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FAX COVER SHEET

Date: September 13, 2013

<u>To</u>	<u>Fax No.</u>
Los Angeles City Council c/o City Clerk	(213) 978-1040

From: Victor I. Marmon

Number of Pages (including cover): 4

Enclosure:

Declaration of Michael J. Piszker for Council File 13-0804-S1

Message To Recipient:

Please put the above declaration in the above Council File. Thank you.

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1 **DECLARATION OF MICHAEL J. PISZKER FOR COUNCIL FILE 13-0804-S1**

2 I, MICHAEL J. PISZKER, declare:

3 1. I know the facts stated herein to be true of my own personal knowledge. If
4 called upon to do so, I could and would testify competently thereto.

5 2. I am a licensed professional civil engineer in the State of California and have
6 held my license in good standing for over 20 years. I am a development consultant
7 serving both public and private sector clients, and providing services in entitlement,
8 planning, engineering, design, construction-phase activities, code appeals and project
9 management. I am a former member of the U.S. Army Corps of Engineers and, as a
10 consultant, also address matters involving jurisdictional waters of the United States
11 and the State of California such as Stone Canyon Creek (Creek), with various wildlife
12 and regulatory agencies including California Department of Fish and Wildlife (CDFW),
13 the Regional Water Quality Control Board, and the Federal Emergency Management
14 Agency (FEMA).

15 3. I have reviewed the files of the City of Los Angeles (City) in connection with the
16 request for a 50-foot height variance for 360 North Stone Canyon Road (subject
17 property), Case Number ZA-2012-1395-ZV (Case), including, without limitation City
18 reports, submissions by the applicant to the City, submissions by members of the
19 public to the City, findings made by the Zoning Administrator (ZA), findings made by
20 the West Los Angeles (WLA) Area Planning Commission (APC), tapes of hearings, and
21 other items elaborated below. I have attended the following hearings by the City
22 concerning this Case: the hearing held by the ZA, the two hearings held by the WLA
23 APC, the City Council meetings on July 3, 2013 and August 27, 2013, and the
24 hearing held by the City Council's Planning and Land Use Management (PLUM)
25 Committee on September 10, 2013.

26 4. The PLUM Committee issued its Proposed Findings for Zone Variance
27 Application for Height Variance (Pursuant to Los Angeles Municipal Code Section
28 12.27) for 360 North Stone Canyon Road, Los Angeles, CA 90077 (Proposed

1 Findings), which contain many flaws and inaccurate information. The Proposed
2 Findings rely heavily on a declaration by the applicant's engineer, Leonard Liston.
3 Mr. Liston's declaration of July 26, 2013. Items in the Liston declaration that were
4 not presented at the ZA hearing or that address the ZA's letter of determination
5 include the following:

6 A. Liston Decl., Page 1, paragraph 4, lines 19-21. Mr. Liston's statement
7 regarding his understanding of the Hillside Ordinance and the Baseline Hillside
8 Ordinance was not made at the ZA hearing.

9 B. Liston Decl., Page 1, paragraph 4, lines 21-24. This statement addresses
10 the ZA's letter of determination that was issued after the hearing and the close of
11 the record in this Case.

12 C. Liston Decl., Page 2, paragraph 5, line 18. The applicant's engineer did
13 not testify at the ZA hearing about "approved permitted plans".

14 D. Liston Decl., Page 2, paragraph 5, line 19. There was no testimony at the
15 ZA hearing that mentioned the dimension of "+/-28 feet".

16 E. Liston Decl., Page 2, paragraph 6, line 26. There was no testimony at the
17 ZA hearing that mentioned an approximately 50% lot depth reduction.

18 F. Liston Decl., Page 3, paragraph 6, line 2. The applicant's engineer did
19 not testify at the ZA hearing about "approved permitted plans". Further, the
20 structure is built right to the edge of the 10-foot buffer zone adjacent to Stone
21 Canyon Creek.

22 G. Liston Decl., Page 3, paragraph 9. There was no testimony at the ZA
23 hearing that mentioned "[e]ighty-five percent (85%), "fifteen percent (15%), or "+/-
24 28 feet".

25 H. Liston Decl., Page 4, paragraph 10, line 6. There was no testimony at the
26 ZA hearing that mentioned an approximately 50% lot depth reduction.

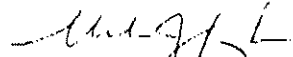
27 5. In my declaration dated and submitted September 11, 2013, I noted that there
28 is neither a "15 foot buffer" nor a "15 foot buffer easement" as stated in paragraph 1

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on page 4 of the Proposed Findings. This statement also applies to the other references in the Proposed Findings to "15 foot buffer" and/or "15 foot buffer easement".

6. In my declaration dated and submitted September 11, 2013, with reference to page 4, paragraph 1 of the Proposed Findings, I noted that both the overall shape of the 2+ acre parcel, and the flat 1¼ acre area within it are closer to a square than a "long and narrow site". This statement also applies to other references in the Proposed Findings to "long and narrow site".

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed at Topanga, California, on September 13, 2013.


Michael J. Piszker