

TRANSMITTAL TO CITY COUNCIL

Case No. ZA-2012-1395-ZV-ZAA-1A	Planning Staff Name(s) and Contact No. Jim Tokunaga (213) 978-1307	C.D. No. 5-Koretz
Related Case No(s).		Last Day to Appeal

Location of Project (Include project titles, if any.) 360 North Stone Canyon Road

Applicant(s) and Representative(s) Name(s) and Contact Information, if available.	
Applicant: M & A Gabae, LP 9034 West Sunset Blvd. West Hollywood, CA 90069	Representative: Ben Kim 9034 West Sunset Blvd. West Hollywood, CA 90069 (310) 247-0900 ben@charles-company.com

Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available. Not Applicable	
Applicant: M & A Gabae, LP 9034 West Sunset Blvd. West Hollywood, CA 90069	Representative: Ben Kim 9034 West Sunset Blvd. West Hollywood, CA 90069 (310) 247-0900 ben@charles-company.com

Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)

Project description: An appeal of the Zoning Administrator's decision to deny a variance from Section 12.21-A-17(c)(1) to permit a height of 50 feet in lieu of the 36 feet height limit for the construction of a single family dwelling in the RE20-1 Zone for the property located at 360 N. Stone Canyon Road in the Bel-Air-Beverly Crest Community Plan Area. On August 27, 2013, pursuant to Charter Section 245, the City Council adopted a motion asserting jurisdiction over the decision of the West Los Angeles Area Planning Commission (August 16, 2013 Letter of Determination) in denying the appeal and in sustaining the decision of the Zoning Administrator. See CF 13-0804-S1 attached.
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Items Appealable to Council NONE
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Fiscal Impact Statement <small>*If determination states administrative costs are recovered through fees, indicate "Yes."</small> Yes	Env. No.: ENV 2005-8611-MND	Commission Vote: 3 - 0
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 Iris F. Awakuni, City Planner	DATE: 8-27-2013
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13-0804-S1
CO5

AUG 20 2013

FOR TUES 8-27-13

MOTION

TO BE PLACED ON NEXT
REGULAR COUNCIL AGENDA TO BE POSTED

#57

At its meeting of August 7, 2013 (date of letter of determination August 16, 2013) the West Los Angeles Area Planning Commission acted to deny the appeal requesting a variance to permit a height of 50 feet in lieu of the 36 feet height limit for the construction of a single-family dwelling at 360 North Stone Canyon Road in the RE20-1 Zone (Case No: ZA 2012-1395-ZV-ZAA-1A).

The applicant presented evidence to support all of the findings necessary to grant a variance. Action is therefore needed to bring the property into conformity with the neighboring residences and to remedy the hardships caused by the unique circumstances of the property created by the natural down-grade slope.

I THEREFORE MOVE that pursuant to Section 245 of the Los Angeles City Charter, the Council assert jurisdiction over the August 7, 2013 (date of letter of determination August 16, 2013) West Los Angeles Area Planning Commission action to deny the appeal requesting a variance to permit a height of 50 feet in lieu of the 36 feet height limit for the construction of a single-family dwelling at 360 North Stone Canyon Road in the RE20-1 Zone (Case No: ZA 2012-1395-ZV-ZAA-1A).

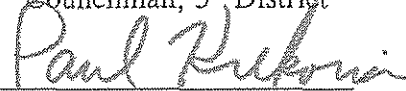
I FURTHER MOVE that upon assertion of jurisdiction, the matter be referred to committee for further review.

PRESENTED BY:



PAUL KORETZ
Councilman, 5th District

SECONDED BY:



13-0804-S1
CO5
AUG 20 2013

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AUG 20 2013





WEST LOS ANGELES AREA PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: AUG 16 2013

CASE NO: ZA 2012-1395-ZV-ZAA-1A
CEQA: ENV 2005-8611-MND

Location: 360 North Stone Canyon Road
Council District: 5
Plan Area: Bel Air – Beverly Crest
Zone: RE20-1

Applicant/appellant: M & A Gabae, LP
Representative: Ben Kim

At its meeting on **August 7, 2013**, the following action was taken by the West Los Angeles Area Planning Commission:

1. Denied the appeal.
2. Sustained the decision of the Zoning Administrator and denied a request seeking a Variance from Section 12.21-A17(c)(1) to permit a height of 50 feet in lieu of the 36 feet height limit for the construction of a single-family dwelling in the RE20-1 Zone; approved a Zoning Administrator's Determination to permit the construction, use and maintenance of a maximum 8-foot in height wall within the front yard, in lieu of the maximum 3-1/2 feet otherwise permitted for said single-family dwelling.
3. Adopted the Revised Findings.
4. Adopted the environmental clearance Mitigated Negative Declaration ENV-2005-8611-MND.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Commissioner Donovan
Seconded: Commissioner Foster
Ayes: Commissioners Donovan, Foster, and Halper
Absent: Commissioners Linnick and Martinez

Vote: **3 - 0**

Effective Date

Effective upon the mailing of this notice

Appeal Status

Not further appealable to City Council


Rhonda Ketay, Commission Executive Assistant
West Los Angeles Area Planning Commission

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachment: Revised Findings

cc: Notification List
Jim Tokunaga
Linda Clarke

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on January 9, 2013 before the Zoning Administrator, and on August 7, 2013 before the West Los Angeles Area Planning Commission, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district; the West Los Angeles Area Planning Commission sustains the findings of the Zoning Administrator and finds that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27-B,1 of the Municipal Code have not been established by the following facts:

ZONE VARIANCE DENIAL FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **The strict application of the provisions of the Zoning Ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant is requesting a variance to permit a maximum 50-foot in height single family dwelling that would otherwise be limited to 36 feet in height. The additional height is requested to allow a varied roof and attic. The basis for the request is that the definition for height measurement has now changed so that height is measured from "natural" grade instead of "finished" grade. In addition the applicant contends that if the measurement were taken from the previously used finished grade, the height of the project would only be 42.79 feet, a difference of 7.21 feet and require only a Zoning Administrator's adjustment and not a variance. The applicant has also cited a neighboring property which was granted a variance for a single family dwelling with a height of 59 feet.

Based on the applicant's submittal, photographs of the site and Department of Building and Safety's records, the property at 360 Stone Canyon Road has been issued a permit for the construction of a new single family dwelling with basement. The home under construction is designed with a flat roof so the height can comply with the zoning regulation. While it is possible that the granting of this instant variance would allow a greater height for the home under construction with a varied roof and attic space, there has been nothing presented to substantiate that there is a practical difficulty or unnecessary hardship imposed by the existing zoning regulation that makes the additional 14 feet of height necessary. There is no evidence to indicate that the attic space and a

varied roof could not be designed in a manner consistent with the height regulation. The site is fairly large and a more horizontal coverage of the home on the lot with same square footage may allow such features to be incorporated. The argument that if the height were measured from the finished grade as opposed to the natural grade would make the height deviation less significant because it would be considered a Zoning Administrator's adjustment instead of a variance is not relevant since even the adjustment requires a discretionary approval to exceed the height limit and no guarantee that such adjustment would be approved.

The West Los Angeles Area Planning Commission further found that there are no practical difficulties or unnecessary hardships in finishing the house without the variance and that denying the variance will not prevent the applicant from finishing and using the home.

2. **There are NO special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The property consists of two irregular-shaped, interior lots (Lots "C" and "D" of Parcel Map No. 2005-3998) totaling 94,949 square feet with a frontage on the south side of Bellagio Avenue and on the east side of Stone Canyon Road in the RE20-1-H Zone. The property is located in a designated Hillside Area, a Very High Fire Hazard Severity Zone, a Special Grading Area, a Fault Zone, and an area with an identified watercourse. The surrounding properties are all irregular-shaped hillside lots developed with single-family residences in the RE20-1-H Zone.

Charter Section 562 states that a variance shall neither be used to grant a special privilege nor to permit a use substantially inconsistent with the limitation on other properties. Granting a variance to allow a 38% increase in height would amount to a special privilege granted to the applicant. The proposed 14 feet increase in height above the LAMC regulation of 36 feet is significant in relation to what would otherwise be permitted by the zone. The applicant states that there are other homes in the immediate vicinity that exceed the height limit. This is not in contention, it is possible that other homes in the vicinity were constructed prior to changes in the zoning regulations. However the fact that other homes may have been constructed in compliance with regulations at that time with a greater height allowance does not transfer a special circumstance to the subject site because the owner now has to comply with newer zoning regulations. In essence, zoning regulations may change with time and as new development occurs, projects are expected to comply with zoning and building codes. There has been no evidence presented to indicate that there is a special circumstance applicable to the subject property that do not generally apply to other properties in the same zone and vicinity.

The West Los Angeles Area Planning Commission further found that special circumstances pertaining to the property must be such that the property is distinct in character from comparable nearby properties. In their findings, the Commission found that this is not the only property in the vicinity that has a stream running through it, that this is not the only property with varying elevations, and that the general topography of the property is essentially the same as the surrounding properties, and therefore there are no special circumstances that prevents the applicant from finishing the house without the variance.

3. **Such variance is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

Variances may be approved if all five findings can be made in the affirmative based on special circumstances of the property. It is the applicant's burden to provide proof of the special circumstances. The denial of the variance does not prohibit the applicant from constructing a single-family residence on the property; it does prohibit the construction of a home that is 50 feet in height. The surrounding properties in the vicinity are developed with one-, two-, and three-story homes containing approximately 4,500 to 40,000 square feet of floor area. There are admittedly homes in the vicinity that exceed the 36-foot height limit but many predate the current Hillside regulations or received discretionary approvals.

The circumstances that granted relief to other homes in the area from height regulations are unique to each case and in itself not a justification to grant this variance otherwise every surrounding property owner would be entitled to a variance. The applicant requests the additional height to allow for a varied roof and attic area, however the 36-foot height limitation does not preclude the homeowner from these features if the home can be designed in a manner that complies with the regulations. The requested variance is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

The West Los Angeles Area Planning Commission further found that no special circumstances have been demonstrated, no practical difficulties or unnecessary hardships have been demonstrated, and that the property can be built upon and used similarly to other properties in the vicinity. The Commission found that there are no other properties in the vicinity with the same zoning that have received a height variance for the same or similar reasons that are being used to justify the applicant's present request and that the vast majority of nearby properties being used and enjoyed are without a height variance.

