

**Michael Piszker  
Development Consultant**

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September 10, 2013

Planning and Land Use Management Committee  
Honorable Los Angeles City Council  
c/o Holly L. Wolcott, Interim City Clerk  
200 N. Spring Street, Room 395  
Los Angeles, CA 91002

Date: 9-10-13  
Submitted in PLUM Committee  
Council File No: 13-0804-S1  
Item No.: 4  
Deputy: Communication From Public

Re: Council File 13-0804-S1 (360 N. Stone Canyon Road/Case No. ZA-2012-1395-ZV-ZAA-1A)  
- Hearing on September 10, 2013

Dear Honorable Council Members:

In connection with the above Council File, I hereby reassert and submit to you and the City Council my statements in my previous communications to the City that are attached and listed below:

1. Exhibit I - email dated January 30, 2013, to Jim Tokunaga from the undersigned, with attached testimony given at the January 9, 2013 ZA hearing;
2. Exhibit II - letter dated July 3, 2013 to the Los Angeles City Council from the undersigned;
3. Exhibit III - letter dated July 26, 2013 to the West Los Angeles Area Planning Commission from the undersigned.

In addition, in the event that you consider the declaration by Leonard Liston submitted to the West Los Angeles Area Planning Commission on or about July 26, 2013, or a similar submittal on behalf of the applicant which we do not believe is properly before you under LAMC § 12.27 K (and which provision (LAMC § 12.27 K) we do not waive), I hereby reassert and submit in rebuttal my letter dated July 30, 2013, to the West Los Angeles Area Planning Commission, which is attached to this letter as Exhibit IV.

In addition to the above incorporated items, I submit to you for your consideration the following:

At the January 9, 2013 hearing before the Zoning Administrator ("ZA"), the applicant asserted that there is only a small portion or corner of the house, adjacent to Stone Canyon Creek that is causing the request for the variance. This is not true! The applicant's basis for its variance request is self-imposed. Since 1992 the City has measured height from the lower of the natural grade or the finished grade. In this case, as shown by the applicant's own plans in the Planning Department file for this Case, before the applicant's extensive cut and fill at the site, the natural grade was lower under the entire house, not just at one corner. The natural grade varied between 477 feet and 480 feet for over 95 percent of the footprint of the house. This means the applicant raised the grade for almost the entire footprint of the house by up to seven feet and that the height variance would apply to the entire house. Further, the grading

that has occurred is just one example of how the intent of the original parcel map conditions was not followed.

In summary, as a licensed civil engineer and land development consultant working with Mr. Victor Marmon for Henri and Janice Lazarof, it is my opinion that the applicant has not provided to the Zoning Administrator any technical, engineering, planning or other evidence that supports the making of any of the five required findings for a zone variance.

I ask that you recommend denial of the applicant's appeal. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Piszker". The signature is fluid and cursive, with a large initial "M" and "J".

Michael J. Piszker, P.E.  
California License No. C45291

Attachments

**EXHIBIT I**

**Subject:** 10550 Bellagio Road and 360 N. Stone Canyon Road — AA-2005-3998-PMLA-M1, ZA-2012-1395-ZV-F and ZA-2012-1402-ZV-F-ZAD; ENV 2005-8611-MND-REC-2

**From:** Michael Piszker (mpiszker1@yahoo.com)

**To:** jim.tokunaga@lacity.org;

**Cc:** charlie.rausch@lacity.org; marc.woersching@lacity.org; paul.koretz@lacity.org; shawn.bayliss@lacity.org; vmarmor@earthlink.net;

**Date:** Wednesday, January 30, 2013 4:55 PM

Mr. Tokunaga:

I understand that you are now handling the decisions on both the parcel map and zoning administrator cases.

Because my testimony at the January 9 hearing was abbreviated due to time constraints, Mr. Rausch offered me the opportunity to provide my remarks in writing. I am also including some additional and responsive information in those remarks as well as in this email below, and I request that this email and its attachment be entered into the record and considered in your decisions.

1. At the hearing, new information was presented by the applicant's representative about walls needed to support the driveway entering the underground parking for the Bellagio house. These two walls were described as "precautionary" requests to package into the retaining wall variance request. As stated in my testimony, there is no justification for the first wall being requested between the two houses. Addressing the two "new walls", there is a MAJOR inconsistency between the site plan (retaining wall exhibit) and the elevations for the Bellagio house. The elevations show an underground parking entrance on the west side near the Creek, and the retaining wall exhibit shows an underground parking entrance at the front (north) side of the house. Again, if you are inclined to consider granting any of the retaining wall requests, I think the applicant needs to provide one cohesive and clear set of supporting documents for the application, not just for the decision making body, but also for the public to review. If the applicant pursues the revised site plan with a north side underground entrance, then again the applicant is requesting a variance from a self-imposed hardship. At this stage in the process, the applicant's site plan can easily be adjusted to avoid certain constraints that would "require" additional walls. The footprint of the house could be altered in size, shape and/or location, and there seem to be almost countless other solutions as well to avoid these additional walls. Also, grading quantities associated with the proposed new "driveway" retaining walls, and any possible grading that could be done with respect to the requested 10 foot high retaining wall at the southerly boundary of 10550 Bellagio should be included with the application in order to determine if the grading is below the limit established in the Baseline Hillside Ordinance.

2. Also, I think there have been some confusing points made relative to elevations associated with the height variances and views. My clients would see the proposed houses. And, for the applicant to think that shielding the view by planting trees is a solution, then the applicant needs to realize that shielding only further impairs the view from my clients' property to Stone Canyon Road and the golf course. If a cross-section were to show (and there is not one in the application file) that a person on my client's property can see over the proposed houses, then the implication is that one enjoys a view in a purely horizontal direction. The proposed houses have massive footprints and, with just the allowable heights under current entitlements, the west sides of each proposed house already creates view detriments. Any height variance above the current limit only worsens the situation.

3. Finally, following my testimony, the applicant's engineer responded to some of my points. Contrary to his statements, there is nothing in the files at LADBS showing that his calculations considered my clients' ascending slope and buildings in the design of the applicant's large retaining walls at the easterly side of the two properties. Because the proximity of the applicant's houses to the large retaining walls could amplify any design issues associated with the walls, if you are inclined to consider granting any of the retaining wall requests, we believe nothing should move forward on these requests until we are assured by LADBS that existing work (the two existing retaining walls) is safe and in compliance with all applicable codes and design standards.

My colleague, Mr. Marmon, will also be submitting some additional information to you.

Thank you for your consideration.



Mike Piszker

Michael J. Piszker, P.E.  
Development Consultant

CA License 45291

o: 818-225-9652 (*always try this number first*)

c: 818-216-3093

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**10550 BELLAGIO and 360 N. STONE CANYON ROADS  
PARCEL MAP AND ZONING ADMINISTRATOR CASES**

**January 9, 2013**

**Mike Piszker's Submission**

Good morning. I am Mike Piszker, a land development consultant and licensed civil engineer, working with Mr. Victor Marmon and speaking on behalf of Mr. Marmon and the neighboring property owners at 333 Copa de Oro in Bel Air. I am a former member of the U.S. Army Corps of Engineers and, as a consultant, deal with wildlife agencies on jurisdictional wetlands and stream matters.

We are opposed to any changes in or deletions to the parcel map conditions or mitigation measures, and are opposed to the requested height variances, over-height front walls for 10550 Bellagio and 360 N, Stone Canyon Roads, and we are opposed to the additional retaining walls for 10550 Bellagio Road.

Re the parcel map conditions, Mr. Marmon previously submitted two comment letters for the record, so I will not repeat anything contained in his letters. However, I will react to earlier testimony given at this hearing. The pre-existing condition of the two properties before the applicant graded them and constructed its 620 N. Stone Canyon house was natural, rolling terrain, the riparian area adjacent to the Creek was much more lush, and the Creek itself was much less degraded.

Since the property at Bellagio and Stone Canyon Road has one of the last natural reaches of Stone Canyon Creek. A minimum ten foot buffer would have been required by California Department of Fish and Wildlife as protection for a jurisdictional riparian area by had the City not required the buffer in 2006.

Regarding the height variances for the houses, for 10550 Bellagio Road, the house is subject to the new Baseline Hillside Ordinance, and the current height limit should be listed as 30 feet and not 36 feet. For both houses, none of the conditions for a variance have been met. None of the five required findings can be made for either house. My clients would be significantly impacted by having their views blocked with the additional height for either house. In addition, the taller houses would be detrimental to the neighbors and the surrounding community. The houses will block the view of the neighbors to the east. The houses will loom over the neighbor to the south. And, the houses will create a canyon-like, almost urban feel to Stone Canyon Road and set a terrible precedent for Bel Air.

We have reviewed the files and believe the calculations for height do not accurately reflect pre-grading conditions. Although we request that the height variances be denied, if the Zoning Administrator is inclined to consider the requests further, we would at a minimum request that the applicant be required to provide elevations for each side of the two houses that clearly and accurately show pre-grading and post-grading conditions and pre-variance and post-variance house heights. There are lists of relevant zoning variance cases provided for each house. Not only are some of these cases from other communities, but the others within Bel Air have very different conditions. Again, the information specific to these properties does not support granting of the variances.

Finally, the proximity of each house to Stone Canyon Creek may cause a shadowing impact on resources within the stream, so any additional height would only worsen the potential impacts. We suggest that a solar and shadowing study be prepared and submitted to California Department of Fish and Wildlife for review.

As a side note, I believe the plans for both houses need to be revised to show what the additional square footage would be if a height variance is granted and an additional floor is constructed. For each house, the square footage needs to comply with the new floor area and lot coverage requirements of the Baseline Hillside Ordinance.

We also request that any decisions pertaining to the Bellagio house be deferred until a long-standing issue with LADBS is resolved. LADBS confirmed to us that the large retaining walls constructed along the east property line were approved without regard to the ascending slope and structure above the walls. We feel this matter should be resolved before any further approvals are even considered.

Regarding the request for an additional 10' retaining wall along the southerly boundary of 10550 Bellagio, based on a review of information contained in the files, it appears that grades on either side of the wall would be about the same, so it is not a retaining wall. If it is to be used as one, site plans should be re-submitted to accurately represent the proposed conditions in order to make a determination. I do not see any conditions that warrant this additional retaining wall and would call it nothing more than a privacy wall. Any conditions represented by the applicant would be self-imposed since one partnership is developing all parcels and therefore has the

ability to adjust grades on either side of the wall to deal with any conditions that would elsewhere typically warrant the need for an additional retaining wall at a property line. Again, none of the findings can be made to support this, nor is the list of cases provided relevant to this case.

The two additional 10 foot retaining walls proposed by the applicant at the hearing were presented to us for the first time today. We have not been able to review drawings of them. Based on testimony given by the applicant's attorney, we believe the conditions are self-imposed by the applicant.

Finally, regarding the request for a wall along the frontage of the properties, the files do not indicate any mention of studies pertaining to the potential historic significance of the existing wall. This wall appears to be one of the older walls in Bel Air and should be studied and documented before any reconstruction. Also, we are advised by our client that it is impossible to obtain stone that will match the existing walls. If a revised wall is considered, we believe, again, the findings are not there to support an over height wall. Specific to this property, the community views Stone Canyon Creek as a resource, as well as the wildlife agencies, and any over height wall that affects views of one of the last natural resources of the creek, and that may impede wildlife access, should not be allowed. The list of relevant cases from the applicant is not relevant.

Thank you and I am happy to try to answer any questions or expand on any of my statements at your request.

**EXHIBIT II**

**Michael Piszker  
Development Consultant**

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July 3, 2013

BY HAND DELIVERY or EMAIL to [patrice.lattimore@lacity.org](mailto:patrice.lattimore@lacity.org)

Los Angeles City Council  
c/o Office of the City Clerk  
200 N. Spring Street, Room 360  
Los Angeles, CA 90012

Re: Council File 13-0804 - 360 N. Stone Canyon Road, Comments in Opposition to  
Special Motion -- ZA 2012-1395-ZV-ZAA-1A

Dear Honorable Council Members:

I am assisting Mr. Victor Marmon, attorney for Janice and Henri Lazarof, the owners of 333 Copa de Oro, which is immediately east of the property before you today. I have been a licensed civil engineer in California since 1990, and I currently have my own practice as an engineer and a development consultant. I am a former member of the U.S. Army Corps of Engineers, and I spent most of my 12 year career at the Corps as a project manager overseeing many projects involving waters of the United States. I am very knowledgeable about regulations pertaining to jurisdictional wetlands and stream matters. After leaving the Corps in 1999, I worked for two private companies before starting my own practice. My practice includes managing the development of various types of projects including single family residences. I am involved in all phases of development including due diligence, site planning, entitlements, design, construction and operations/maintenance. My design experience includes, among other things, the preparation of grading and drainage plans for various sizes and types of sites. I have sat on a Building and Safety Appeals Commission, and I am very familiar with building codes and the plan check process.

Let me point out some of the reasons why the 5 necessary findings for a zone variance cannot be made in this case.

Land and Site.

The footprint of the applicant's house is 11,180 square feet as shown in the Plot Plan - Sheet 1 of 1, which is part of the file in this matter. A copy of this Plot Plan is attached to this letter as Exhibit A. Based on my review of the Plot Plan, the footprint of the house is approximately 21% of the applicant's graded usable land area (i.e., excluding the steep area outside of the applicant-constructed retaining walls and restricted areas

such as the jurisdictional area of Stone Canyon Creek, the Creek's protected buffer zone (per parcel map conditions), any additional storm drain /sanitary sewer easement area, and any area considered subject to flooding.

With approximately 79% of the remaining large flattened area available on the site, the applicant has more than enough room to have sited the house differently and/or designed it wider or deeper, and still have plenty of room for necessary items such as a driveway and parking areas, as well as amenities such as a pool, play areas and tennis court. If the applicant wanted additional square footage, attic space, and/or space for mechanical equipment, then the applicant should have had its consultants plan ahead and accommodate these desires within the large area of the property that is available for building on the site. There is no practical difficulty or unnecessary hardship.

#### Grading.

Based on my review of the applicant's own City-approved grading plan in the file, the applicant has placed up to seven feet of fill on approximately 95% of the footprint of the house. (See Exhibit B attached for the Property Activity Report for Permit 10030-10000-10412 from the LADBS website, and see Exhibit C attached for pages 1 and 2 of the applicant's City-approved grading plan, including blowups of City approval stamp for the above Permit on page 1 and a portion of page 2 of the plan showing the house footprint and surrounding area.)

#### Height Measurement.

The applicant has argued that the height variance is needed because there is a dip in the natural grade in only one small corner of the house. This is not true. The applicant has raised the grade for over 95% of the footprint of the house. There was more than sufficient room for the applicant to have sited the house in a different location, designed it wider, and/or designed it deeper and had a larger house that complies with the 36 foot height limit. This variance request does not result from a practical difficulty or unnecessary hardship. It is completely unnecessary.

#### Impact on the Stone Canyon Creek Habitat.

The applicant could have sited the house so that it was not so close to Stone Canyon Creek, a jurisdictional water body. Tall buildings close to jurisdictional areas create shadowing effects that could have a significant environmental impact to the habitat.



Applicant's attorney: "We screwed up."

The testimony by the applicant's attorney, Malissa McKeith, at the June 5, 2013 hearing before the WLA APC is instructive:

Commissioner Donovan:

"Why didn't you design the house to conform so you wouldn't need to have a variance and could make it aesthetically beautiful?"

Applicant's Attorney Malissa McKeith:

"You know, that was the first question I asked. Seriously. And the answer I got is that someone screwed up."

A mistake is not a basis for granting a variance.

In conclusion, the issue before you is not even close. The applicant created its own problem, and now it wants to be bailed out. If the Council grants a variance in this case, the Council will be granting a special privilege to the applicant to compensate for the applicant's poor design and its own "screw up".

Sincerely,



Michael J. Piszker, P.E.  
California License No. C45291

Attachments:

**EXHIBIT "A"**



**EXHIBIT "B"**



# Property Activity Report

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**360 N STONE CANYON ROAD 90077**

**APPLICATION / PERMIT NUMBER: 10030-10000-10412**

**PLAN CHECK / JOB NUMBER: B10LA12248**

## Permit Application or Issued Permit Information

**GROUP:** Building  
**TYPE:** Grading  
**SUB-TYPE:** 1 or 2 Family Dwelling  
**PRIMARY USE:** (70) Grading - Hillside  
**WORK DESCRIPTION:** SUPPLEMENTAL PERMIT TO 09030-10002-03715 TO SEPARATE OUT THE GRADING WORK FOR PARCELS C & D (4413 CY OF CUT; 1477 CY OF FILL; 2936 CY OF EXPORT), CAPTURE NEW LEGAL DESCRIPTION, AND INCREASE AMOUNT OF CUT AND FILL AND TO PROPOSE 2,936 CY OF EXPORT. TOTAL PROPOSED GRADING WORK FOR ENTIRE SITE INCLUDING PREVIOUSLY APPROVED GRADING QUANTITIES: CUT 17,430 CY, FILL 14,494 CY, AND EXPORT 2,936 CY.  
 \*\*\*permit 2 of 2\*\*\*

**PERMIT ISSUED:** Yes      **PERMIT ISSUE DATE:** 02/21/2012      **ISSUING OFFICE:** Metro  
**CURRENT STATUS:** Issued      **CURRENT STATUS DATE:** 02/21/2012

### Permit Application Status History

Submitted	11/15/2010	PCIS IMPORT
PC Assigned	11/23/2010	CHAD DOI
Reviewed by Supervisor	12/16/2010	SHAHEN AKELYAN
Verifications in Progress	12/27/2010	CHAD DOI
PC Approved	02/21/2012	CHAD DOI
PC Info Complete	02/21/2012	CHAD DOI
Ready to Issue	02/21/2012	CHAD DOI
Issued	02/21/2012	ACS SYSTEM

### Permit Application Clearance Information

Grading Pre-Inspection	Cleared	03/07/2011	CHAD DOI
Eng Process Fee Ord 176,300	Cleared	05/17/2011	KEVIN AZARMAHAN
Excavation more than 5-ft deep	Cleared	09/22/2011	CALOSHA APPROVED
Stormwater Pollution Mitigatr	Cleared	11/02/2011	AMMAR ELTAWIL
ZA Case	Cleared	11/10/2011	DARYLL MACKEY
Flood clearance	Cleared	11/14/2011	ROMANO GALASSI
Drainage to Storm Drain	Cleared	11/22/2011	KEVIN AZARMAHAN
Roof/Waste drainage to street	Cleared	11/22/2011	KEVIN AZARMAHAN
Watercourse	Cleared	11/22/2011	KEVIN AZARMAHAN
Work Adjacent to Public Way	Cleared	11/22/2011	KEVIN AZARMAHAN
Grading in hillside	Cleared	02/21/2012	DAVID WEINTRAUB
Tract Map conditions	Cleared	02/21/2012	DAVID WEINTRAUB

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## Licensed Professional/Contractor Information

### Architect Information

Smith, Scott Maasson; Lic. No.: C11318  
 26626 GUADIANA  
 MISSION VIEJO, CA 92691

### Contractor Information

Owner-Builder

**Engineer Information**

Llston, Leonard Irvin; Lic. No.: C31902  
889 PEIRCE CT SUITE 101  
THOUSAND OAKS, CA 91360

**Engineer Information**

Miller, Karen Lynn; Lic. No.: GE2257  
6364 DORIS WY  
TORRANCE, CA 90605

**Geologist Information**

Larson, George Road; Lic. No.: EG161  
39 VIA ALICIA  
SANTA BARBARA, CA 93108

**Inspection Activity Information**

**Inspector Information**

BRIAN OLSON, (310) 914-3836  
Office Hours: 7:30-8:15 AM MON-FRI

**Pending Inspection Request(s)**

No data available

**Inspection Request History**

No data available

[BACK](#) [NEW SEARCH](#)

**EXHIBIT "C"**

**GENERAL SPECIFICATIONS FOR ALL GRADING PLANS**  
Amendment "A"

1. All work shall be done in accordance with the City of Los Angeles Specifications for Street and Highway Construction, 1970 Edition, and all subsequent amendments.
2. All work shall be done in accordance with the City of Los Angeles Specifications for Grading, 1970 Edition, and all subsequent amendments.
3. All work shall be done in accordance with the City of Los Angeles Specifications for Earth Retention, 1970 Edition, and all subsequent amendments.
4. All work shall be done in accordance with the City of Los Angeles Specifications for Slope Protection, 1970 Edition, and all subsequent amendments.
5. All work shall be done in accordance with the City of Los Angeles Specifications for Drainage, 1970 Edition, and all subsequent amendments.
6. All work shall be done in accordance with the City of Los Angeles Specifications for Retention Walls, 1970 Edition, and all subsequent amendments.
7. All work shall be done in accordance with the City of Los Angeles Specifications for Foundations, 1970 Edition, and all subsequent amendments.
8. All work shall be done in accordance with the City of Los Angeles Specifications for Structures, 1970 Edition, and all subsequent amendments.
9. All work shall be done in accordance with the City of Los Angeles Specifications for Utilities, 1970 Edition, and all subsequent amendments.
10. All work shall be done in accordance with the City of Los Angeles Specifications for Traffic Control, 1970 Edition, and all subsequent amendments.
11. All work shall be done in accordance with the City of Los Angeles Specifications for Safety, 1970 Edition, and all subsequent amendments.
12. All work shall be done in accordance with the City of Los Angeles Specifications for Environmental Protection, 1970 Edition, and all subsequent amendments.
13. All work shall be done in accordance with the City of Los Angeles Specifications for Historic Preservation, 1970 Edition, and all subsequent amendments.
14. All work shall be done in accordance with the City of Los Angeles Specifications for Cultural Resources, 1970 Edition, and all subsequent amendments.
15. All work shall be done in accordance with the City of Los Angeles Specifications for Archaeology, 1970 Edition, and all subsequent amendments.
16. All work shall be done in accordance with the City of Los Angeles Specifications for Paleontology, 1970 Edition, and all subsequent amendments.
17. All work shall be done in accordance with the City of Los Angeles Specifications for Geology, 1970 Edition, and all subsequent amendments.
18. All work shall be done in accordance with the City of Los Angeles Specifications for Seismicity, 1970 Edition, and all subsequent amendments.
19. All work shall be done in accordance with the City of Los Angeles Specifications for Landslides, 1970 Edition, and all subsequent amendments.
20. All work shall be done in accordance with the City of Los Angeles Specifications for Earthquakes, 1970 Edition, and all subsequent amendments.
21. All work shall be done in accordance with the City of Los Angeles Specifications for Floods, 1970 Edition, and all subsequent amendments.
22. All work shall be done in accordance with the City of Los Angeles Specifications for Storms, 1970 Edition, and all subsequent amendments.
23. All work shall be done in accordance with the City of Los Angeles Specifications for Tornadoes, 1970 Edition, and all subsequent amendments.
24. All work shall be done in accordance with the City of Los Angeles Specifications for Hurricanes, 1970 Edition, and all subsequent amendments.
25. All work shall be done in accordance with the City of Los Angeles Specifications for Wildfires, 1970 Edition, and all subsequent amendments.
26. All work shall be done in accordance with the City of Los Angeles Specifications for Air Pollution, 1970 Edition, and all subsequent amendments.
27. All work shall be done in accordance with the City of Los Angeles Specifications for Noise, 1970 Edition, and all subsequent amendments.
28. All work shall be done in accordance with the City of Los Angeles Specifications for Visual Quality, 1970 Edition, and all subsequent amendments.
29. All work shall be done in accordance with the City of Los Angeles Specifications for Cultural Resources, 1970 Edition, and all subsequent amendments.
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50. All work shall be done in accordance with the City of Los Angeles Specifications for Earthquakes, 1970 Edition, and all subsequent amendments.

**CONTRACTOR'S OBLIGATION**

The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable laws, rules, and regulations. The contractor shall also be responsible for maintaining the safety of the public and for protecting the environment.

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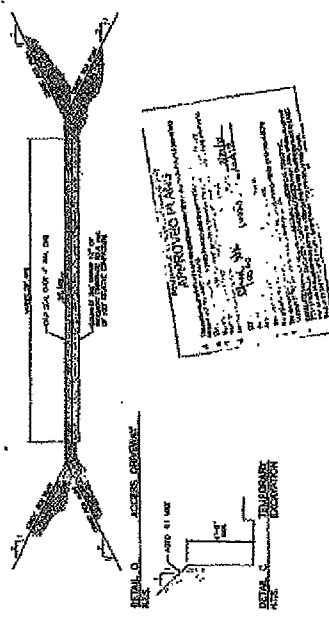
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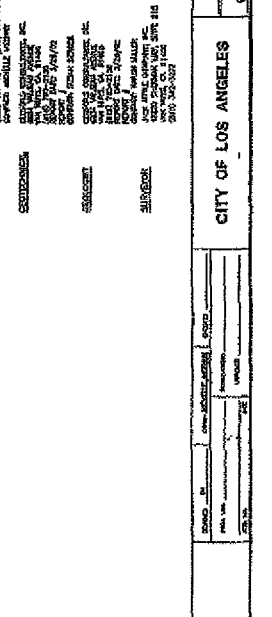
**DETAIL A**  
EXPLANATION PLANTER AREA

**DETAIL B**  
ROAD SIDE DRAIN

**DETAIL C**  
ROAD SIDE DRAIN

**SHEET INDEX**

SHEET NO.	DESCRIPTION
1	GENERAL PLAN
2	SECTIONAL VIEW
3	SECTIONAL VIEW
4	SECTIONAL VIEW
5	SECTIONAL VIEW
6	SECTIONAL VIEW
7	SECTIONAL VIEW
8	SECTIONAL VIEW
9	SECTIONAL VIEW
10	SECTIONAL VIEW





City of Los Angeles, Department of Building & Safety

## APPROVED PLANS

☒ This perforated set of plans are not approval for construction until the required permit fees are paid and the permit is issued.

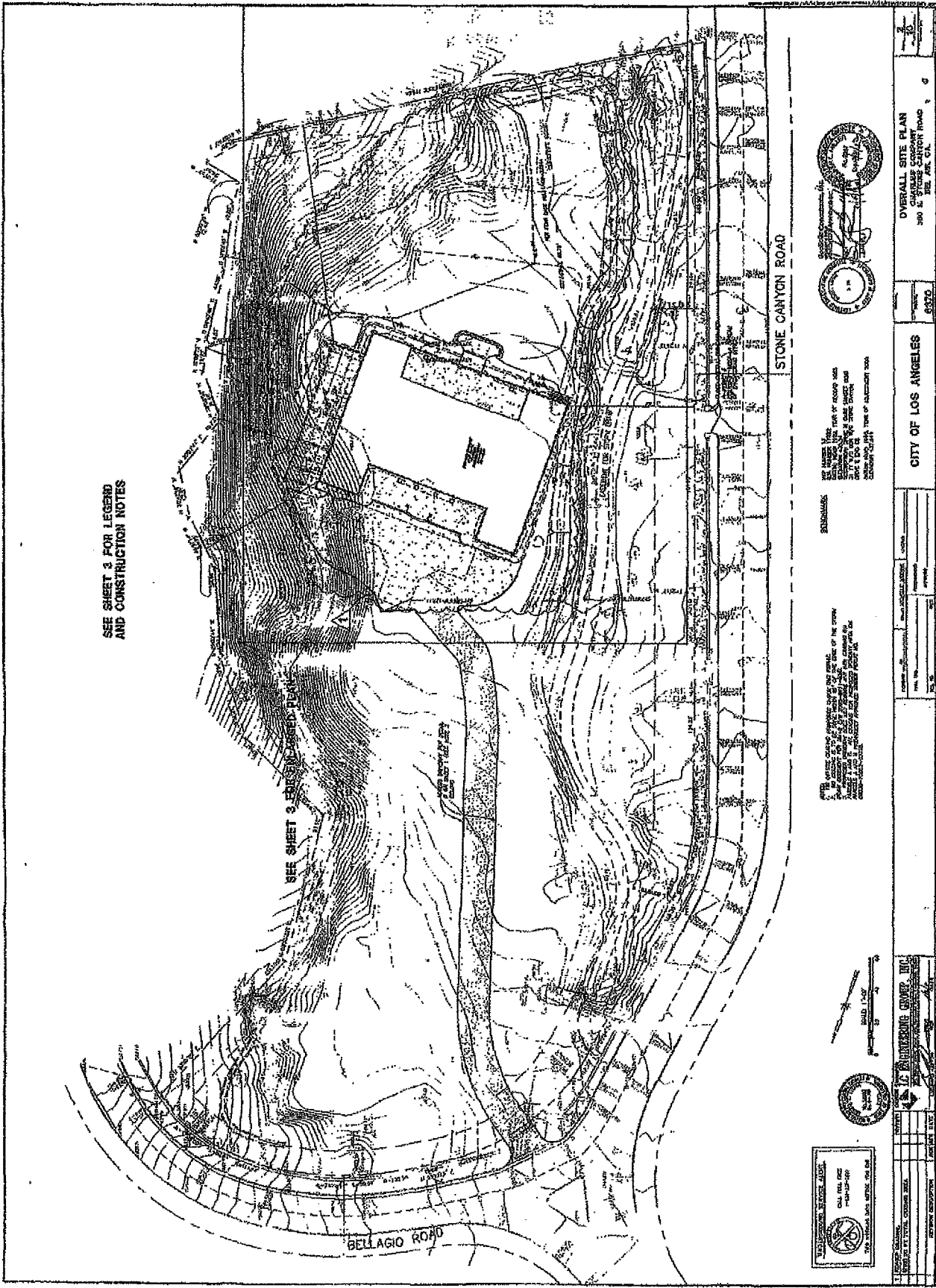
☒ The permit is valid for two years from the date the permit fees are paid.

