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LETTERS TO THE EDITOR

I have previously spoken to the City Council and to Mayor Julian Gold at a Meet the Mayor session in an attempt to alert them to a disconnect in the way the City operates. An example is that the staff will work with developers and put together a plan which they then recommend to the Planning Commission and the council without the citizens having any hint of what is going on much less a chance to voice concern or opinions. By the time such a plan gets to the council and is publicized to the affected citizens it is a train heading down a steep hill and almost impossible to stop. I have also sent an email about the outrageous happenings of Nov. 21 and 22 which all too clearly demonstrate the problem.

The citizens of this community have been damaged and their health jeopardized by the unethical, dishonest and illegal behavior of a developer who was aided in his activities by the unacceptable and inept actions of certain members of the City staff. I will just summarize some key points which I assure you are all well documented:

In June there was a public meeting held by the California Department of Toxic Substance Control to discuss a RAW plan to remediate the toxic soil on Lots 12 and 13 (the old railway right of way), both owned by the Beverly Hills Land Company, and it was made clear to everyone that without such remediation no activities could take place on the property. The City of Beverly Hills was represented at that meeting by the Asst. City Manager David Lightner. The RAW plan presented was based on a description of the property provided to DTSC by the developer and his associates which was replete with false statements. When those "mistakes" were pointed out, the DTSC withdrew its proposals for remediation until such time as an accurate plan could be submitted which would then require new studies and reports. It was made clear to all concerned parties that nothing could be done with the property without the approval of the DTSC.

However, on Saturday, Nov. 21 a large army of workers with chain saws, fork lifts, cherry pickers and other large equipment descended on Lots 12 and 13 and during the next two days cut down and removed 196 trees while running heavy equipment over the toxic soil, stirring it up and filling the air with arsenic laden dust, including the area adjacent to the Sunday Farmers Market. How could this happen?

Well, approximately one week prior to that date, David Lightner spoke to Tedd Yargeau, the DTSC Project manager, and asked about trimming some of the trees along Santa Monica Boulevard and planting 50 new ones. Lightner was told that anything other than some light trimming would require remediation of the soil which would entail a 30 day notice and a public hearing as well as a proper report. On Thursday, Nov. 19, Yargeau at DTSC received a call from Bruce Howard, an attorney connected with the BHLIC, to whom he repeated that any work on Lots 12 and 13 would require the 30 day notice, public hearing, etc. The Beverly Hills Land Company, owned by well known developer Lyn Konheim, then made false statements to the City staff saying that the DTSC had approved cutting down trees and because they were diseased and in danger of falling and hurting someone, because this would create a liability for the BHLIC and its owner, Konheim, they needed to take immediate action.

The City staff, even though they were well aware that the property was contaminated with a toxic substance and under the control of DTSC, made no effort to confirm that the DTSC had approved the cutting of the trees but, instead, issued an "Extenuating Circumstances" permit because of a "safety issue" since, and this is a direct quote: "All of the trees were falling down"-196 trees covering almost 3/4 of a mile all falling down!

Our elected representatives and City employees must put the needs of their constituents above the desires of a developer, no matter how well connected he may be or how many skids he has greased, and the City Council must make sure that the staff understands and complies with that priority. The City staff must work for us, the citizens, and not the developer. The staff members who failed to properly fulfill their duties must be held accountable and inept employees must be terminated.

So far more than 200 residents of the City have signed a petition to stop this desecration of our community. This matter needs to be placed on the agenda of the first City Council meeting in January so that after a proper hearing and discussion and full investigation, the necessary steps can be taken to prevent any additional failure to properly serve the citizens of Beverly Hills.

Lionel A. Ephraim

As a lifelong Beverly Hills resident who cares deeply about this community, I would do nothing to compromise the welfare of our citizens in any way.

After recently acquiring the property, we were very concerned to learn that many of the trees on the property were at risk of falling on the streets and sidewalks, potentially injuring someone.

We have been meticulous in our dealings with the City of Beverly Hills and the California Department of Toxic Substances Control. I met and talked with the City on many occasions regarding the need to cut down the trees for safety reasons, especially with the onset of winds and rains from El Niño.