4. **The granting of such variance WILL be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The proposed variance to permit the construction of a 26,957 square-foot home with a height of 50 feet in lieu of the 36 feet height otherwise permitted may be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Allowing the additional height, where no distinct special circumstance or hardships can be made establishes a precedent-setting approval which can be materially detrimental to the area even if there are homes in the vicinity with a greater height. The existing homes in the area which maintain heights greater than 36 feet may have been constructed prior to the imposition of the Hillside Ordinance or changes in definition. All new homes must comply with current regulations unless a variance can be approved. The applicant is proposing new construction of a single family dwelling and is not entitled to a greater height simply because preexisting neighborhood homes were built in compliance at a prior date. In most instances, if these homes were to be voluntarily demolished and reconstructed, they too would have to comply with current regulations.

The West Los Angeles Area Planning Commission further found that the granting of a variance on this property will create an adverse visual effect as respect to neighboring properties. The granting of the variance will have a precedential effect as it would essentially raise the general height limit in the neighborhood and be used to justify other such height increase requests in the immediate area.

5. **The granting of the variance WILL adversely affect any element of the General Plan.**

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code.

Except for the entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Bel Air-Beverly Crest Community Plan Map designates the property for Very Low I Density Residential land uses with a corresponding zone of RE20 and Height District No. 1. The Community Plan contains the following language in Chapter 3 pertaining to residential land use policies:

The intensity of land use in the mountain and hillside areas and the density of the population which can be accommodated thereon, should be limited in accordance with the following:

- The requirements of the City's Hillside Ordinance

The proposed use of the property as a single-family residence is consistent with the site's zoning and land use designation, however, the proposed height is not consistent with the plans intent to require compliance with regulations pertaining to development in the hillside areas including compliance with the Hillside Ordinance.

The proposed height is not permitted by the zone regulations and can only be approved through a variance approval subject to certain findings. As stated in the findings above, the findings have not been made in the affirmative. The zoning code is an implementing tool of the General Plan. The granting of the variance without the required findings to justify an approval of the request will adversely affect elements of the General Plan.

The West Los Angeles Area Planning Commission further found that granting of the variance will adversely affect the following sections of the Bel Air-Beverly Crest Community Plan which is an element of the General Plan.

Chapter 2 (Purpose of the Community Plan) of the Bel Air-Beverly Crest Community Plan provides the following purposes:

- Preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of housing opportunities with compatible new housing.
- Preserving and enhancing the positive characteristics of existing uses which provide the foundation for Community identity, such as scale, height, bulk, setbacks, and appearance.

Chapter 3 of the Bel Air-Beverly Crest Community Plan also provides the following Residential Land Use Policies:

The intensity of land use in the mountain and hillside areas and the density of the population which can be accommodated thereon should be limited in accordance with the following:

- The compatibility of proposed developments with existing adjacent development.
- Design should minimize adverse visual impact on neighboring single family uses.

The granting of a variance on this property will adversely affect the purpose and policies of preserving and enhancing the positive characteristics of the existing residential neighborhood as follows:

- The proposed height is excessive and not compatible with existing uses and appearances.
- The proposed height does not minimize adverse visual impact on neighboring uses.
- Granting the proposed height variance will set a precedent that will adversely affect the positive characteristics of the existing neighborhood.

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: West Los Angeles Area Planning Commission

(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: ZA-2012-1395-ZV-ZAA

PROJECT ADDRESS: 360 North Stone Canyon Road

FINAL DATE TO APPEAL: April 3, 2013

TYPE OF APPEAL:

1. ☒ Appeal by Applicant
2. ☐ Appeal by a person, other than the applicant, claiming to be aggrieved
3. ☐ Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: M & A Gabae, LP

- Are you filing for yourself or on behalf of another party, organization or company?

☒ Self

☐ Other: _____

Address: 9034 West Sunset Blvd.

West Hollywood

Zip: 90069

Telephone: (310) 247-0900

E-mail: _____

- Are you filing to support the original applicant's position?

☐ Yes

☐ No

REPRESENTATIVE INFORMATION

Name: Ben Kim

Address: 9034 West Sunset Blvd.

West Hollywood

Zip: 90069

Telephone: (310) 247-0900

E-mail: ben@charles-company.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

☐ Entire

☒ Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
 - Master Appeal Form
 - Justification/Reason for Appealing document
 - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."

—CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____

Date: March 28 2013

Planning Staff Use Only

Amount	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date

☐ Determination Authority Notified

☐ Original Receipt and BTC Receipt (if original applicant)

Master Appeal Form Attachment
360 North Stone Canyon Road
ZA 2012-1395-ZV-ZAA

The reasons for the appeal:

The said appeal application is respectfully submitted for review and reconsideration by the West Los Angeles Area Planning Commission. The appellant is the original applicant for the building-height variance, and strongly believes that the Associate Zoning Administrator's determination denying the building height variance is based on defective findings, as well as unwarranted and unfounded comments from just a few neighboring property owners. The applicant respectfully requests impartial reconsideration of the building height variance application.

How you are aggrieved by the decision:

The applicant is aggrieved by the Associate Zoning Administrator's determination decision because the denial of the Variance for the construction and continued maintenance of a single-family home represents:

1. Clear case of selective enforcement, whereas the City has recognized the unique and special circumstances (including topography, location or surroundings) of the immediate and surrounding area, and has granted similar building height variances, but has selectively denied the said variance. The approved height variances include among other properties in the area, a 59-foot building height variance for property located approximately 400 feet to the north (620 North Stone Canyon).
2. Failure to recognize well established precedent of height variances approved due to the existence of unique and special circumstances of the surrounding and immediate area, including properties located at:
 - a. 620 North Stone Canyon Road (ZA 2006-0982 - 59 ft. building height)
 - b. 457 Bel Air Road (ZA 2002-5061 - 44 ft. building height)
 - c. 10550 Bellagio Road (333 N. Copa De Oro Rd.) (ZA 2000-0559 - 45 ft. building height)
 - d. 642 Siena Way (ZA 94-0463 - 53 ft. building height)
3. Relies on incorrect and irrelevant statements made at the public hearing and written submissions to the case file. A statement at the public hearing was made that the proposed home will cast shadows on Stone Canyon Creek (drainage easement). A shade/shadow analysis utilizing a computer generated model with simulated shade/shadows through the deployment of "global illumination algorithms" with 3D computer massing model was constructed using

AutoCad and Sketch-up Pro software. The computer software then generated shadows for the subject area on an hourly basis for two annual climatic extremes of the Summer Solstice (June 22) and the Winter Solstice (December 22). The result indicates non-significant shadow casting affecting the Stone Canyon drainage easement.

Additionally, statement that the proposed home will loom over the neighbor to the south and block views from the east is not accurate, as the adjacent homes to the east and south sit at a higher grade than the proposed home and the site is heavily buffered with landscaping whereby any visual affect will not be significant.

4. Failure to give consideration to material issues presented in the original application as the exhibits including plans, elevations, and pictures of the subject property and the surrounding area clearly depict the grade difference between the subject site and the surrounding area. The subject site sits at a lower grade than the adjacent properties and the site is heavily buffered with mature and dense trees. The public comments that the project would have an adverse visual impact to the neighborhood are inaccurate and unfounded.

Specifically the points at issue:

The Associate Zoning Administrator's determination denying the building height variance is predicated on errors as cited in the Findings of Fact, including but not limited to:

1. The Associate Zoning Administrator's determination that, "there has been nothing presented to substantiate that there is a practical difficult or unnecessary hardship imposed by the existing zoning regulation that makes the additional 14 feet of height necessary." In fact, description of the existing sloping topography, elevation plans with grade datum, and descriptions of how building height is measured from the "natural grade" rather than the "finished grade" were submitted to demonstrate for the matter of practical difficulty of realizing the actual and realistic building height.

Additionally, the unnecessary hardship condition was demonstrated with description of the existing conditions of the property, as well as examples of numerous other properties in the surrounding and immediate area where similar building height variances were approved by the City with findings of hardship.

2. The Associate Zoning Administrator's determination that, "[C]harter Section 562 states that a variance shall neither be used to grant a special privilege nor to permit a use substantially inconsistent with the limitation on other properties. Granting a variance to allow a 38% increase in height would amount to a special privilege granted to the applicant" is in error. In fact, the original application included various examples of similar building height variances approved in the surrounding area due to the existence of special circumstances, including topography, location or surroundings that apply generally to other property in the vicinity. An example is a

property located at 620 Stone Canyon Road which is just 400 feet north of the property that received a 59-foot height variance by the Zoning Administrator.

As such, by denying the said variance the Associate Zoning Administrator's determination has withheld the said property from enjoying and preserving substantial property right and use generally possessed by other property in the same zone and vicinity.

3. The Associate Zoning Administrator's determination that the proposed variance, "may be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity" is unsubstantiated as examples of similar height variance and the City's findings for approvals were submitted. Furthermore the determination that, "[A]llowing the additional height, where no distinct special circumstance or hardships can be made establishes a precedent-setting approval which can be materially detrimental to the area even if there are homes in the vicinity with a greater height" is incorrect as practical difficulties and unnecessary hardships were documented in the original application and examples of similar height variance approvals in the immediate and surrounding area were provided to demonstrate the existence of special circumstances, including topography, location or surroundings that apply generally to other property in the vicinity.

Why you believe the decision-maker erred or abused their discretion:

As stated above, the applicant strongly believes that the Associate Zoning Administrator's determination was founded based on unwarranted findings and unfounded comments from just a few neighbors in the surrounding area. In doing so, the applicant's opinion and public comment in support of the variance were dismissed without consideration.

For the West Los Angeles Area Planning Commission's reconsideration of the Associate Zoning Administration's determination, the applicant respectfully offer the following findings of fact supporting the said variance application:

1. **The strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

A height variance is required due to the interpretation of how height is measured under the applicable ordinance. The property consists of a large flat pad, upon which a two-story home will be built. The additional height is required to allow a varied roof and an attic, consistent with the architectural style of the adjacent homes. Because the property has a downslope at the westerly end of the property, the proposed residence reaches height of up to 50 feet as measured from "natural grade."

The "structure height" of the subject residence is 42 feet or less, calculated from the finished floor of the structure to its highest point. The calculated height of 50 feet is only due to measurement from a point 5 feet out from the structure at the low point of the natural grade at the corner of the house.

The City has previously allowed construction of and granted the identical (or greater) variances for nearby houses identically situated to the subject house. See Case No. ZA 2006-0982(ZV)(ZAA)(ZAD), granting a height variance of 59 feet in lieu of 36 feet for the property located directly adjacent to the subject property at 620 North Stone Canyon Road.