☒ Visit <http://www.laperrmits.org/permindex.cfm> to check the status of this set of plans by entering the AS Single Permit Number. "Permit" status means the permit fees have been paid.

☒ No inspection can be scheduled until the permit fees are paid.

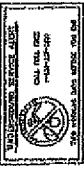
BY: CHAD WILK DATE: 2/21/12  
Permit No: 10030 - 10000 - 10412  
Applicant No:

- This set of plans is not for construction.
- It is unlawful to allow the plans to be used for construction.
- The stamping of this plan set is not to be used to permit or to be an approval of the violation of any provisions of any ordinance or law.
- SEPARATE permits are required for BUILDING, ELECTRICAL, PLUMBING, FIRE SPRINKLER, ELEVATOR, HEATING or REFRIGERATION work, unless this permit was issued as a combination permit for a One or Two Family Dwelling pursuant to LAMC Section 91.0107 2.2, and this work by that trade does not require Plan Check.



SEE SHEET 3 FOR LEGEND  
AND CONSTRUCTION NOTES

SEE SHEET 3 FOR LEGEND AND CONSTRUCTION NOTES

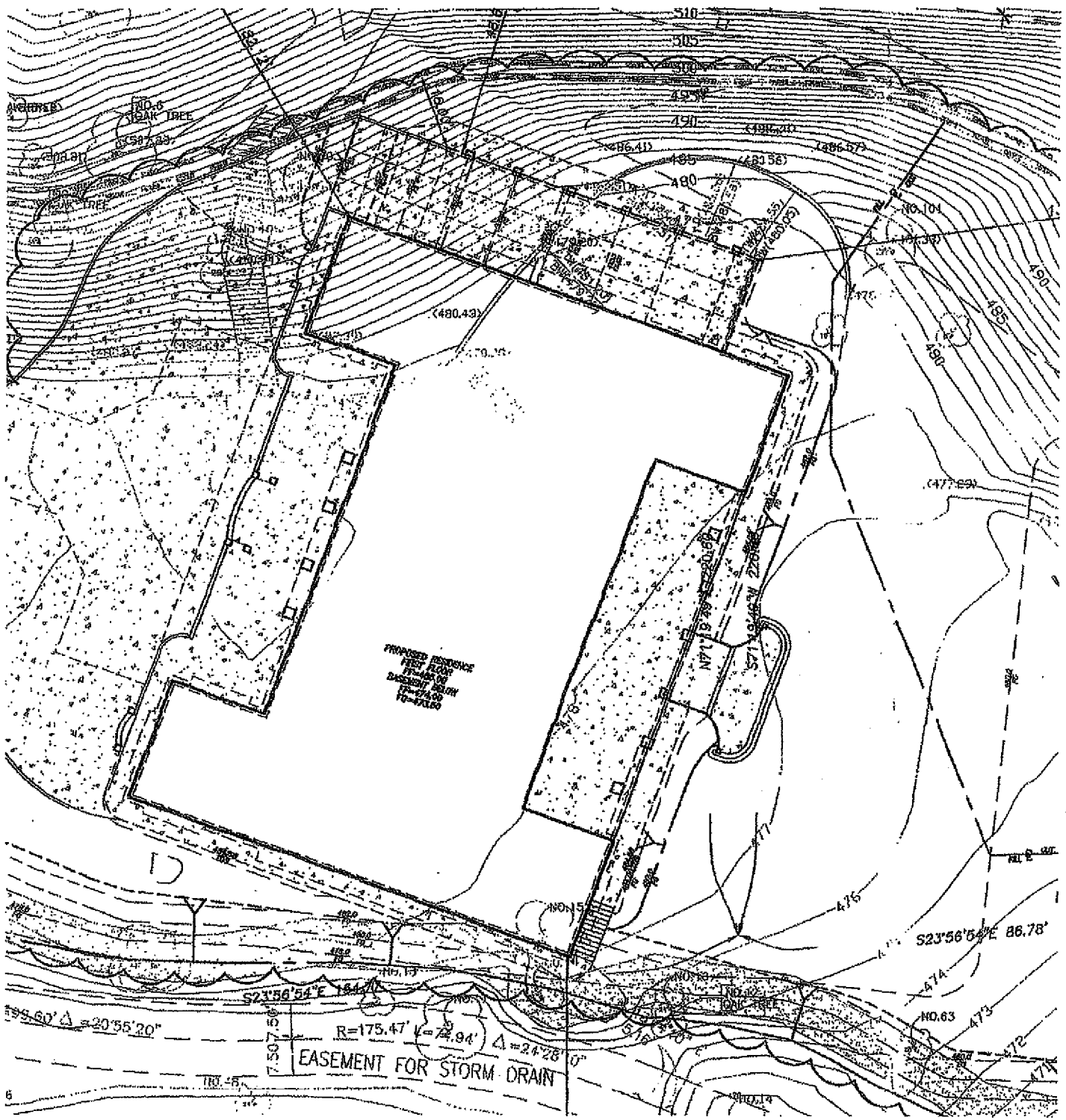


THIS PLAN IS TO BE CONSIDERED AS A PART OF THE RECORD MAP AND SHALL BE SUBJECT TO THE SAME PROVISIONS AND CONDITIONS AS SUCH RECORD MAP. THE CITY OF LOS ANGELES DOES NOT WARRANT THE ACCURACY OF THIS PLAN.

PERSONNEL:  
 DESIGNER: [Name]  
 CHECKED BY: [Name]  
 DATE: [Date]



<b>OVERALL SITE PLAN</b> CHARLES CONROY INC. 300 S. BEL AIR, CALIF. 90070	
CITY OF LOS ANGELES	SHEET NO. 6570
PROJECT NO. _____ DATE OF ISSUE _____ DATE OF REVISION _____	DRAWN BY _____ CHECKED BY _____ DATE _____



PROPOSED RESIDENCE  
 FIRST FLOOR  
 BASED ON DATA FROM  
 10-27-00  
 TO 10-30-00

EASEMENT FOR STORM DRAIN  
 $R=175.47'$   $L=72.94'$   $\Delta=24^{\circ}28'00''$

$195.60' \Delta = 20^{\circ}55'20''$

$S23^{\circ}56'54''E$  86.78'

NO. 63

NO. 64

**EXHIBIT III**

Michael Piszker  
Development Consultant

LOS ANGELES  
CITY PLANNING

2013 JUL 26 PM 4:33

July 26, 2013

West Los Angeles Area Planning Commission  
200 N. Spring Street, Suite 272  
Los Angeles, CA 90012

Re: Case No. ZA-2012-1395-ZV-ZAA-1A -- 360 N. Stone Canyon Road;  
Hearing: August 7, 2013

Dear Area Planning Commissioners:

I am assisting Mr. Victor Marmon, attorney for Janice and Henri Lazarof, the owners of 333 Copa de Oro, which is immediately east of the property before you today. I have been a licensed civil engineer in California since 1990, and I currently have my own practice as an engineer and a development consultant. I am a former member of the U.S. Army Corps of Engineers, and I spent most of my 12 year career at the Corps as a project manager overseeing many projects involving waters of the United States. I am very knowledgeable about regulations pertaining to jurisdictional wetlands and stream matters. After leaving the Corps in 1999, I worked for two private companies before starting my own practice. My practice includes managing the development of various types of projects including single family residences. I am involved in all phases of development including due diligence, site planning, entitlements, design, construction and operations/maintenance. My design experience includes, among other things, the preparation of grading and drainage plans for various sizes and types of sites. I have sat on a Building and Safety Appeals Commission, and I am very familiar with building codes and the plan check process.

Our team agrees with and supports the Zoning Administrator's original findings, and this Commission's support of those original findings. Nothing has changed since I testified before you on June 5, except that the applicant's story has evolved. The point is, regardless of what the applicant's reasons are for the variance, the findings cannot be made. Let me highlight some of the reasons why the five necessary findings for a zone variance cannot be made in this case.

Land and Site.

The footprint of the applicant's house is 11,180 square feet as shown in the Plot Plan - Sheet 1 of 1, which is part of the file in this matter. A copy of this Plot Plan is attached to this letter as Exhibit A. Based on my review of the Plot Plan, the footprint of the

house is approximately 21% of the applicant's graded usable land area (i.e., excluding the steep area outside of the applicant-constructed retaining walls and restricted areas such as the jurisdictional area of Stone Canyon Creek, the Creek's protected buffer zone (per parcel map conditions), any additional storm drain /sanitary sewer easement area, and any area considered subject to flooding.

With approximately 79% of the remaining large flattened area available on the site, the applicant has more than enough room to have sited the house differently and/or designed it wider or deeper, and still have plenty of room for necessary items such as a driveway and parking areas, as well as amenities such as a pool, play areas and tennis court. If the applicant wanted additional square footage, attic space, and/or space for mechanical equipment, then the applicant should have had its consultants plan ahead and accommodate these desires within the large area of the property that is available for building on the site. There is no practical difficulty or unnecessary hardship.

Moreover, when comparing the useable area of the applicant's site to the size of entire parcels in the vicinity of this project, most of the other parcels are smaller than the graded area. Also, most of the other parcels have smaller flat areas, and the owners of those other properties have been able to build large estate homes and amenities.

#### Grading.

Based on my review of the applicant's own City-approved grading plan in the file, the applicant has placed up to seven feet of fill on approximately 95% of the footprint of the house. (See Exhibit B attached the Property Activity Report for Permit 10030-10000-10412 from the LADBS website, and see Exhibit C attached for pages 1 and 2 of the applicant's City-approved grading plan, including blowups of City approval stamp for the above Permit on page 1 and a portion of page 2 of the plan showing the house footprint and surrounding area.) The natural grade, based on the applicant's survey, varied between 477 feet and 480 feet for over 95 percent of the footprint of the house.

#### Height Measurement.

The applicant has argued that the height variance is needed because there is a dip in the natural grade in only one small corner of the house. This is not true. The applicant has raised the grade for over 95% of the footprint of the house. There was more than sufficient room for the applicant to have sited the house in a different location, designed it wider, and/or designed it deeper and had a larger house that complies with the 36 foot height limit. This variance request does not result from a practical difficulty or unnecessary hardship. It is completely unnecessary. Other properties in the vicinity have done more with less.

Impact on the Stone Canyon Creek Habitat.

The applicant could have sited the house so that it was not so close to Stone Canyon Creek, a jurisdictional water body. Tall buildings close to jurisdictional areas create shadowing effects that could have a significant environmental impact to the habitat.

Applicant's attorney: "We screwed up."

The testimony by the applicant's attorney, Malissa McKeith, at the June 5, 2013 hearing before the WLA APC is instructive:

Commissioner Donovan:

"Why didn't you design the house to conform so you wouldn't need to have a variance and could make it aesthetically beautiful?"

Applicant's Attorney Malissa McKeith:

"You know, that was the first question I asked. Seriously. And the answer I got is that someone screwed up."

A mistake is not a basis for granting a variance; nor is a self-imposed hardship.

In conclusion, the issue before you is not even close. The applicant created its own problem, and now it wants to be bailed out. If the Council grants a variance in this case, the Council will be granting a special privilege to the applicant to compensate for the applicant's poor design and its own "screw up".

Sincerely,

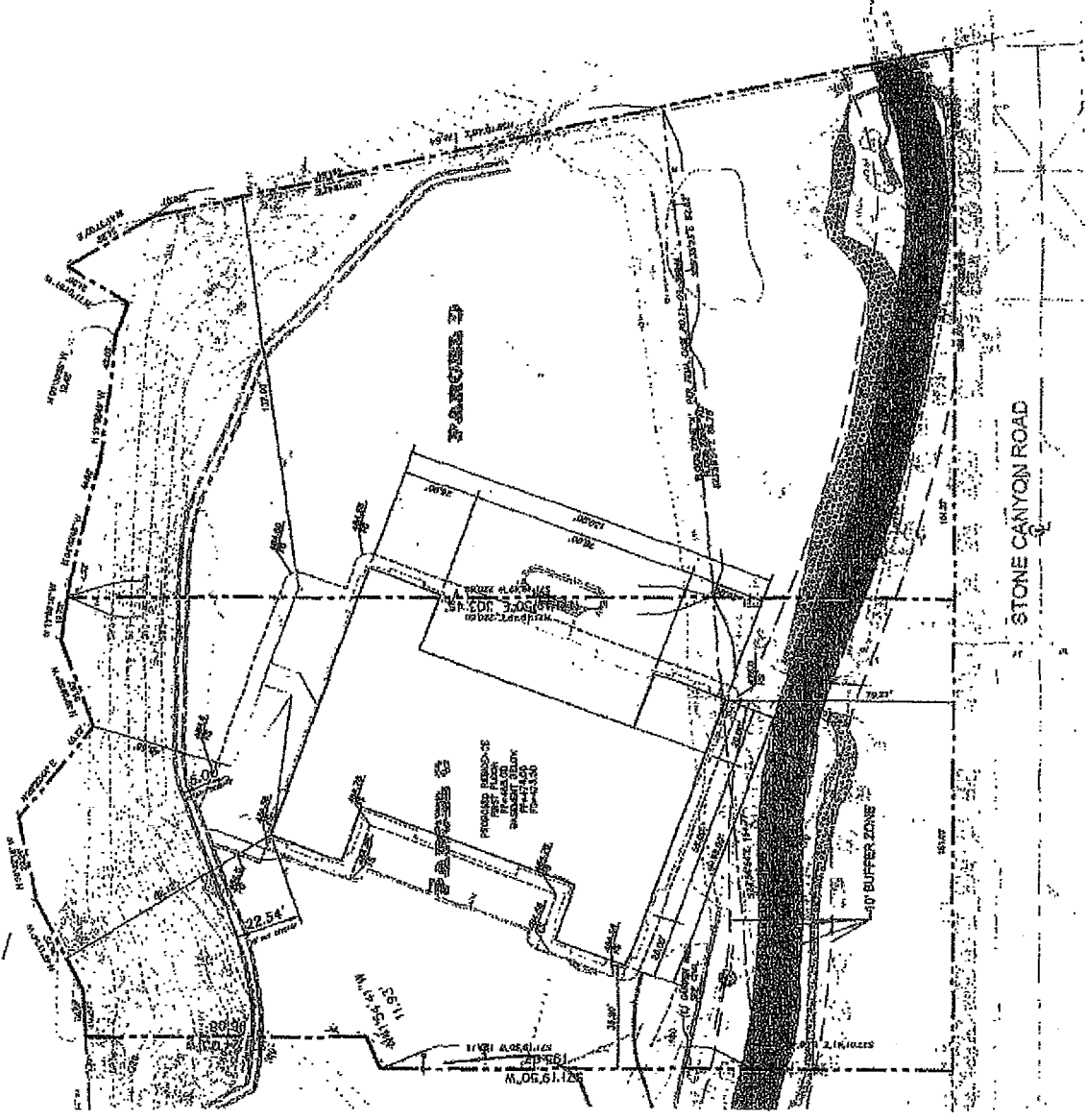


Michael J. Piszker, P.E.  
California License No. C45291

Attachments

**EXHIBIT "A"**





**GENERAL NOTES:**

- 1. ALL SETBACKS TO BE MEASURED FROM THE FINISHED GRADE UNLESS OTHERWISE NOTED.
- 2. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 3. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS ARE TO THE EXTERIOR UNLESS OTHERWISE NOTED.
- 5. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 6. ALL DIMENSIONS ARE TO THE EXTERIOR UNLESS OTHERWISE NOTED.
- 7. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 8. ALL DIMENSIONS ARE TO THE EXTERIOR UNLESS OTHERWISE NOTED.
- 9. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 10. ALL DIMENSIONS ARE TO THE EXTERIOR UNLESS OTHERWISE NOTED.

**PROPOSED BUILDING:**

- 1. TOTAL AREA: 10,000 SQ. FT.
- 2. TOTAL FLOOR AREA: 10,000 SQ. FT.
- 3. TOTAL GARAGE AREA: 10,000 SQ. FT.
- 4. TOTAL PARKING SPACES: 100
- 5. TOTAL DRIVEWAYS: 10
- 6. TOTAL SIDEWALKS: 100
- 7. TOTAL STAIRS: 10
- 8. TOTAL ELEVATORS: 10
- 9. TOTAL ESCAPE ROUTES: 10
- 10. TOTAL FIRE EXITS: 10

**LOCAL REGULATIONS:**

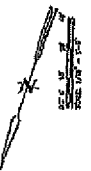
- 1. ALL BUILDINGS TO BE CONFORM WITH THE CITY OF LOS ANGELES ZONING ORDINANCES.
- 2. ALL BUILDINGS TO BE CONFORM WITH THE CALIFORNIA BUILDING CODE.
- 3. ALL BUILDINGS TO BE CONFORM WITH THE CALIFORNIA FIRE CODE.
- 4. ALL BUILDINGS TO BE CONFORM WITH THE CALIFORNIA PLUMBING CODE.
- 5. ALL BUILDINGS TO BE CONFORM WITH THE CALIFORNIA ELECTRICAL CODE.
- 6. ALL BUILDINGS TO BE CONFORM WITH THE CALIFORNIA MECHANICAL CODE.
- 7. ALL BUILDINGS TO BE CONFORM WITH THE CALIFORNIA GAS CODE.
- 8. ALL BUILDINGS TO BE CONFORM WITH THE CALIFORNIA HAZARDOUS WASTE HANDLING AND STORAGE REGULATIONS.
- 9. ALL BUILDINGS TO BE CONFORM WITH THE CALIFORNIA AIR RESOURCES BOARD REGULATIONS.
- 10. ALL BUILDINGS TO BE CONFORM WITH THE CALIFORNIA WATER RESOURCES BOARD REGULATIONS.

**AREA CALCULATIONS:**

- 1. TOTAL LOT AREA: 10,000 SQ. FT.
- 2. TOTAL BUILDING AREA: 10,000 SQ. FT.
- 3. TOTAL PARKING AREA: 10,000 SQ. FT.
- 4. TOTAL DRIVEWAY AREA: 10,000 SQ. FT.
- 5. TOTAL SIDEWALK AREA: 10,000 SQ. FT.
- 6. TOTAL STAIR AREA: 10,000 SQ. FT.
- 7. TOTAL ELEVATOR AREA: 10,000 SQ. FT.
- 8. TOTAL ESCAPE ROUTE AREA: 10,000 SQ. FT.
- 9. TOTAL FIRE EXIT AREA: 10,000 SQ. FT.
- 10. TOTAL BUFFER ZONE AREA: 10,000 SQ. FT.

**LEGEND:**

- 1. PROPOSED BUILDING
- 2. PROPOSED PARKING
- 3. PROPOSED DRIVEWAY
- 4. PROPOSED SIDEWALK
- 5. PROPOSED STAIR
- 6. PROPOSED ELEVATOR
- 7. PROPOSED ESCAPE ROUTE
- 8. PROPOSED FIRE EXIT
- 9. PROPOSED BUFFER ZONE
- 10. EXISTING SITE FEATURES



**EXHIBIT "B"**



# Property Activity Report

360 N STONE CANYON ROAD 90077

APPLICATION / PERMIT NUMBER: 10030-10000-10412

PLAN CHECK / JOB NUMBER: B10LA12248

[Home](#)

[Help](#)

[Parcel Profile Report](#)

[LADBS Home](#)

[LAD Property Activity Report](#)

[Disclaimer](#)

## Permit Application or Issued Permit Information

GROUP: Building  
 TYPE: Grading  
 SUB-TYPE: 1 or 2 Family Dwelling  
 PRIMARY USE: (70) Grading - Hillside  
 WORK DESCRIPTION: SUPPLEMENTAL PERMIT TO 09030-10002-08715 TO SEPARATE OUT THE GRADING WORK FOR PARCELS C & D (4413 CY OF CUT; 1477 CY OF FILL; 2936 CY OF EXPORT), CAPTURE NEW LEGAL DESCRIPTION, AND INCREASE AMOUNT OF CUT AND FILL AND TO PROPOSE 2,936 CY OF EXPORT. TOTAL PROPOSED GRADING WORK FOR ENTIRE SITE INCLUDING PREVIOUSLY APPROVED GRADING QUANTITIES: CUT 17,430 CY, FILL 14,494 CY, AND EXPORT 2,936 CY. \*\*\*permit 2 of 2\*\*\*

PERMIT ISSUED: Yes      PERMIT ISSUE DATE: 02/21/2012      ISSUING OFFICE: Metro  
 CURRENT STATUS: Issued      CURRENT STATUS DATE: 02/21/2012

### Permit Application Status History

Submitted	11/15/2010	PCIS IMPORT
PC Assigned	11/23/2010	CHAD DOI
Reviewed by Supervisor	12/16/2010	SHAHEN AKELYAN
Verifications in Progress	12/27/2010	CHAD DOI
PC Approved	02/21/2012	CHAD DOI
PC Info Complete	02/21/2012	CHAD DOI
Ready to issue	02/21/2012	CHAD DOI
Issued	02/21/2012	ACS SYSTEM

### Permit Application Clearance Information

Grading Pre-Inspection	Cleared	03/07/2011	CHAD DOI
Eng Process Fee Ord 176,300	Cleared	05/17/2011	KEVIN AZARMAHAN
Excavation more than 6-ft deep	Cleared	09/22/2011	CALOSHA APPROVED
Stormwater Pollution Mitigatn	Cleared	11/02/2011	AMMAR ELTAWIL
ZA Case	Cleared	11/10/2011	DARYLL MACKEY
Flood clearance	Cleared	11/14/2011	ROMANO GALASSI
Drainage to Storm Drain	Cleared	11/22/2011	KEVIN AZARMAHAN
Roof/Waste drainage to street	Cleared	11/22/2011	KEVIN AZARMAHAN
Watercourse	Cleared	11/22/2011	KEVIN AZARMAHAN
Work Adjacent to Public Way	Cleared	11/22/2011	KEVIN AZARMAHAN
Grading in hillside	Cleared	02/21/2012	DAVID WEINTRAUB
Tract Map conditions	Cleared	02/21/2012	DAVID WEINTRAUB

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## Licensed Professional/Contractor Information

### Architect Information

Smith, Scott Massion; Lic. No.: C11318  
 26626 GUADIANA  
 MISSION VIEJO, CA 92691

### Contractor Information

Owner-Builder

**Engineer Information**

Liston, Leonard Irvin; Lic. No.: C31902  
688 PEIRCE CT SUITE 101  
THOUSAND OAKS, CA 91360

**Engineer Information**

Miller, Karen Lynn; Lic. No.: GE2257  
6364 DORIS WY  
TORRANCE, CA 90505

**Geologist Information**

Larson, George Roed; Lic. No.: EG161  
39 VIA ALICIA  
SANTA BARBARA, CA 93108

**Inspection Activity Information**

**Inspector Information**

BRIAN OLSON, (310) 914-3936  
Office Hours: 7:30-8:15 AM MON-FRI

**Pending Inspection Request(s)**

No data available

**Inspection Request History**

No data available

[BACK](#) [NEW SEARCH](#)

**EXHIBIT "C"**



City of Los Angeles, Department of Building & Safety

## APPROVED PLANS

This perforated set of plans are not approval for construction until the required permit fees are paid and the permit is issued.

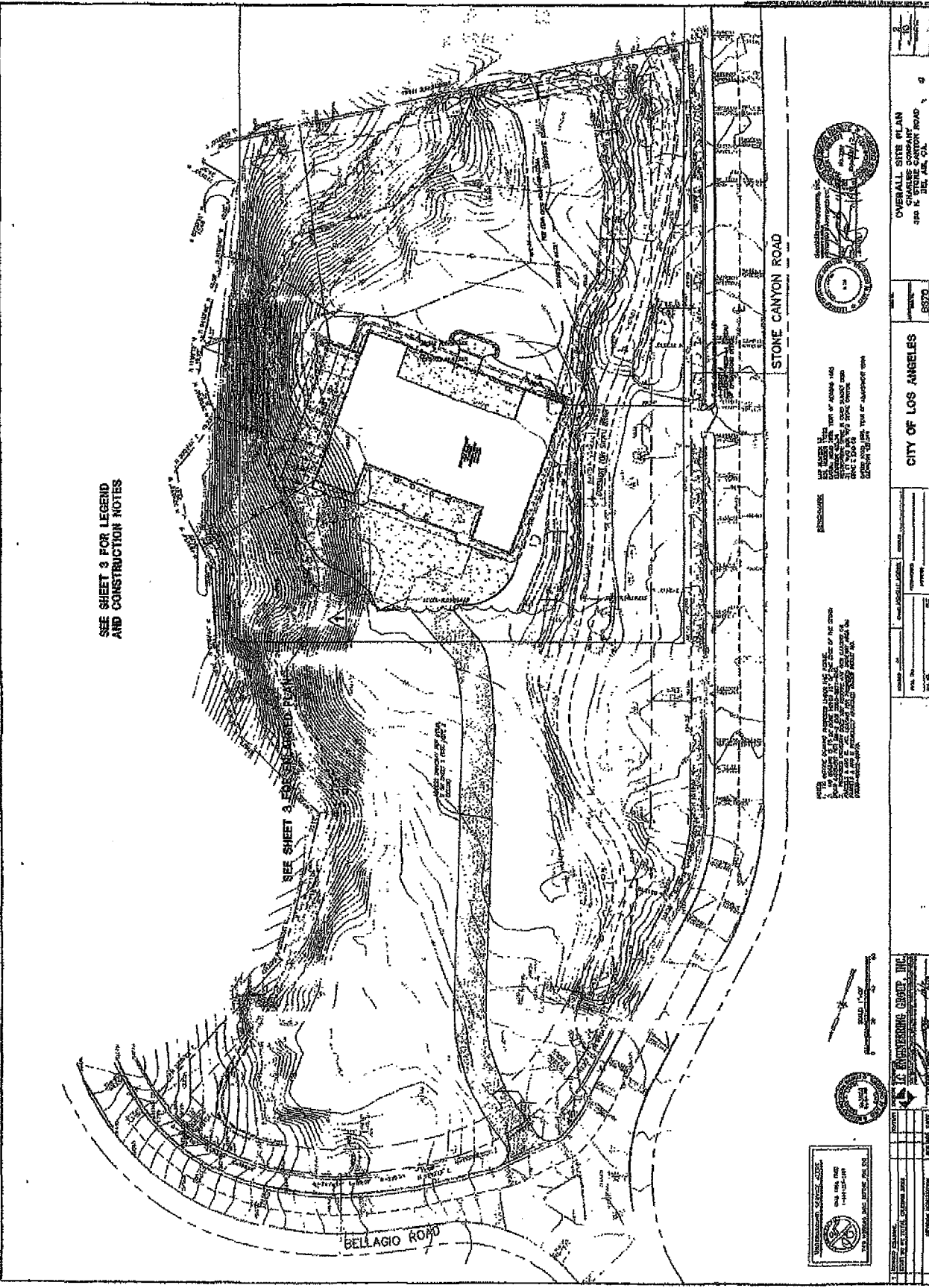
The permit is valid for two years from the date the permit fees are paid.

Visit <http://www.laperrmits.org/permindex.cfm> to check the status of the set of plans by entering the 15 digit permit number. Permit status means the permit fees have been paid.

No inspection can be scheduled until the permit fees are paid.

BY: CHAD WAT DATE: 2/21/12  
Permit No: 10039 Fee: 10000 10412  
Application No:

- This set of plans is valid for two years from the date of issuance.
- It is unlawful to allow these plans to be used for construction.
- The stamping of this plan set is void if no fee is paid to permit or to be an approval of the violation of any provisions of any Ordinance or Law.
- SEPARATE PERMITS are required for BUILDING, ELECTRICAL, PLUMBING, FIRE SPRINKLER, ELEVATOR, HEATING or REFRIGERATION work, unless this permit was issued as a combination permit for a One or Two Family Dwelling pursuant to LAMC Section 91.010/ 2.2. and the work by that trade does not require Plan Check.