Recently, a car traveling eastbound on Santa Monica was hit by a falling tree. Fortunately, the driver was not injured. After that occurred, we hired an arborist who evaluated the trees and concluded that the majority of them needed to come down for safety reasons. We kept the City informed all along the way. We gave them a copy of the arborist report and the City's arborist independently reviewed the report and the trees. We even went as far as using the same contractor that the City uses to make sure all the rules were followed.

We were also very aware of the soil issues on the site, and developed a plan that respected the site conditions. For example, we had the cherry picker and containers on the street and not the property itself. We did not grind nor remove the stumps so as not to disturb the soil. We also had a water truck there to suppress the dust if needed.

My environmental attorney and the City both spoke extensively with DTSC. We shared with the City our plans to cut down the trees, and had discussions with DTSC about replacing the cut trees with new ones in the future. After these discussions, we and the City came away with the same understanding that the DTSC wanted to be involved in any tree activity which involved digging out the soil for new trees, but did not need to be involved in cutting of the trees that did not disturb the soil. That's why we were careful to only cut the trees above the soil surface and did not grind or dig out any stumps. We tailored the project to specifically address what we and the City understood to be DTSC's parameters.

In fact, the Nov. 20 report from the City's director of community services to the city manager confirms the City had no objection to the removal of the trees and also that the City also checked with DTSC which confirmed there is "no concern on the part of DTSC regarding the removal process."

We will continue to work with the community, the City and the DTSC going forward.

Lyn Konheim

The California Department of Toxic Substance Control (DTSC) has informed the City that there is no danger to the community from toxic substances in the soil on Parcels 12 and 13 as long as no activity is taking place on the site which disturbs the soil. The DTSC is the lead agency for monitoring the soil conditions and overseeing any work that takes place on the property. The Beverly Hills Farmers Market will take place Sunday as scheduled.

The DTSC has issued a cease-and-desist order to the owner, requiring that no work be done on the property until all safety concerns are addressed. In addition, the City is asking to receive notice of such work and DTSC's approval before the work is to occur. The property owner and contractors are required to comply with the City's existing policies and must submit an application for all required permits including an encroachment permit and a traffic control plan, which will require City review and approval.

As additional precautions to ensure public safety, the City is hiring environmental consulting firms to test the dirt and air on Civic Center Drive and the surrounding streets to determine any contamination levels. Also, the City will clean Civic Center Drive and other streets around Parcels 12 and 13 on Friday as an added precaution to ensure the safety of the community.

The City continues to review the situation with the tree removal on the parcels and will make a full report to the City Council at the Jan. 5 Study Session.

The property located in the medians between Santa Monica Boulevard and Civic Center Drive (also known as Parcels 12 and 13), is privately owned and zoned for transportation uses. The City and the DTSC have been in active discussions for years over these parcels, as they make up a former railroad right-of-way and have significant conditions that require careful management; these include decades-old substances that can be hazardous to health.

Many of the trees on the parcels, both public trees and private trees, have been identified as hazards from falling limbs and have been slated for removal. The privately owned trees on private property were removed on Nov. 21 and 22.

Therese Kosterman

Office of Communications, City of Beverly Hills

What is going on in Beverly Hills? The "elephants" are in the City now.

Having written and published about the problem at 332-336 N. Oakhurst Dr. with a developer who had "influenced" Planning Commission staff, I want to look at the bigger picture. Good that the commission unanimously rejected the City staff's recommendation to proceed, but there are other "elephants" now in Beverly Hills and other cities in the region.

Consider also 10000 Santa Monica Blvd. building that is over 42 stories high in Century City and borders Beverly Hills High School. Or what about in Beverly Hills within The Beverly Hilton hotel area with both the Waldorf, the "condos" and soon Wanda Corporation building? All are examples of the trouble that Beverly Hills is in now. And even more significantly the reduction in our property and land values as developers and even former elected councilmembers in BH are dictating what the present and future of our City will be like—totally unrelated to the City's first 100 years.

Now just recently, trees along 12 and 13 lots from North Doheny to Santa Monica Boulevard at the intersections of Beverly Boulevard and Santa Monica have been cut down.

The Courier correctly reported all of this on Friday Nov. 27. The BH City Manager's office was incorrect for allowing these trees to be cut as well as the work being done on a busy street and on a Saturday morning. The workers were not even wearing masks due to the need for the toxic land on which the trees had grown. Now the trees that lined the two blocks between busy Santa Monica Boulevard and condo buildings south of that were all exposed to health, noise, traffic and transportation problems.