In light of the above, the strict application of these provisions of the Code would, in this case, result in practical difficulties and unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

2. **There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

There are exceptional circumstances applicable to the subject property which do not generally apply to other properties in the same zone and vicinity in which the site is located. These circumstances include the irregular shape and slope of the site. In addition, the project site consists of two legal lots. The two lots will be joined together as one lot through the lot tie procedure with the Department of Building and Safety. The two lots create an ownership area of 2.18 acres, which is approximately two to three times the average 35,000 to 40,000 square-foot lots that exist in the vicinity of the project. While the lot is primarily flat, there is a downslope at the westerly end of the property, down to a storm drain and sanitary sewer easement near the Stone Canyon property line. It is this downslope that results in the need for the requested Zone Variance. The type of development on adjoining properties and in the vicinity is similar in nature.

3. **The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

The granting of the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties of the same size and zone classification, but is denied the property in question because of the special circumstances described in Findings 1 and 2 above, including the apparent change in interpretation of the existing ordinance. The adjacent property at 620 N. Stone Canyon Road has a calculated height of 59 feet.

The proposed development is compatible with the height of the adjacent properties at the Stone Canyon Road frontage; and existing dwellings on the adjacent lots are built on the same general slope conditions which would likely exceed current Code regulations. The surrounding properties in the project area are developed with one-, two- or three-story homes containing approximately 4,500 square feet to 40,000 square feet of floor area. There are homes in the project vicinity that exceed a building height of 36 feet. These homes either predated the

current Hillside regulation of a 36-foot height limit or obtained an approval of a variance similar to the applicant's request in this application. The 36-foot height restriction required in hillside areas was adopted by the City to protect the visual impacts to adjacent property owners, as well as shade/shadow, views and air circulation to the neighbors. Due to the dense landscaping, topography and size of the subject site and the neighboring properties, the additional height will not be visible from the neighboring properties. Under the special circumstances, the following over-in-height approvals were previously approved in the vicinity of the project:

- ZA 89-1250(YV) at 540 Crestline Drive (approval for a house 57-feet in height)
- ZA 95-0379(YV) at 480 Bel Air Road (approval for a house 45-feet in height)
- ZA 95-0790(YV) at 255 Mayberry (approval for a house 45-feet in height)
- ZA 2002-5061(YV)(ZAA)(ZAD) at 457 Bel Air Road (approval for a house 44-feet in height)
- ZA 2006-0982(ZV)(ZAA)(ZAD) at 620 Stone Canyon (approval for a house 59-feet in height)

As such, the variance is necessary for the preservation of a substantial property right enjoyed by many other owners in the Bel Air community.

- 4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The height of the home will be 50 feet, as measured by the Department of Building & Safety (using lowest natural grade 5 feet from the house to the highest point of the roof). However, the height of the proposed project as measured from the finished floor of the house straight up will not exceed 42 feet. The building height increase requested by the applicant results from how the City measures height and the topography of the site, not by the actual height of less than 42 feet as measured from finished floor of the structure, which is consistent with the other homes in this hillside area location.

The height of the building will not be prominently visible from the neighboring properties due to the dense landscaping, setbacks, and size of the subject site and the neighboring properties. None of the neighbors' views will be blocked, nor will sunlight be blocked and no wind patterns will be affected.

The granting of the deviation for building height will not be materially detrimental to the public welfare or injurious to the surroundings in that it will result in a residential development compatible and consistent with surrounding residential uses. Surrounding properties are zoned RE20-1-H and are characterized by sloping terrain. These properties are developed with two story single-family dwellings as rendered necessary by the hillside topography.

- 5. The granting of this variance will not adversely affect any element of the General Plan.**

The Bel Air-Beverly Crest Community Plan designates the property for Very Low 1 Residential land uses with a corresponding zone of RE20 and Height District No. 1. The property is not within any specific plan area. However, the property is within the jurisdiction of the Hillside Ordinance.

The basic use of the property for single-family residential purposes is consistent with the Community Plan, which does not specifically address adjustments.

Under Chapter 3 of the Plan, certain relevant policies have been adopted to control new residential development. Policy No. 3 states, "[a]ll areas of the Bel-Air-Beverly Crest Community Plan should be subject to improved design standards to ensure compatibility of new development with the scenic character of the community." Extensive landscaping and the large setbacks from the property lines will ensure that the additional height will not block any scenic view of adjacent homes. Therefore, the scenic character is being protected by the sensitive design of the proposed house, consistent with the policy goal of the Plan.

Policy No. 6 provides that "land uses ... should be limited in accordance with the following: 1) The steepness of the natural topography and 2) the compatibility of the proposed development with adjacent development." The existing development surrounding the subject property is of similar large estate sized homes. A number of nearby homes are several stories high and portions of those homes are similar in height to this project. The proposed home will be in harmony with the community as far as use and overall size and height.

ORIGINAL DETERMINATION

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



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MAYOR

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MICHAEL J. LOGRANDE
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March 19, 2013

M.A. Gabaeë (O)
9034 W. Sunset Boulevard
West Hollywood, CA 90069

Fred Gaines (R)
Gaines & Stacey, LLP
16633 Ventura Boulevard, #1220
Encino, CA 91436-1872

CASE NO. ZA-2012-1395-ZV-ZAA
ZONE VARIANCE – ZONING
ADMINISTRATOR'S DETERMINATION
– FENCE HEIGHT
360 N. Stone Canyon Road
Bel Air-Beverly Crest Planning Area
Zone : RE20-1
D. M. : 141B149
C. D. : 5
CEQA: ENV-2005-8611-MND
Legal Description: Lot 165, Bel Air Tract

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, I hereby DENY:

A Variance from Section 12.21-A.17(c)(1) to permit a height of 50 feet in lieu of the 36 feet height limit for the construction of a single-family dwelling in the RE20-1 Zone;

Pursuant to Los Angeles Municipal Code Section 12.24-X,7, I hereby APPROVE:

a Zoning Administrator's Determination granting the construction, use and maintenance of a maximum 8-foot in height wall within the front yard, in lieu of the maximum 3-1/2 feet otherwise permitted, in conjunction with a single-family dwelling in the RE20-1 Zone

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The materials for the fence shall consist of decorative wrought iron fence on top of the existing wall with the wrought iron to a maximum height of 8 feet.
8. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD – EFFECTIVE DATE

The applicant's attention is called to the fact that this variance is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **April 3, 2013**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>. Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on January 9, 2013, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27-B, 1 of the Municipal Code have been established by the following facts:

BACKGROUND

The property consists of two irregular-shaped, interior lots (Lots "C" and "D" of Parcel Map No. 2005-3998) totaling 94,949 square feet with a frontage on the south side of Bellagio Avenue and on the east side of Stone Canyon Road. It is located in the Bel Air-Beverly Crest Community Plan area and designated for Very Low Residential uses in Height District No. 1.

The applicant proposes to construct a 26,957 square foot single-family home on the property. The majority of Lot "D" will remain as open space with landscaping except for a pool and similar accessory structures. In addition, the applicant seeks to construct a wrought iron fence on top of an existing stone and masonry wall that exists in the public right of way adjacent to the subject property.

The residences adjoining properties to the south and are largely obstructed from view due to the size of the lots, the dense vegetation and the change in grade. To the west of the property is the Bel Air Country Club, and to the north of the property are two vacant lots under the same ownership of the subject property that will be developed with a single family home. The houses in the area range from approximately 4,504 square feet to approximately 38,662 square feet.

The adjoining properties to the north, east and south are zoned RE20-1 and are developed with single family residences/estates. The property to the west is zoned A1-1XL, and is developed with a golf course.

North Stone Canyon Road, adjoining the property on the west, a northerly-southerly Hillside Local Street, dedicated a width of approximately 60 feet, is improved with a roadway of 30 feet in width, curbs and gutters. Street parking is permitted on the west side of the street only.

Previous zoning related actions on the site/in the area include:

Subject Site:

Case No. AA 2005-3998-PMLA – On December 6, 2006, the West Los Angeles Area Planning Commission sustained the Advisory Agency's approval of a four lot subdivision of a 4.13 acre site.

Surrounding Properties:

Case No. ZA 2006-0982(ZV)(ZAA)(ZAD) – On March 22, 2007, the Zoning Administrator approved variances to permit the construction, use and maintenance of a 59-foot high, two-story single-family dwelling with two kitchens. Denied determinations to permit an 8 foot block wall in the front yard setback and retaining walls of 11 feet in height in the side and rear yard setbacks. Approved adjustments to allow an 8 foot block wall in the front yard setback, an 8 foot block walls in the northerly and southerly side yards, an 8 foot high retaining wall in the side and rear yards and to permit the construction, use and maintenance of accessory structures within 55 feet from the front property line. Approved a determination to allow multiple retaining walls ranging from 7 feet 6 inches to 16 feet in height.

Case No. ZA 2004-3117(ZAA) – On August 26, 2004, the Zoning Administrator approved an adjustment to permit the construction, use and maintenance of a retaining wall that varies in height from 5 feet 6 inches to 9 feet 4 inches in the required front and side yards; and a 5-foot pool enclosure and a swimming pool with a spa in the required side yard at 385 Copa De Oro Road.

Case Nos. ZA 2002-5061(YV)(ZAA)(ZAD) and ZA 2002-5061(YV)(ZAA)(ZAD)-A-1 – On February 27, 2003, the Zoning Administrator denied a variance at 457 Bel Air Road, to permit a series of retaining walls up to 9.5 feet in height in the front yard setback area in lieu of the permitted 3 ½ feet, a variance to permit the construction and continued maintenance of a single family dwelling of height varying from 36 feet at the front to 46 feet 6 inches at the rear, a variance to permit the height of an accessory living quarters to be 39 feet 1.5 inches in lieu of the maximum height of 36 feet. Dismissed a variance to permit retaining walls up to 22 feet in height in lieu of the permitted 6 feet within side and rear yards. Dismissed an adjustment to permit the construction, use and maintenance of a tennis court to observe a 21-foot

setback in lieu of the 50-foot required setback. Approved an adjustment to permit an accessory structure (studio) to be located 39 feet 11 inches from the property line in lieu of the required 55 feet. Conditions include: a landscape and automatic irrigation plan to be submitted to the Zoning Administrator for approval and no structures on the subject site shall be rented out as an additional dwelling unit.

On July 11, 2003, the West Los Angeles Area Planning Commission granted the appeal resulting in a variance to permit a series of retaining walls up to 9.5 feet in height in the front yard setback area, permit the construction and continued maintenance of a single-family dwelling a height varying from 36 feet at the front to 44 feet at the rear, and to permit the height of an accessory living quarters to be 39 feet in lieu of the maximum height of 36 feet. An adjustment to permit an accessory structure (studio) to be located 39 feet 11 inches from the property line in lieu of the required 55 feet.