SEE SHEET 3 FOR LEGEND  
AND CONSTRUCTION NOTES

SEE SHEET 3 FOR LEGEND AND CONSTRUCTION NOTES

STONE CANYON ROAD

BELLAGIO ROAD



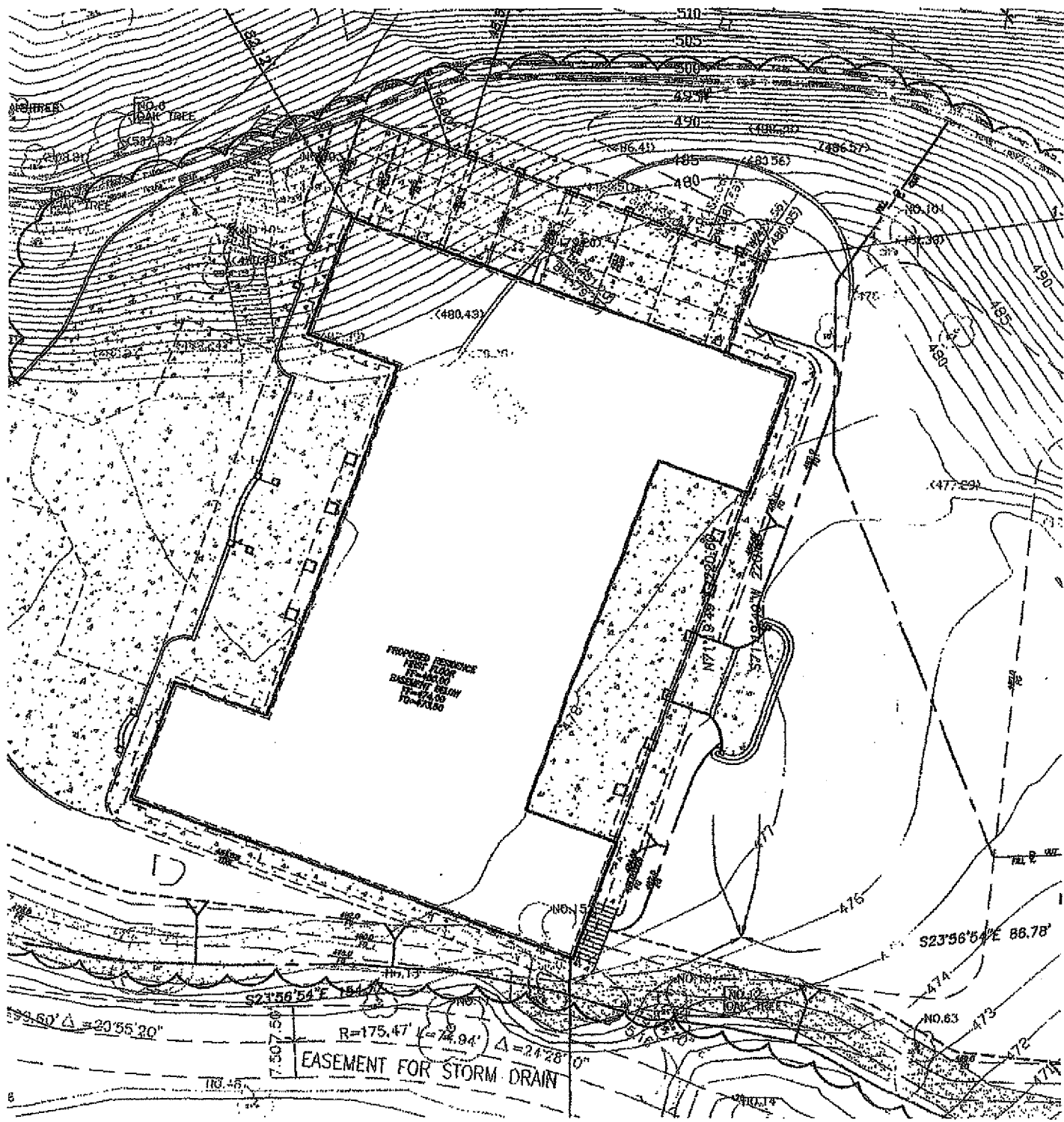
THE CITY OF LOS ANGELES HAS REVIEWED THIS PLAN AND APPROVES THE SAME FOR THE CITY OF LOS ANGELES. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND APPROVES THE SAME FOR THE CITY OF LOS ANGELES. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND APPROVES THE SAME FOR THE CITY OF LOS ANGELES.

SEE SHEET 3 FOR LEGEND AND CONSTRUCTION NOTES



<b>CITY OF LOS ANGELES</b> ENGINEER: _____ DATE: _____		PROJECT NO.: 68720 SHEET NO.: 9
OVERALL SITE PLAN CHARLES CONANT 310 N. BELLAGIO CANYON ROAD LOS ANGELES, CALIF.		





FRANKED RESIDENCE  
 100' PLAZA  
 100' PLAZA  
 100' PLAZA

EASEMENT FOR STORM DRAIN

$R=175.47$   $L=74.94'$   $\Delta=24.28 0''$

$S23^{\circ}56'54''E$  88.78'

$99.60' \Delta=20^{\circ}55'20''$

$S23^{\circ}56'54''E$  184.27'

NO. 83

NO. 12

NO. 5

D

NO. 1

NO. 6

YOUNG TREE

NO. 3

NO. 4

NO. 5

NO. 6

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NO. 99

NO. 100

**EXHIBIT IV**

Michael Piszker  
Development Consultant

LOS ANGELES  
CITY PLANNING

15  
copies

2013 JUL 31 AM 8:37

July 30, 2013

West Los Angeles Area Planning Commission  
200 N. Spring Street, Suite 272  
Los Angeles, CA 90012

Re: Case No. ZA-2012-1395-ZV-ZAA-1A - 360 N. Stone Canyon Road; Hearing on August 7, 2013

Dear Area Planning Commissioners:

Your information packet should already contain a letter from me dated July 26, 2013. This supplemental letter addresses the declaration by Leonard Liston ("Liston Declaration") provided to you on behalf of the appellant. I received a copy of the Liston Declaration today.

There are many inaccuracies in the Liston Declaration, but this letter focuses on the topographic issues.

**Exhibit C to the Liston Declaration is misleading and inaccurate.**

1. Exhibit C to the Liston Declaration is not an official map.
2. The Liston Declaration Exhibit C is an excerpt of a 1960 topographical map that has been edited to add artificial, interpolated contour lines.
3. These added contour lines are speculative, and no evidence has been provided to support them.

Attached as Exhibit 1 to this letter is the same size excerpt from the map as the Liston Declaration Exhibit C, with the same outline of the appellant's house, but without the estimated contour lines added.

So you can see the entire map from which Exhibit 1 was excerpted, I have attached to this letter as Exhibit 2 a reduced size copy of the entire map. I am also providing for your file a full size copy of the map. As you can see from the Exhibit 2 reduced size map and the full size map that is also provided, the actual map does not have the contour lines added by Mr. Liston.

**Exhibit B to the Liston Declaration is also misleading and inaccurate.**

Attached to this letter as Exhibit 3 is a copy of Mr. Liston's Exhibit B with lines in red that show the elevations based on the 1960 map. It is easy to see that the actual map elevations are about 10 feet lower than the elevations represented by Mr. Liston.

Beyond the misleading nature of Exhibits B and C to the Liston Declaration, it is important to keep in mind that the 1960 map on which it is based is not a topographical survey at the level of accuracy typically used by professionals when providing grading and drainage plans and information needed by the City to determine maximum allowable building heights.

July 30, 2013  
Page 2

In conclusion, you can see that our original statement at the June 5 hearing before you still stands -- the pre-existing grade is lower than the finished grade created by the appellant for most of the footprint of the house.

Sincerely,

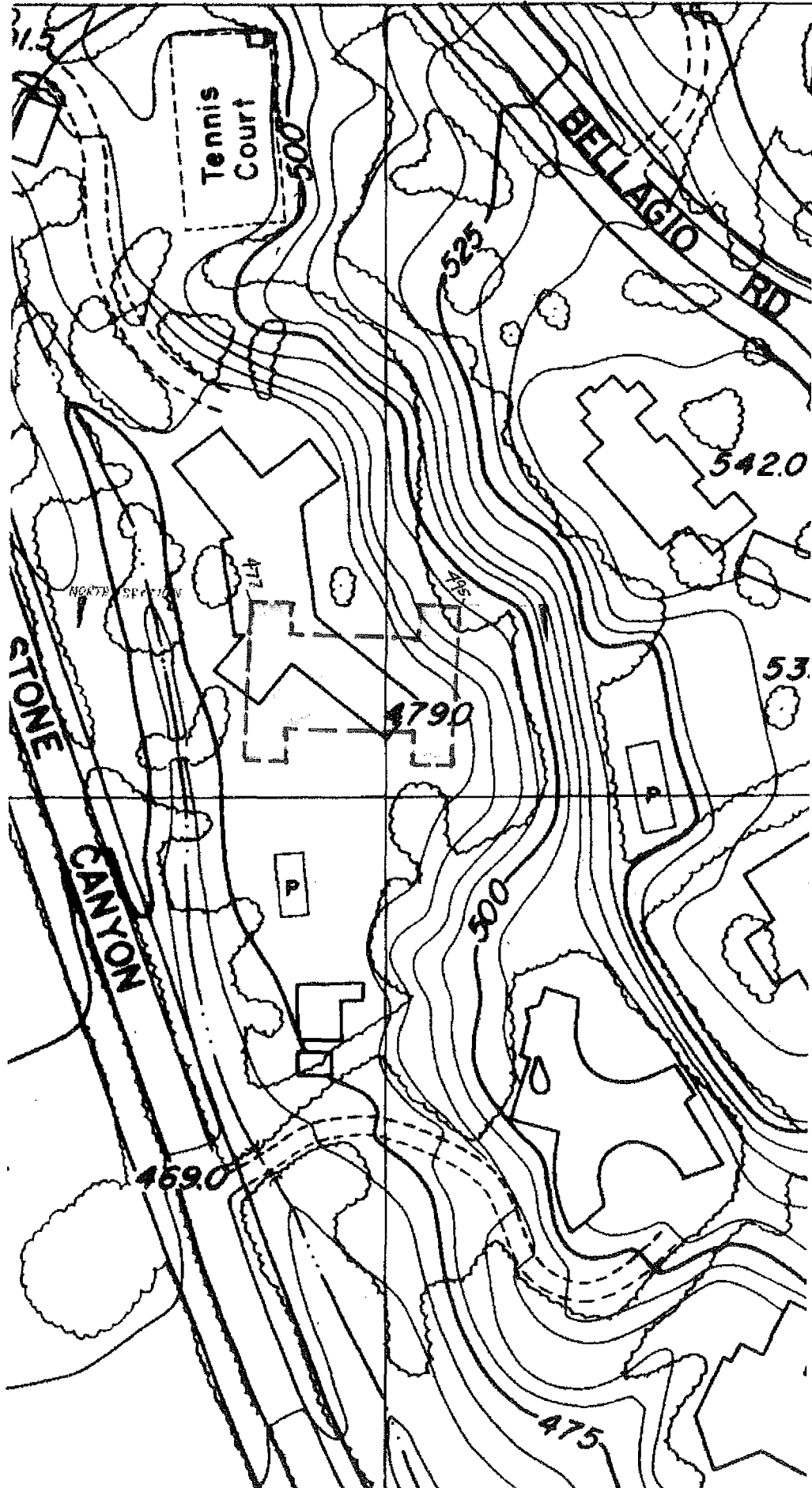
A handwritten signature in black ink, appearing to read "m. j. p.", written in a cursive style.

Michael J. Piszker, P.E.  
California License No. C45291

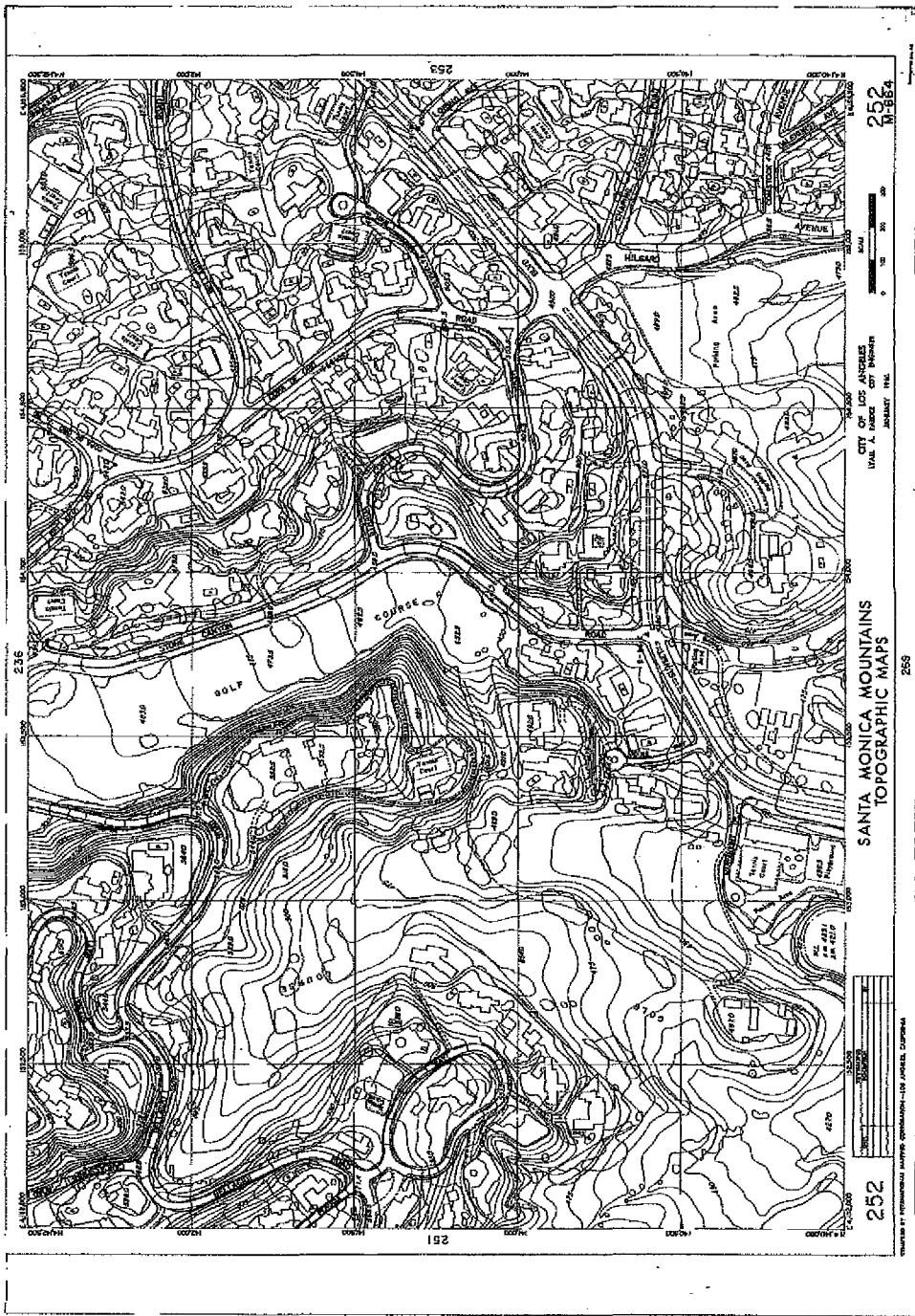
Attachments:

**EXHIBIT 1**

154,000



**EXHIBIT 2**



252  
M-5884

CITY OF LOS ANGELES  
L. A. JAMES CITY ENGINEERS  
JANUARY 1916

SANTA MONICA MOUNTAINS  
TOPOGRAPHIC MAPS

1:25,000	1:50,000
1:100,000	1:200,000
1:500,000	1:1,000,000

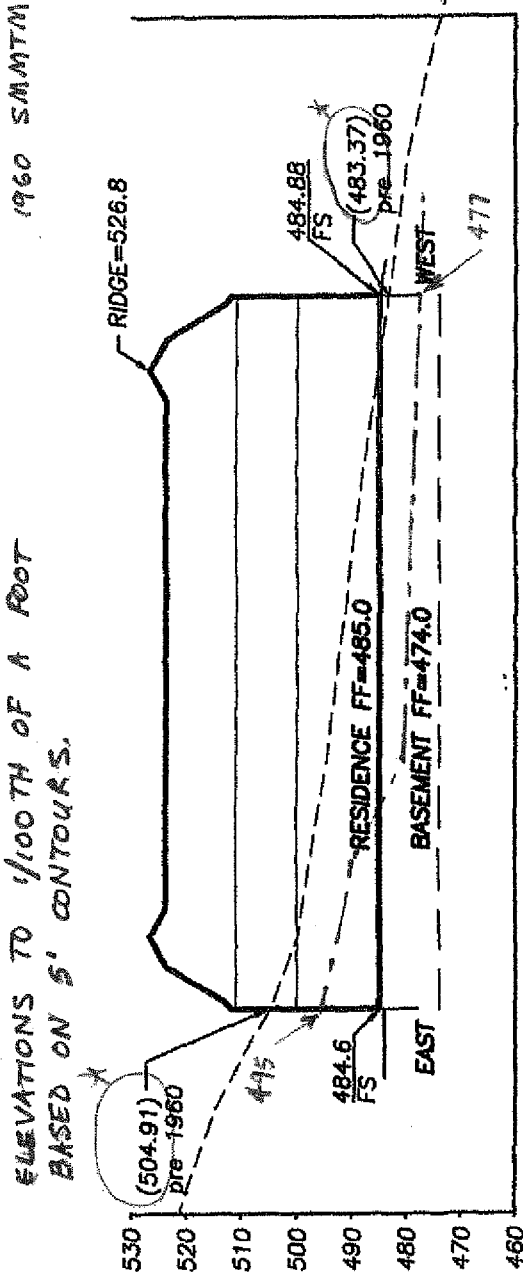
252

DESIGNED BY FREDERICK HAYES, CONSULTING CIVIL ENGINEER, LOS ANGELES, CALIFORNIA

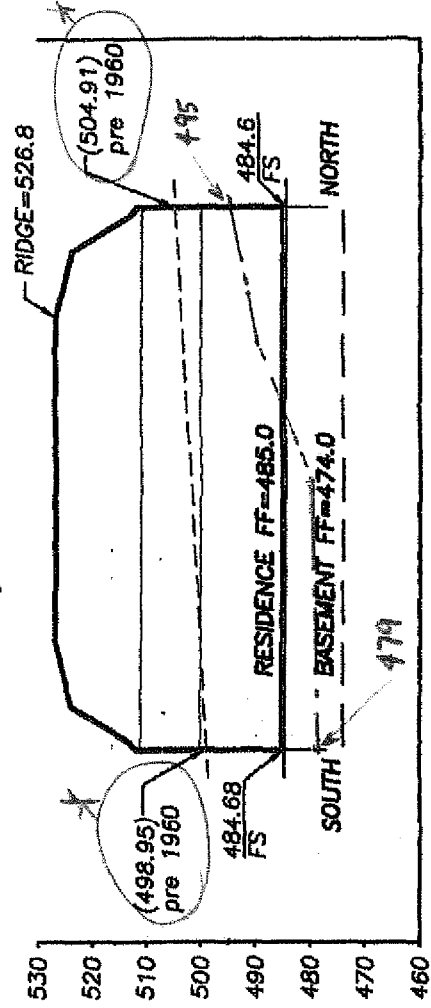


**EXHIBIT 3**

\* IT IS NOT APPROPRIATE TO PROVIDE ELEVATIONS TO 1/100TH OF A FOOT BASED ON 5' CONTOURS.



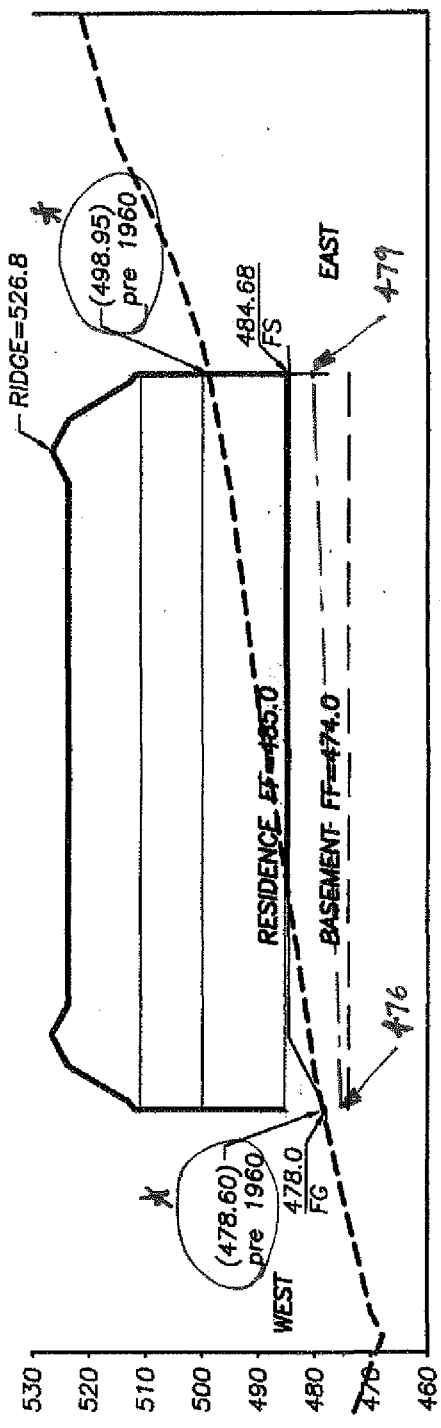
NORTH ELEVATION



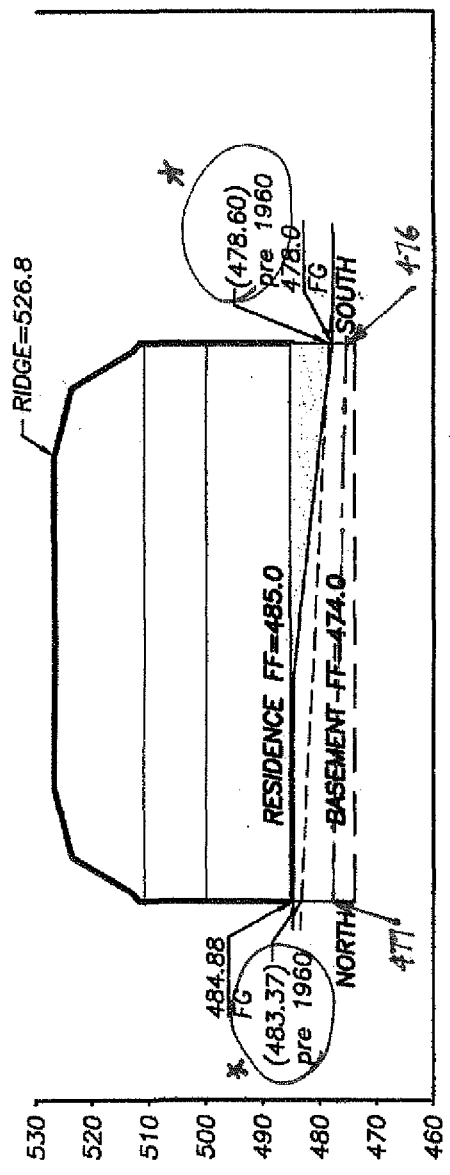
EAST ELEVATION

\* IT IS NOT APPROPRIATE TO PROVIDE ELEVATIONS TO 1/100 TH OF A FOOT BASED ON 5' CONTOURS.

1960 SANITARY



SOUTH ELEVATION



WEST ELEVATION

360 STONE CANYON ROAD

SURVEY EXHIBIT

**MARMON LAW OFFICES**

WATT PLAZA  
1875 CENTURY PARK EAST, SUITE 1600  
LOS ANGELES, CALIFORNIA 90067-2517  
[WWW.VIMLAW.COM](http://WWW.VIMLAW.COM)

TELEPHONE (310) 551-8120  
FACSIMILE (310) 551-8113

[VMARMON@EARTHLINK.NET](mailto:VMARMON@EARTHLINK.NET)

PLEASE REFER TO FILE NO:

11834.01

September 10, 2013

Date: 9-10-13  
Submitted in PLUM Committee  
Council File No: 13-0804-S1  
Item No.: 4  
Deputy: Communication from Public

BY HAND DELIVERY or EMAIL to [sharon.gin@lacity.org](mailto:sharon.gin@lacity.org)

Planning and Land Use Management Committee  
Honorable Los Angeles City Council  
c/o Holly L. Wolcott, Interim City Clerk  
200 N. Spring Street, Room 395  
Los Angeles, CA 91002

**Re: COUNCIL FILE 13-0804-S1 -- 360 N. STONE CANYON ROAD --  
ZA 2012-1395-ZV-ZAA-1A**

Dear Councilmembers Huizar, Cedillo and Englander:

I represent Henri and Janice Lazarof, the owners of 333 Copa de Oro Road, the property that is adjacent to the easterly boundary of 360 N. Stone Canyon Road.

The purpose of this letter is to oppose the appeal by the applicant of the denial of the applicant's request for a 50 foot height variance at 360 N. Stone Canyon Road (the "subject property").

My Letter of August 27, 2013

On August 27, 2013, in opposition to the above appeal, I submitted a letter to the City Council with the subject line, "COUNCIL FILE 13-0804-S1 -- REQUEST TO DENY PROJECT APPEAL -- ZA 2012-1395-ZV-ZAA-1A" ("August 27 letter"). In an effort to ensure that a complete record was before the Council should it have decided to consider the applicant's appeal on August 27, in addition to a letter from me dated July 26, 2013, to the West Los Angeles Area Planning Commission, my August 27 letter attached numerous communications to the City from others.

Planning and Land Use Management Committee  
Honorable Los Angeles City Council  
September 10, 2013  
Page 2

By this letter, I wish to make it clear to you and the City Council that, on behalf of my clients, I reassert and submit to you and the City Council for consideration in connection with this appeal my statements and the information contained in my letter dated July 26, 2013, to the West Los Angeles Area Planning Commission, and I attach to this letter as Exhibit "A" and incorporate herein a copy of said July 26, 2013 letter.

Mr. Jon Perica is working with me on behalf of my clients in connection with this appeal. He is out of the country and has asked me to submit to you and the City Council on his behalf his letter to the City Council dated July 3, 2013, a copy of which I attach to this letter as Exhibit "B". Mr. Perica asked that I provide his July 3 letter to you in connection with this Council File because the same appeal is before you today as was before you with respect to Council File 13-0804.

Mr. Michael Piszker, who is working with me on behalf of my clients, is submitting to you and the City Council today his email to Zoning Administrator Jim Tokunaga dated January 30, 2013, his letter to the City Council dated July 3, 2013, his letter to the West Los Angeles Area Planning Commission dated July 26, 2013, and, on the condition stated in Mr. Piszker's letter to you of today's date, his letter dated July 30, 2013, to the West Los Angeles Area Planning Commission.

Finally, California Energy Designs, which is also working with me on behalf of my clients, is submitting to you and the City Council today its letter dated September 6, 2013.

#### Additional Matters to Consider

As you know, under LAMC § 12.27 L and recent court decisions, in order to grant the applicant's appeal, the City Council must make "written findings setting forth specifically the manner in which the action of the Zoning Administrator was in error or constituted an abuse of discretion." In making any such findings, the City Council is permitted to consider only the matters described in LAMC 12.27 K, and under § 12.27 K, the City Council cannot consider evidence that had not previously been submitted by the applicant to the Zoning Administrator (sometimes referred to as the "ZA").

There is no basis for finding that the ZA erred or abused his discretion in determining that required Finding #1 could not be made. The applicant submitted no evidence to the ZA as to any practical difficulty or unnecessary hardship it was incurring as a result of the strict application of the Zoning Ordinance. Moreover, the applicant submitted no evidence to the ZA that it could not complete its house as permitted. The applicant has incurred no practical difficulty or unnecessary hardship.

There is no basis for finding that the ZA erred or abused his discretion in determining that required Finding #2 could not be made. In its evidence submitted to the ZA, the applicant cited only the irregular shape and slope of its site as special circumstances not generally applicable to other property in the same zone and vicinity. However, shape and slope of the applicant's site is not unique or even unusual among the properties in the same zone and vicinity. Moreover, the applicant admitted in the letter from its attorney, Fred Gaines to Charles Rausch dated January 8, 2013, that "existing dwellings on the adjacent lots are built on the same general slope conditions". Gaines letter to Mr. Rausch, p. 4, ¶ 2.

There is no basis for finding that the ZA erred or abused his discretion in determining that required Finding #3 could not be made. First, there is no evidence of practical difficulties or unnecessary hardships. Second, there are no special circumstances applicable to the subject property that are not generally applicable to other property in the same zone and vicinity. Third, zone variance cases cited by the applicant as support for a claim that there is a substantial property right (for a 50-foot high building) are not applicable for the reasons stated in my letter dated July 26, 2013 (Exhibit "A" to this letter). Finally, five zone variance cases, four of which are not in the same zone and vicinity, are not substantial evidence of a substantial property right generally possessed by other property in the same zone and vicinity.

There is no basis for finding that the ZA erred or abused his discretion in determining that required Finding #4 could not be made. My letter attached as Exhibit "A" shows why the ZA did not err or abuse his discretion.

There is no basis for finding that the ZA erred or abused his discretion in determining that required Finding #5 could not be made because a 50-foot variance for the subject property 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 50-foot height variance for the subject 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.<sup>1</sup>

Additionally, the applicant has asserted in the evidence before the ZA that it should receive a variance so that it can change its design and add a "varied roof and an attic, consistent with the architectural style of adjacent homes." Gaines letter to Mr. Rausch, pp 2-3. However, case law is clear that attractiveness of design "lack[s] legal significance and . . . [is] simply irrelevant". *Orinda Assn v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1166.

