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June 4, 2018

**VIA E-MAIL (clerk.plumcommittee@lacity.org)**

Chairman Jose Huizar and Hon. Members of the  
Planning & Land Use Management Committee  
City of Los Angeles, City Hall  
200 N. Spring Street, Room 340  
Los Angeles, CA 90012  
Attn: Sharon Dickinson, Legislative Assistant

Date: 06/05/2018  
Submitted in PLUM Committee  
Council File No: 18-0459  
Item No. 15  
Deputy: Comm. from Owner's  
*Representative*

Re: 9607 West High Ridge Drive, Appeal of Haul Route Approval  
Board File No. 180014  
Council File No.: 18-0459  
PLUM Hearing Date: June 5, 2018

Dear Chairman Huizar and Honorable Members of the PLUM Committee:

This office represents the owners of 9607 West High Ridge Drive ("Property"), Avraham and Shelly Osadon (the "Osadons"), in opposing the frivolous and unsupported appeal of their approved haul route for the export of 3,000 cubic yards of earth. The Osadons are experienced single-family home builders who have lived on this street - and in this community - for over a decade. The haul route was required as part of their permit application to construct a new single-family home on the Property, which will be their personal residence, designed specifically to accommodate the needs of their family. In reviewing and advising the Board of Building and Safety Commission ("BBSC") on the requested haul route, Department of Building and Safety ("DBS"), the Department of Transportation, applicant, and many of applicant's neighbors, all expressed confidence that that the proposed hauling activity could be performed safely, quickly, and without endangering the community in any way.<sup>1</sup> Recognizing this, on May 8, 2018, the route was approved unanimously by the BBSC in full compliance with the Los Angeles Municipal Code ("LAMC"), California Environmental Quality Act ("CEQA"), and all other applicable regulations. On May 18, 2018, an appeal was filed alleging a variety of conclusory and unsupported claims, which all fail to establish that BBSC erred in approving the Osadons route. Accordingly, we urge the City Council to deny this appeal, and allow the Osadons to move forward building their new home for their family.

<sup>1</sup> The Osadons are known in the community as respected homebuilders, and most importantly, good neighbors. So much so, that most of their immediate neighbors submitted letters of support for their request to the BBSC, several of which are attached hereto as **Exhibit A**.

As you know, LAMC § 91.7006.7.5 sets forth the standards for approving and conditioning haul route approvals. The section provides that the BBSC "shall [] grant or conditionally grant approval" unless it determines that the requested activity "will endanger the public health, safety and welfare." In considering the proposed route, LADBS and the BBSC gave substantial consideration to the relative safety and feasibility of the proposed haul route. As noted above, this consideration resulted in dozens of conditions of approval, many of which were specifically tailored to address the concerns of the community and the nature of the proposed route. The appeal provides absolutely no evidence whatsoever to support its broad and conclusory allegations that this route cannot be safely and reasonably traversed in the same manner that other approved routes have been throughout the City's hillside areas. Moreover, there has been no evidence presented that supports a conclusion that this haul route will endanger the public health, safety and welfare. In fact, considering the size of the export amount, the several conditions of approval, and the route's relatively wide and safe streets, this route will pose substantially less risk to the public than other routes approved in much steeper hillside areas with much smaller streets. This is a safe and reasonably proposed route, evidenced not only by the measures proposed by applicant, but also the findings and recommendation of DBS and the BBSC.

