, it is always the responsibility of the applicant/owner to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire posting period, specified in item #7 below.
6. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.
7. **YOU ARE REQUIRED TO POST THE SIGN 10 DAYS (5 DAYS IF ONLY GOING BEFORE A DESIGN REVIEW BOARD) BEFORE THE SCHEDULED PUBLIC HEARING, AND 10 DAYS BEFORE THE INITIAL CITY OR AREA PLANNING COMMISSION DECISION MEETING. FAILURE TO POST COULD RESULT IN DELAYING THE PROCESSING OF YOUR APPLICATION.**
8. If a hearing officer holds the public hearing, the applicant/owner must post both the public hearing and the initial commission meeting on the matter.
9. Return the signed and dated Certificate of Posting to the Department of City Planning with the correct case number entered at least two days prior to hearing or meeting.
10. Department policy requires that for verification of the date of posting, a minimum of two photographs must be taken and submitted to the Planning Department along with the completed Certificate of Posting. At least one photo should be the front page of a newspaper next to the sign with the date of the paper clearly readable in the photograph, and at minimum a second photo should show the sign(s) posted on the site from across the street.
11. After the hearing remove the posted sign from the subject property.

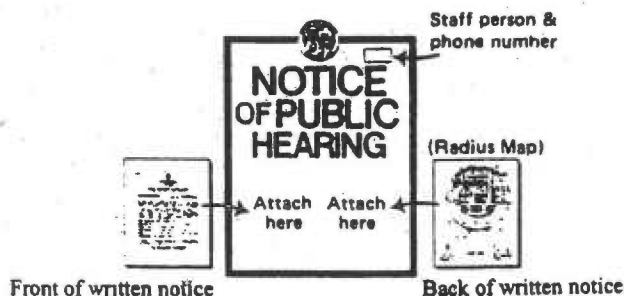


Illustration A

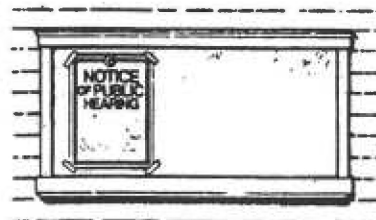


Illustration B

# **EXHIBIT F**

(See Attached)