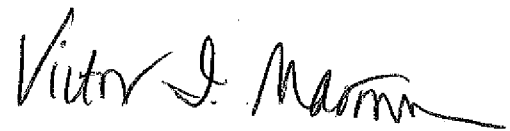
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<sup>1</sup> These were the findings of the West Los Angeles Area Planning Commission in its August 16, 2013 Letter of Determination, which we adopt and endorse.

Planning and Land Use Management Committee  
Honorable Los Angeles City Council  
September 10, 2013  
Page 5

In view of the evidence before the ZA and the record, findings and decision of the ZA, there is no basis for finding that the ZA erred or abused his discretion in making his decision to deny the requested zone variance.

Very truly yours,

A handwritten signature in black ink that reads "Victor I. Marmon". The signature is written in a cursive style with a long horizontal flourish at the end.

Victor I. Marmon

VIM:et

Attachments



**MARMON LAW OFFICES**

WATT PLAZA  
1875 CENTURY PARK EAST, SUITE 1600  
LOS ANGELES, CALIFORNIA 90067-2517  
[WWW.VIMLAW.COM](http://WWW.VIMLAW.COM)

TELEPHONE (310) 551-8120  
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CITY PLANNING  
VMARMON@EARTHLINK.NET  
2013 JUL 26 PM 4: 24  
PLEASE REFER TO FILE NO:

11834.01

July 26, 2013

West Los Angeles Area Planning Commission  
200 N. Spring Street, Suite 272  
Los Angeles, CA 90012

**Re: Case No. ZA-2012-1395-ZV-ZAA-1A -- 360 N. Stone Canyon Road;  
Hearing: August 7, 2013**

Dear Honorable Commissioners:

I represent Henri and Janice Lazarof, the owners of 333 Copa de Oro Road, the property that is adjacent to the easterly boundary of 360 N. Stone Canyon Road.

**A. INTRODUCTION**

The purpose of this letter is to oppose the appeal by the applicant of the denial of the applicant's request for a 50 foot height variance at 360 N. Stone Canyon Road (the "subject property") as provided in the Letter of Determination dated March 19, 2013 issued by Associate Zoning Administrator James Tokunaga (the "3/19/13 LOD") (copy attached as Exhibit "A").

We concur in your previous action sustaining the decision of Associate Zoning Administrator Tokunaga denying the applicant's request for the 50 foot height variance. We continue to support Mr. Tokunaga's analysis of the evidence before him and his findings. We support his determination that none of the five findings required for the approval of a zone variance can be made in this case.

We therefore request that you deny the appeal before you and sustain the Associate Zoning Administrator's decision to deny the applicant's 50 foot height variance request.

We also request that you correct an error on page 4 of the 3/19/13 LOD.

**B. CONTEXT OF THIS APPEAL**

For the adjacent property to the north at 10550 W. Bellagio Road, the applicant is requesting a height variance to 53 feet 3 inches, an over-height front wall, and three additional retaining walls (Case No. ZA-2012-1402-ZV-F-ZAD). I understand that Associate Zoning Administrator Tokunaga has not yet issued his letter of determination in that Case.

**C. THE FIVE FINDINGS REQUIRED FOR A ZONE VARIANCE CANNOT BE MADE**

As you know, for a zone variance to be granted, all five of the required findings must be made. In his 3/19/13 LOD Associate Zoning Administrator Tokunaga clearly shows that none of the required findings can be made.

I will not repeat Mr. Tokunaga's analysis. It is well reasoned and persuasive.

However, the following are some additional points for your consideration.

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

The applicant has asserted that it should be permitted to obtain a height variance because of a supposed change in the way the height of a structure is measured for zoning purposes. There has been no change in the way height is measured since 1993, which is, in this case, from the finished or natural surface of the ground, whichever is lower. The applicant is an experienced developer, its engineering firm is experienced, and its attorneys are experienced. It is unlikely that the applicant and its advisors misunderstood how structure height is measured, but even if they did, such misunderstanding is not the basis for this required zone variance finding.

The applicant argues that "structure height" measured from finished floor is an appropriate standard to consider for this required finding, rather than the Zoning Code's measurement from the finished or natural surface of the ground, whichever is lower. Height measured in accordance with the Zoning Code, not structure height, is the measurement relevant to this required finding.

The applicant was well aware of the natural surface of the property when it purchased it, and it was also aware of the natural surface when it performed massive grading of the property. The applicant could have sited the house in a location where the natural grade would be closer to the applicant-created finished grade or it could have designed its house to fit within the established height limit for the subject property while still providing for a varied roof and attic space. Any practical difficulty or hardship asserted by the applicant is self-imposed. The City

did not create any practical difficulty or hardship applicable to this property that is not applicable to other properties in the same zone and vicinity.

The applicant's reference to other zone variance cases is not relevant for this zone variance finding. Other cases cannot override the findings that must be made solely on the facts applicable to this property.

It is not proper to reward an applicant with a height variance for the applicant's self-imposed choices or "misunderstanding" of the Zoning Code. Required Finding 1 cannot be made.

- 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 applicant's assertion that the "irregular shape and slope of the site" are "exceptional circumstances" not applicable to other properties in the same zone and vicinity is flatly wrong. The subject property is located in a hillside area where the streets are not laid out in a uniform grid, lots are large with at least some irregular boundaries, and lots have varied topography. All the lots in the immediate vicinity have some or all of these same general characteristics, and many have a downslope to Stone Canyon Creek. Therefore, the subject property does not have special circumstances that other local properties in the same zone and vicinity do not possess. Required Finding 2 cannot be made.

- 3. The 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 the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

First, as noted by the Associate Zoning Administrator and as evidenced by the 36 foot high house on the property currently under construction, denial of the requested 50 foot height variance does not preclude the applicant from constructing a house on the property. See Exhibit B for copies of the building permits for the applicant's house obtained by the undersigned from the LADBS Custodian of Records and copies of the Property Activity Reports applicable to those permits.

Second, decisions in other cases cannot override the findings that must be made solely on the facts applicable to the subject property.

Third, the five zone variance cases cited by the applicant do not support required Finding 3 because they are not in the vicinity of, and/or not in the same zone as, the subject

property, or the characteristics of the improvements and/or the sites are not similar to the subject property.

The following is a list of the cases cited by the applicant and some of the reasons why they are not relevant.

- 540 Crestline is in Brentwood, over 3 miles from the subject property -- not in the vicinity. 540 Crestline is zoned RA-1 -- not in the same zone as the subject property.
- 255 Mabery (incorrectly given by the applicant as "Mayberry") is in Pacific Palisades, almost 8 miles from the subject property -- not in the vicinity. 255 Mabery is zoned R1-1 -- not in the same zone as the subject property.
- 480 Bel Air Road is over a quarter mile away from the subject property -- not in the vicinity. The improvements are not comparable to the improvements on the subject property. The reason for the height variance in that case is that height was required to be measured from an adjacent, below-grade tennis court to the top of the house. The house on the subject property does not require such an extended below-grade measuring point.
- 457 Bel Air Road is a quarter mile away from the subject property -- not in the vicinity. This property is almost double the size of the subject property, and the residence is secluded by topography, which is not the case for the applicant's house. This is not a comparable property to the subject property.
- 620 N. Stone Canyon Road is in the vicinity, but it is not comparable to the subject property. The lot size of 620 Stone Canyon Road is 3.12 acres, almost half again larger than the subject property, which is 2.18 acres. Also, the improvements in that case are not comparable to the improvements on the subject property. At 620 N. Stone Canyon Road the house has a parking area under a tennis court that is attached to the house, and because of this, the height measurement had to be made at the entrance to the parking structure, away from the house. The house at the subject property requires no such extended measuring point.

Elsewhere in its appeal, the applicant refers to 642 N. Siena Way, which is over 900 feet away from the subject property -- not in the vicinity. Also, 642 N. Siena is zoned RE40-1 -- not in the same zone as the subject property. Finally, the improvements in that case are not comparable to the subject property because the variance in that case was for an accessory building on a terrace under an existing tennis court.

For the above reasons, as well as those stated by the Associate Zoning Administrator, Finding 3 cannot be made.

**4. The granting of the 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 applicant has referred to "structure height", but this is not relevant to this required zone variance finding. The applicant has also incorrectly asserted that the "actual height" of the house with the variance is consistent with homes in this location.

The applicant has stated that the height of the house with the variance will not be visible because of "dense landscaping, setbacks and the size of the subject site and neighboring properties." This claim is not correct, as is evidenced by the fact that the house currently under construction (without the height variance) is already a massive structure that towers above and is visible from the surrounding streets. See Exhibit C attached for a photo of the house as currently constructed without the height variance; photo taken by the undersigned from the same side of the street as the house. Further, Parcel Map Conditions and Mitigation Measures require that a 10-foot buffer on either side of Stone Canyon Creek be restored with indigenous landscaping -- landscaping which would not likely ever result in blocking the view of a 50-foot high structure.

The applicant also says that none of the neighbors' views will be blocked, no sunlight will be blocked and wind patterns will not be affected. Mr. Piszker, a civil engineer, has testified that the view of the property owners at 333 Copa de Oro Road will be blocked even more by a higher house. (It is already blocked by the existing structure.) Also, granting the requested variance will impact the view of other neighbors and passers-by on Stone Canyon Road even more than it is already impacted by the current structure.

As sited, the house on the subject property already shades Stone Canyon Creek. Adding more than the height of a third story will shade this important public resource even more and adversely affect the flora and fauna of the Creek and its riparian habitat.

Wind patterns will obviously be affected by adding 14 feet to the height of the large house currently under construction.

The impact of noise from equipment mounted on the roof of a house more than one story greater in height or located near the walls of that house or other improvements will obviously be intensified.

As noted by Associate Zoning Administrator Tokunaga in his 3/19/13 LOD (Finding 4, page 11), granting the requested height variance would set a detrimental precedent. If the requested variance were granted, it could be cited as support for every height variance in the vicinity, especially for the property to the north at 10550 W. Bellagio Road for which the

applicant has requested a 53 foot 3 inch height variance. Further, it should be remembered that the subject property and 10550 W. Bellagio Road consist of four lots, thus permitting four houses to be built by right, and if the applicant or a future owner obtains approval for further subdivision, with RE20-1 zoning, the result could be eight 50 or 53 foot high houses!

For the above reasons and others, the requested variance will be detrimental to the public welfare and injurious to property and improvements in the same zone or vicinity. Required Finding 4 cannot be made.

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

The structure currently under construction (without the increased height from the variance) already imposes its presence over the surrounding community. Future indigenous landscaping (required by parcel map conditions) will not block this structure, or an even larger structure from view. The existing house is not sensitively designed -- it is already massively out of scale with existing development in the vicinity. The existing house is not in harmony with the surrounding community, and granting a variance for increased height will increase its discordant presence. Required Finding 5 cannot be made.

**D. NEIGHBORS OPPOSE HEIGHT VARIANCE**

- On January 28, 2013 the Bel Air Beverly Crest Neighborhood Council ("Neighborhood Council") wrote to the Planning Department opposing (i) the applicant's zone variance and over-height front wall requests in this case, (ii) the applicant's zone variance, over-height front wall and three additional retaining wall requests in Case No. ZA-2012-1402-ZV-ZAA-ZAD, and (iii) the applicant's requested changes to Parcel Map Conditions and Mitigation Measures in Case No. AA-2005-3998-PMLA-M1 and ENV 2005-8611-MND-REC-2 (requested changes since withdrawn by the applicant). A copy of the Neighborhood Council's letter is attached hereto as Exhibit "D".
- On May 23, 2013, the Neighborhood Council emailed Ms. Rhonda Ketay regarding its opposition to the requested height variance in this case, the height variance for 10550 W. Bellagio Road and the applicant's requested changes to the applicable parcel map conditions and mitigation measures (since withdrawn by the applicant). A copy of this email (excluding the 3/19/13 LOD) is attached to this letter as Exhibit "E".
- On January 28, 2013 the Bel-Air Country Club wrote to Mr. Woersching to oppose the height variance requested by the applicant in this case as well as the height variance requested by the applicant for 10550 W. Bellagio Road. A copy of the Bel-Air Country Club's letter is attached hereto as Exhibit "F".

**E. PROJECT HAS CHANGED AND AN EIR IS REQUIRED**

On December 6, 2006 your Commission adopted ENV 2005-8611-MND as part of its Letter of Determination for Case No. AA 2005-3998-PMLA-1A and CEQA ENV 2005-8611-MND. The requested variance cannot be granted under ENV 2005-8611-MND because the project described in that environmental clearance (a four lot parcel map) has changed to a 50 foot high house. All potential impacts from the changed project must be considered. Additionally, the applicant has already violated mitigation measure MM-1 that "grading shall be kept to a minimum", so a new mitigation measure should be added to provide corrective measures. Further, an EIR would be required if approval of the requested variance is contemplated because the project (a 50-foot house) would result in substantial cumulative and unmitigated impacts. Efforts in community plans to have homes limited in height to maintain views of the surrounding mountains and hillside areas would be weakened or become ineffective. On a cumulative basis, an approval for this project would set a terrible standard. Being able to build at "finished" grade means that a builder could raise the "natural level" of a property and create much taller homes and other structures. Such a measurement standard would also lead cumulatively to more grading, loss of views, and building out-of-scale with the intent of the City's General and Community Plans and Zoning Code. Therefore, an EIR is required in order to analyze the potentially significant cumulative unmitigated impacts created by this project.

**F. CORRECTION NEEDED IN 3/19/13 LOD**

Since Associate Zoning Administrator Tokunaga denied the applicant's height variance, I previously noted to Mr. Tokunaga, and he graciously agreed, that on page 4 of the 3/19/13 LOD, the word "**not**" should be added to the last line of the paragraph immediately following the heading "Findings of Fact", and it should read as follows:

"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 **not** been established by the following facts:" [Correction bolded.]

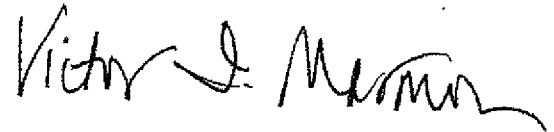
We therefore request that you adopt the above correction.

**G. CONCLUSION**

For the foregoing reasons, none of the required findings for the applicant's zone variance request can be made, ENV 2005-8611-MND cannot serve as the environmental clearance for this project, and an EIR is required. We therefore respectfully request that the Commission deny the instant appeal and sustain the Associate Zoning Administrator's denial of the requested height variance.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink that reads "Victor I. Marmon". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Victor I. Marmon

VIM:el

Attachments (6)



**EXHIBIT "A"**

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



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
CITY PLANNING

MICHAEL J. LOGRANDE  
DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012

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www.planning.lacity.org

March 19, 2013

M.A. Gabaee (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.**

Variations 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

**EXHIBIT "B"**



360 N Stone Canyon Road



Permit #: 08010 - 10000 - 00426

Plan Check #: B08LA01747 Printed: 06/01/10 03:40 PM

Event Code:

Bldg-New 1 or 2 Family Dwelling Regular Plan Check Plan Check	City of Los Angeles - Department of Building and Safety <b>APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY</b>	Last Status: Ready to Issue Status Date: 06/01/2010
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1. TRACT	BLOCK	LOT(s)	ARB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. ASSESSOR PARCEL #
BEL-AIR		165	2	M-B-113-9/17 (SHTS 6-14)	141B153 173	4362 - 013 - 015

3. PARCEL INFORMATION

Area Planning Commission - West Los Angeles	Census Tract - 2621 00	Hillside Grading Area - YES
LADBS Branch Office - WLA	District Map - 141B153	Hillside Ordinance - YES
Council District - 5	Energy Zone - 9	Earthquake-Induced Liquefaction Area - Yes
Certified Neighborhood Council - Bel Air - Beverly Crest	Fire District - VJFHHSZ	Lot Cut Date - 05/19/1950
Community Plan Area - Bel Air - Beverly Crest	Flood Haz. Zone - A0 D=2 E=N/A P1	Lot Cut Date - PRIOR-06/01/1946

ZONE(S): RE20-17

4. DOCUMENTS

ZA - ZA-2000-559-ZV-ZA1-YV AFF - AFF-13878  
 ORD - ORD-167564-SA3450  
 CPC - CPC-1986-829-GPC  
 AFF - AFF-13471

5. CHECKLIST ITEMS

Flood Certif. - Flood Elevation Certif. Req'd	Special Inspect - Masonry	Fabricator Req'd - Structural Steel
Special Inspect - Concrete > 2.5ksi	Special Inspect - Structural Observation	Std. Work Descr - Seismic Gas Shut Off Valve
Special Inspect - Grade Beam/Caisson	Fabricator Req'd - Shop Welds	Combine Elec - Wrk. pcr 91.107.2.1.1.1

6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION

Owner(s): M. And A. Gabase 9171 Wilshire Blvd PH STE BEVERLY HILLS CA 90210  
 Team:  
 Applicant: (Relationship: Owner-Bldg) M. And A. Gabase - Owner-Builder 9034w. Sunset Bl WEST HOLLYWOOD 90069 (310) 247-0900

7. EXISTING USE

PROPOSED USE

8. DESCRIPTION OF WORK

(01) Dwelling - Single Family	(07) Garage - Private	NEW 2-STORY SINGLE FAMILY DWELLING WITH A 6519.5 SF. BASEMENT AND A 2,000 SF. ATTIC.
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9. A Bldg on file & Use

10. APPLICATION PROCESSING INFORMATION

BLDG. PC By: Victor Cuevas DAS PC By:  
 OK for Cashier: Eric Cabrera Coord. OK:  
 Signature: *[Signature]* Date: 06/01/2010

LA Department of Building and Safety  
 LA 05 61 286173 06/01/10 04:22PM  
 BUILDING PERMIT RES \$13,552.00  
 ELECTRICAL PERMIT RES \$3,523.52  
 HTG/REF FRY RES \$1,761.76  
 PLUMBING PERMIT RES \$3,722.52  
 BUILDING PLAN CHECK \$5,643.00  
 For inspection reports, call (213) 473-3229 or (916) 461-2284  
 Outside LA County, call (916) 461-2284 or (916) 461-2284  
 www.ladbs.org For more information, call 311 or (866) 4LACITY  
 For Cashier's ONE COPY SURCH W/O #: 81000-8729.93

11. PROJECT VALUATION & FEE INFORMATION (Final Fee Period)

Permit Valuation:	\$4,000,000	PC Valuation:	
FINAL TOTAL Bldg-New	100,292.39	Planning Surcharge	1,337.25
Permit Fee Subtotal Bldg-New	13,552.00	Planning Surcharge Misc Fee	10.00
Energy Surcharge		School District Residential Level 2	64,269.09
Electrical	3,523.52	Dwelling Unit Construction Tax	200.00
HVAC	1,761.76	Residential Development Tax	300.00
Plumbing	3,523.52	Green Building Fee	160.00
Plan Check Subtotal Bldg-New	5,643.00	Permit Issuing Fee	0.00
Off-hour Plan Check	2,821.50		
Plan Maintenance	271.04		
Fire Hydrant Refuse-To-Pay			
E.O. Instrumentation	400.00		
O.S. Surcharge	629.93		
Sys. Surcharge	1,889.78		

ONE COPY SURCH	W/O #: 81000-8729.93
SYSTEMS DEVT FEE	\$1,889.78
CITY PLANNING SURCH	\$1,337.25
MISCELLANEOUS	\$10.00
SCHOOL DEV RES	\$64,269.09
DWELLING UNIT	\$200.00
RES DEVT TAX	\$300.00
GREEN BUILDING FEE	\$160.00
BUILDING PLAN CHECK	\$0.00
P080101000000426FN	
Subtotal:	\$100,292.39
Carry Over FROM Trans 206122	\$5,073.22
Total Due:	\$105,365.61
Carry Over TO Trans 286126:	\$105,365.61

Sewer Cap ID: Total Bond(s) Due:

12. ATTACHMENTS

Plot Plan *[Signature]*



\* P 0 0 0 1 0 1 0 0 0 0 0 0 4 2 6 F N \*

13. STRUCTURE INVENTORY (Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value") 08010 - 10060 - 00426

(P) Basement: +1 Levels / 1 Levels (P) Parking Req'd for Bldg (Auto+ Bicycle): +5 Stalls / 5
(P) Floor Area (ZC): +15610 Sqft / 15610 Sqft (P) Provided Standard for Bldg: 0 Stalls / 5 Stalls
(P) Height (ZC): +36 Feet / 36 Feet (P) Total Provided Parking for Site: +5 Stalls / 5 Stalls
(P) Length: +176 Feet / 176 Feet (P) Type: V-B Construction
(P) Stories: +2 Stories / 2 Stories
(P) Width: +77.5 Feet / 77.5 Feet
(P) Dwelling Unit: +1 Units / 1 Units
(P) NFPA-13 Fire Sprinklers Thru-out
(P) Concentric Braced Frame
(P) RC Occ. Group: +15610 Sqft / 15610 Sqft

14. APPLICATION COMMENTS
\*\* Approved Seismic Gas Shut-Off Valve may be required. \*\*
In the event that any box (i.e. 1-16) is filled to capacity, it is possible that additional information has been captured electronically and could not be printed due to space restrictions. Nevertheless, the information printed exceeds that required by Section 19825 of the Health and Safety Code of the State of California.

15. Building Selected From:

Table with 4 columns: CONTRACTOR, ARCHITECT, & ENGINEER NAME, ADDRESS, CLASS LICENSE#, PHONE#. Includes entries for Kin, Nam H and Lee, Sang Youck.

PERMIT EXPIRATION/REFUNDS: This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 98.0602 LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LADBS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inspection within 60 days of receiving a request for final inspection (HS 17951).

17. OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the following reason (Section 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).
I, as the owner of the property, or my employee with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business & Professions Code; The Contractors' License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year from completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale).
OR
I, as the owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business & Professions Code; The Contractors' License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors' License Law.)

18. WORKERS' COMPENSATION DECLARATION

I hereby affirm, under penalty of perjury, one of the following declarations.
I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:
Carrier: Policy Number:
I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.
WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

19. ASBESTOS REMOVAL DECLARATION / LEAD HAZARD WARNING

I certify that notification of asbestos removal is either not applicable or has been submitted to the AQMD or EPA as per section 19827.5 of the Health and Safety Code. Information is available at (909) 396-2336 and the notification form at www.aqmd.gov. Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6716 and 6717 of the Labor Code. Information is available at Health Services for LA County at (800) 524-5323 or the State of California at (800) 597-3323 or www.dhs.ca.gov/ehldlead.

20. FINAL DECLARATION

I certify that I have read this application INCLUDING THE ABOVE DECLARATIONS and state that the above information INCLUDING THE ABOVE DECLARATIONS is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereon, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.01064.3.4 LAMC).

By signing below, I certify that:
(1) I accept all the declarations above namely the Owner-Builder Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration / Lead Hazard Warning and Final Declaration, and
(2) This permit is being obtained with the consent of the legal owner of the property.
Print Name: PATRICK TORING Sign: [Signature] Date: 06/01/00 Owner: [X] Authorized Agent



360 N Stone Canyon Road



Permit #: 08010 - 10003 - 00426

Plan Check #: B10LA12248

Printed: 02/21/12 03:59 PM

Event Code:

Bldg-Addition 1 or 2 Family Dwelling Regular Plan Check Plan Check	City of Los Angeles - Department of Building and Safety <b>APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY</b>	Last Status: Ready to Issue Status Date: 02/21/2012
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L-TRACT	BLOCK	LOT#	ABB	COUNTY MAP REF#	PARCEL ID # (PIN #)	ASSESSOR PARCEL #
P-M 2005-3998		D		BK 369-44/45	141B153 923	4362 - 013 - 022
P-M 2005-3998		C		BK 369-44/45	141B153 922	4362 - 013 - 022

**3. PARCEL INFORMATION**

Area Planning Commission - West Los Angeles	Census Tract - 2621.00	Hillside Grading Area - YES
LADBS Branch Office - WLA	District Map - 141B153	Hillside Ordinance - YES
Council District - 5	Energy Zone - 9	Earthquake-Induced Liquefaction Area - Yes
Certified Neighborhood Council - Bel Air - Beverly Crest	Fire District - WHFMSZ	Lot Cut Date - 05/19/1950
Community Plan Area - Bel Air - Beverly Crest	Flood Haz. Zone - A0 D=2 E=N/A PI	Lot Cut Date - PRIOR-06/01/1946

ZONES: RE20-1

**4. DOCUMENTS**

ZA - ZA-2000-559-ZV-ZAI-YV	AFF - 20110699626	AFF - 20111552235 - DRIVEWAY
ORD - ORD-167564-SA3460	AFF - 20110699626 - GRAFFITI	AFF - 20111583947 - DRAINAGE
CPC - CPC-1986-829-GPC	AFF - 20110847976 - LT	AFF - AFF-13471
AFF - 20110699625	AFF - 20110847977 - LT	AFF - AFF-13878

**5. CHECKLIST ITEMS**

Flood Certif. - Flood Elevation Certif. Req'd	Special Inspect - Masonry	Fabricator Req'd - Structural Steel
Special Inspect - Concrete > 2.5ksi	Special Inspect - Structural Observation	Std. Work Descr - Seismic Gas Shut Off Valve
Special Inspect - Field Welding	Fabricator Req'd - Shop Welds	Combine Plumbg - Wrk. per 91.107.2.1.1.1

**6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION**

Owner(s): M And A Gabacc 9171 Wilshire Blvd PH STE BEVERLY HILLS CA 90210

Tenant:

Applicant (Relationship: Owner/Bldg): M And A Gabacc - Owner-Builder 9034w Sunset Bl WEST HOLLYWOOD 90069 (310) 247-0900

<b>7. EXISTING USE</b> (01) Dwelling - Single Family	<b>PROPOSED USE</b> (01) Dwelling - Single Family (07) Garage - Private	<b>8. DESCRIPTION OF WORK</b> SUPPLEMENTAL PERMIT TO 08010-10003-00426 TO ENLARGE BASEMENT FOR 1 LEVEL PROPOSED GARAGE AND CHANGE OF LAYOUT FOR PROPOSED BUILDING IS NOW A 2-STORY, 155' X 98', SINGLE FAMILY DWELLING WITH 1 LEVEL BASEMENT FOR GARAGE ONLY. SEE PERMIT RES 02-113-10
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**9. # Bldgs on Site & Use**

**10. APPLICATION PROCESSING INFORMATION**

BLDG. PC By: Chad Doi DAS PC By: [Signature] Coord. OK: [Signature]

OK for Cashier: Chad Doi Date: 2/21/12

Signature: [Signature] Date: 2/21/12

**11. PROJECT VALUATION & FEE INFORMATION** Final Fee Period

Permit Valuation: \$435,816 PC Valuation: \$0

FINAL TOTAL Bldg-Addition	13,425.28	Planning Surcharge	129.32
Permit Fee Subtotal Bldg-Addition	2,113.10	Planning Surcharge Misc Fee	10.00
Energy Surcharge		Planning Gen Plan Maint Surchar	64.66
Electrical	549.41	School District Residential Level 2	9,345.04
HVAC	274.70	CA Bldg. Std. Commission Surchar	18.00
Plumbing	549.41	Permit Issuing Fee	0.00
Plan Check Subtotal Bldg-Addition	0.00		
Off-hour Plan Check	0.00		
Plan Maintenance	42.26		
Fire Hydrant Refuse-To-Pay			
E.Q. Instrumentation	43.58		
G.S. Surcharge	71.45		
Sys. Surcharge	214.35		
Sewer Cap ID:		Total Bond(s) Due:	

ELECTRICAL PERMIT FEE	549.41
For inspection request fee (Bldg LA BUILD (524-2845)	527.70
Outside LA County (310) 433-0000 or request inspections via www.ladbs.org	5349.41
PLUMBING PERMIT FEE	549.41
For inspection request fee (Bldg LA BUILD (524-2845)	542.26
Outside LA County (310) 433-0000 or request inspections via www.ladbs.org	863.58
PLUMBING PERMIT FEE	549.41
For inspection request fee (Bldg LA BUILD (524-2845)	571.45
Outside LA County (310) 433-0000 or request inspections via www.ladbs.org	5129.32
CITY PLANNING SURCH	610.00
MISCELLANEOUS	664.66
PLANNING GEN PLAN MAINT	99,345.04
SCHOOL DEV RES	618.00
CA BLDG STD COMMISSION S	60.00
BUILDING PLAN CHECK	60.00
BUILDING PLAN CHECK	60.00
BUILDING PLAN CHECK	60.00
P080101000300426FN	
Total Due:	613,425.28
Check:	613,425.28

**12. ATTACHMENTS**

Owner-Builder Declaration [Signature]

Plot Plan [Signature]



\* P 0 8 0 1 0 1 0 0 6 3 0 0 4 2 6 F N \*

08010 - 10003 - 00426

13. STRUCTURE INVENTORY

(Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value")

- (P) Basement: 0 Levels / 1 Levels
- (P) Floor Area (ZC): +5131 Sqft / 20741 Sqft
- (P) Height (ZC): 0 Feet / 36 Feet
- (P) Length: +20.5 Feet / 98 Feet
- (P) Stories: 0 Stories / 2 Stories
- (P) Width: -20.9 Feet / 155.1 Feet
- (P) Dwelling Unit: 0 Units / 1 Units
- (P) NFPA: 13 Fire Sprinklers Thru-out
- (P) R3 Occ. Group: +5131 Sqft / 20741 Sqft
- (P) S2 Occ. Group: +13136 Sqft / 13136 Sqft
- (P) Parking Req'd for Bldg (Auto+Bicycle): +5 Stalls / 51
- (P) Provided Compact for Bldg: +4 Stalls / 4 Stalls
- (P) Provided Standard for Bldg: +16 Stalls / 16 Stalls
- (P) Total Provided Parking for Site: +20 Stalls / 20 Stalls
- (P) Type: V-B Construction

14. APPLICATION COMMENTS:

\*\* Approved Seismic Gas Shut-Off Valve may be required. \*\* 1) Valuation for 08010-10003-00426 was \$4,000,000 and area for school district fees was 16,607 square feet. 2) Winder stairs under separate permit 3) Affidavit 20110847976 for lot fee of parcels C & D. Affidavit 20110847977 for lot fee of parcels A & B. Affidavit 20111382947 is to provide drainage easement for parcels B on parcels C & D. Affidavit 20111552235 is to provide driveway easement for parcels C & D across parcels A & B. Affidavit 20110699626 is for graffiti removal.