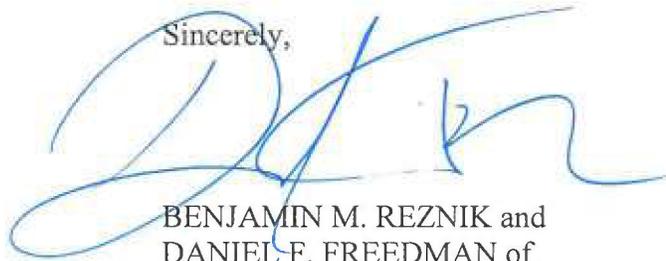
Given this, it is critical that the City refuse to allow generalized complaints over traffic and over-development prejudice its consideration of this one haul route approval. Fairness and due process standards require that the City's decision be supported by substantial evidence, meaning facts or expert opinions supported by facts that are sufficiently reliable to have *solid* evidentiary value. On the other hand, expressions of subjective concerns and personal beliefs do not constitute substantial evidence. *Newberry Springs Water Ass'n v County of San Bernardino* (1984) 150 CA3d 740; *Perley v Board of Supervisors* (1982) 137 CA3d 424. Speculation, argument, and unfounded conclusions are likewise not substantial evidence. *Pala Band of Mission Indians v County of San Diego* (1998) 68 CA4th 556, 571; *Citizens Comm. to Save Our Village v City of Claremont* (1995) 37 CA4th 1157, 1171. Here, the BBSC found that the facts show that the approved haul route is safe and reasonable under the circumstances, and this appeal fails to establish that they erred in making this determination. Moreover, generalized grievances made by the appellants that the streets are small, have steep inclines, or otherwise appear to be unsafe, are not grounds for justifying this appeal. Haul routes like this are common throughout the City's hillside areas, and the conditions of approval required by the BBSC are exactly the measures applied to assure that they will be performed safely. There general complaints cannot, and should not, form a basis for denying our client their rights to develop their new home in accordance with the LAMC.

Finally, the appeal makes an assortment of bizarre allegations which are either untrue, deceptive, or irrelevant. For instance, the appeal claims that the notice was not posted in advance of the haul route hearing, and that the opponents of the haul route were not given adequate time to speak. Meanwhile, these same appellants actually submitted a letter in opposition in advance of the hearing to the BBSC, with photographs of the posting included as an exhibit, which proved that not only was the posting done in compliance with the LAMC, but

also that these appellants were given plenty of advanced notice of the scheduled hearing. The appellants also received ample and substantial time to present their concerns to the BBSC during the hearing, where they were permitted by the BBSC to speak for a far longer than the standard 2 minutes typically allocated for public comment. The appeal also makes a host of generalized claims about the haul route's alleged "cumulative impact," and impacts on "historic resources, traffic, noise, air quality, and water quality," but provides no actual evidence to support these claims.

Here, the BBSC found that the proposed haul route is safe and reasonable under the circumstances, and this appeal presents absolutely no evidence showing that they erred in their judgment. Accordingly, we request that the City Council deny both appeals, and uphold the BBSC's approval. Thank you in advance for your consideration. We will be in attendance at the upcoming hearing to respond to any questions you may have concerning this project or the approved haul route.

Sincerely,



BENJAMIN M. REZNIK and  
DANIEL F. FREEDMAN of  
Jeffer Mangels Butler & Mitchell LLP

BMR:dff  
Enclosure

cc: Via E-mail:  
Aviv Kleinman, Planning Deputy, 5th Council District (Aviv.Kleinman@lacity.org)

# **EXHIBIT A**

To Whom It May Concern:

Re: 9607 Highridge Drive, New Construction SFR

I, Daniel Lubert, hereby support the construction of a  
New single family home and the export of 3000 cubic yards of  
Soil through my neighborhood for the same.

My address is 9502 Highridge Place  
Beverly Hills, 90210, located within 300 feet

Of the project.



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Signature

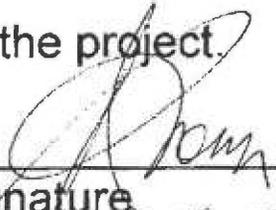
To Whom It May Concern:

Re: 9607 Highridge Drive, New Construction SFR

I, ANSEL SLOWE, hereby support the construction of a  
New single family home and the export of 3000 cubic yards of  
Soil through my neighborhood for the same.

My address is 9621 Highridge Dr, located within 300 feet

Of the project.

  
\_\_\_\_\_  
Signature

To Whom It May Concern:

Re: 9607 Highridge Drive, New Construction SFR

I, Nathan Newman, hereby support the construction of a  
New single family home and the export of 3000 cubic yards of  
Soil through my neighborhood for the same.

My address is 9620 Highridge drive, located within 300 feet

Of the project.