So what is next?

Many of the local residents went to the City Council meeting on Tuesday to complain and let the council know that all of this is a serious health danger to Beverly Hills residents as many of us pointed out. Two councilmembers are medical doctors. They must know that this wrong!! We (they) are all in danger now.

This must stop now!! Not at the next council meeting. But now!

Woodrow W. Clark II, Ph.D

I recently addressed the City Council regarding the sale of the five unit apartment building at 163 N. La Peer Dr., where I have resided the past 23 years, and two of my neighbors for 22 and 30 years respectively.

Sold in September, eviction letter were issued for everybody to be out by Nov 28 or so. Various (and questionable) pay-out amount were offered and agreed upon. The building is now empty.

In short, are these the types of buyers that you feel good about—allowing permits to demolish our trees and plants, and any particular type of outside beauty and/or sun protection from our windows? Yes, this was ruined within two weeks upon their purchase, and while we remained tenants. With daily notices of "inspection." So we are all gone now.

I implore the council to do everything and anything to keep our citizens feeling protected so that rental rights lean more towards the tenants. You should not allow permits for flipping properties which have the audacity to state so soon "vacant, vacant, vacant." What a disgrace in the face.

Jenny Cottle

As the holiday season engulfs us here in Beverly Hills, I am always mystified at the magical powers of the holiday decorations around town. Our City glistens and gleams during December and each year I'm dazzled by colored lights on trees along South Beverly Drive, the holiday classics emanating from speakers including Claudine Longet's *Snow* and of course, Santa and his reindeer powered sleigh flying high on Wilshire and Beverly.

We are so fortunate here in Beverly Hills to have a world class Santa and Mrs. Claus who appear on weekends at the Paley Center and at Via Rodeo in the Charles Dickens' movie set style courtyard there. For many years the Paley Center also screens classic holiday kid's TV specials in its theatre. A *Charlie Brown Christmas* (now celebrating its 50th year in 2015) *Mr. Magoo's A Christmas Carol*, *Frosty The Snowman* all play on the big screen for free each weekend in December. What a magical time this is for those with kids and for all us "kids at heart" here in ever traditional and always classy Beverly Hills!

Stop by the delectable Edelweiss Chocolates and be transported back to Jimmy Stewart's *It's A Wonderful Life* in Bedford Falls. Actually walk down Bedford Drive and pass through the impeccable window displays at Saks Fifth Avenue and round the corner back in the golden lights in front of Neiman Marcus and nod to the Christmas tree lights over Juan Juan Salon all of which set the tone for our "Holiday in The Hills."

Trivia experts will note that the swim gym at Beverly Hills High School was the scene locale for *It's A Wonderful Life's* dance sequence where Carl "Alfalfa" Switzer pulled the rug out—well floor out—from all the teens dancing at the gym landing them in an impromptu pool party. What history we have here in the neighborhood! Did you know Mrs. Robinson's house (and swimming pool Benjamin floated in) from *The Graduate* is over on Palm Drive? You must see the giant Rudolph on Bedford Drive near Elevado to feel some holiday spirit.

Watching some of the holiday classic films from the '60s like *Santa Claus Conquers The Martians* and *The Christmas That Almost Wasn't* this is the first year as a father of two daughters Sofia and Olympia, now 9 and 7 years old, that I am explaining to them how "believing in Santa Claus is something you can carry with you forever, as he really represents the spirit of giving and seasonal goodwill as Santa is an ambassador for keeping the spirit of childhood alive in all of us I tell them." The girls have recently started Sunday school at Stephen Wise Temple so I thought I better provide a little balance for them, to our families "celebration" of Christmas as a festive holiday.

We put the holiday lights on our balcony (this year highlighted with purple lights) and our Frosty The Snowman lighted figure in our living room. Got the Tom and Jerry Egg Snow Mugs out and my CD of *Chanukah Carols* humorous Yiddish-sized versions of Christmas songs performed by Stanley Adams on a LP from 1962. And with that, I will wish all my neighbors a very happy holiday season here in "good 'ol B.H.!"

Hal Lifson