In the event that any box (i.e. 1-16) is filled to capacity, it is possible that additional information has been captured electronically and could not be printed due to space restrictions. Nevertheless the information printed exceeds that required by section 19825 of the Health and Safety Code of the State of California.

15. BUILDING RELOCATED FROM:

16. CONTRACTOR, ARCHITECT & ENGINEER NAME	ADDRESS	CITY	STATE	LICENSE #	PHONE #
(A) Smith, Scott Massion	26626 Guadalupe	Mission Viejo, CA	92691	CH1318	
(E) Lee, Sang Youck	3531 Brookhill St	Glendale, CA	91214	S3821	
(E) Rana, Masood Sarwar	19560 Shadow Ridge Wy,	Northridge, CA	91326	C70659	
(G) Van Meter James L.	4517 Colbeth Ave #5,	Sherman Oaks, CA	91423	EG2031	
(O) Owner-Builder				0	(310) 247-0900

**PERMIT EXPIRATION/REFUNDS:** This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 98.0602 LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LADBS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inspection within 60 days of receiving a request for final inspection (48-17951).

17. OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the following reason (SECTION 7031.2, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 2 commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500):

- I, as the owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code; The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year from completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale).
- OR
- I, as the owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code; The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors' License Law.)

18. WORKERS' COMPENSATION DECLARATION

I hereby affirm, under penalty of perjury, one of the following declarations:

- I have and will maintain a certificate of consent to self insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.
- I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: \_\_\_\_\_ Policy Number: \_\_\_\_\_

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

**WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.**

19. ASBESTOS REMOVAL DECLARATION / LEAD HAZARD WARNING

I certify that notification of asbestos removal is either not applicable or has been submitted to the AQMD or EPA as per section 19827.5 of the Health and Safety Code. Information is available at (909) 396-2336 and the notification form at [www.aqmd.gov](http://www.aqmd.gov). Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6716 and 6717 of the Labor Code. Information is available at Health Services for LA County at (866) 524-5523 or the State of California at (800) 597-5323 or [www.dhs.ca.gov/ehd/lead](http://www.dhs.ca.gov/ehd/lead)

20. FINAL DECLARATION

I certify that I have read this application INCLUDING THE ABOVE DECLARATIONS and state that the above information INCLUDING THE ABOVE DECLARATIONS is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.0106.4.3.4 LAMC).

By signing below, I certify that:

- (1) I accept all the declarations above namely the Owner-Builder Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration / Lead Hazard Warning, and Final Declaration; and
- (2) This permit is being obtained with the consent of the legal owner of the property.

Print Name: BARTECK TUPPING Sign: \_\_\_\_\_ Date: 2/21/12  Owner  Authorized Agent



OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION

(OWNER-BUILDER DECLARATION)

Application Number: 08010 - 13553 - 05426

Project Address: 360 N Stone Canyon Road

DIRECTIONS: Read and initial each statement below to signify you understand or verify this information.

1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

2. I understand building permits are not required to be signed by property owners unless they are responsible for the construction and are not hiring a licensed Contractor to assume this responsibility.

3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.

4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.

5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars (\$500), including labor and materials, I may be considered an "employer" under state and federal law.

6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide workers' compensation disability insurance, and contribute to unemployment compensation for each "employee." I also understand my failure to abide by these laws may subject me to serious financial risk.

7. I understand under California Contractors' State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless all work is performed by licensed subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.

8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.

9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800-321-CSLB (2752) or www.cslb.ca.gov for more information about licensed contractors.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. For efficient handling of information internally and in the internet, conversion to this new format of code related and administrative information bulletins including MGD and RGA that were previously issued will allow flexibility and timely distribution of information to the public.



OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION

(OWNER-BUILDER DECLARATION, cont.)

Application Number: 65-110-11003 00426

Project Address: 701 N. State College Blvd

10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed construction activity at the following address: 701 N. State College Blvd

11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner-Builders as well as employers.

12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form. Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors' State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. It is also important for you to understand that if an unlicensed Contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire Contractors, you will be responsible for verifying whether or not those Contractors are properly licensed and the status of their workers' compensation insurance coverage. Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the agency responsible for issuing the permit.

Note: A copy of the property owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.

Owner's Name: M S A GADREE

Signature of property owner [Signature] Date: 2/21/12  
*notarized FEB*

- SEC. 3. Section 19830 of the Health and Safety Code is repealed.
- SEC. 4. Section 19831 of the Health and Safety Code is repealed.
- SEC. 5. Section 19832 of the Health and Safety Code is repealed.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. For efficient handling of information internally and in the internet, conversion to this new format of code related and administrative information bulletins including MGD and RCA that were previously issued will allow flexibility and timely distribution of information to the public.







360 N Stone Canyon Road



Permit #:

08010 - 10004 - 00426

Plan Check #: B11LA08369

Printed: 03/28/12 02:41 PM

Event Code:

Bldg-Alter/Repair 1 or 2 Family Dwelling Regular Plan Check Plan Check	City of Los Angeles - Department of Building and Safety <b>APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY</b>	Last Status: Ready to Issue Status Date: 03/28/2012
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1. TRACT	BLOCK	LOTH	ABB	COUNTY MAP REF	PARCEL ID (PIN #)	2. ASSESSOR PARCEL #
P M 2005-3998		D		BK 369-44/45	141B153 923	4362 - 013 - 020
P M 2005-3998		C		BK 369-44/45	141B153 922	4362 - 013 - 019

**3. PARCEL INFORMATION**

Area Planning Commission - West Los Angeles	Census Tract - 2621.00	Hillside Grading Area - YES
LADBS Branch Office - WLA	District Map - 141B153	Hillside Ordinance - YES
Council District - 5	Energy Zone - 9	Earthquake-Induced Liquefaction Area - Yes
Certified Neighborhood Council - Bel Air - Beverly Crest	Fire District - VHFHSZ	Lot Cut Date - 05/19/1950
Community Plan Area - Bel Air - Beverly Crest	Flood Haz. Zone - A0 D=2 E=N/A PI	Lot Cut Date - PRIOR-06/01/1946

ZONING: RE20-1

**4. DOCUMENTS**

ZA - ZA-2000-559-ZV-ZAI-YV	AFF - 20110699626
ORD - ORD-167564-SA3460	AFF - AFF-13471
CPC - CPC-1986-829-GPC	AFF - AFF-13878
AFF - 20110699625	

**5. CHECKLIST ITEMS**

**6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION**

Owner(s):  
M And A Gabarr 9171 Wilshire Blvd PH STE BEVERLY HILLS CA 90210

Tenant:

Applicant (Relationship: Owner-Bldg)  
M And A Gabarr - Owner-Builder 9034w Sunset Bl WEST HOLLYWOOD 90069 (310) 247-0900

<b>7. EXISTING USE</b> (01) Dwelling - Single Family	<b>PROPOSED USE</b>	<b>8. DESCRIPTION OF WORK</b> SUPPLEMENTAL PERMIT TO 08010-10003-00426 TO CHECK REVISED HEIGHT OF BUILDING AND TO CHECK TRACT CONDITIONS PLANS WITH THE APPROVED UNDER 08010-10003-00426. ***PLAN CHECK DRS 27071 03/28/12 06:27:11
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**9. # Bldgs on Site & Uses**

**10. APPLICATION PROCESSING INFORMATION**

BLDG. PC By: Chad Doi DAS PC By: [Signature] Date: 3/28/12

OK for Cashier: Chad Doi Coord. OK: [Signature]

Signature: [Signature] Date: 3/28/12

BUILDING PERMIT FEE	\$150.00
For inspection requests, call toll-free 1-800-LA-BUILD (624-2845)	
Outside LA County, call (213) 473-3231 or request inspections via www.ladbs.org	
For a check to the Center agent, call 311 or (866) 4LACITY	
CITY PLANNING SURCH	\$2.00
MISCELLANEOUS	\$2.00
For Cashier: [Signature]	
PLANNING GEN PLAN MAINT	\$3.00
CA BLDG STD COMMISSION S	\$1.00
BUILDING PLAN CHECK	\$1.00
BUILDING PLAN CHECK	\$0.00
BUILDING PLAN CHECK	\$0.00

**11. PROJECT VALUATION & FEE INFORMATION** Final Fee Period

Permit Valuation: \$501	PC Valuation: \$0
FINAL TOTAL Bldg-Alter/Repair	163.64
Permit Fee Subtotal Bldg-Alter/Re	130.00
Plan Check Subtotal Bldg-Alter/Rt	0.00
Off-hour Plan Check	0.00
Fire Hydrant Refuse-To-Pay	
E.Q. Instrumentation	0.50
O.S. Surcharge	2.61
Sys. Surcharge	7.83
Planning Surcharge	7.80
Planning Surcharge Misc Fee	10.00
Planning Gen Plan Maint Surcharg	3.90
CA Bldg Std Commission Surchar	1.00
Permit Issuing Fee	0.00
Sewer Cap ID:	Total Bond(s) Dus:

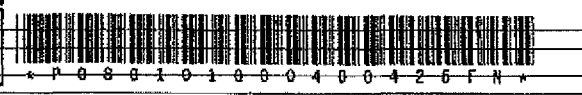
P080101000400426FN

Total Due: \$163.64

Check: \$163.64

2012LADBS

**12. ATTACHMENTS**



\* P 0 8 0 1 0 1 0 0 0 4 0 0 4 2 6 F N \*

13. STRUCTURE INVENTORY (Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value")

08010 - 10004 - 00426

13. APPLICATION COMMENTS:

Plan Check Only application approved along with 08010-10005-00426 and 10010-10000-10412 per C. Kamabe's instructions.

In the event that any box (i.e. 1-16) is filled to capacity, it is possible that additional information has been captured electronically and could not be printed due to space restrictions. Nevertheless the information printed exceeds that required by section 19825 of the Health and Safety Code of the State of California.

14. BUILDING RELOCATED FROM:

14. CONTRACTOR, ARCHITECT & ENGINEER NAME	ADDRESS	CLASS	LICENSE #	PHONE #
(C) Owner-Builder			0	(310) 247-0900

PERMIT EXPIRATION/REFUNDS: This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 99.0602 LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LADBS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inspection within 60 days of receiving a request for final inspection (HS 17951)

15. OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the following reason (Section 7041.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 commencing with Section 70001 of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7041.3 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).)

(X) I, as the owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code). The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year from completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.

OR

( ) I, as the owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code). The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.)

16. WORKERS' COMPENSATION DECLARATION

I hereby affirm, under penalty of perjury, one of the following declarations:

(X) I have and will maintain a certificate of consent to self insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

( ) I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: \_\_\_\_\_

Policy Number: \_\_\_\_\_

(X) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with these provisions.

WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

17. ASBESTOS REMOVAL DECLARATION / LEAD HAZARD WARNING

I certify that notification of asbestos removal is either not applicable or has been submitted to the AQMR or EPA as per section 19827.5 of the Health and Safety Code. Information is available at (909) 396-7336 and the notification form at [www.npmd.gov](http://www.npmd.gov). Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6216 and 6217 of the Labor Code. Information is available at Health Services for LA County at (800) 524-5323 or the State of California at (800) 597-5323 or [www.dhs.ca.gov/childlead](http://www.dhs.ca.gov/childlead).

18. FINAL DECLARATION

I certify that I have read this application INCLUDING THE ABOVE DECLARATIONS and state that the above information INCLUDING THE ABOVE DECLARATIONS is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury, that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91.0186-4.3.4 LAMC).

By signing below, I certify that:

(1) I accept all the declarations above namely the Owner-Builder Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration / Lead Hazard Warning, and Final Declaration; and

(2) This permit is being obtained with the consent of the legal owner of the property.

Print Name: DANIS CHARRAT

Sign: \_\_\_\_\_

Date: 3/28/12  Owner  Authorized Agent

360 N Stone Canyon Road



Permit #: 08010 - 10005 - 00426

Plan Check #: B12LA05800

Printed: 07/18/12 12:20 PM

Event Code:

Bldg-Addition GREEN MANDATORY City of Los Angeles - Department of Building and Safety  
 1 or 2 Family Dwelling  
 Regular Plan Check  
 Plan Check  
**APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY**  
 Last Status: Ready to Issue  
 Status Date: 07/18/2012

TRACT	BLOCK	LOT#	ARE	COUNTY MAP REF	PARCEL ID# (PIN #)	ASSESSOR PARCEL #
P M 2005-3998		D		BK 369-44/45	141B153 923	4362 - 013 - 022
P M 2005-3998		C		BK 369-44/45	141B153 922	4362 - 013 - 022

**1. PARCEL INFORMATION**  
 Area Planning Commission - West Los Angeles  
 LADBS Branch Office - WLA  
 Council District - 5  
 Certified Neighborhood Council - Bel Air - Beverly Crest  
 Community Plan Area - Bel Air - Beverly Crest  
 Census Tract - 2621.00  
 District Map - 141B153  
 Energy Zone - 9  
 Fire District - WHPH2Z  
 Flood Haz. Zone - AO D=2 E=N/A IN  
 Flood Haz. Zone - Outside Flood Zone  
 Hillside Grading Area - YES  
 Hillside Ordinance - YES  
 Near Source Zone Distance - 0  
 Thomas Brothers Map Grid - PAGE 592 - GRID B7

ZONES(s): KE20-J

**4. DOCUMENTS**

ZA - ZA-2000-559-ZV-ZA1-YV	BHO - Yes	AFF - 20110847976 - LT	AFF - AFF-13471
ORD - ORD-167564-SA3460	AFF - 20110699626	AFF - 20110847977 - LT	AFF - AFF-13878
HLSAREA - Yes	AFF - 20110699626	AFF - 20111552235 - DRIVEWAY	
CPC - CPC-1986-829-GPC	AFF - 20110699626 - GRAFFITI	AFF - 20111583947 - DRAINAGE	

**5. CHECKLIST ITEMS**  
 Fabricator Req'd - Shop Welds  
 Fabricator Req'd - Structural Steel  
 Std. Work Descr - Seismic Gas Shut Off Valve

**6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION**  
 Owner(s): M And A Gabacc 9171 Wilshire Blvd PH STE BEVERLY HILLS CA 90210  
 Tenant:  
 Applicant: (Relationship: Agent for Owner) Luis Garcia - 9034 W Suner Blvd WEST HOLLYWOOD CA 90069 (310) 247-0900

EXISTING USE	PROPOSED USE	DESCRIPTION OF WORK
(01) Dwelling - Single Family (07) Garage - Private		SUPPLEMENTAL PERMIT TO 08010-10003-00426. PROVIDE 2' X 32' PATIO ON GROUND FLOOR ABOVE PORTION OF BASEMENT DRIVEWAY. PROVIDE 5' TO 7' WIDE CANTILEVERED BALCONY ON FIRST FLOOR ALONG WEST SIDE OF DWELLING. PROVIDE STAIRS FROM BASEMENT. MINOR REVISIONS TO

9. # Bldgs on Site & Use

**10. APPLICATION PROCESSING INFORMATION**  
 BLDG. PC By: Chad Doi DAS PC By:  
 OK for Cashier: Chad Doi Coord. OK:  
 Signature: Date:

For inspection requests, call toll-free (888) L.A. BUILD (524-2845)  
 Outside L.A. County, call (213) 482-0000 or request inspections via  
[www.ladbs.org](http://www.ladbs.org). To speak to a Call Center agent, call 311 or  
 (866) 4LACITY (432-2482) Outside L.A. County, call (213) 473-3231

For Cashier's Use Only W/O #: 81000426

**11. PROJECT VALUATION & FEE INFORMATION** Final Fee Period

Permit Valuation: \$20,000	PC Valuation: \$0
FINAL TOTAL Bldg-Alter/Repair	398.09 Green Building
Permit Fee Subtotal Bldg-Alter/Rc	319.00 Permit Issuing Fee 0.00
Plan Check Subtotal Bldg-Alter/Rc	0.00
Off-hour Plan Check	0.00
Plan Maintenance	10.00
Fire Hydrant Refuse-To-Pay	
E.Q. Instrumentation	2.00
O.S. Surcharge	6.62
Sys. Surcharge	19.86
Planning Surcharge	19.74
Planning Surcharge Misc Fee	10.00
Planning Gen Plan Maint Surchar	9.87
CA Bldg Std Commission Surchar	1.00
Sewer Cap ID:	Total Bond(s) Due:

**12. ATTACHMENTS**  
 Plot Plan



\* P 0 8 0 1 0 1 0 0 0 5 0 0 4 2 6 F R \*

08010-10005-00426

13. STRUCTURE INVENTORY (Note: Numeric measurement data in the format "number / number" implies "change in numeric value / total resulting numeric value")

(P) Basement (ZC): 0 Levels / 1 Levels (P) Parking Req'd for Bldg (Auto+Bicycle): 0 Stalls / Sta  
 (P) Floor Area (ZC): +645 Sqft / 21395 Sqft (P) Type: V-B Construction  
 (P) Height (ZC): 0 Feet / Feet  
 (P) Length: 0 Feet / Feet  
 (P) Stories: 0 Stories / 2 Stories  
 (P) Width: +2 Feet / 157.1 Feet  
 (P) Dwelling Unit: 0 Units / 1 Units  
 (P) NFPA-13 Fire Sprinklers Thru-out  
 (P) R3 Occ. Group: +645 Sqft / 21395 Sqft  
 (P) S2 Occ. Group: 0 Sqft / Sqft

In the event that any box (i.e. 1-16) is filled to capacity, it is possible that additional information has been captured electronically and could not be printed due to space restrictions. Nevertheless the information printed exceeds that required by section 19825 of the Health and Safety Code of the State of California.

14. APPLICATION COMMENTS:

\*\* Approved Seismic Gas Shut-Off Valve may be required. \*\* Comments from HOE regarding Street Classification no permit  
 08010-10003-00426: "STANDARD-RIGHT OF WAY IS 50' WIDE, ROADWAY IS 24' WIDE PER STREET PLAN P-20701."  
 ACCEPTS FROM BULLLAGIO RD."

15. BUILDING RELOCATED FROM:

16. CONTRACTOR, ARCHITECT & ENGINEER NAME	ADDRESS	CITY	STATE	CLASS	LICENSE #	PHONE #
(A) Smith, Scott-Mission	26626 Guadiana	Mission Viejo, CA	92691		C11318	
(B) Lee, Sang Youck	3531 Brookhill St.	Glendale, CA	91214		S3821	
(C) Owner-Builder					0	(310) 247-0900

**PERMIT EXPIRATION/REFUNDS:** This permit expires two years after the date of the permit issuance. This permit will also expire if no construction work is performed for a continuous period of 180 days (Sec. 98.06(a) LAMC). Claims for refund of fees paid must be filed within one year from the date of expiration for permits granted by LACDHS (Sec. 22.12 & 22.13 LAMC). The permittee may be entitled to reimbursement of permit fees if the Department fails to conduct an inspection within 60 days of receiving a request for final inspection (HS 17951).

17. OWNER-BUILDER DECLARATION

I hereby affirm under penalty of perjury that I am exempt from the Contractors' State License Law for the following reason (Section 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).)

I, as the owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year from completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale)

OR  
 I, as the owner of the property, am exclusively contractive with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.)

18. WORKERS COMPENSATION DECLARATION

I hereby affirm, under penalty of perjury, one of the following declarations:

I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier: \_\_\_\_\_ Policy Number: \_\_\_\_\_

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.

**WARNING: FAILURE TO SECURE WORKERS COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.**

19. ASBESTOS REMOVAL DECLARATION / LEAD HAZARD WARNING

I certify that notification of asbestos removal is either not applicable or has been submitted to the AQMD or EPA as per section 19827.5 of the Health and Safety Code. Information is available at (909) 396-2326 and the notification form at [www.aqmd.gov](http://www.aqmd.gov). Lead safe construction practices are required when doing repairs that disturb paint in pre-1978 buildings due to the presence of lead per section 6715 and 6717 of the Labor Code. Information is available at Health Services for LA County at (800) 524-5323 or the State of California at (800) 592-5325 or [www.dhs.ca.gov/ehlidged](http://www.dhs.ca.gov/ehlidged).

20. FINAL DECLARATION

I certify that I have read this application INCLUDING THE ABOVE DECLARATIONS and state that the above information INCLUDING THE ABOVE DECLARATIONS is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes. I realize that this permit is an application for inspection and that it does not approve or authorize the work specified herein, and it does not authorize or permit any violation or failure to comply with any applicable law. Furthermore, neither the City of Los Angeles nor any board, department officer, or employee thereof, make any warranty, nor shall be responsible for the performance or results of any work described herein, nor the condition of the property nor the soil upon which such work is performed. I further affirm under penalty of perjury that the proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided (Sec. 91-0106.4.3-4 LAMC).

By signing below, I certify that:

- (1) I accept all the declarations above namely the Owner-Builder Declaration, Workers' Compensation Declaration, Asbestos Removal Declaration / Lead Hazard Warning, and Final Declaration; and
- (2) This permit is being obtained with the consent of the legal owner of the property.

Print Name: P. Chan Signature: [Signature] Date: 7/18/12  Owner  Authorized Agent

360 N Stone Canyon Road

Permit Application #: 08010 - 10005 - 00426

Bldg-Addition

City of Los Angeles - Department of Building and Safety

Plan Check #: B12LA05800FO

1 or 2 Family Dwelling

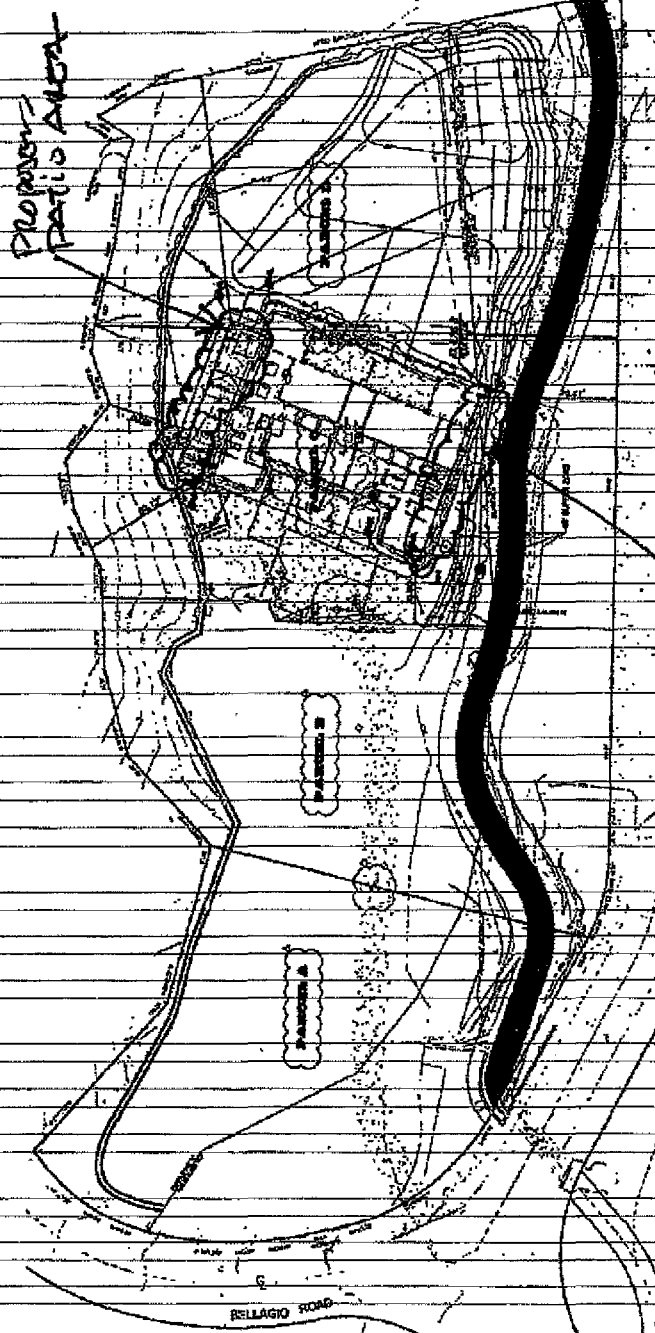
Initiating Office: METRO

Plan Check

PLOT PLAN ATTACHMENT

Printed on: 07/18/12 11:50:30

DO NOT DRAW, WRITE, OR PASTE ATTACHMENTS OUTSIDE BORDERS



PROMINENT PATIO AREA

DRIVEWAY TO GARAGE & BASEMENT STAIRS

RESponsible for the project is the applicant. The applicant is responsible for the accuracy of the information provided on this plan. The applicant is responsible for the accuracy of the information provided on this plan.