Case No. ZA 2002-7094(ZAA) – On March 26, 2003, the Zoning Administrator approved an adjustment to permit the construction, use and maintenance of a concrete block/red brick wall and pilasters with a maximum height of 8 feet, topped with maximum 2-foot 6-inch lights, and wooden gates of a maximum height of 8 feet within the front yard setback area at 385 Copa De Oro Road.

Case No. ZA 2000-0559(ZV)(YV)(ZAI) – On August 9, 2000, the Zoning Administrator dismissed a variance at 10550 Bellagio Road for an over-in-height wall equivalent to a linear distance of 192 feet along the front yard extending westerly from the northeasterly property line along the street frontage on Bellagio Road, inasmuch as the proposed wall along this segment will not encroach into the required 5-foot front yard setback and therefore is permitted by right. Approved a variance to permit the construction, use and maintenance of a second kitchen in a caretaker's gatehouse in conjunction with the construction of a new main residence. Approved a determination to permit a height of 45 feet in lieu of the maximum 36 feet otherwise permitted. Conditions include: specifications of the wall height at specific places of the wall, landscaping plan including treatment that upon maturity will provide for full coverage of the wall along the two street frontages, no portion of the main house shall exceed 36 feet as measured from adjacent grade, no other kitchens are permitted in any other structure other than the main house and the gatehouse, and not affect the water flow of the creek.

Case No. ZA 99-0246(YV) – On April 14, 1999, the Zoning Administrator approved a variance to permit the construction, use and maintenance of a solid block wall varying in height from 15 feet to 4 feet within the required rear yard setback at 729 Bel Air Road.

Case No. ZA 94-0463(ZV) – On September 15, 1994, the Zoning Administrator approved a variance at 642 Siena Way, to permit the construction, use and maintenance of a recreation/entertainment accessory building, in terrace under an existing legal nonconforming tennis court structure, to observe a maximum height of

approximately 53 feet in lieu of the 36 feet permitted; a freestanding elevator tower which will observe a maximum height of approximately 44.5 feet in lieu of the permitted 36 feet; and a kitchen apart from the main dwelling, located in the accessory building. Conditions include: overnight occupancy within the accessory building is prohibited. There shall be no rooms or furniture for sleeping of any type permitted within the accessory building.

Case No. ZA 92-0608(YV) – One June 24, 1992, the Zoning Administrator granted the remodel, use and maintenance of an existing swimming pool and deck structure observing a westerly side yard setback from 5 feet to 10 feet for a lineal distance of 35 feet in lieu of the 10 feet required at 10539 Bellagio Road.

Case No. ZA 92-0032(YV) – On March 20, 1992, the Zoning Administrator approved a variance to permit a 19-foot height fence and wall enclosures, in conjunction with a tennis court, instead of the 12 feet permitted by Code. Approved a reduced front yard setback from 5 feet to 25 feet, located at 10539 Bellagio Road.

PUBLIC HEARING

A public hearing for the subject case was held on January 9, 2013 and was attended by the applicant's representatives and representatives of the neighbors, other interested persons, and a representative from Council District 5. The following is a summary of the points made by the speakers.

Fred Gaines, Gaines & Stacey LLP (representative for the applicant):

The property consists of two interior lots located in a hillside area. The property has a relatively flat building pad and a single family residence is currently under construction. The site slopes downward only at the westerly end of the property towards Stone Canyon Creek near the property line at Stone Canyon Road. According to the representative, it is because of the small sloped portion of the property that the Applicant will require a Zone Variance for the proposed residence. While the calculated height as measured by the applicable provisions of the Los Angeles Municipal Code is up to 50 feet maximum, the height of the structure as measured from the finished floor to the highest point does not exceed 42 feet. Due to the large setbacks and existing landscaping, the additional height will have no impacts to the surrounding properties.

In addition, the property is currently enclosed by a decorative stone and masonry wall that was constructed in the public right-of-way decades ago and before the Applicant's ownership of the property. The wall ranges in height from about 50-inches to about 54-inches as measured from the street. The Applicant's proposal to construct a wrought iron fence on top of the existing wall, to a maximum total height of 8 feet as measured from the street, is consistent with other over-in-height walls and fences in the neighborhood.

Dale Goldsmith, Armbruster Goldsmith & Delvac LLP, (representing a neighbor to the south at 295 Strada Corta Road):

Mitigation measures protecting Stone Canyon Creek should not be removed. As owners of property that Stone Canyon Creek crosses downstream from the subject property, they are concerned about negative impacts to the stream.

Santa Monica Bay Restoration,

A representative testified about the organization's efforts to restore Stone Canyon Creek.

Mark Barron, owner of a property across the street from the project, testified in support of the project.

Victor Marmon, representing the adjacent neighbor to the east (333 Copa de Oro Road):

The MND is incomplete. The height variances should be denied because the Applicant created the need. Stone Canyon Creek is a public resource, so development of the property should not impact the stream.

Mike Fisher, an engineer representing the adjacent neighbor to the east (333 Copa de Oro Road):

The height of the proposed structure will loom over the neighbor to the south, and will block views from the east. It will also cast shadows on Stone Canyon Creek.

Leonard Liston, (PE, LC Engineering Group, Inc. representing the applicant):

Provided a rebuttal of points raised by the project's opponents.

Shawn Bayliss, Planning Deputy for Council District 5, stated the following:

The Council Office is not opposed to the Applicant's request for additional height to accommodate the proposed varied roof. Likewise, the Council Office is not opposed to the proposal to construct a wrought iron fence on top of the existing stone and masonry wall in the front yard, up to a total height of 8 feet as measured from the street. The Council Office requests that the wrought iron fence have a flat top. Finally, the Council Office requests that no development occur within the 15 foot sanitary and storm drain sewer easement. However, the Council Office is not opposed to deletion of the requirement that the Applicant maintain a 10 foot buffer from the easement.

After the hearing, the Zoning Administrator took the case under advisement for four weeks to allow the neighbors additional time to review the proposed plans and submit additional comments. The following additional comment was received:

A representative of the Bel Air Country Club opposed the project due to concern that the height of the proposed residence will not be consistent with the neighborhood.

MANDATED FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **The strict application of the provisions of the Zoning Ordinance would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant is requesting a variance to permit a maximum 50-foot in height single family dwelling that would otherwise be limited to 36 feet in height. The additional height is requested to allow a varied roof and attic. The basis for the request is that the definition for height measurement has now changed so that height is measured from "natural" grade instead of "finished" grade. In addition the applicant contends that if the measurement were taken from the previously used finished grade, the height of the project would only be 42.79 feet, a difference of 7.21 feet and require only a Zoning Administrator's adjustment and not a variance. The applicant has also cited a neighboring property which was granted a variance for a single family dwelling with a height of 59 feet.

Based on the applicant's submittal, photographs of the site and Department of Building and Safety's records, the property at 360 Stone Canyon Road has been issued a permit for the construction of a new single family dwelling with basement. The home under construction is designed with a flat roof so the height can comply with the zoning regulation. While it is possible that the granting of this instant variance would allow a greater height for the home under construction with a varied roof and attic space, there has been nothing presented to substantiate that there is a practical difficulty or unnecessary hardship imposed by the existing zoning regulation that makes the additional 14 feet of height necessary. There is no evidence to indicate that the attic space and a varied roof could not be designed in a manner consistent with the height regulation. The site is fairly large and a more horizontal coverage of the home on the lot with same square footage may allow such features to be incorporated. The argument that if the height were measured from the finished grade as opposed to the natural grade would make the height deviation less significant because it would be considered a Zoning Administrator's adjustment instead of a variance is not relevant since even the adjustment requires a discretionary approval to exceed the height limit and no guarantee that such adjustment would be approved.

2. **There are no special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The property consists of two irregular-shaped, interior lots (Lots "C" and "D" of Parcel Map No. 2005-3998) totaling 94,949 square feet with a frontage on the south side of Bellagio Avenue and on the east side of Stone Canyon Road in the RE20-1-H Zone. The property is located in a designated Hillside Area, a Very High Fire Hazard Severity Zone, a Special Grading Area, a Fault Zone, and an area with an identified watercourse. The surrounding properties are all irregular-shaped hillside lots developed with single-family residences in the RE20-1-H Zone.

Charter Section 562 states that a variance shall neither be used to grant a special privilege nor to permit a use substantially inconsistent with the limitation on other properties. Granting a variance to allow a 38% increase in height would amount to a special privilege granted to the applicant. The proposed 14 feet increase in height above the LAMC regulation of 36 feet is significant in relation to what would otherwise be permitted by the zone. The applicant states that there are other homes in the immediate vicinity that exceed the height limit. This is not in contention, it is possible that other homes in the vicinity were constructed prior to changes in the zoning regulations. However the fact that other homes may have been constructed in compliance with regulations at that time with a greater height allowance does not transfer a special circumstance to the subject site because the owner now has to comply with newer zoning regulations. In essence, zoning regulations may change with time and as new development occurs, projects are expected to comply with zoning and building codes. There has been no evidence presented to indicate that there is a special circumstance applicable to the subject property that do not generally apply to other properties in the same zone and vicinity.

3. **Such variance is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

Variances may be approved if all five findings can be made in the affirmative based on special circumstances of the property. It is the applicant's burden to provide proof of the special circumstances. The denial of the variance does not prohibit the applicant from constructing a single-family residence on the property; it does prohibit the construction of a home that is 50 feet in height. The surrounding properties in the vicinity are developed with one-, two-, and three-story homes containing approximately 4,500 to 40,000 square feet of floor area. There are admittedly homes in the vicinity that exceed the 36-foot height limit but many predate the current Hillside regulations or received discretionary approvals.

The circumstances that granted relief to other homes in the area from height regulations are unique to each case and in itself not a justification to grant this variance otherwise every surrounding property owner would be entitled to a variance. The applicant requests the additional height to allow for a varied roof and attic area, however the 36-foot height limitation does not preclude the homeowner from these features if the home can be designed in a manner that complies with the regulations. The requested variance is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

4. **The granting of such variance will be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The proposed variance to permit the construction of a 26,957 square-foot home with a height of 50 feet in lieu of the 36 feet height otherwise permitted may be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Allowing the additional height, where no distinct special circumstance or hardships can be made establishes a precedent-setting approval which can be materially detrimental to the area even if there are homes in the vicinity with a greater height. The existing homes in the area which maintain heights greater than 36 feet may have been constructed prior to the imposition of the Hillside Ordinance or changes in definition. All new homes must comply with current regulations unless a variance can be approved. The applicant is proposing new construction of a single family dwelling and is not entitled to a greater height simply because preexisting neighborhood homes were built in compliance at a prior date. In most instances, if these homes were to be voluntarily demolished and reconstructed, they too would have to comply with current regulations.

5. **The granting of the variance will adversely affect any element of the General Plan.**

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of Los Angeles Municipal Code.