  
\_\_\_\_\_  
Signature

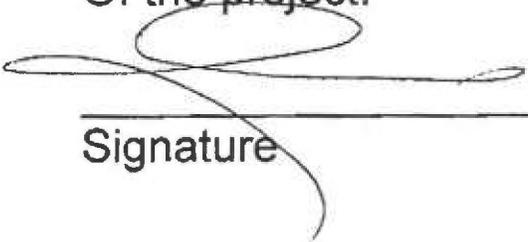
302

To Whom It May Concern:

Re: 9607 Highridge Drive, New Construction SFR

I, Rinat Neuman hereby support the construction of a  
New single family home and the export of 3000 cubic yards of  
Soil through my neighborhood for the same.

My address is 9620 High Ridge, located within 300 feet  
Of the project. Dr. Beverly Hills, CA 90210

  
\_\_\_\_\_  
Signature

To Whom It May Concern:

Re: 9607 Highridge Drive, New Construction SFR

I, Leslie Minniti, hereby support the construction of a  
New single family home and the export of 3000 cubic yards of  
Soil through my neighborhood for the same.

My address is 9674 Highridge Dr.,

Leslie Minniti  
Signature

To Whom It May Concern:

Re: 9607 Highridge Drive, New Construction SFR

I, Leslie Minaiti, hereby support the construction of a  
New single family home and the export of 3000 cubic yards of  
Soil through my neighborhood for the same.

My address is 9674 Highridge Drive

Leslie Minaiti  
Signature

**Building Dept. City of Los Angeles**

LESLIE MINNITI  
9674 HIGHRIDGE DR.  
BEVERLY HILLS, CA 90210  
310.801.0262

RE: Proposed Development 9607 Highridge Dr.

To whom it may concern:

I have lived on Highridge Drive for 18 years. I have witnessed firsthand development and timely completion of 3 large building projects that Avi Osadon in the immediate vicinity of the proposed project (one on Highridge Place, Summitridge Drive, and Beverly Grove). Each site was well maintained throughout the period of construction, street area kept clean, and efficiently managed.

Having witnessed Avi Osadon's experience and performance with these projects, I retained him to develop my property. Avi and his project managers have been courteous and responsive to my neighbors reasonable requests for accommodation regarding fencing, parking. Avi Osadon's professionalism and conscientiousness is exceptional. The completed residences greatly enhance the property values in our neighborhood.

I fully support his application as proposed for 9607 Highridge Drive. Business travel prevents me from attending this hearing, but I am available by telephone to answer any additional questions that you may have.

Sincerely,



Leslie Minniti



Avi Osadon &lt;aviosadon@gmail.com&gt;

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**Fwd: Support of 9607 West High Ridge Drive Project**

1 message

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**Nathan** <nnewmanmd@yahoo.com>  
To: Aviosadon@gmail.com

Thu, May 3, 2018 at 10:14 AM

Nathan Newman, MD  
Stem-Cell-Lift.com

Begin forwarded message:

**From:** Nathan <nnewmanmd@yahoo.com>  
**Date:** May 2, 2018 at 11:50:10 PM PDT  
**To:** cora.johnson@lacity.org, michel.thompson@lacity.org  
**Subject:** Support of 9607 West High Ridge Drive Project

Dear Cora and Michel

My name is Dr. Nathan Newman, and I have lived at 9620 High Ridge for the past 7 years. I'm am writing in response to your letter about the hearing on this project. I support the project for the following reasons.

The developers are professional and take pride in their work. They developed 9502 High Ridge Pl. with great professionalism. They took great care not to disturb the neighbors and made sure the street always looked clean and clear of dirt and debris at the end of each day.

As with that project I am sure they will continue to show the same courtesy and professionalism to us their neighbors on this new project.

Not only does this project not pose any negative consequence for the neighbors it actually will improve the neighborhood and the value of the properties in the area.

As the developers are with experience and have proven their safety and professional standards in the past, I am confident that this new project will also be carried out in a safe and proper manner as required by the city.

I thank you for your time and attention in considering my support for this project.

Please feel free to contact me with any questions

Sincerely,  
Nathan Newman, MD  
310-435-8140  
Nnewmanmd@yahoo.com