A SITE PLAN

08



# Property Activity Report

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**360 N STONE CANYON ROAD 90077**  
**APPLICATION / PERMIT NUMBER: 08010-10000-00426**  
**PLAN CHECK / JOB NUMBER: B08LA01747**

**Permit Application or Issued Permit Information**

**GROUP:** Building  
**TYPE:** Bldg-New  
**SUB-TYPE:** 1 or 2 Family Dwelling  
**PRIMARY USE:** (1) Dwelling - Single Family  
**WORK DESCRIPTION:** NEW 2-STORY SINGLE FAMILY DWELLING WITH A 6319.5 SF. BASEMENT AND A 2,000 SF. ATTIC.  
**PERMIT ISSUED:** Yes      **PERMIT ISSUE DATE:** 06/01/2010      **ISSUING OFFICE:** Metro  
**CURRENT STATUS:** Issued      **CURRENT STATUS DATE:** 06/01/2010

**Permit Application Status History**

Submitted	03/03/2008	PCIS IMPORT
PC Assigned	03/14/2008	VICTOR CUEVAS
Reviewed by Supervisor	03/27/2008	LUIS SANCHEZ
Verifications in Progress	08/07/2009	ERIC CABRERA
PC Approved	05/25/2010	ERIC CABRERA
PC Info Complete	06/01/2010	ERIC CABRERA
Ready to Issue	06/01/2010	ERIC CABRERA
Issued	06/01/2010	ACS SYSTEM

**Permit Application Clearance Information**

Address approval	Cleared	04/09/2008	DAVID CHIN
Eng Process Fee Ord 176,300	Cleared	09/23/2008	JAMES MORALEZ
Stormwater Pollution Mitigatr	Cleared	09/24/2009	AMMAR ELTAWIL
ZA Case	Cleared	09/24/2009	GREGORY SHOOP
Frt yard landscape/Water mgmt	Cleared	10/01/2009	GREGORY SHOOP
Landscape for retaining wall	Cleared	10/01/2009	GREGORY SHOOP
Building over 3-story or 35-ft	Cleared	10/16/2009	CALOSHA APPROVED
Excavation more than 5-ft deep	Cleared	10/16/2009	CALOSHA APPROVED
Drainage to Storm Drain	Cleared	05/28/2010	KEVIN AZARMAHAN
Permit	Cleared	05/28/2010	KEVIN AZARMAHAN
Roof/Waste drainage to street	Cleared	05/28/2010	KEVIN AZARMAHAN
Watercourse	Cleared	05/28/2010	KEVIN AZARMAHAN
Flood clearance	Cleared	06/01/2010	MEHENDRA AMIN
Highway dedication	Cleared	05/01/2010	KEVIN AZARMAHAN
Sewer availability	Cleared	06/01/2010	VALENTINO PUEBLOS

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**Licensed Professional/Contractor Information**

**Architect Information**

Kim, Nam H; Lic. No.: C30825  
 6014 FLAMBEAU ROAD  
 RANCHO PALOS VERDES, CA 90275

**Contractor Information**

Owner-Builder

**Engineer Information**

Lee, Sang Youck; Lic. No.: S3821  
3531 BROOKHILL ST  
GLENDALE, CA 91214

**Inspection Activity Information**

**Inspector Information**

ANTHONY ANDERSON, (310) 914-3862  
Office Hours: 7:30-8:15 AM and 2:30-3:15 PM MON-FRI  
BRYAN KEHOE, (310) 914-3862  
Office Hours: 7:30-8:15 AM and 2:30-3:15 PM MON-FRI

**Pending Inspection Request(s)**

No data available

**Inspection Request History**

Grading Pre-Inspection	04/07/2008	Approved	JOHN CAVANAGH
Pre-Inspection	02/08/2011	Approved	BRYAN KEHOE
Pre-Inspection	02/08/2011	Partial Inspection	JEFF NAPIER
Deputy Reinf. Concrete	07/23/2012	Approved	ANTHONY ANDERSON
Deputy Reinf. Masonry	08/01/2012	Conditional Approval	ANTHONY ANDERSON
Deputy Reinf. Concrete	08/02/2012	Approved	ANTHONY ANDERSON
Deputy Reinf. Masonry	08/02/2012	Approved	ANTHONY ANDERSON

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**360 N STONE CANYON ROAD 90077**

**APPLICATION / PERMIT NUMBER: 08010-10003-00426**

**PLAN CHECK / JOB NUMBER: B10LA12248**

## Permit Application or Issued Permit Information

**GROUP:** Building  
**TYPE:** Bldg-Addition  
**SUB-TYPE:** 1 or 2 Family Dwelling  
**PRIMARY USE:** (1) Dwelling - Single Family  
**WORK DESCRIPTION:** SUPPLEMENTAL PERMIT TO 08010-10000-00426: ENLARGE BASEMENT FOR PROPOSED GARAGE AND CHANGE TO FLAT ROOF. PROPOSED BUILDING IS NOW A 2-STORY, 165' X 98', SINGLE FAMILY DWELLING WITH 1 LEVEL BASEMENT FOR GARAGE ONLY. \*\*\*permit 1 of 2\*\*\*  
**PERMIT ISSUED:** Yes      **PERMIT ISSUE DATE:** 02/21/2012      **ISSUING OFFICE:** Metro  
**CURRENT STATUS:** Issued      **CURRENT STATUS DATE:** 02/21/2012

### Permit Application Status History

Submitted	11/15/2010	PCIS IMPORT
PC Assigned	11/23/2010	CHAD DOI
Reviewed by Supervisor	12/16/2010	SHAHEN AKELYAN
Verifications in Progress	12/27/2010	CHAD DOI
PC Info Complete	02/21/2012	CHAD DOI
Ready to Issue	02/21/2012	CHAD DOI
Issued	02/21/2012	ACS SYSTEM

### Permit Application Clearance Information

Eng Process Fee Ord 176,300	Cleared	05/17/2011	KEVIN AZARMAHAN
Hillside ordinance	Cleared	05/17/2011	KEVIN AZARMAHAN
Building over 3-story or 35-ft	Cleared	09/22/2011	CALOSHA APPROVED
Excavation more than 5-ft deep	Cleared	09/22/2011	CALOSHA APPROVED
Hillside ordinance	Cleared	10/18/2011	AVALYN KAMACHI
Sewer availability	Cleared	10/18/2011	AVALYN KAMACHI
Hydrant and Access approval	Cleared	11/02/2011	TERRENCE O'CONNELL
Miscellaneous	Cleared	11/02/2011	TERRENCE O'CONNELL
Stormwater Pollution Mitigath	Cleared	11/02/2011	AMMAR ELTAWIL
VHFHSZ	Cleared	11/02/2011	TERRENCE O'CONNELL
ZA Case	Cleared	11/10/2011	DARYLL MACKAY
Flood clearance	Cleared	11/14/2011	ROMANO GALASSI
Drainage to Storm Drain	Cleared	11/22/2011	KEVIN AZARMAHAN
Miscellaneous	Cleared	11/22/2011	KEVIN AZARMAHAN
Permit	Cleared	11/22/2011	KEVIN AZARMAHAN
Roof/Waste drainage to street	Cleared	11/22/2011	KEVIN AZARMAHAN
Watercourse	Cleared	11/22/2011	KEVIN AZARMAHAN
Tract Map conditions	Cleared	02/21/2012	DAVID WEINTRAUB

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## Licensed Professional/Contractor Information

### Architect Information

Smith, Scott Massion; Lic. No.: C11318  
 26626 GUADIANA  
 MISSION VIEJO, CA 92691



**Contractor Information**

Owner-Bullder

**Engineer Information**

Lee, Sang Youck; Lic. No.: S3821

3531 BROOKHILL ST

GLENDALE, CA 91214

**Engineer Information**

Rana, Masood Sarwar; Lic. No.: C70659

19560 SHADOW RIDGE WY

NORTHRIDGE, CA 91326

**Geologist Information**

Van, Meter James L.; Lic. No.: EG2031

4517 COLBATH AVE #5

SHERMAN OAKS, CA 91423

**Inspection Activity Information****Inspector Information**

ANTHONY ANDERSON, (310) 914-3862

Office Hours: 7:30-8:15 AM and 2:30-3:15 PM MON-FRI

BRYAN KEHOE, (310) 914-3862

Office Hours: 7:30-8:15 AM and 2:30-3:15 PM MON-FRI

**Pending Inspection Request(s)**

No data available

**Inspection Request History**

FLOOD-Elevation Certificate	03/16/2012	Not Ready for Inspection	KENNETH NAGLE
Footing/Foundation/Slab	03/16/2012	Partial Inspection	KENNETH NAGLE
Reinforced Concrete Frame	03/16/2012	Partial Inspection	KENNETH NAGLE
Excavation/Setback/Form/Re-Bar	03/20/2012	Partial Approval	JEFF NAPIER
FLOOD-Elevation Certificate	03/20/2012	Not Ready for Inspection	KENNETH NAGLE
Footing/Foundation/Slab	03/20/2012	Partial Inspection	KENNETH NAGLE
Masonry Wall/Backfill	03/28/2012	Partial Approval	KENNETH NAGLE
Excavation/Setback/Form/Re-Bar	04/10/2012	Partial Approval	KENNETH NAGLE
FLOOD-Elevation Certificate	04/10/2012	Not Ready for Inspection	KENNETH NAGLE
Masonry Wall/Backfill	05/02/2012	Partial Approval	KENNETH NAGLE
Excavation/Setback/Form/Re-Bar	05/16/2012	Partial Approval	KENNETH NAGLE
FLOOD-Elevation Certificate	05/16/2012	Not Ready for Inspection	KENNETH NAGLE
Footing/Foundation/Slab	05/16/2012	No Access for Inspection	KENNETH NAGLE
Excavation/Setback/Form/Re-Bar	05/21/2012	Corrections Issued	KENNETH NAGLE
Excavation/Setback/Form/Re-Bar	06/13/2012	Partial Inspection	ANTHONY ANDERSON
Excavation/Setback/Form/Re-Bar	06/14/2012	Partial Inspection	ANTHONY ANDERSON
Excavation/Setback/Form/Re-Bar	07/23/2012	Approved	ANTHONY ANDERSON
FLOOD-Proofing Certificate	08/02/2012	Partial Inspection	ANTHONY ANDERSON
Masonry Wall/Backfill	08/02/2012	Partial Approval	ANTHONY ANDERSON
Verify Sprinkler Sign Off	08/02/2012	Not Ready for Inspection	ANTHONY ANDERSON
Deputy Reinf. Concrete	08/06/2012	Approved	ANTHONY ANDERSON
Deputy Reinf. Masonry	08/06/2012	Approved	ANTHONY ANDERSON
Masonry Wall/Backfill	08/06/2012	Partial Approval	ANTHONY ANDERSON
Deputy Reinf. Masonry	08/08/2012	Approved	ANTHONY ANDERSON
Deputy Reinf. Masonry	08/13/2012	Conditional Approval	ANTHONY ANDERSON
Deputy Reinf. Masonry	08/15/2012	Approved	ANTHONY ANDERSON
Deputy Reinf. Concrete	08/21/2012	Approved	ANTHONY ANDERSON
Deputy Reinf. Masonry	08/21/2012	Approved	ANTHONY ANDERSON
Masonry Wall/Backfill	08/21/2012	Partial Approval	ANTHONY ANDERSON
FLOOD-Proofing Certificate	08/23/2012	Partial Inspection	ANTHONY ANDERSON

Masonry Wall/Backfill	08/23/2012	Partial Approval	ANTHONY ANDERSON
Verify Sprinkler Sign Off	08/23/2012	Partial Inspection	ANTHONY ANDERSON
BUILDING-Rough-Frame	09/06/2012	Partial Approval	ANTHONY ANDERSON
FLOOD-Proofing Certificate	09/06/2012	Partial Inspection	ANTHONY ANDERSON
Verify Sprinkler Sign Off	09/06/2012	Partial Inspection	ANTHONY ANDERSON
Deputy Reinf. Masonry	09/12/2012	Conditional Approval	ANTHONY ANDERSON
BUILDING-Rough-Frame	09/18/2012	Partial Approval	ANTHONY ANDERSON
FLOOD-Proofing Certificate	09/18/2012	Partial Inspection	ANTHONY ANDERSON
Verify Sprinkler Sign Off	09/18/2012	Partial Inspection	ANTHONY ANDERSON
BUILDING-Rough-Frame	10/05/2012	Corrections Issued	ANTHONY ANDERSON
FLOOD-Proofing Certificate	10/05/2012	Partial Inspection	ANTHONY ANDERSON
Verify Sprinkler Sign Off	10/05/2012	Partial Inspection	ANTHONY ANDERSON
Deputy Steel/Welding	10/23/2012	Partial Approval	JOHN LUMB
Deputy Steel/Welding	10/24/2012	Conditional Approval	ANTHONY ANDERSON
FLOOD-Proofing Certificate	12/19/2012	Partial Inspection	ANTHONY ANDERSON
Floor/Roof Diaphragm/Shear Wall	12/19/2012	Partial Approval	ANTHONY ANDERSON
Verify Sprinkler Sign Off	12/19/2012	Partial Inspection	ANTHONY ANDERSON
FLOOD-Proofing Certificate	01/16/2013	Not Ready for Inspection	ANTHONY ANDERSON
Floor/Roof Diaphragm/Shear Wall	01/16/2013	Partial Approval	ANTHONY ANDERSON
Verify Sprinkler Sign Off	01/16/2013	Not Ready for Inspection	ANTHONY ANDERSON

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# Property Activity Report

360 N STONE CANYON ROAD 90077

APPLICATION / PERMIT NUMBER: 08010-10004-00426

PLAN CHECK / JOB NUMBER: B11LA08369

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[Parcel Profile Report](#)

[LADBS Home](#)

[LAD Property Activity Report](#)

[Disclaimer](#)

## Permit Application or Issued Permit Information

GROUP: Building  
 TYPE: Bldg-Alter/Repair  
 SUB-TYPE: 1 or 2 Family Dwelling  
 PRIMARY USE: (f) Dwelling - Single Family  
 WORK DESCRIPTION: SUPPLEMENTAL PERMIT TO 08010-10003-00426 TO CHECK REVISED HEIGHT OF BUILDING AND TO CHECK TRACT CONDITIONS. PLANS WILL BE APPROVED UNDER 08010-10003-00426. \*\*\*PLAN CHECK ONLY\*\*\*

PERMIT ISSUED: Yes      PERMIT ISSUE DATE: 03/28/2012      ISSUING OFFICE: Metro  
 CURRENT STATUS: Issued      CURRENT STATUS DATE: 03/28/2012

### Permit Application Status History

Submitted	08/09/2011	PCIS IMPORT
PC Assigned	08/09/2011	CHAD DOI
Reviewed by Supervisor	08/22/2011	SHAHEN AKELYAN
PC Approved	02/21/2012	CHAD DOI
PC Info Complete	02/21/2012	CHAD DOI
Ready to Issue	03/28/2012	CHAD DOI
issued	03/28/2012	ACS SYSTEM

### Permit Application Clearance Information

No data available

## Licensed Professional/Contractor Information

### Contractor Information

Owner-Builder

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## Inspection Activity Information

### Inspector Information

ANTHONY ANDERSON, (310) 914-3862  
 Office Hours: 7:30-8:15 AM and 2:30-3:15 PM MON-FRI  
 BRYAN KEHOE, (310) 914-3862  
 Office Hours: 7:30-8:15 AM and 2:30-3:15 PM MON-FRI

### Pending Inspection Request(s)

No data available

### Inspection Request History

No data available

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# Property Activity Report

[Home](#)

**360 N STONE CANYON ROAD 90077**  
**APPLICATION / PERMIT NUMBER: 08010-10005-00426**  
**PLAN CHECK / JOB NUMBER: B12LA05800**

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[Parcel Profile Report](#)

## Permit Application or Issued Permit Information

[LADBS Home](#)

**GROUP:** Building  
**TYPE:** Bldg-Addition  
**SUB-TYPE:** 1 or 2 Family Dwelling  
**PRIMARY USE:** (1) Dwelling - Single Family

[LAD Property Activity Report](#)

**WORK DESCRIPTION:** SUPPLEMENTAL PERMIT TO 08010-10003-00426. PROVIDE 21' X 32' PATIO ON GROUND FLOOR ABOVE PORTION OF BASEMENT DRIVEWAY. PROVIDE 5' TO 7' WIDE CANTILEVERED BALCONY ON FIRST FLOOR ALONG WEST SIDE OF DWELLING. PROVIDE STAIRS FROM BASEMENT. MINOR REVISIONS TO LAYOUT OF ROOMS ON FLOOR PLAN.

[Disclaimer](#)

**PERMIT ISSUED:** Yes      **PERMIT ISSUE DATE:** 07/18/2012      **ISSUING OFFICE:** Metro  
**CURRENT STATUS:** Issued      **CURRENT STATUS DATE:** 07/18/2012

### Permit Application Status History

Submitted	05/22/2012	PCIS IMPORT
PC Assigned	06/01/2012	CHAD DOI
Reviewed by Supervisor	06/06/2012	CHARMIE HUYNH
Verifications in Progress	06/11/2012	CHAD DOI
PC Approved	07/18/2012	CHAD DOI
PC Info Complete	07/18/2012	CHAD DOI
Ready to Issue	07/18/2012	CHAD DOI
Issued	07/18/2012	DANIELLE PARIS

### Permit Application Clearance Information

Hydrant and Access approval	Cleared	06/13/2012	TERRENCE O'CONNELL
VHFHSZ	Cleared	06/13/2012	TERRENCE O'CONNELL
Green Code	Cleared	07/02/2012	CHAD DOI
Stormwater Pollution Mitigatn	Cleared	07/02/2012	AMMAR ELTAWIL
Flood clearance	Cleared	07/06/2012	MEHENDRA AMIN
Drainage to Storm Drain	Cleared	07/10/2012	KEVIN AZARMAHAN
Roof/Waste drainage to street	Cleared	07/10/2012	KEVIN AZARMAHAN
Watercourse	Cleared	07/10/2012	KEVIN AZARMAHAN
Eng Process Fee Ord 176,300	Cleared	07/17/2012	KEVIN AZARMAHAN
Tract Map conditions	Cleared	07/18/2012	DAVD WEINTRAUB
ZA Case	Cleared	07/18/2012	DAVD WEINTRAUB

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## Licensed Professional/Contractor Information

### Architect Information

Smith, Scott Massion; Lic. No.: C11318  
 26626 GUADIANA  
 MISSION VIEJO, CA 92691

### Contractor Information

Owner-Bullder

**Engineer Information**

Lee, Sang Youck; Lic. No.: S3821  
3531 BROOKHILL ST  
GLENDALE, CA 91214

**Inspection Activity Information**

**Inspector Information**

ANTHONY ANDERSON, (310) 914-3862  
Office Hours: 7:30-8:15 AM and 2:30-3:15 PM MON-FRI  
BRYAN KEHOE, (310) 914-3862  
Office Hours: 7:30-8:15 AM and 2:30-3:15 PM MON-FRI

**Pending Inspection Request(s)**

No data available

**Inspection Request History**

FLOOD-Elevation Certificate	07/19/2012	Partial Inspection	ANTHONY ANDERSON
Footing/Foundation/Slab	07/19/2012	Partial Approval	ANTHONY ANDERSON

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**EXHIBIT "C"**



**EXHIBIT "D"**





JANUARY 28, 2013

Subject: 10550 Bellagio Road and 360 N. Stone Canyon Road—Request to Modify Parcel Map Conditions and Mitigation Measures and Requests for Height Variances, Over-In-Height Front Wall and Additional Retaining Walls.

On May 3, 2011, the Bel-Air Beverly Crest Neighborhood Council wrote to Planner Marc Woersching to oppose the applicant's request to modify Parcel Map Conditions and Mitigation Measures that were designed to protect Stone Canyon Creek. At its January 23, 2013 monthly meeting the Board voted unanimously to oppose the applicant's renewed efforts to eliminate these creek protections and its new requests for approval of building height variances, over-height front walls and three additional retaining walls for this property.

Parcel Map Matters:

The applicant has again requested approval of changes to the Parcel Map Conditions and Mitigation Measures applicable to this property. If adopted, these changes will remove the 10-foot buffer zone on both sides of Stone Canyon Creek, remove requirements to restore Stone Canyon Creek, change references from "Stone Canyon Creek" to a "storm drain and sanitary sewer easement", and make other changes that will have the effect of eliminating protections for Stone Canyon Creek.

Height Variances:

The applicant is now requesting a 53-foot height variance for a house to be built at 10550 Bellagio Road and a 50-foot height variance for the house under construction at 360 N. Stone Canyon Road. The City of Los Angeles has determined that the Baseline Hillside Ordinance applies to 10550 Bellagio Road, resulting in a 30-foot height limit for a flat roofed house. We believe that the Baseline Hillside Ordinance also applies to 360 N. Stone Canyon Road, with a similar 30-foot height limit for a flat roofed house. Thus the applicant is requesting a 77% height increase for 10550 Bellagio Road and a 67% height increase for 360 N. Stone Canyon Road.

Over-Height Front Walls:

For both houses the applicant is requesting a zoning administrator's adjustment to permit 8-foot high front walls along Stone Canyon and Bellagio Roads

Additional Retaining Walls:

For 10550 Bellagio Road, the applicant is requesting three more retaining walls, in addition to the two retaining walls about 1,000 foot long that it has already constructed along the entire easterly boundary of the parcels. These recently constructed easterly retaining walls have enabled the applicant to flatten most of the property in violation of Mitigation Measure 1 adopted by the West Los Angeles Area Planning Commission which is also prevalent in the Bel-Air Beverly Crest Community Plan that states that "GRADING SHALL BE KEPT TO A MINIMUM."

In summation: Many members of the Bel-Air Beverly Crest Neighborhood Council have spent many years advising the Planning Department with regards to the Baseline Hillside Mansionization Ordinance, the establishment of the Retaining Wall Ordinance, and the establishment of the Hillside Ordinance which restricts heights within our boundaries.

WE STRONGLY ADVISE THAT THE APPROPRIATE AUTHORITIES DENY THE APPLICANT'S REQUESTS.



STEVE TWINING acting Chair Land Use Committee Bel-Air Beverly Crest Neighborhood Council

**EXHIBIT "E"**

**Victor Marmon**

---

**From:** Ramin Kolahi [rkolahi@babnc.org]  
**Sent:** Thursday, May 23, 2013 6:08 PM  
**To:** Rhonda.Ketay@lacity.org  
**Cc:** jim.tokunaga@lacity.org; Shawn Bayliss; Robert Ringler; stwining@babnc.org  
**Subject:** ZA 2012-1395 ZV ZAA - 10550 Bellagio Road  
**Attachments:** 2013-03-19 ZA-2012-1395-ZV-ZAA LOD.pdf; 10550 Bellagio Road - May 2011 BABCNC PLU Letter.pdf

Dear Ms. Ketay:

As current Chair of the Planning and Land Use Committee (PLU) of the Bel Air Beverly Crest Neighborhood Council, I wanted to inform of you a motion that was passed at our January 2013 meeting regarding the subject property, please put into public record regarding this matter so the Commissioners have our official position.

◆ **Motion** to oppose 1) the request by the applicant to change parcel map conditions and mitigation measures adopted by the West Los Angeles Area Planning Commission; 2) oppose the applicant's request for height variances to 50 feet for the Stone Canyon house and 53 feet and 3 inches for the Bellagio house; 3) oppose the applicant's request for zoning administrator's adjustment to an 8 foot front wall height along both Bellagio and Stone Canyon and 4) oppose the applicant's request for three additional retaining walls on the Bellagio Road property. Motion was made. Motion seconded. Discussion held. **Motion passed unanimously.**

Also note the letter dated May 2011 from our PLU Committee supporting the Bel Air Association's position regarding the applicants request to removed conditions previously conditioned by the Planning Commission.

Please feel free to contact me if you have any questions.

<<...>> <<...>>

Sincerely,

Ramin Kolahi

**Bel Air Beverly Crest Neighborhood Council**

Residents of Beverly Glen Representative

[rkolahi@babnc.org](mailto:rkolahi@babnc.org) email

[www.babnc.org](http://www.babnc.org) web

[www.beverlyglen.org](http://www.beverlyglen.org) web

5/28/2013

*Bel Air Beverly Crest*  
NEIGHBORHOOD COUNCIL



*Building A Better Community*

PO Box 252007, Los Angeles, CA 90025

Tel: (310) 479-6247 Fax: (310) 479-0458 [www.babcnc.org](http://www.babcnc.org)

May 3, 2011

Marc Woerschling  
Planning Department  
200 North Spring Street, 7<sup>th</sup> Floor  
Los Angeles, CA 90012

Re: 10550 Bellagio Road - Parcel Map - AA-2005-3998-PMLA-1A-M1

Dear Mr. Woerschling,

The Planning and Land Use Committee of the Bel Air Beverly Crest Neighborhood Council voted unanimously to support the Bel Air Association in their letter to you dated March 28, 2011 (see attached) regarding the above mentioned property with respect to the applicant's request to be exempted from the conditions set forth in the October 4, 2006 and August 9, 2006 decisions by the Planning Commission and the Deputy Advisory Agency.

We concur with the Bel Air Association that none of the conditions should be modified in any way.

Thank you for your consideration of this matter.

Respectfully submitted,

*Carolyn Carradine*      *Carol Sidlow*

Carolyn Carradine and Carol Sidlow  
Co-Chairs - Planning and Land Use Committee - BABCNC

cc: Michael LoGrande - Director of City Planning  
Councilman Paul Koretz - CD5  
Shawn Bayliss, Planning Deputy - CD5  
Garland Cheng, Advisory Agency  
Jim Tokunaga, Advisory Agency  
Colleen M. Hanlon and Paulette DuBey, Bel Air Association

**OFFICERS**

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Vice President  
Ron S. Galperin  
Treasurer  
Alan Fine  
Recording Secretary  
Irene Sandler  
President Emeritus  
Steve Twining  
Executive Director  
David Espinoza

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Business and Finance  
Bylaws and Rules  
Executive Committee  
Outreach and Education  
Planning and Land Use  
Public Safety/Disaster Preparedness  
Public Works/Telecommunications  
Traffic Committee

**STAKEHOLDER GROUPS**

Bel-Air Association  
Bel-Air Crest Master Association  
Bel-Air Glen HOA  
Bel Air Ridge Association  
Benedict Canyon Association  
Benedict Hills Estates HOA  
Casiano Bel-Air HOA  
Casiano Estates Association  
Crests Neighborhood Association  
Employees Organizations  
Faith-Based Institution  
Holmby Hills HOA

Hotel Bel-Air  
Laurel Canyon Association  
Lookout Mountain Alliance  
Members-At-Large  
North Beverly Dr./Franklin Canyon HOA  
Private Schools  
Public Schools  
Residents of Beverly Glen  
Roscomare Valley Assoc.  
Santa Monica Mt. Conservancy  
Save Our Strip



100 Bel-Air Road

Los Angeles, CA 90077

March 28, 2011

Via email [marc.woersching@lacity.org](mailto:marc.woersching@lacity.org)  
and U.S. Mail

Mr. Marc Woersching, City Planner  
Los Angeles Department of City Planning  
Los Angeles City Hall, Room 720  
200 N. Spring Street  
Los Angeles, CA 90012

**Re: Parcel Map AA-2005-3998-PMLA-1A-M1; 10550 Bellagio Road, Los Angeles 90077**

Dear Mr. Woersching:

I am writing to you on behalf of the Bel-Air Association (the "BAA"), the neighborhood association representing an area of Los Angeles with over 1,900 homes and businesses, which includes the property at 10550 Bellagio Road (the "Property"). The BAA strongly opposes the recent application by M & A Gabae (the "Applicant") to eliminate the conditions of approval for Parcel Map AA-2005-3998-PMLA-1A set by the West Los Angeles Area Planning Commission almost five years ago. Generally, these conditions require the Applicant to preserve the Stone Canyon Creek in its natural state, plant a buffer zone of indigenous plants on either side of the creek, and to cluster development on the Property.

In 2009, the BAA opposed the Applicant's request to subdivide the Property into four lots and to perform extensive grading. Nevertheless, permission to subdivide was granted. Now, in a renewal of similar efforts in 2006 and 2010, the Applicant seeks to nullify the conditions imposed on that subdivision, apparently in order to pipe and bury the Stone Canyon Creek so as to develop the lots "to their full potential."

The portion of Stone Canyon Creek on the Applicant's property is one of the rare waterways in Los Angeles that remains uncovered and in a relatively natural state. In addition to the aesthetic harm and the loss of natural habitat that would result, environmental experts have advised the BAA that piping or straightening the Creek would significantly speed-up its water flow, causing erosion and sedimentation downstream and altering the Creek on the properties of Bel-Air residents. Moreover, the Stone Canyon Creek is a blue-line stream, a tributary of Ballona Creek, and the subject of an ongoing restoration project that has cost hundreds of thousands of dollars, required thousands of volunteer work hours, and

involved the UCLA Institute of Environment and Sustainability, UCLA Facilities, Heal the Bay, Santa Monica Baykeeper, the Santa Monica Bay Restoration Commission, the UCLA Lab School, and numerous other school and community volunteer groups. Deviation by the Applicant from the conditions imposed by the Planning Department runs directly counter to the goals of this restoration project.

Applicant rests its contention that the Planning Commission abused its discretion in setting the conditions on subdividing the Property on a case concerning a neighboring property at 620 Stone Canyon (Case No. ZA-2006 - 0982 (ZV)(ZAA)(ZAD), claiming that the Applicant should be treated the same as the property owner in that case. The case cited by Applicant, however, is inapposite. *In that case, the requested variances did not involve the Stone Canyon Creek.* The fact that the Stone Canyon Creek was off-handedly and wrongly referred to in that case as a "storm drain" and "sanitary sewer easement," was simply a mistake that should not be repeated.

For the reasons stated above, the BAA respectfully requests that the Applicant's application be denied in its entirety and that none of the conditions set forth in the October 4, 2006 and August 9, 2006 decisions by the Planning Commission and the Deputy Advisory Agency be modified in any way.

Thank you very much.

Very truly yours,



Colleen M. Hanlon  
Chair, Land-Use Committee

cc: Michael LoGrande, Planning Director  
Garland Cheng, Advisory Agency (Hearing Officer)  
S. Gail Goldberg, AICP, Advisory Agency  
Michael S. Y. Young, Deputy, Advisory Agency  
Jim Tokunaga, Deputy, Advisory Agency  
Hon. Paul Koretz, Councilperson, 5<sup>th</sup> District  
Shawn Bayliss, Planning Deputy, 5<sup>th</sup> Council District  
Carol Sidlow, Bel-Air Beverly Crest Neighborhood Council,  
Planning and Land Use Committee Chairperson  
Dr. Cully Nordby, Phd., UCLA Institute of the Environment and Sustainability

**EXHIBIT "F"**



Jan-29-13 01:12pm From-BEL AIR COUNTRY CLUB

+3(04727044

T-378 P 01/01 F-053



# Bel-Air Country Club

10768 Bellagio Road  
Los Angeles, California 90077-3750  
(310) 472-9363

BRIAN T SULLIVAN  
CGCS

January 28, 2013

Mr. Marc Woershing, City Planner  
City Hall, Room 720  
200 North Spring Street  
Los Angeles, CA 90012  
Phone: (213)-978-1470  
Fax: (213)-978-4656

Regarding: 10550 Bellagio Road  
360 W. Stone Canyon Road  
Case No.: AA-2005-3998-PMLA-M1

Mr. Woershing,

Our long-time Civil Engineer, Charles Favreau of Newport Beach, CA, has had some recent health set-backs and is unable to review the Conditional Letter of Map Revision (CLOMR); Case Number: 12-09-2877R, Community Name: City of Los Angeles, CA, Community No: 060137.

Nevertheless, we continue to be opposed to any and all modification to the existing Stone Canyon Creek. The Club also opposes piping of the creek or shading the banks with retaining walls, which may also re-direct storm flows.

In terms of building homes 50 and 53 feet -- 23 feet higher than permitted by the Zoning Code, we believe these will be out of character with the neighborhood and oppose this request as well. Additionally, we do not believe the findings necessary for a height variance can be made. This is clearly a self-imposed hardship.

Stone Canyon Road is a natural artery for the neighborhood. We believe it should remain so.