Except for the entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Bel Air-Beverly Crest Community Plan Map designates the property for Very Low I Density Residential land uses with a corresponding zone of RE20 and Height

District No. 1. The Community Plan contains the following language in Chapter 3 pertaining to residential land use policies:

The intensity of land use in the mountain and hillside areas and the density of the population which can be accommodated thereon, should be limited in accordance with the following:

- The requirements of the City's Hillside Ordinance

The proposed use of the property as a single-family residence is consistent with the site's zoning and land use designation; however, the proposed height is not consistent with the plans intent to require compliance with regulations pertaining to development in the hillside areas including compliance with the Hillside Ordinance.

The proposed height is not permitted by the zone regulations and can only be approved through a variance approval subject to certain findings. As stated in the findings above, the findings have not been made in the affirmative. The zoning code is an implementing tool of the General Plan. The granting of the variance without the required findings to justify an approval of the request will adversely affect elements of the General Plan.

In order for an over-in-height fence/wall request to be approved, all of the legally mandated findings in Section 12.24-X,7 of the Municipal Code must be made in the affirmative. The following section states such findings in bold type with the applicable justification set forth immediately thereafter.

6. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

A decorative stone and masonry wall currently exists in the public right-of-way adjacent to the applicant's property. It ranges in height from about 50-inches to about 54-inches. The sections of the wall in front of the applicant's property are approximately 108 and 233 feet in length. The applicant seeks approval to construct and maintain a new decorative wrought iron fence on top of the existing wall, with a total height of 8 feet maximum.

The property is located in an area of the City characterized by sloping terrain and large estate homes. Over-in-height privacy walls and fences are prevalent in the neighborhood. Traveling from Sunset Boulevard toward the project site, most if not all of the residences along Stone Canyon Road have a fence or wall of over 42-inches in the front yard setback area. These include the following:

- 110 Stone Canyon Road: wall of 9 feet in height
- 111 Stone Canyon Road: wall of 9 feet in height
- 120 Stone Canyon Road: wall of 8 feet in height
- 129 Stone Canyon Road: fence of 6 feet in height

- 300 Stone Canyon Road: wall of 9 feet in height

Additionally, the rear yards of 245 and 295 Strada Corta face Stone Canyon Road. 245 Strada Corta has an 8-foot wall in its rear yard, and 295 Strada Corta has a five-foot wall over a three-foot slope. As such, the applicant's request for a fence and wall with a total height of up to 8 feet is consistent with the fences and walls maintained on the properties along Stone Canyon Road from Sunset Boulevard to the project site.

7. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The proposed over-in height privacy fence wall is compatible with the heights of those on the adjacent properties at the Stone Canyon Road frontage. The surrounding properties in the project area are developed with one-, two- or three-story homes containing approximately 4,500 square feet to 40,000 square feet of floor area. There are other homes in the project vicinity with fences and walls that exceed the fence height limit of 42-inches. Due to the dense landscaping, topography, and size of the subject site and the neighboring properties, the over-in-height wall will minimal impact on the neighboring properties.

The zoning regulations require a maximum height of fences and walls within the required setbacks in order to provide compatibility between respective properties as well as to ensure orderly development. Such regulations, however, are written on a Citywide basis and cannot take into account individual unique characteristics that a specific parcel and its intended use may have. In this instance, the granting of the request will allow a more viable, functional, livable dwelling in a manner consistent with the spirit and intent of the zoning regulations. The proposed privacy fence wall will not result in any change to the character of the residential neighborhood, which is improved with estate sized homes with similar height walls.

8. **The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The Bel Air-Beverly Crest Community Plan seeks to protect investment, promote good design, and ensure public safety. The Plan does not specifically address adjustments for over-in-height fences and walls within a required setback area. Granting the requested adjustment allows the applicant to create a more useable landscape area that will provide more functional private open space. Furthermore, the proposed privacy fence wall will not change the primary use of the proposed single family home. Therefore, the project will be in substantial conformance with the various elements and objectives of the General Plan.

9. **Consideration has been given to the environmental effects and appropriateness of the materials, design and location, including any**

detrimental effects on the view enjoyed by occupants of adjoining properties and security to the subject property.

In general, fences/walls, when in character with their surroundings, are not detrimental to the public welfare or injurious to adjacent properties. In this instance, the design, location, and height of the fence will not cause shade or shadow impacts, create an area that conceals potential criminals, and is not in the public right-of-way. As requested and conditioned, the fence does not create visibility problems, or impacts to light and air. The proposed fence allows for added privacy and security while still retaining an open design that relates to the street. Thus, as proposed, the fence is not anticipated to have any impacts on solar access, ventilation or on privacy to the adjoining property owners.

ADDITIONAL MANDATORY FINDINGS

10. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone AO, areas of 100-year shallow flooding where depths are between 1 and 3 feet; average depths of inundation are shown, but no flood hazard factors are determined.
11. On March 16, 2006, a Mitigated Negative Declaration (ENV 2005-8611- MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.



JIM TOKUNAGA
Associate Zoning Administrator
Direct Telephone No. (213) 978-1307

JT:

cc: Councilmember Paul Koretz
Fifth District
Adjoining Property Owners

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
PROPOSED MITIGATED NEGATIVE DECLARATION

LEAD CITY AGENCY

City of Los Angeles

COUNCIL DISTRICT

5

PROJECT TITLE

ENV-2005-8611-MND-REC-2

CASE NO.

AA-2005-3998-PMLA-M1 ZA-2012-1395-ZV ZA-2012-1402-ZV

PROJECT LOCATION

10550 BELLAGIO ROAD

PROJECT DESCRIPTION

Reconsideration of a previously adopted Mitigated Negative Declaration for a Parcel Map Modification to remove language requiring maintenance of a strip of indigenous vegetation at least ten feet wide along Stone Canyon Creek from two mitigation measures, removal of a mitigation measure requiring concentrating or clustering development on portions of a site while leaving the remaining land in a natural, undisturbed condition and removal of language requiring minimizing the impacts of a driveway over Stone Canyon Creek from a parcel map condition. In addition, changing the terminology in five parcel map conditions and five mitigation measures from "Stone Canyon Creek natural watercourse" to "storm drain and sanitary sewer easement". These mitigation measures are included in ENV-2005-8611-MND and the conditions are included as part of the approval of AA-2005-3998-PMLA to permit the subdivision of the subject property into four single family home lots.

In addition, two zone variances to permit heights of 50 feet for the two story single family homes, in lieu of the 36 foot limit in the Zone Code and two adjustments to permit fences of up to eight feet in height in the front yards, in lieu of the 3 1/2 feet allowed by the Code and the construction and maintenance of a retaining wall up to 10 feet in height along the eastern property line for the northern two lots in addition to two existing retaining walls on the property.

NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY

M&A Gabae, LP
9034 Sunset Boulevard
West Hollywood, CA 90068

FINDING:

The City Planning Department of the City of Los Angeles has Proposed that a mitigated negative declaration be adopted for this project because the mitigation measure(s) outlined on the attached page(s) will reduce any potential significant adverse effects to a level of insignificance

(CONTINUED ON PAGE 2)

SEE ATTACHED SHEET(S) FOR ANY MITIGATION MEASURES IMPOSED.

Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt the mitigated negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.

NAME OF PERSON PREPARING THIS FORM

Marc Woerschling

TITLE

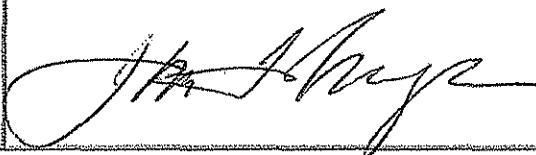
City Planner

TELEPHONE NUMBER

(213) 978-1470

ADDRESS

200 N. SPRING STREET, 7th FLOOR
LOS ANGELES, CA. 90012

SIGNATURE (Official)**DATE**

APRIL 17, 2013

I-30. Aesthetics (Hillside Site Design, Undeveloped Site)

- Environmental impacts, such as alteration of existing or natural terrain may result from project implementation. However, these impacts will be mitigated to a less than significant level by the following measures:
- Grading shall be kept to a minimum.
- The project shall comply with the City's Hillside Development Guidelines.
- Natural features, including the Stone Canyon Creek natural water course and easement as well as prominent knolls or ridge lines shall be preserved. No alteration, piping or disturbance of the natural water course shall be permitted. In addition, the following measures shall be required: a. No stockpiling of dirt or any construction related materials shall be permitted within 100 feet of the Stone Canyon Creek natural water course easement. b. All stockpiles located anywhere on the subject site shall be covered. c. A strip of indigenous vegetation at least ten feet wide shall be maintained at all times along both sides of the Stone Canyon Creek natural water course easement, including during any construction on site.

IV-70. Tree Removal (Non-Protected Trees)

- Environmental impacts from project implementation may result due to the loss of significant trees on the site. However, the potential impacts will be mitigated to a less than significant level by the following measures:
- Prior to the issuance of any permit, a plot plan shall be prepared indicating the location, size, type, and general condition of all existing trees on the site and within the adjacent public right(s)-of-way.
- All significant (8-inch or greater trunk diameter, or cumulative trunk diameter if multi-trunked, as measured 54 inches above the ground) non-protected trees on the site proposed for removal shall be replaced at a 1:1 ratio with a minimum 24-inch box tree. Net, new trees, located within the parkway of the adjacent public right(s)-of-way, may be counted toward replacement tree requirements.
- Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. Contact Urban Forestry Division at: 213-847-3077. All trees in the public right-of-way shall be provided per the current standards of the Urban Forestry Division the Department of Public Works, Bureau of Street Services.

IV-80. Tree Removal (Locally Protected Species)

- Environmental impacts may result due to the loss of protected trees on the site. However, these potential impacts will be mitigated to less than significant level by the following measures:
- All protected tree removals require approval from the Board of Public Works.
- A Tree Report shall be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, for review and approval (213-847-3077), prior to implementation of the Report's recommended measures.
- A minimum of two trees (a minimum of 48-inch box in size if available) shall be planted for each protected tree that is removed. The canopy of the replacement trees, at the time they are planted, shall be in proportion to the canopies of the protected tree(s) removed and shall be to the satisfaction of the Urban Forestry Division.
- The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species and further contain the phrase "Replacement Tree" in its description.
- Bonding (Tree Survival):
- a. The applicant shall post a cash bond or other assurances acceptable to the Bureau of Engineering in consultation with the Urban Forestry Division and the decision maker guaranteeing the survival of trees required to be maintained, replaced or relocated in such a fashion as to assure the existence of continuously living trees for a minimum of three years from the date that the bond is posted or from the date such trees are replaced or relocated, whichever is longer. Any change of ownership shall require that the new owner post a new oak tree bond to the satisfaction of the Bureau of Engineering. Subsequently, the original owner's oak tree bond may be exonerated.
- b. The City Engineer shall use the provisions of Section 17.08 as its procedural guide in satisfaction of said bond requirements and processing. Prior to exoneration of the bond, the owner of the property shall provide evidence satisfactory to the City Engineer and Urban Forestry Division that the oak trees were properly replaced, the date of the replacement and the survival of the replacement trees for a period of three years.