Sincerely,

Brian Sullivan, CGCS, MG  
Director of Golf and Grounds

FROM THE DESK OF JON PERICA  
10338 ETIWANDA AVE, NORTHRIDGE, CA, 91326

July 3<sup>rd</sup>, 2013

BY HAND DELIVERY and/or E-mail to Patrice.lattimore@lacity.org

Honorable Los Angeles City Council  
c/o June Lagmay, City Clerk  
200 N. Spring Street, Room 395  
Los Angeles, Ca 91002

RECEIVED  
CITY CLERKS OFFICE  
2013 JUL - 9 AM 10: 07  
CITY CLERK  
BY ELC  
P/S DEPUTY

RE: COUNCIL FILE 13-0804 -- JUSTIFICATION TO DENY PROJECT APPEAL --  
ZA 2012-1395-ZV-ZAA-1A

Dear Honorable Council members

My name is Jon Perica and I am a retired City Zoning Administrator. I am assisting Victor Marmon on behalf of the owners of 333 Copa de Orp Road, which is adjacent to the subject property.

In the 35 years that I worked in the Planning Department, I acted on over 2,500 Planning Department cases and I know what supportable Zone Variance Findings are. A Variance can only be approved if all the required five findings can be made to support the project. Even the failure to make just one required finding means you cannot approve the project. None of the five findings can be justified by the facts

**Finding #1** requires facts that the City caused a hardship that justified the applicant's over-height house request. The applicant is already building a 36-ft tall house by right. What was the City hardship that prevented the applicant from building its house on its two acre plus site? The simple answer is that there was no City imposed hardship. Having already obtained its building permit for a 36-ft house, the applicant now wants a variance for a 50-ft high house because it wants a larger house than it is now building. However, the applicant chose where to site the house and it chose the footprint of the house. The house could have been sited away from Stone Canyon Creek where the difference between the natural grade and the higher finished grade created by the applicant is less but the applicant did not do this. The house could have been designed as a wider or deeper house, but it was not. Now the applicant wants a special privilege to build an over-height house. This is an **applicant** created situation; it is not a City-imposed hardship. The City is not permitted to bailout the poor design of the house with a variance. These Facts don't justify this grant.

**Finding #2** requires the identification of special circumstances involving the property or surroundings that do not generally apply to other properties in the same zone and vicinity.

**FROM THE DESK OF JON PERICA  
10338 ETIWANDA AVE, NORTHRIDGE, CA, 91326**

July 3, 2013

BY HAND DELIVERY or EMAIL to [patrice.lattimore@lacity.org](mailto:patrice.lattimore@lacity.org)

Honorable Los Angeles City Council  
c/o June Lagmay, City Clerk  
200 N. Spring Street, Room 395  
Los Angeles, Ca 91002

**RE: COUNCIL FILE 13-0804 – JUSTIFICATION TO DENY PROJECT APPEAL –  
ZA 2012-1395-ZV-ZAA-1A**

Dear Honorable Council members

My name is Jon Perica and I am a retired City Zoning Administrator. I am assisting Victor Marmon on behalf of the owners of 333 Copa de Oro Road, which is adjacent to the subject property.

In the 35 years that I worked in the Planning Department, I acted on over 2,500 Planning Department cases, and I know what supportable Zone Variance Findings are. A Variance can only be approved if all the required five findings can be made to support the project. Even the failure to make just one required finding means you cannot approve the project. None of the five findings can be justified by the facts.

**Finding #1** requires facts that the **City** caused a hardship that justified the applicant's over-height house request. The applicant is already building a 36-ft tall house by right. What was the City hardship that prevented the applicant from building its house on its two acre plus site? The simple answer is that there was no City imposed hardship. Having already obtained its building permit for a 36-ft house, the applicant now wants a variance for a 50-ft high house because it wants a larger house than it is now building. However, the applicant chose where to site the house and it chose the footprint of the house. The house could have been sited away from Stone Canyon Creek where the difference between the natural grade and the higher finished grade created by the applicant is less, but the applicant did not do this. The house could have been designed as a wider or deeper house, but it was not. Now the applicant wants a special privilege to build an over-height house. This is an **applicant** created situation; it is not a City-imposed hardship. The City is not permitted to bail out the poor design of the house with a variance. These facts don't justify this finding.

**Finding #2** requires the identification of special circumstances involving the property or surroundings that do not generally apply to other properties in the same zone and vicinity.

The subject site is in a hillside area and has a sloping terrain which the applicant has graded for a house under construction. These general characteristics describe most of the other similar properties in the local community. The zoning is the same in this part of the community. The applicant has identified no significant unique characteristic that justifies supporting this finding.

**Finding #3** requires that “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 the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question”. Since at least 1970, the Planning Department has interpreted the “same vicinity” as being within a 500-ft radius of the subject property. Thus, the Planning Department requires all zone variance applications to submit a 500-ft radius map showing all the surrounding uses. This 500-ft distance is the standard City-defined distance to review any zone variance case according to the City’s interpretation of the vicinity requirements in Finding #3. The applicant previously cited 6 possible over-height precedent approvals. Three of these cases are not in the same zone. Four are not in the vicinity (with two being over three and eight miles away), or involve lots significantly different in size (with one lot being 70% larger) or involve measuring the height from an adjacent structure attached to the house (e.g., an underground parking area under a tennis court), and not from the house itself. The compared properties are required to have similar physical constraints causing the special circumstances and practical difficulties or unnecessary hardships and be in the same vicinity and the same zone. These cases do not meet this requirement. Again, on Finding #3, the facts don’t justify this variance request.

**Finding #4** requires that the project will not be materially detrimental to the public welfare or injurious to the property in the same zone or vicinity. There are problems with the City environmental assessment. The City approved 2006 Mitigated Negative Declaration does not assess a 50-ft tall project which will have unmitigated wind, shade, shadow, and noise impacts on the environment. In addition, a variance grant will set a terrible precedent for other homes to be built beyond the by-right limit in this zone of 30-ft (for a flat roof) or 36-ft (for a sloped roof) under the Baseline Hillside Ordinance. The difference between 50-ft and the Baseline Hillside Ordinance by-right height limit is a huge impact on visibility and scale. Many other future homes would cite this possible approval and ask for a similar height. Further, this site could be subdivided into 4 lots, so an approval of this variance could result in 4 over-height houses being built on this site.

**Finding #5** requires that the project will not adversely affect the General Plan. The Bel Air-Beverly Crest Community Plan has many goals and policies but there is an overriding policy that says all new residential development be “compatible” with adjacent properties. The vast majority of exiting homes within the 500-ft radius for this variance request, are within the previous height limit of 36-ft. This house would start a trend locally to have over-height homes as the new standard and that would fundamentally change the character of the local homes. This request sets a bad precedent and opens the door for excessive height home not consistent with the existing community scale.

Honorable Los Angeles City Council  
July 3, 2013  
Page 3

Since the factual findings cannot be made for any of the required five findings, the applicant's zone variance request cannot be legally approved. We therefore respectfully request that you deny the appeal by voting against the motion before you.

  
Jon Perica



September 6, 2013

Planning and Land Use Management Committee  
Honorable Los Angeles City Council  
c/o Holly L. Wolcott, Interim City Clerk  
200 N. Spring Street, Room 395  
Los Angeles, CA 91002

Date: 9-10-13  
Submitted in PLUM Committee  
Council File No: 13-0804-S1  
Item No.: 4  
Deputy: Communication from Public

Re: Council File 13-0804-S1 -- 360 N. Stone Canyon Road (Case No. ZA-2012-1395-ZV-ZAA-1A) – Hearing: September 10, 2013; HVAC space requirement and analysis

Dear Honorable Council members:

California Energy Designs, Inc. is assisting Mr. Victor Marmon, attorney for Janice and Henri Lazarof, the owners of 333 Copa de Oro, which is immediately east of the property before you today. Mr. Richard Gilbert, P.E., founder and Chief Executive, has over 45 years of experience in design of mechanical systems for large homes and commercial properties. Gabriel Gagnon, Project Manager, has over 20 years of experience. Together, and with several other professionals, we form the heart of a company that is well known for providing successful designs and solutions for large estate homes similar to the one before you.

When we were told that a height variance request was being requested to hide mechanical equipment on the roof with a 14-foot attic that covers the entire area of the upper floor, or about 9,500 square feet of area, our first reaction was, "you don't need this kind of space; something else must be going on".

We have reviewed the plans for the proposed house, which show an approximate 9,500 square foot first floor and second floor, along with an over 13,000 square foot basement area.

Our objective here is to show there are other solutions to providing a high-end system other than the one currently proposing to use attic and/or roof space. In our business, there are many ways to accomplish our work along with the goals of the owner and architect. The normal design approach to a house of this size is to include a mechanical engineer at a very early stage. This approach provides the architect and owner with more alternatives and solutions to provide a high-quality HVAC system without having to build outside of zoning restrictions such as height limits.

In reviewing available plans for the house from your file (plot plan and floor plans (Exhibit A), we find it unusual that the owner of such a house would put the equipment in an area that would require access through the house. This is not typical of high-end estates these days. Owners want equipment in areas where service personnel do not intrude into personal and living areas. We see many systems installed in basements with some equipment in the yard. To avoid seeing equipment in yards, some clients will disguise the area with landscape and trellises, or build underground vaults, which we have been using a lot lately and are seeing more of in this industry.

We have considered two alternatives; one entirely in the basement, and one with some equipment in both the basement and the yard or a vault. Exhibit B shows the details of several systems that could easily be entirely within the basement of this house, and only utilizing 250 square feet of space.

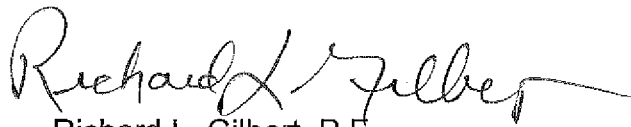
**Conclusion:** A large estate home, such as the one proposed at 360 North Stone Canyon Road, does not need mechanical equipment on the roof or in an attic. Our analysis shows there are options that will more than adequately serve this particular house using minimal vertical space, and are similar to the design of thousands our company's past projects. Based on where the work progress is currently, it is clearly not too late to look at other mechanical alternatives and change the mechanical design with little to no impact on the use of living space within this house.

Respectfully submitted,

CALIFORNIA ENERGY DESIGNS, INC.

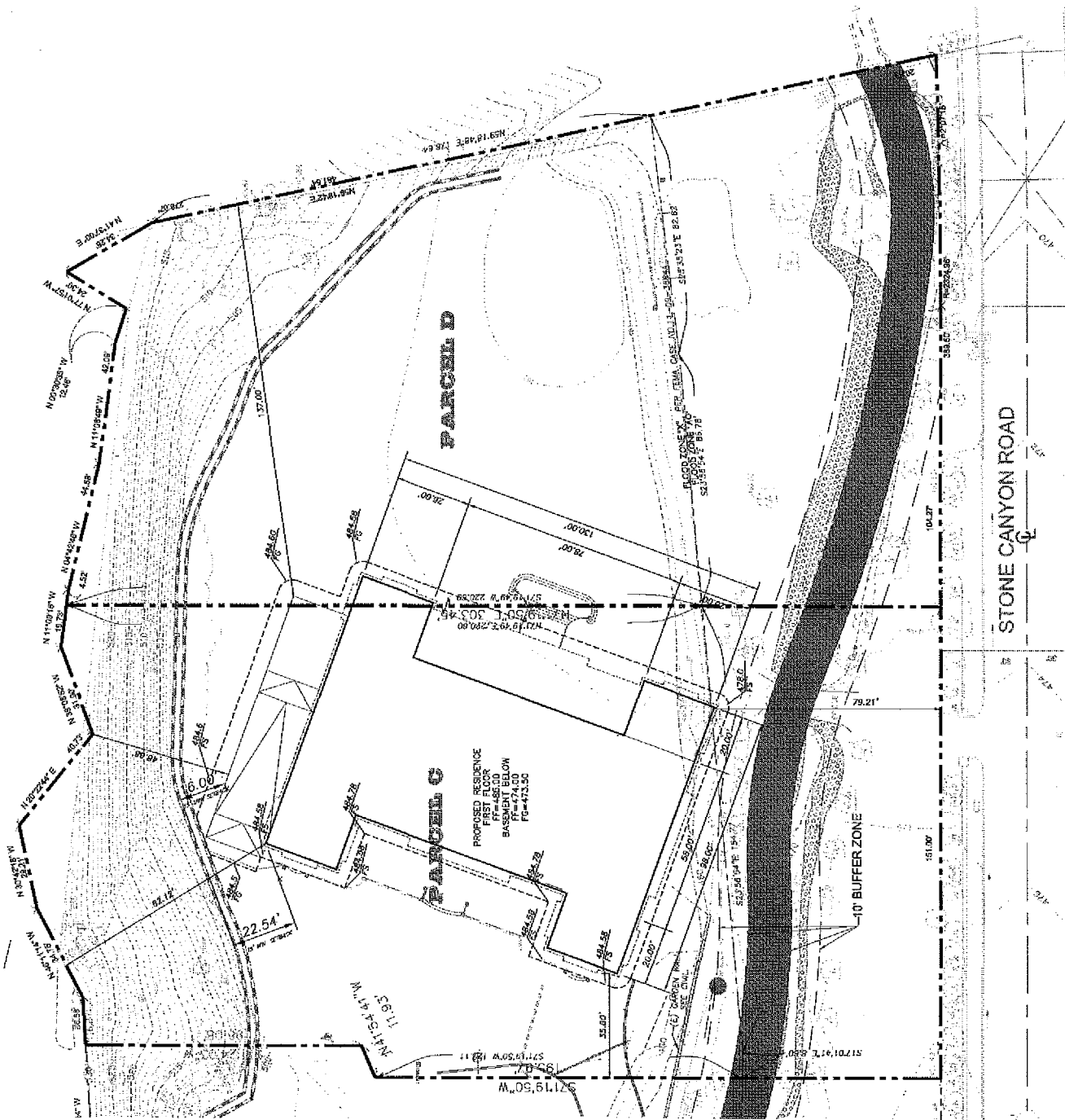


Gabriel Gagnon  
Project Manager



Richard L. Gilbert, P.E.  
Chief Executive Officer





**PROJECT DATA**  
 PROPOSED: SINGLE FAMILY DETACHED  
 TIME: 1/8/11  
 CONSTRUCTION TYPE: R-2 (DWELLING)  
 OCCUPANCY: S-2 (GARAGE)  
 NUMBER OF STORIES: 2 STORIES W/ BASEMENT

**PROJECT ANALYSIS**  
 ZONING: RPD-1  
 MAX. ALLOW. HEIGHT: MEASURED FROM DATUM  
 LOWEST ELEVATION MEASURED FROM 5 FEET AWAY FROM BLDG.  
 FRONT: PREVAILING, NEED NOT EXCEED 40 FEET  
 REAR: 25 FEET  
 BUILDING: R-3 (DWELLING) TYPE V-B  
 MAX. ALLOW. HEIGHT: 40 FEET (INCREASED BY 20 FEET EQUIPPED WITH AUTOMATIC SPRINKLER SYSTEM)

**AREA CALCULATION**  
 \*NATURAL GRADE = LOWEST GRADE FIVE FEET AWAY FROM THE BLDG = 476.8 FT.  
 \*FINISH GRADE = AVERAGE GRADE FIVE FEET AWAY FROM THE BLDG = 469.78 FT + 44.98 FT + 48.45 FT + 478.06 FT + 464.45 FT + 44.50 FT + 484.58 FT + 484.78 FT / 11 = 484.01 FT.

**LEGAL / ASSESSOR INFO.**  
 LOT AREA: 84,849 SQUARE FEET ( 2.18 ACRES)  
 PROJECT ADDRESS: 398 N. STONE CANYON ROAD  
 DISTRICT MAP: 141B-03  
 TRACT: 141B-03  
 BLOCK: NONE

**LEGAL DESCRIPTION:**  
 PARCELS C AND D OF PARCEL MAP NUMBER 2005-3898 AS REQUIRED IN PARCEL MAP BOOK 369 AT PAGES 44 AND 45 OF OFFICIAL RECORDS OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA

**AREA CALCULATION:**  
 LOT COVERAGE: 11,180 S.F. = 12 %  
 84,849 S.F.

**PROPOSED AREA:**  
 BASEMENT: 13,126.0 S.F.  
 FIRST FLOOR: 9,820.0 S.F. 1,500.0 S.F. (PATIO)  
 SECOND FLOOR: 9,335.0 S.F. 285.0 S.F. (BALCONIES)  
 TOTAL HABITABLE: 18,955.0 S.F. + 1785.0 S.F. = 20,741 S.F.

**LEGEND**  
 PROPERTY LINE  
 ELEVATION GRADE  
 CONTOURS & SIDEWALK  
 CONTAINING WALL EXISTING  
 EASEMENT FOR STORM DRAIN  
 CURB  
 STORM DRAIN FLOW  
 LOT #



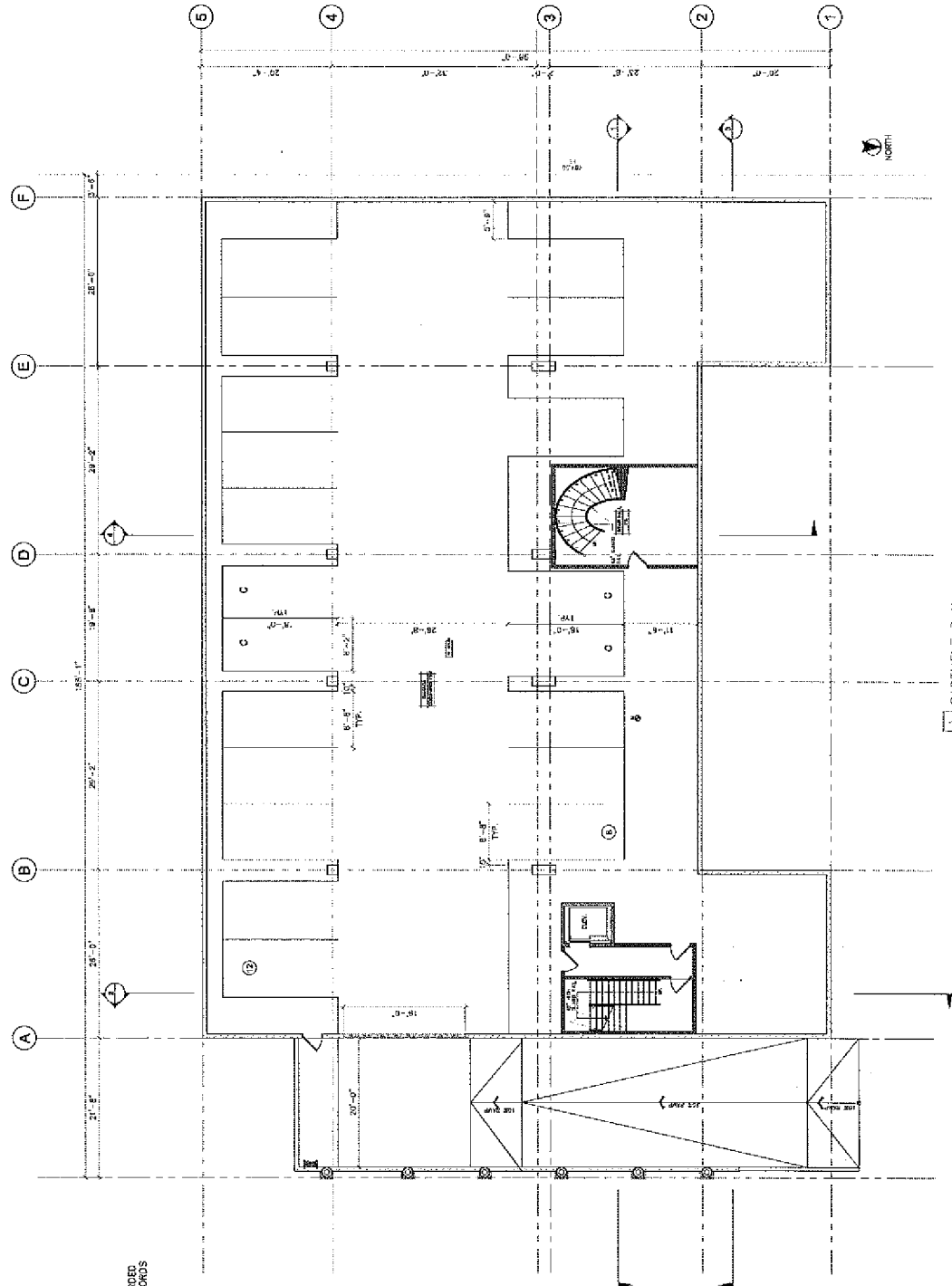


LEGAL / ASSESSOR INFO:

LOT AREA: 94,848 SQUARE FEET ( 2.18 ACRES)  
PROJECT ADDRESS: 388 N. STONE CANYON ROAD  
LOS ANGELES CA 90077  
DISTRICT MAP: 141B743  
BLOCK: NONE

LEGAL DESCRIPTION:

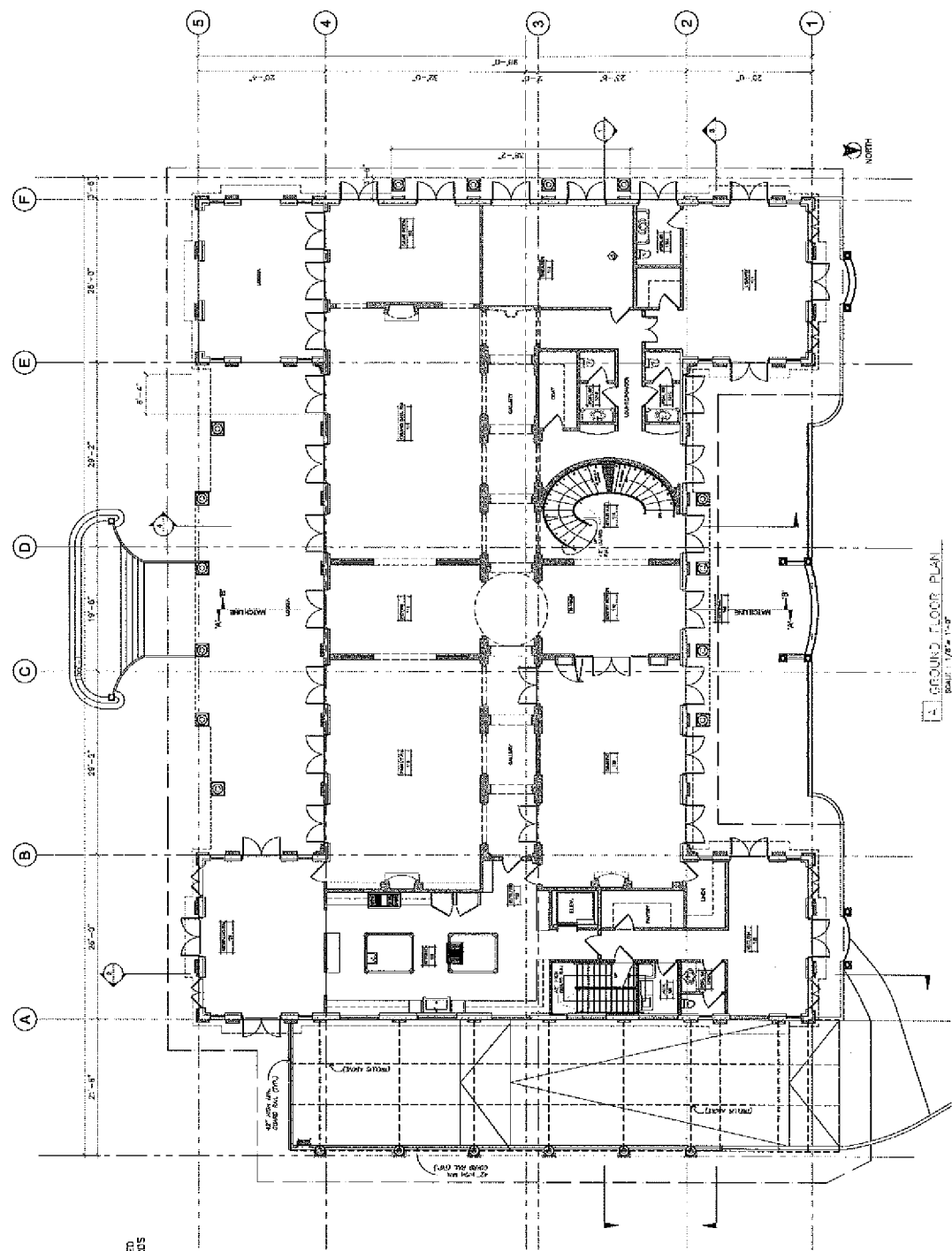
PARCELS C AND D OF PARCEL MAP NUMBER 2005-3888 AS RECORDED  
IN PARCEL MAP BOOK 589 AT PAGES 44 AND 45 OF OFFICIAL RECORDS  
OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA



LEGAL / ASSESSOR INFO

LOT AREA: 84,690 SQUARE FEET ( 318,400)  
PROJECT ADDRESS: 308 N STONE CANYON ROAD  
LOS ANGELES CA 90077  
DISTRICT MAP: 141513  
TAX MAP: 428  
BLOCK: 2308E

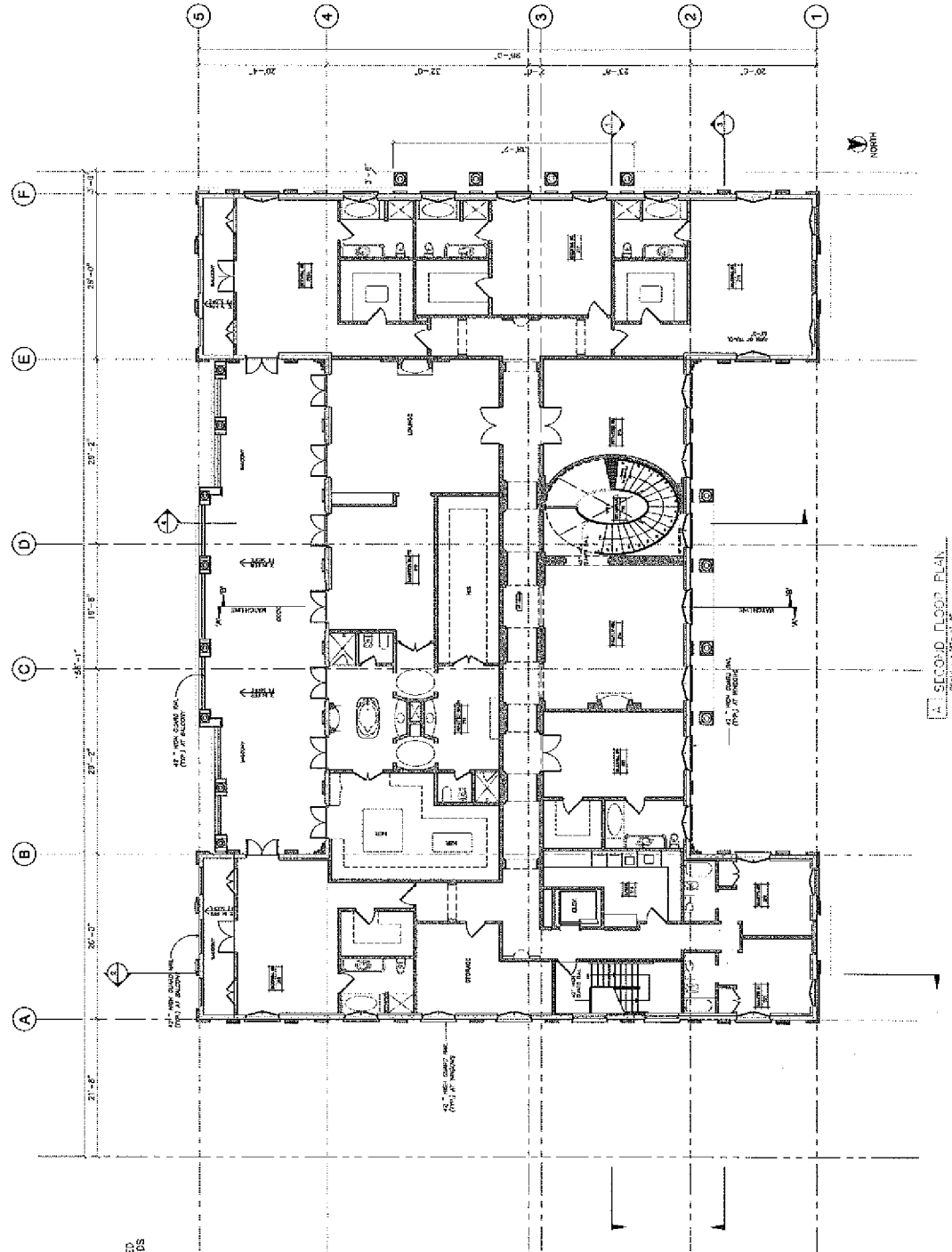
LEGAL DESCRIPTION: PARCELS C AND D OF PARCEL MAP NUMBER 2005-2898 AS RECORDED IN PARCEL MAP BOOK 359 AT PAGES 44 AND 45 OF OFFICIAL RECORDS OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA.



LEGAL / ASSESSOR INFO.

LOT AREA: 84,840 SQUARE FEET ( 2.18 ACRES)  
PROJECT ADDRESS: 388 N. STINE CANYON ROAD  
LOS ANGELES CA 90077  
DISTRICT MAP: 1418105  
BLOCK: NONE

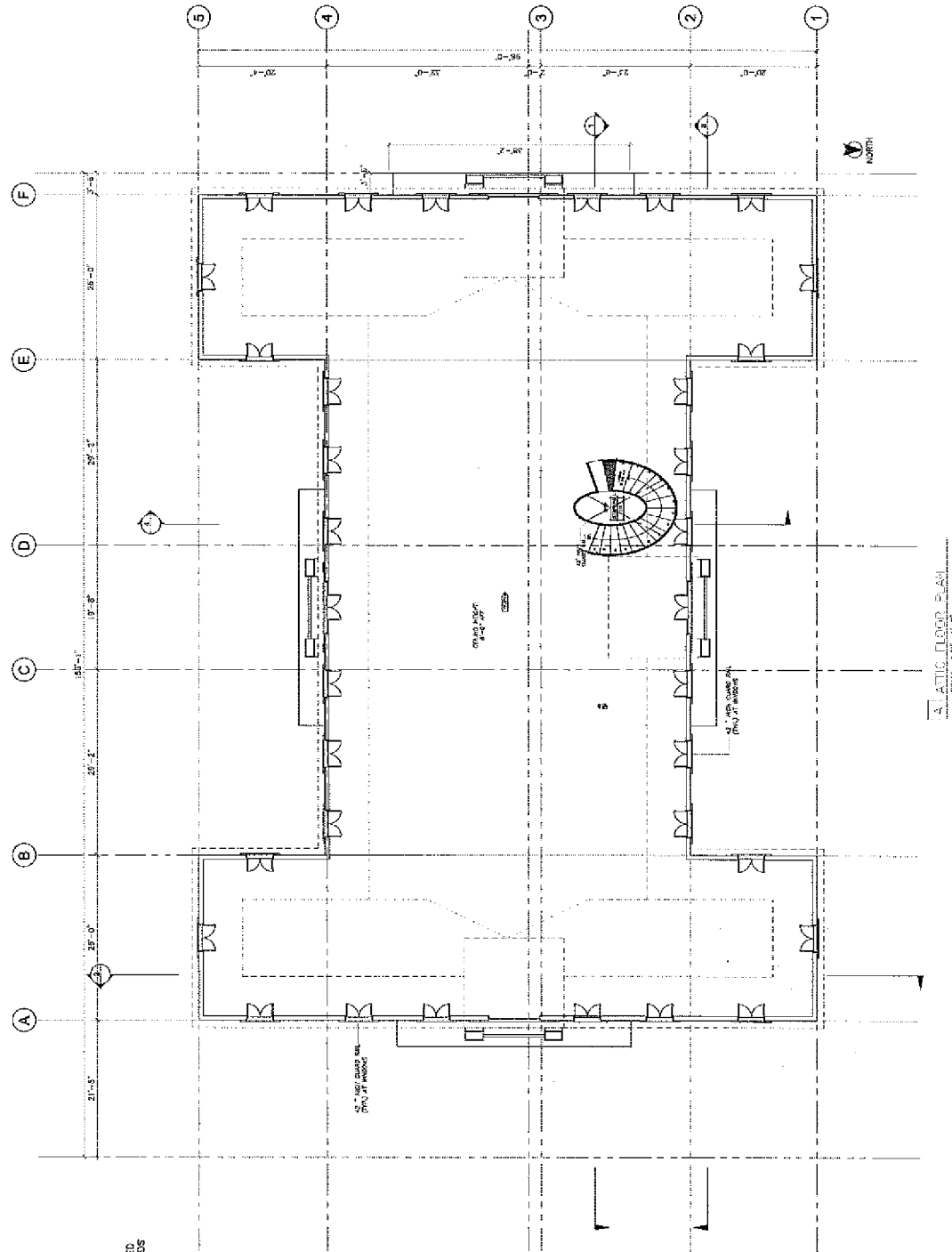
LEGAL DESCRIPTION:  
PARCELS C AND D OF PARCEL MAP NUMBER 2005-1808 AS RECORDED  
IN PARCEL MAP BOOK 389 AT PAGES 44 AND 45 OF OFFICIAL RECORDS  
OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA.



LEGAL / ASSESSOR INFO

LOT AREA: 84,949 SQUARE FEET ( 3.18 ACRE)  
PROJECT ADDRESS: 386 STONE CANYON ROAD  
LOS ANGELES CA 90077  
DISTRICT MAP: 1419163  
BLOCK: 106E

LEGAL DESCRIPTION:  
PARCELS 2 AND 3 OF PARCEL MAP NUMBER 2006-3088 AS RECORDED  
IN PARCEL MAP BOOK 598 AT PAGES 44 AND 45 OF OFFICIAL RECORDS  
OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA.



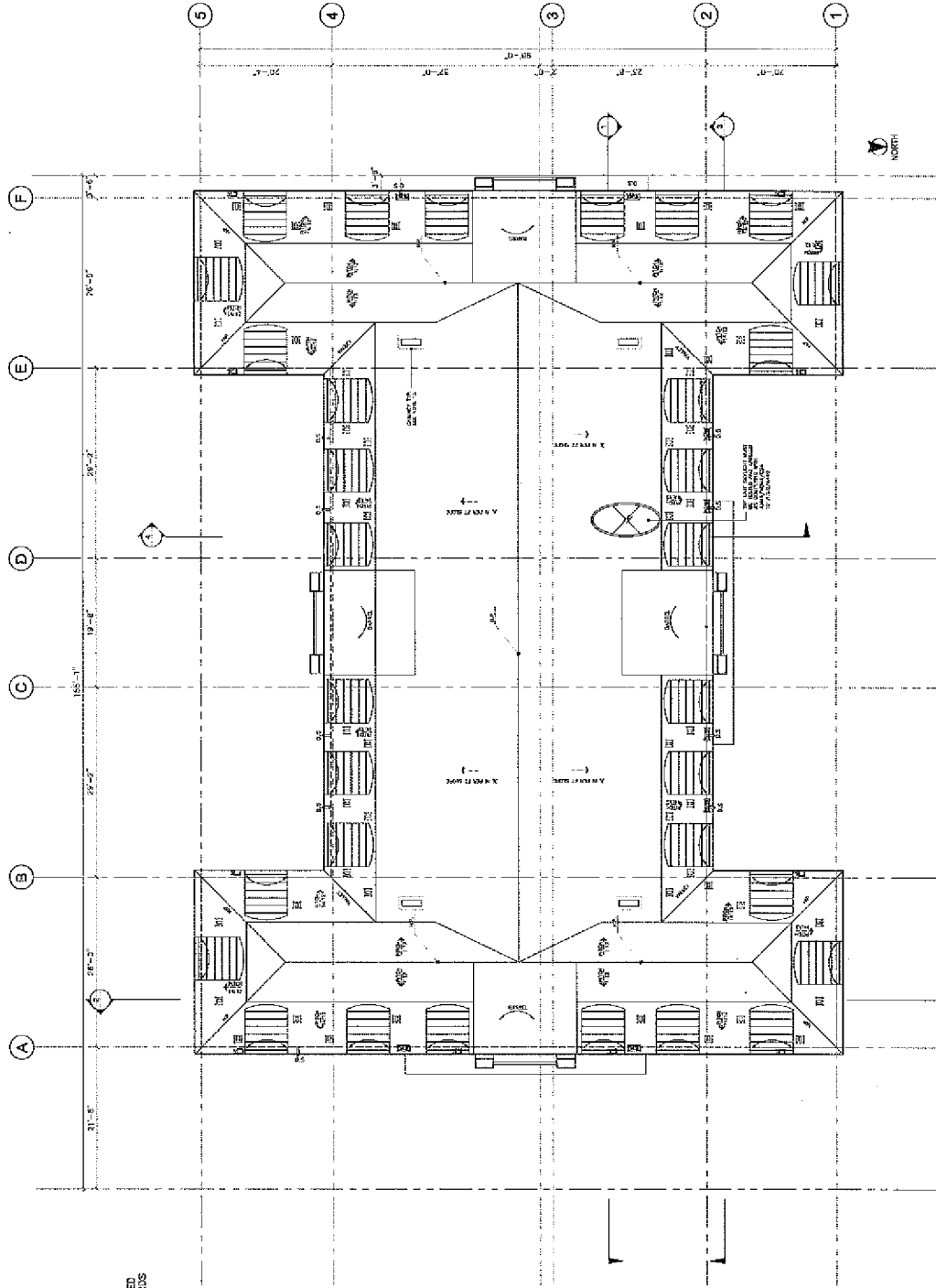
3. LATIC FLOOR PLAN  
SCALE: 1/8" = 1'-0"

**LEGAL / ASSESSOR INFO.**

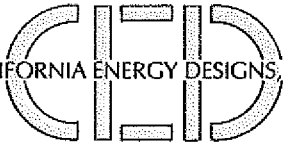
LOT AREA: 84,916 SQUARE FEET ( 2.18 ACRE)  
PROJECT ADDRESS: 358 N. STONE CANYON ROAD  
LOS ANGELES CA 90077  
DISTRICT MAP: 12B133  
BLOCK: NONE

**LEGAL DESCRIPTION:**

PARCEL SHOWN TO BE PARCEL MAP NUMBER 2001-3008 AS RECORDED  
IN PARCEL MAP BOOK 368 AT PAGES 44 AND 45 OF OFFICIAL RECORDS  
OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA .



FLOOR PLAN  
SCALE: 1/8" = 1'-0"



This exhibit demonstrates how much equipment space is needed to house the air conditioning / heating systems for a 19,000 square foot luxury home. The evaluation for this project is based on our design experience that includes some of the largest residential projects in Southern California.

This includes a familiarity with different systems that vary from lite-duty residential systems (furnace / condenser combinations and gas/electric roof-top systems)) to commercial 4-pipe chiller systems and geothermal water-source heat pumps. A trend we've pioneered here in Los Angeles is the use of heavy-duty Japanese VRV (variable refrigerant volume) systems to condition these luxury homes.

Our analysis will be based on the HVAC system that most likely needs the most vertical height. Here is our system breakdown:

- a) **Rooftop packaged gas/electric units:** We can safely say, based on our experience that this client probably does not want large mechanical equipment on the roof. It would be almost impossible to totally silence these units, difficult to hide them and equipment on the roof would mean service access at the 2<sup>nd</sup> Floor level.
- b) **Commercial 4-pipe chiller systems and geothermal water-source heat pumps.** These systems are very expensive to design, install and maintain. They are built to condition a large commercial building. The installers are union shops and the maintenance contracts run in the thousands per year. We have more flexibility to mold our system around the client's needs, but the complexity and high cost is not worth it. It would be extremely unlikely for this system to be installed on any project under 50,000 square feet.
- c) **Mitsubishi City-Multi and Daikin VRV-III Heat Recovery systems:** These 21<sup>st</sup> Century HVAC systems are known as the "chiller-killers" here in North America. They've been in use in Asia and Europe for over 20 years and are now just starting to make an impact here in North America. These advanced systems utilize computer-controlled inverter compressors that continuously adjust the system's power usage to match the client's thermostat settings and are tailor made for large buildings that are replacing chillers and perfect for these large estates. We can connect up to 64 fan-coils to (1) outdoor condenser and each can operate

independently. The only setback is the HVAC installation cost doubles and these large systems need 3-phase power

- d) **Furnace / Condenser split-systems:** These systems are light-residential models and are still the most commonly used in homes of all sizes. They cost the least, are relatively easy to install, easy to maintain and there's no need for a large union shop to install them. The biggest downside is that for each HVAC zone we need a furnace/condenser and for a house of this size, it's hard to find real estate for 12 outdoor condensers. It's also no secret to the engineers / installers that the indoor furnaces with the connected coil, filter, plenums and vent pipes are by far the most bulky, cumbersome and need more space than any other of the indoor models. Based on that, I'll base my analysis for space requirements on this system.

**Required Tonnage:** The total square footage of this project is 32,000 square feet, but the 13,000 square foot Basement is not part of this study. This is a subterranean parking structure that requires ventilation, but by code is not habitable conditioned space.

Our estimation for the required tonnage and number of systems is as follows:

**1st Floor:** 9800 square feet / 350 sqft/ton=28 tons of air conditioning.

**2<sup>nd</sup> Floor:** 9600 square feet/400 sqft/ton=24 tons to air conditioning.

**Total:** 52 tons of air conditioning

**1<sup>st</sup> Floor estimated number of zones/systems:** 7 split-systems (average size of a/c per/zone: 4 tons

**2<sup>nd</sup> Floor estimated number of zones/systems:** 5 split-systems (average size of a/c per zone: 4 tons

**Furnace locations:** The 1<sup>st</sup> floor a/c systems, which are typically in the basement, can be co-located with the 2<sup>nd</sup> floor a/c systems within the basement. This option requires dedicated shafts that connect the Basement to the 2<sup>nd</sup> Floor attic.

Attached (exhibit C) is the specification of a York 98% efficiency gas-fired furnace and is closely related to the other manufacturer's furnaces. The 2010 CMC requires 30" on the electrical side of the system for access, but references the manufacturer's physical data to provide enough height to properly service and remove the furnace if necessary. If installed horizontally, the height of this unit is only 21" and if it's within 10 feet of sink, the unit only needs an additional

3" for the condensate drain slope. We always hang the furnace from the roof joist using 1/8" rods with spring isolators; this adds about 12" on average. This all adds up to a vertical space requirement of only 36" for these furnaces.

**Condenser Locations:** These condensers are 39.5" in height, require a 6" platform and if installed on the roof usually sit on 5" Mason spring isolators. This adds up to a 50.5" added height. As I mentioned in item A, it's rare to see 13 condensers all located on the roof because there is no way to totally silence them or hide them from view. These units would most likely be installed in the backyard.

**Duct sizes/types:** A 4-ton system in an attic will have most likely have (3) 12" supply ducts and (1) 18" return duct. In the attic flexible ducts are usually specified because of low cost, ease of installation and sound absorption qualities. The ducts that supply the 1<sup>st</sup> floor would most likely be in the parking Garage and are made of 24 gage sheet metal that is usually rectangular in nature and has an average height of 10".

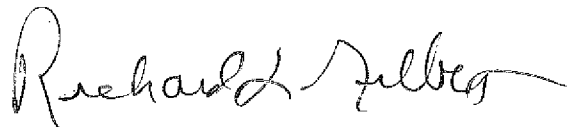
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Chief Executive Officer







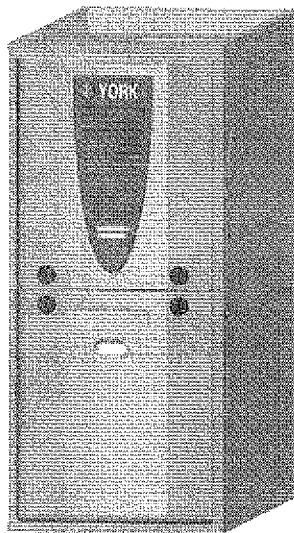
Heating and Air Conditioning

## TECHNICAL GUIDE

**UP TO 98%  
MODULATING (ECM MOTOR)  
GAS-FIRED RESIDENTIAL  
MULTI-POSITION GAS FURNACES**

**MODELS: YP9C**

**NATURAL GAS  
60 - 120 MBH INPUT**



Due to continuous product improvement, specifications are subject to change without notice.

Visit us on the web at [www.york.com](http://www.york.com) for the most up-to-date technical information.

Additional efficiency rating information can be found at [www.gamanet.org](http://www.gamanet.org).

## DESCRIPTION

These compact units employ induced combustion, reliable hot surface ignition and high heat transfer aluminized tubular heat exchangers. The units are factory shipped for installation in upflow or horizontal applications and may be converted for downflow applications.

These furnaces are designed for residential installation in a basement, closet, alcove, attic, recreation room or garage and are also ideal for commercial applications. All units are factory assembled, wired and tested to assure safe dependable and economical installation and operation.

These units are Category IV listed and may be vented either through side wall or roof applications using approved plastic combustion air and vent piping.

## WARRANTY

Lifetime limited warranty on both heat exchangers to the original purchaser; a 20-year limited warranty from original installation date to subsequent purchaser.

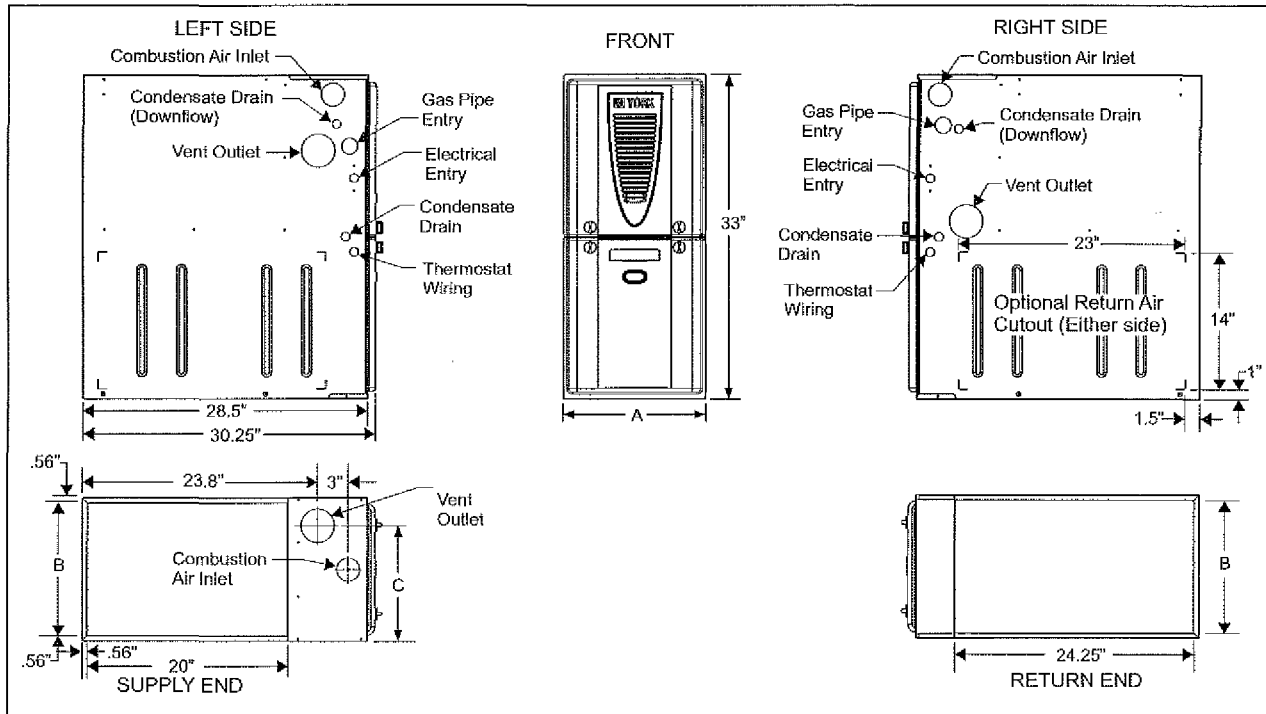
10-year warranty on the heat exchanger in commercial applications.

5-year limited parts warranty.

## FEATURES

- Modulating heating operation includes:
  - Modulating gas valve, inducer and circulating blower
  - Modulating operation from 100% input to 35% input in 1% increments
- Easily applied in upflow, horizontal left or right, or downflow installation with minimal conversion necessary.
- Compact, easy to install, ideal height 33" tall cabinet.
- ECM variable speed motor for cooling SEER enhancement and continuous fan options for IAQ performance.
- Easy access to controls to connect power/control wiring.
- Built-in, high level self diagnostics with fault code display.
- Low unit amp requirement for easy replacement application.
- All models are convertible to use propane (LP) gas.
- Electronic Hot Surface Ignition saves fuel cost with increased dependability and reliability.
- 100% shut off main gas valve for extra safety.
- 24V, 40 VA control transformer and blower relay supplied for add-on cooling.
- Hi-tech tubular aluminized steel primary heat exchanger.
- Blower door safety switch.
- Solid removable bottom panel allows easy conversion.
- Airflow leakage less than 1% of nominal airflow for ductblaster conditions.
- No knockouts to deal with, making installation easier.
- Movable duct connector flanges for application flexibility.
- Quiet inducer operation.
- Inducer rotates for easy conversion of venting options.
- Fully supported blower assembly for easy access and removal of blower.
- External air filters used for maximum flexibility in meeting customers IAQ needs.
- Venting applications - may be installed as a common vent with other gas-fired appliances.
- Insulated blower compartment for quiet operation.
- 1/4 turn knobs provided for easy door removal.

**FOR DISTRIBUTION USE ONLY - NOT TO BE USED AT POINT OF RETAIL SALE**



**Cabinet and Duct Dimensions**

Models	Nominal CFM (m <sup>3</sup> /min)	Cabinet Size	Cabinet Dimensions (Inches)			Approximate Operating Weights
			A	B	C	Lbs
YP9C060B12MP11	1200	B	17 1/2	16 3/8	13 1/4	122
YP9C080B12MP11	1200	B	17 1/2	16 3/8	14 3/4	126
YP9C080C16MP11	1600	C	21	19 7/8	16 1/2	136
YP9C100C16MP11	1600	C	21	19 7/8	18 1/4	142
YP9C100C20MP11	2000	C	21	19 7/8	18 1/4	145
YP9C120D20MP11	2000	D	24 1/2	23 3/8	21 3/4	156

**Ratings & Physical / Electrical Data**

Models	Input Max/Min	Output Max/Min	Nominal Airflow	Total Unit Amps	AFUE %	Air Temp. Rise Max Input	Air Temp. Rise Min Input	Max Over-Current Protect	Min. wire Size (awg) @ 75 ft one way	Max. Outlet Air Temp
	MBH	MBH				CFM	°F			°F
YP9C060B12MP11	60/21	58/20	1200	7.0	97.5	40-70	20-50	15	14	170
YP9C080B12MP11	80/28	77/27	1200	7.5	97.5	45-75	25-55	15	14	175
YP9C080C16MP11	80/28	77/27	1600	10.0	97.7	45-75	25-55	15	14	175
YP9C100C16MP11	100/35	97/34	1600	10.0	97.7	45-75	25-55	15	14	175
YP9C100C20MP11	100/35	97/34	2000	12.0	97.7	50-80	30-60	20	12	180
YP9C120D20MP11	120/42	116/40	2000	12.0	98.0	50-80	30-60	20	12	180

Annual Fuel Utilization Efficiency (AFUE) numbers are determined in accordance with DOE Test procedures. Wire size and over current protection must comply with the National Electrical Code (NFPA-70-latest edition) and all local codes.

## FILTER PERFORMANCE

The airflow capacity data published in the "Blower Performance" table represents blower performance WITHOUT filters.

All applications of these furnaces require the use of field installed air filters. All filter media and mounting hardware or provisions must be field installed external to the furnace cabinet. DO NOT attempt to install any filters inside the furnace.

**NOTE:** Single side return above 1800 CFM is approved as long as the filter velocity does not exceed filter manufacturer's recommendation and a transition is used to allow use of a 20 x 25 filter.

### Recommended Filter Sizes

CFM	Cabinet Size	Side (in)	Bottom (in)
1200	B	16 x 25	16 x 25
1600	C	16 x 25	20 x 25
2000	D	(2) 16 x 25	22 x 25

#### NOTES:

- Air velocity through throwaway type filters may not exceed 300 feet per minute (91.4 m/min). All velocities over this require the use of high velocity filters.
- Do not exceed 1800 CFM using a single side return and a 16x25 filter. For CFM greater than 1800, you may use two side returns or one side and the bottom or one return with a transition to allow use of a 20x25 filter.

### Unit Clearances to Combustibles

Application	Upflow	Downflow	Horizontal
Top	1"	0"	0"
Vent	0"	0"	0"
Rear	0"	0"	0"
Side	0"	0"	1"
Front <sup>1</sup>	0"	0"	0"
Floor	Combustible	Combustible <sup>2</sup>	Combustible
Closet	Yes	Yes	Yes
Line Contact	No	No	Yes

- Line contact only permitted between lines formed by the intersection of the rear panel and side panel (top in horizontal position) of the furnace jacket and building joists, studs or framing.
- For combustible floors only when used with special sub-base. All furnaces approved for alcove and attic installation.

## ACCESSORIES

### PROPANE (LP) CONVERSION KIT -

1NP0680 - All Models

This accessory conversion kit may be used to convert natural gas (N) units for propane (LP) operation.

### CONCENTRIC VENT TERMINATION -

S1-1CT0302 (2")

S1-1CT0303 (3")

For use through rooftop, sidewall. Allows combustion air to enter and exhaust to exit through single common hole. Eliminates unsightly elbows for a cleaner installation.

### SIDEWALL VENT TERMINATION KIT -

S1-1HT0901 (3")

S1-1HT0902 (2")

For use on sidewall, two-pipe installations only. Provide a more attractive termination for locations where the terminal is visible on the side of the home.

### CONDENSATE NEUTRALIZER KIT - 1NK0301

Neutralizer cartridge has a 1/2" plastic tube fittings for installation in the drain line. Calcium carbonate refill media is also available from the Source 1 Parts (p/n 026-30228-000).

### SIDE RETURN FILTER RACKS -

1SR0200 - All Models

1SR0402 - All Models

1SF0101 - All Models

### BOTTOM RETURN FILTER RACKS -

1BR0517 or 1BR0617 - For 17-1/2" cabinets

1BR0521 or 1BR0621 - For 21" cabinets

1BR0524 or 1BR0624 - For 24-1/2" cabinets

1BR05xx series are galvanized steel filter racks. 1BR06xx are pre-painted steel filter racks to match the appearance of the furnace cabinet.

### COMBUSTIBLE FLOOR BASE KIT -

For installation of these furnaces in downflow applications directly onto combustible flooring material, These kits are required to prevent potential overheating situations. These kits are also required in any applications where the furnace is installed in a downflow configuration without an evaporator coil, where the combustible floor base kit provides access for combustible airflow.

1CB0517 - For 17-1/2" cabinets

1CB0521 - For 21" cabinets

1CB0524 - For 24-1/2" cabinets

### EAC TRANSITION KITS -

For installation of EAC accessories with these furnaces to provide easy transition of return airflow through the EAC to get the proper sealing and reduced airflow leakage.

1TK1001 - For all models using side return

1TK1017 - For 17-1/2" cabinets using bottom return

1TK1021 - For 21" cabinets using bottom return

1TK1024 - For 24-1/2" cabinets using bottom return

**HIGH ALTITUDE** - No high altitude kits are required.

**ROOM THERMOSTATS** - A wide selection of compatible thermostats are available to provide optimum performance and features for any installation.

1H/1C, manual change-over electronic non-programmable thermostat.

1H/1C, auto/manual changeover, electronic programmable, deluxe 7-day, thermostat.

1H/1C, auto/manual changeover, electronic programmable.

\* For the most current accessory information, refer to the price book or consult factory.

**Blower Performance CFM - Any Position**

High / Low Speed Cooling CFM					
060A12		080B12		Jumper Settings	
Hi Cool	Lo Cool	Hi Cool	Lo Cool	COOL Jumper	ADJ Jumper
1305	850	1290	840	A	B
1100	715	1090	710	B	B
1065	690	1015	660	A	A
1000	650	1000	650	B	A
960	625	960	625	A	C
760	495	760	495	C	B
900	585	900	585	B	C
660	430	660	430	D	B
690	450	680	445	C	A
600	400	600	400	D	A
620	400	620	400	C	C
550	400	540	400	D	C
High / Low Speed Cooling CFM					
080C16		100C16		Jumper Settings	
Hi Cool	Lo Cool	Hi Cool	Lo Cool	COOL Jumper	ADJ Jumper
1670	1085	1655	1075	A	B
1295	840	1275	820	B	B
1385	900	1345	875	A	A
1175	765	1160	755	B	A
1245	810	1210	785	A	C
995	645	1000	650	C	B
1055	685	1045	680	B	C
935	605	955	620	D	B
905	590	910	590	C	A
850	550	870	565	D	A
815	530	815	530	C	C
765	500	785	510	D	C
High / Low Speed Cooling CFM					
100C20		120C20		Jumper Settings	
Hi Cool	Lo Cool	Hi Cool	Lo Cool	COOL Jumper	ADJ Jumper
2215	1440	2180	1415	A	B
1765	1145	1760	1140	B	B
1820	1180	1800	1170	A	A
1605	1040	1595	1035	B	A
1635	1060	1620	1050	A	C
1270	825	1255	815	C	B
1445	940	1435	935	B	C
1055	685	1050	680	D	B
1155	750	1160	755	C	A
960	620	960	615	D	A
1040	675	1035	670	C	C
860	560	840	545	D	C

All CFM's are shown at 0.5" w.c. external static pressure. These units have variable speed motors that automatically adjust to provide constant CFM from 0.0" to 0.6" w.c. static pressure. From 0.6" to 1.0" static pressure, CFM is reduced by 2% per 0.1" increase in static. Operation on duct systems with greater than 1.0" w.c. external static pressure is not recommended.

**NOTE:** At some settings, LOW COOL airflow may be lower than what is required to operate an airflow switch on certain models of electronic air cleaners. Consult the instructions for the electronic air cleaner for further details.