IV-100. Biological Resources

- The project will result in impact(s) to biological resources. However, the impact can be reduced to a less than significant level through compliance with the following measure(s):
- A grading plan shall be prepared which ensures that grading for the single family homes will not intrude into and disturb the 10 foot buffer area along the Stone Canyon Creek water course. Prior to the issuance of a building permit the grading plan shall be approved by the Deputy Advisory Agency.

VI-20. Erosion/Grading/Short-Term Construction Impacts

- Short-term erosion impacts may result from the construction of the proposed project. However, these impacts can be mitigated to a less than significant level by the following measures:
- The applicant shall provide a staked signage at the site with a minimum of 3-inch lettering containing contact information for the Senior Street Use Inspector (Department of Public Works), the Senior Grading Inspector (LADBS) and the hauling or general contractor.
- Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
- a. Excavation and grading activities shall be scheduled during dry weather periods. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.
- b. Stockpiles, excavated, and exposed soil shall be covered with secured tarps, plastic sheeting, erosion control fabrics, or treated with a bio-degradable soil stabilizer.

VI-30. Erosion/Grading/Short-Term Construction Impacts (Hillside Grading Areas)

- Environmental impacts may result from the visual alteration of natural landforms due to grading. However, this impact will be mitigated to a less than significant level by the following measures:
- The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division.

VI-70. Liquefaction Area

- Environmental impacts may result due to the proposed project's location in an area with liquefaction potential. However, these potential impacts will be mitigated to a less than significant level by the following measures:
- Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The project shall comply with the Uniform Building Code Chapter 18, Division 1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

IX 0. 100 Year Flood Zone

-
- 1. Mandatory flood insurance shall be provided for any new residential development. 2. Flood plain management standards shall be implemented.

IX-30. Standard Urban Stormwater Mitigation Plan

-
- Environmental impacts may result from erosion carrying sediments and/or the release of toxins into the stormwater drainage channels. However, the potential impacts will be mitigated to a less than significant level by incorporating stormwater pollution control measures. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following (a copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>):

IX-40. Standard Urban Stormwater Mitigation Plan (Hillside Residential and All 10-or-more-unit Subdivisions and Multi-Family Dwellings)

- Environmental impacts may result from erosion carrying sediments and/or the release of toxins into the stormwater drainage channels. However, the potential impacts will be mitigated to a less than significant level by incorporating stormwater pollution control measures. Ordinance No. 172,176 and Ordinance No. 173,494 specify Stormwater and Urban Runoff Pollution Control which requires the application of Best Management Practices (BMPs). Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. Applicants must meet the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by Los Angeles Regional Water Quality Control Board, including the following (a copy of the SUSMP can be downloaded at: <http://www.swrcb.ca.gov/rwqcb4/>):

- Project applicants are required to implement stormwater BMPs to treat and infiltrate the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- Preserve riparian areas and wetlands.
- Promote natural vegetation by using parking lot islands and other landscaped areas.
- Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.
- All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- Legibility of stencils and signs must be maintained.
- Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevent contact with runoff spillage to the stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
- A strip of indigenous vegetation at least 10 feet wide shall be maintained at all times along both side of the Stone Canyon Creek natural water course, including during any construction on site. Preserve Stone Canyon Creek natural water course any any associated riparian areas and wetlands. No alteration, piping or disturbance of the natural water course shall be permitted.

XIV-10. Public Services (Fire)

- Environmental impacts may result from project implementation due to the location of the project in an area having marginal fire protection facilities. However, this potential impact will be mitigated to a less than significant level by the following measure:
- The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

XIV-60. Public Services (Schools)

- Environmental impacts may result from project implementation due to the location of the project in an area with insufficient school capacity. However, the potential impact will be mitigated to a less than significant level by the following measure:

- The applicant shall pay school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

XV-10. Recreation (Increased Demand For Parks Or Recreational Facilities)

- Environmental impacts may result from project implementation due to insufficient parks and/or recreational facilities. However, the potential impact will be mitigated to a less than significant level by the following measure:
- **(Subdivision)** Pursuant to Section 17.12-A or 17.58 of the Los Angeles Municipal Code, the applicant shall pay the applicable Quimby fees for the construction of dwelling units.

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
INITIAL STUDY
and CHECKLIST
(CEQA Guidelines Section 15063)

LEAD CITY AGENCY: City of Los Angeles		COUNCIL DISTRICT:	DATE:
RESPONSIBLE AGENCIES: Department of City Planning			
ENVIRONMENTAL CASE: ENV-2005-8611-MND-REC-2		RELATED CASES: AA-2005-3998-PMLA-M1 ZA-2012-1395-ZV ZA-2012-1402-ZV	
PREVIOUS ACTIONS CASE NO.: AA-2005-3998-PMLA ENV-2005-8611-MND		<input checked="" type="checkbox"/> Does have significant changes from previous actions. <input type="checkbox"/> Does NOT have significant changes from previous actions	
PROJECT DESCRIPTION: ENVIRONMENTAL FOR PMLA CASE.			
ENV PROJECT DESCRIPTION: Reconsideration of a previously adopted Mitigated Negative Declaration for a Parcel Map Modification to remove language requiring maintenance of a strip of indigenous vegetation at least ten feet wide along Stone Canyon Creek from two mitigation measures, removal of a mitigation measure requiring concentrating or clustering development on portions of a site while leaving the remaining land in a natural, undisturbed condition and removal of language requiring minimizing the impacts of a driveway over Stone Canyon Creek from a parcel map condition. In addition, changing the terminology in five parcel map conditions and five mitigation measures from "Stone Canyon Creek natural watercourse" to "storm drain and sanitary sewer easement". These mitigation measures are included in ENV-2005-8611-MND and the conditions are included as part of the approval of AA-2005-3998-PMLA to permit the subdivision of the subject property into four single family home lots. In addition, two zone variances to permit heights of 50 feet for the two story single family homes, in lieu of the 36 foot limit in the Zone Code and two adjustments to permit fences of up to eight feet in height in the front yards, in lieu of the 3 1/2 feet allowed by the Code and the construction and maintenance of a retaining wall up to 10 feet in height along the eastern property line for the northern two lots in addition to two existing retaining walls on the property.			
ENVIRONMENTAL SETTINGS: The subject property is a mostly rectangular shaped, sloping parcel of land with an estate single family home under construction and a second home to be constructed. In addition, there is a stream, Stone Canyon Creek, on the western edge of the property running generally parallel to Stone Canyon Road. Adjoining land uses are estate single family homes to the north, south and east zoned RE20-1-H and a golf course zoned A1-1XL and single family homes zoned RE40-1 to the west.			
PROJECT LOCATION: 10550 BELLAGIO ROAD			
COMMUNITY PLAN AREA:		AREA PLANNING COMMISSION:	CERTIFIED NEIGHBORHOOD COUNCIL:
STATUS: <input checked="" type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan			BEL AIR - BEVERLY CREST
EXISTING ZONING: RE20-1		MAX. DENSITY/INTENSITY ALLOWED BY ZONING: RE20-1	
GENERAL PLAN LAND USE: Very Low I Residential		MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION: Two units per acre.	
		LA River Adjacent: NO	

	PROPOSED PROJECT DENSITY: One unit per two acres.
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Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Mae H. Jansching

City Planner

(213) 978-1470

Signature

Title

Phone

Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> AESTHETICS	<input type="checkbox"/> GREEN HOUSE GAS EMISSIONS	<input type="checkbox"/> POPULATION AND HOUSING
<input type="checkbox"/> AGRICULTURE AND FOREST RESOURCES	<input type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS	<input checked="" type="checkbox"/> PUBLIC SERVICES
<input type="checkbox"/> AIR QUALITY	<input checked="" type="checkbox"/> HYDROLOGY AND WATER QUALITY	<input checked="" type="checkbox"/> RECREATION
<input checked="" type="checkbox"/> BIOLOGICAL RESOURCES	<input type="checkbox"/> LAND USE AND PLANNING	<input type="checkbox"/> TRANSPORTATION/TRAFFIC
<input type="checkbox"/> CULTURAL RESOURCES	<input type="checkbox"/> MINERAL RESOURCES	<input type="checkbox"/> UTILITIES AND SERVICE SYSTEMS
<input checked="" type="checkbox"/> GEOLOGY AND SOILS	<input type="checkbox"/> NOISE	<input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE

INITIAL STUDY CHECKLIST (To be completed by the Lead City Agency)

Background

PROPONENT NAME:

M&A Gabae, LP

APPLICANT ADDRESS:

9034 Sunset Boulevard
West Hollywood, CA 90068

AGENCY REQUIRING CHECKLIST:

Department of City Planning

PROPOSAL NAME (if Applicable):

PHONE NUMBER:

(310) 247-0900

DATE SUBMITTED:

11/29/2005

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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I. AESTHETICS

a.	Have a substantial adverse effect on a scenic vista?		✓		
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✓

II. AGRICULTURE AND FOREST RESOURCES

a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?				✓
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✓

III. AIR QUALITY

a.	Conflict with or obstruct implementation of the applicable air quality plan?				✓
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓	
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			✓	
d.	Expose sensitive receptors to substantial pollutant concentrations?			✓	
e.	Create objectionable odors affecting a substantial number of people?				✓

IV. BIOLOGICAL RESOURCES

a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		✓		
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		✓		
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓		
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

V. CULTURAL RESOURCES

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				✓
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				✓
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d.	Disturb any human remains, including those interred outside of formal cemeteries?				✓

VI. GEOLOGY AND SOILS

a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			✓	
b.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?			✓	
c.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?		✓		
d.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?			✓	
e.	Result in substantial soil erosion or the loss of topsoil?		✓		
f.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
g.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
h.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓

VII. GREEN HOUSE GAS EMISSIONS

a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

VIII. HAZARDS AND HAZARDOUS MATERIALS

a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓
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IX. HYDROLOGY AND WATER QUALITY

a. Violate any water quality standards or waste discharge requirements?				✓
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			✓	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
f. Otherwise substantially degrade water quality?		✓		
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			✓	
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?		✓		
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j. Inundation by seiche, tsunami, or mudflow?				✓

X. LAND USE AND PLANNING

a. Physically divide an established community?				✓
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			✓	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

XI. MINERAL RESOURCES

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

XII. NOISE

a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				✓
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓
XIII. POPULATION AND HOUSING					
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓
XIV. PUBLIC SERVICES					
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?		✓		
b.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Police protection?				✓
c.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Schools?		✓		
d.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks?		✓		
e.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Other public facilities?				✓
XV. RECREATION					
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		✓		
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓
XVI. TRANSPORTATION/TRAFFIC					
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
e.	Result in inadequate emergency access?				✓
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓

XVII. UTILITIES AND SERVICE SYSTEMS

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				✓

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				✓
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

Note: Authority cited: Sections 21083, 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080, 21083.05, 21095, Pub. Resources Code; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description may cause potentially significant impacts on the environment without mitigation. Therefore, this environmental analysis concludes that a Mitigated Negative Declaration shall be issued to avoid and mitigate all potential adverse impacts on the environment by the imposition of mitigation measures and/or conditions contained and expressed in this document; the environmental case file known as **ENV-2005-8611-MND-REC-2** and the associated case(s), **AA-2005-3998-PMLA-M AA-2005-3998-PMLA-M1 ZA-2012-1395-ZV ZA-2012-1402-ZV**. Finally, based on the fact that these impacts can be feasibly mitigated to less than significant, and based on the findings and thresholds for Mandatory Findings of Significance as described in the California Environmental Quality Act, section 15065, the overall project impact(s) on the environment (after mitigation) will not:

- Substantially degrade environmental quality.
- Substantially reduce fish or wildlife habitat.
- Cause a fish or wildlife habitat to drop below self sustaining levels.
- Threaten to eliminate a plant or animal community.
- Reduce number, or restrict range of a rare, threatened, or endangered species.
- Eliminate important examples of major periods of California history or prehistory.
- Achieve short-term goals to the disadvantage of long-term goals.
- Result in environmental effects that are individually limited but cumulatively considerable.
- Result in environmental effects that will cause substantial adverse effects on human beings.

ADDITIONAL INFORMATION:

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org> ; City Planning - and Zoning Information Mapping Automated System (ZIMAS) cityplanning.lacity.org/ or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps - <http://gmw.consrv.ca.gov/shmp/> Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE:	TELEPHONE NO.:	DATE:
Marc Woerschling	City Planner	(213) 978-1470	03/13/2013

Impact?	Explanation	Mitigation Measures
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APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE

I. AESTHETICS			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	Unless mitigated, grading for new homes will alter the natural terrain of the project site.	I-30 This mitigation will ensure that grading is kept to a minimum by requiring compliance with the City's Hillside Development Guidelines.
b.	NO IMPACT	The project site is mostly vacant with Stone Canyon Creek being a significant scenic resource. The two estate single family homes being developed at the project site will be attractively landscaped and fit into the surrounding upscale neighborhood without impacting the creek. Stone Canyon Road, while going through an attractive residential neighborhood, is not designated a scenic highway.	
c.	NO IMPACT	The two estate single family homes being developed in accordance with the Very Low I designation on the community plan will be attractively landscaped and will fit into the upscale residential neighborhood along Stone Canyon Road.	
d.	NO IMPACT	Some interior lighting from the two single family homes to be developed will be visible from outside the project site but will not be bright enough to impact adjoining properties and is consistent with the lighting of other nearby single family homes.	
II. AGRICULTURE AND FOREST RESOURCES			
a.	NO IMPACT	The project site was previously a single family home. There are no agricultural uses on the project site or in the surrounding residential neighborhood.	
b.	NO IMPACT	The project site is zoned RE20-2 for estate single family homes rather than for agriculture. No agricultural uses are on the project site or in the surrounding residential neighborhood.	
c.	NO IMPACT	Because there are no agricultural uses in the surrounding area the project would not result in the direct or indirect conversion of farmland to non-agricultural uses.	
d.	NO IMPACT	Because there is no forest land on the project site or in the surrounding residential neighborhood, this project will not result in the conversion of forest land to non-forest uses.	

Impact?	Explanation	Mitigation Measures
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e.	NO IMPACT	There are no other aspects of the development of two estate single family homes on the project site that would result in the conversion of farm or forest land to non farm or forest uses.	
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III. AIR QUALITY

a.	NO IMPACT	The two estate single family homes to be developed at the project site are consistent with the forecasts of the 2007 AQMP adopted by the SCAQMD and the number of vehicle trips generated will be below the threshold of 50 trips per peak hour in order to have a significant impact.	
b.	LESS THAN SIGNIFICANT IMPACT	The two estate single family homes to be developed will not generate a substantial number of additional vehicle trips that would generate a significant increase in emissions that violate any air quality standard or contribute to air quality violations.	
c.	LESS THAN SIGNIFICANT IMPACT	Because the two estate single family homes to be developed would not exceed the growth projections in the AQMP, the project's incremental contribution to cumulative air quality impacts is not cumulatively considerable.	
d.	LESS THAN SIGNIFICANT IMPACT	The two estate single family homes to be developed will not generate sufficient emissions what would have significant effects on air quality that would impact sensitive receptors.	
e.	NO IMPACT	The two estate single family homes to be developed will not generate a significant amount of emissions that would expose sensitive receptors to substantial pollutant concentrations.	

IV. BIOLOGICAL RESOURCES

a.	NO IMPACT	The project site was previously developed with a single family home and is not a habitat for a candidate, sensitive or special status species.	
b.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	Grading for the proposed single family homes will intrude into and disturb the ten foot buffer area along Stone Canyon Creek, which is to consist of indigenous vegetation.	IV-100 This mitigation measure will ensure that the ten foot buffer area along Stone Canyon Creek will be protected from intrusion by grading as well as by structures.
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	Grading for the proposed single family homes will intrude into and disturb the ten foot buffer area along Stone Canyon Creek, which is to consist of indigenous vegetation.	This mitigation measure from IV.b will ensure that the ten foot buffer area along Stone Canyon Creek will be protected from intrusion by grading as well as by structures.

Impact?	Explanation	Mitigation Measures
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d.	NO IMPACT	The project site was previously developed with a single family house and lacks native vegetative cover. No wildlife corridors or native wildlife nursery sites are present on the site or in the surrounding neighborhood and , therefore, the the potential for native resident or migratory wildlife species movement through the site is low.	
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project site, while mostly vacant, does contain some on-site trees which are locally protected species. Environmental impacts may result from the loss of these trees. Mitigation measures are included to reduce this impact to an insignificant level.	IV-70, IV-80 The mitigation measures will ensure that any protected trees removed will be replaced on a two to one basis and any unprotected trees removed will be replaced as well.
f.	NO IMPACT	The project site is not located within a significant ecological area. And there is no adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan in place for the project site.	

V. CULTURAL RESOURCES

a.	NO IMPACT	The project site is vacant with a new estate single family house under construction. It is not listed as a historic resource in the local or State registers or identified as significant in a historic resource survey under CEQA.	
b.	NO IMPACT	There are no archaeological resources listed as being on the project site.	
c.	NO IMPACT	There are no sediments that might contain paleontological resources on the project site.	
d.	NO IMPACT	There are no former cemeterys on the project site and there is no evidence that the project site has been used to dispose of human remains.	

VI. GEOLOGY AND SOILS

a.	LESS THAN SIGNIFICANT IMPACT	The project site is not located in an Alquist Priolo Special Study Zone or in a fault rupture study area.	
b.	LESS THAN SIGNIFICANT IMPACT	The project site is not located in an Alquist-Priolo Special Study Zone or in a fault rupture study area and thus is less likely to experience strong seismic ground shaking.	
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The project site, being located along Stone Canyon Creek is in an area subject to liquefaction during a major earthquake.	VI-70 The requirement that a geotechnical report be submitted to Building & Safety Department will ensure that the project is properly designed to withstand liquefaction during an

Impact?	Explanation	Mitigation Measures
		earthquake.
d.	LESS THAN SIGNIFICANT IMPACT	The project site is not identified as having a potential for slope instability in the Safety Element of the City of Los Angeles General Plan and is not within a Seismically Induced Landslide Hazard Zone of the California Division of Mines and Geology. However, temporary cut slopes may be subject to sloughing and failure and should be stabilized with temporary shoring.
e.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	Soil erosion may take place during grading, excavation and the stockpiling of soils. during construction. VI-20, VI-30 These mitigation measures will ensure that there is not substantial soil erosion during construction of the project.
f.	LESS THAN SIGNIFICANT IMPACT	Because a house previously occupied the project site, there may be artificial fill of an unknown quality that is not uniformly compacted. A soils/geotechnical report will be required by Building & Safety Department for new construction. The building plans will be required to meet or exceed the recommendations of the soils/geotechnical report. Also, the project does not include the extraction of oil or groundwater from aquifers under the project site. Thus, the potential for subsidence to occur on site is low.
g.	NO IMPACT	Because a house previously occupied the project site, there may be artificial fill of an unknown quality that is not uniformly compacted. A soils/geotechnical report will be required by Building & Safety Department and building plans will be required to meet or exceed the recommendations of the soils/geotechnical report.
h.	NO IMPACT	The new houses will be served by the existing sewer lines in the area. No septic tanks will be used by this project.
VII. GREEN HOUSE GAS EMISSIONS		
a.	LESS THAN SIGNIFICANT IMPACT	The size of the project is below the 50,000 square foot threshold for a significant impact established by the 2008 Green Building Ordinance. The Ordinance requires adherence to the LEED standards for energy conservation and emissions reduction.
b.	LESS THAN SIGNIFICANT IMPACT	Because the size of the project is below the 50,000 square foot threshold for a significant impact established by the Green Building Ordinance, this project is not likely to conflict with any plans, policies or regulations for the reduction of

Impact?	Explanation	Mitigation Measures
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greenhouse gasses.

VIII. HAZARDS AND HAZARDOUS MATERIALS

a.	NO IMPACT	Only small amounts of minor cleaning products, pesticides and herbicides will be used for landscape maintenance and house cleaning, which will not create a significant hazard to the public.	
b.	NO IMPACT	The use of pesticides, herbicides and minor cleaning products for the maintenance of the landscaping and for house cleaning will not create a significant hazard to the public.	
c.	NO IMPACT	The project site is not located within a quarter mile of an existing or proposed school.	
d.	NO IMPACT	The project site is not identified on lists of hazardous materials sites compiled by federal, state or local governments.	
e.	NO IMPACT	The project site is not located within an airport land use plan and it is not located within two miles of a public airport.	
f.	NO IMPACT	The project site is not located in the vicinity of a private airstrip.	
g.	NO IMPACT	The project site is located in an area where adequate circulation and access is provided to facilitate emergency response. The development will comply with applicable fire codes, including proper emergency exits for homeowners and guests. Construction activities will generally be confined to the project site and will be subject to emergency access standards and requirements of the Fire Department. to ensure traffic safety.	
h.	NO IMPACT	The project site is in an estate residential section of Los Angeles that does not have wildland features and is not located immediately adjacent to wildlands that may be subject to fires.	

IX. HYDROLOGY AND WATER QUALITY

a.	NO IMPACT	During rainstorms, project construction must comply with the requirements of the Municipal National Pollutant Discharge Elimination System and must implement grading permit regulations that include compliance with erosion control measures, including grading and dust controls in accordance with Building Code Chapter IX.. In addition, approval of an erosion control plan and a Storm Water Pollution Prevention Plan by Building & Safety Department is required. If grading occurs during the rainy season a Wet Weather Erosion Control Plan is required.	
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Impact?	Explanation	Mitigation Measures
	by the Board of Public Works.	
b.	NO IMPACT	The project will not significantly change ground water recharge conditions. Currently, recharge is extremely limited due to runoff rates and soil conditions. Current flows across the pervious sections of the site do not typically infiltrate to a depth where there is an effect on ground water storage.
c.	NO IMPACT	While Stone Canyon Creek runs through the project site, the project will not be altering the creek.
d.	LESS THAN SIGNIFICANT IMPACT	While Stone Canyon Creek runs through the project site, the project will not be altering the creek. In addition, the mitigation measures approved by the Area Planning Commission require that the creek be preserved.
e.	LESS THAN SIGNIFICANT IMPACT	The existing project site is bare ground with very little vegetation to absorb and hold back rainwater. While the house and paved areas would bring about runoff, that will be offset in part by the remainder of the project site which will be landscaped, resulting in little net increase in runoff compared to existing conditions.
f.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<div data-bbox="594 1056 1068 1171">Unless mitigated, grading during construction may substantially degrade water quality.</div> <div data-bbox="1068 1056 1539 1171">IX-30, IX-40 These mitigation measures will minimize the impacts of construction grading on water quality.</div>
g.	LESS THAN SIGNIFICANT IMPACT	The maps prepared by the Federally Emergency Management Agency verify that, while the front portions of the properties may intrude into the 100 year flood zone, the two estate houses will be located just outside the 100 year zone.
h.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	<div data-bbox="594 1371 1068 1518">Unless mitigated, the planned bridge to the project site could be an impediment to flood waters.</div> <div data-bbox="1068 1371 1539 1518">IX 0 This mitigation measure will ensure that the proposed bridge will be designed to not be a significant impediment to flood water flows.</div>
i.	NO IMPACT	While the project site is downstream from Stone Canyon Reservoir, the reservoir has been in place for many years and potential for a failure of the dam is remote.
j.	NO IMPACT	The project site is located seven miles east of the ocean and not in danger from a tsunami. Because it is not located on a body of water it is in danger from a seiche. And the project site is not located in an area with potential mudflows.
X. LAND USE AND PLANNING		

Impact?	Explanation	Mitigation Measures
NO IMPACT	The two single family homes planned for the project site are consistent and compatible with the established estate single family residential land use in the area and will not physically divide the Bel Air community.	
LESS THAN SIGNIFICANT IMPACT	The two planned estate single family homes are consistent with the Very Low I residential designation on the Bel Air-Beverly Crest Community Plan, with a density of one unit per two acres, and with the RE 20 zone for the property. While the applicant is requesting variances to permit heights of 46 and 47 feet instead of the 36 foot maximum height permitted, this is not a significant impact because the height of the houses themselves is 36 feet with the greater height due to their being measured from the natural rather than the finished grade. In addition, these estate type houses will be on large lots and separated from adjoining homes and other homes in this neighborhood along Stone Canyon Road also have similar or greater height.	
NO IMPACT	The project site is in a single family residential community. No habitat conservation plan or natural community conservation plan applies to the project site or the surrounding area.	
MINERAL RESOURCES		
NO IMPACT	The project site is not located within a City-designated Mineral Resource Zone where significant mineral deposits are present. Nor is the site classified as a mineral producing area by the California Geological Survey. No mineral extraction operations occur on the site or in the vicinity. Furthermore, the site was previously developed with a single family home..	
NO IMPACT	The project site is not designated a mineral resource recovery site on the General Plan, a specific plan or other land use plan.	
NOISE		
LESS THAN SIGNIFICANT IMPACT	While there will be noise from the equipment when the houses are under construction, the noise is temporary, intermittent and construction is limited to 7:00 am to 9:00 pm on weekdays, 8:00 am to 6:00 pm on Saturdays and at no time on Sundays and holidays by the Municipal Code. Due to lower speeds and traffic volumes on local streets, traffic	

Impact?		Explanation	Mitigation Measures
		noise is lower than from freeways.	
b.	NO IMPACT	While construction equipment can create intermittent noise, it is not likely to create vibrations that would affect adjacent properties.	
c.	NO IMPACT	Upon completion of construction, the two single family homes will generate minimal levels of noise, consistent with that of adjacent single family homes.	
d.	LESS THAN SIGNIFICANT IMPACT	While there will be increases in noise during construction, it will be temporary, intermittent and limited to 7:00 am to 9:00 pm on weekdays, 8:00 am to 6:00 pm on Saturdays and at no time on Sundays and holidays by the Municipal Code.	
e.	NO IMPACT	The project site is not located within an airport land use plan or within two miles of a public airport.	
f.	NO IMPACT	The project site is not located in the vicinity of a private airstrip.	
XIII. POPULATION AND HOUSING			
a.	NO IMPACT	The two single family homes planned for the project site will result in only a slight increase in population in Bel Air and the City of Los Angeles.	
b.	NO IMPACT	The project site is vacant so no residential housing units will be displaced.	
c.	NO IMPACT	The project site is vacant so no people will be displaced.	
XIV. PUBLIC SERVICES			
a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The two single family homes planned will create an additional demand for fire protection.	XIV-10 This mitigation measure will ensure that building plans are reviewed for fire safety and that safety features are included in the project.
b.	NO IMPACT	The number of additional residents resulting from the two planned houses is modest and will not create a significant demand for additional police protection.	
c.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The proposed project will create an additional demand for schools.	XIV-60 This mitigation measure ensures that fees for the construction and maintenance of schools are paid as part of project approval;
d.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The two planned single family homes, along with other individual projects, will result in a cumulative increase in the use of existing neighborhood and regional parks.	This mitigation measure ensures that a fee will be paid to fund the improved maintenance of existing parks and the acquisition of new parks.

Impact?	Explanation	Mitigation Measures
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e.	NO IMPACT	The two planned houses will not generate a significant increase in the demand for other government services, including roads.
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XV. RECREATION

a.	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	The two planned single family homes, along with other projects, will result in a cumulative increase in the use of existing neighborhood and regional parks.	XV-10 The payment of a fee will provide funding for the improved maintenance of existing parks or the acquisition of new parks.
b.	NO IMPACT	The project consists of two single family homes and no recreational facilities are included.	

XVI. TRANSPORTATION/TRAFFIC

a.	NO IMPACT	The two planned single family homes will result in a slight increase in traffic on Stone Canyon and Bellagio Roads which is not significant.	
b.	NO IMPACT	The two planned single family homes will result in only a slight increase in traffic which will not cause a level of service standard established by a county congestion management agency to be exceeded	
c.	NO IMPACT	The planned two single family homes are not located within an airport land use plan or within two miles of an airport or a private airstrip. And the two single family homes, with their modest height, will not change air traffic patterns.	
d.	NO IMPACT	Access to the project site will be from driveways along Stone Canyon and Bellagio Roads. There will be no alteration of those two roads that would result in sharp curves or dangerous intersections.	
e.	NO IMPACT	Access, both for emergency and non-emergency vehicles, will be maintained from several driveways along Stone Canyon and Bellagio Roads both during and after the end of construction.	
f.	NO IMPACT	Parking for the two planned single family homes will be provided on site in accordance with the requirements of the Zone Code and the Deputy Advisory Agency for subdivision maps.	

XVII. UTILITIES AND SERVICE SYSTEMS

a.	NO IMPACT	The two planned single family homes will generate only a modest increase in sewage flow which will be treated at the Hyperion Plant. The annual increase in wastewater flow to the plant is limited by City ordinance to five mgpd. And the	
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Impact?	Explanation	Mitigation Measures
	implementation of required water conservation measures will reduce wastewater flows from the two homes.	
b. NO IMPACT	While the planned two single family homes will generate some additional wastewater flow, existing water and wastewater treatment facilities are adequate to accommodate the demand generated by the project. Thus, this project will not require or result in the construction of new or expanded water and wastewater treatment facilities.	
c. NO IMPACT	There are existing stormwater drainage facilities along Stone Canyon Road to handle drainage from the project site, which will be similar to the existing site conditions.	
d. NO IMPACT	The two planned single family homes will connect to the water main along Stone Canyon Road. DWP in its recent water management plan report indicated that there is a sufficient water supply to serve this and other projects. And the project will be required to have water conservation measures to reduce its demand for water.	
e. NO IMPACT	The two planned single family homes will generate only a modest increase in wastewater which will be treated at the Hyperion plant. The annual increase in wastewater flows to the plant is limited to five mgpd. Adequate capacity will be verified through the permit approval process of obtaining a sewer capacity and connection permit from the City.	
f. NO IMPACT	The amount of solid waste that will be generated by the two planned single family homes will be modest and not have a significant impact on remaining landfill capacity. And the solid waste generated on site will be collected and transported by a private contractor so there will be no impact on public trash collection services.	
g. NO IMPACT	With the separation of trash into separate bins for yard trimmings and recyclable materials in addition to regular trash, the two single family homes will be in compliance with the California Integrated Waste Management Act of 1989 and the City's Solid Waste Management Policy Plan adopted in 1994, as well as Federal regulations.	
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE		

Impact?	Explanation	Mitigation Measures
a. NO IMPACT	The project site was previously developed with a single family house and is not a habitat for a sensitive plant or animal species. Nor does it contain any wetlands.	
b. NO IMPACT	The two planned single family homes will have impacts that are very modest and are not cumulatively considerable when combined with other projects in the surrounding area, which is a stable, established single family home neighborhood where the addition of a substantial number of new single family homes is not likely.	
c. NO IMPACT	Because of their modest impacts, the two planned single family homes will not have substantial adverse effects on human beings.	

DETERMINATION LETTER
ZA-2012-1395-ZV-ZAA-1A
MAILING DATE: 06/14/13
2nd Determ. Mailing: 08/15/13

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