

**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".

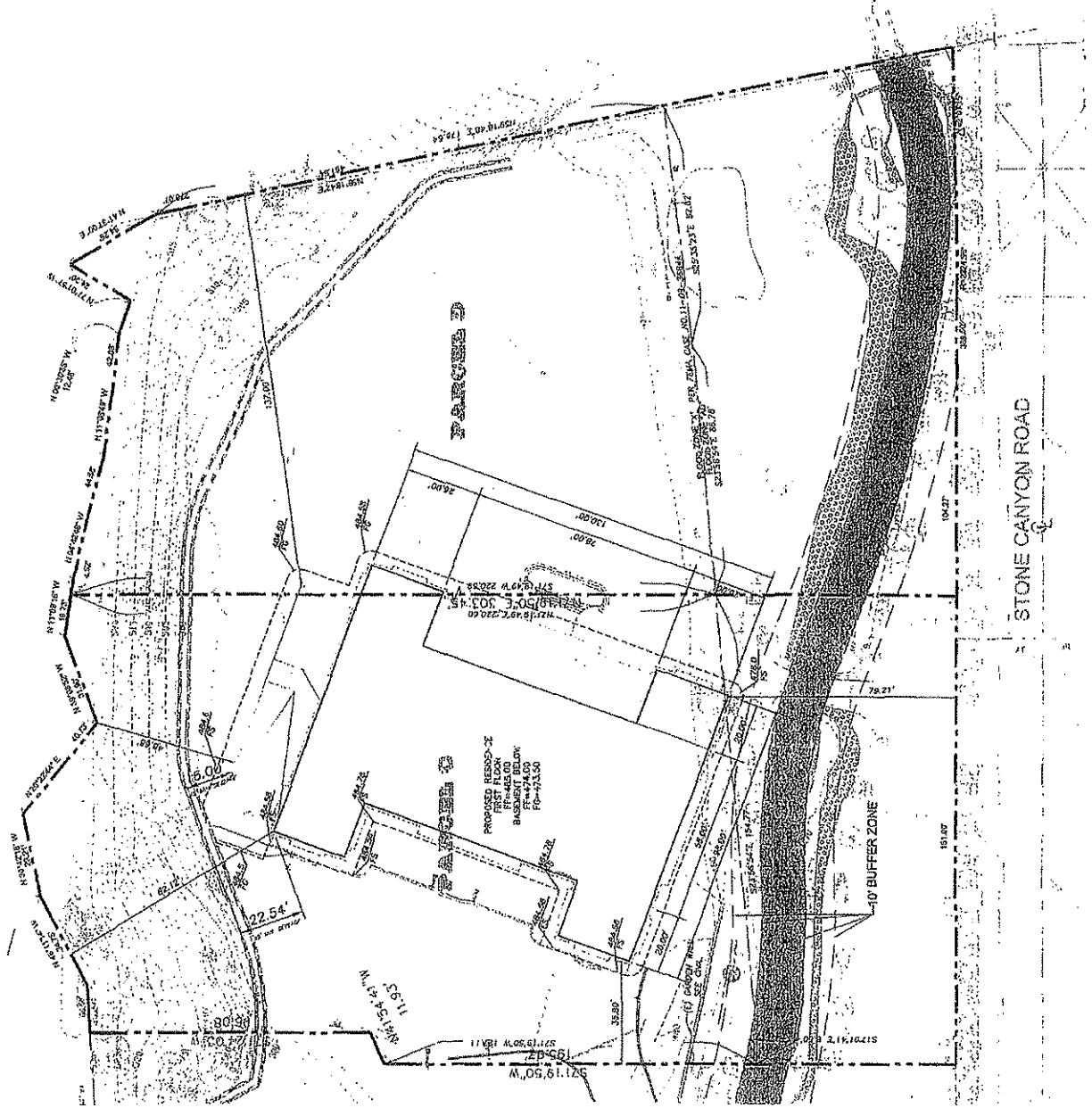
Sincerely,



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

Attachments:

**EXHIBIT "A"**



**PROJECT DATA**  
 OWNER: FAMILY DETACHED  
 TYPE: V-9  
 OCCUPANCY: P-3 (DUALS)  
 NUMBER OF STORIES: 2 STORIES W/ BASEMENT

**ZONING ANALYSIS**  
 ZONING: V-9  
 MAX. ALLOW. HEIGHT: 35 FEET  
 SETBACK: FRONT: 15 FEET  
 SIDE: 12 FEET  
 REAR: 10 FEET

**BUILDING**  
 MAX. ALLOW. HEIGHT: 20 FEET (INCREASED BY 20 FEET)  
 EQUIPPED WITH AUTOMATIC SPRINKLER SYSTEM

**\*NATURAL GRADE = LOWEST GRADE FIVE FEET AWAY FROM THE BLDG = 476.8 FT.**  
**\*FINISH GRADE = AVERAGE GRADE FIVE FEET AWAY FROM THE BLDG**  
 = (484.78 FT + 494.58 FT + 484.88 FT + 470.00 FT) ÷ 4  
 = 484.56 + 466.88 + 484.50 + 484.50  
 = 484.59 + 484.56 + 484.78/11  
 = 485.11 FT.

**LEGAL / ASSessor INFO**  
 SALES SQUARE FEET (218,408)  
 PARCEL ADDRESS: 244 N. STONE CANYON ROAD  
 LOS ANGELES CA 90077  
 TRACT MAP: NONE  
 BLOCK: NONE

**LEGAL DESCRIPTION:**  
 PARTS C AND D OF PARCEL MAP NUMBER 2000-3989 AS RECORDED IN PARCEL MAP NO. 200741 SETS AT THE OFFICE OF OFFICIAL RECORDS OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA.

**AREA CALCULATION**  
 LOT COVERAGE: 11,180 S.F. = 12.2  
 91,697 S.F.

**PROPOSED AREA**  
 121,360 S.F.  
 BASEMENT: 9,820 S.F. (1,500 S.F. (PART))  
 FIRST FLOOR: 9,030 S.F. (250 S.F. (BALCONIES))  
 SECOND FLOOR: 9,030 S.F. (250 S.F. (BALCONIES))  
 TOTAL HABITABLE: 18,850 S.F. (1786.0 S.F. = 20.78 S.F.)

**LEGEND**  
 PROPERTY LINE  
 EXISTING GRADE  
 PROPOSED GRADE  
 DRIVE ASLE SIDEWALK  
 REINFORCING WALL EXISTING  
 EXISTING CURB  
 EXISTING DRAIN FLOW  
 LOT LINE



**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 Mitigatn	Cleared	11/02/2011	AMMAR ELTAWIL
ZA Case	Cleared	11/10/2011	DARYLL MACKKEY
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  
889 PEIRCE CT SUITE 101  
THOUSAND OAKS, CA 91360

**Engineer Information**

Miller, Karen Lynn; Lic. No.: GE2257  
5364 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 180 days from the date the permit fees are paid.
- Visit <http://www.permitsofca.com/index.cfm> to check the status of the set of plans by entering the 15 digit Permit Number. "Permitted" status means the permit fees have been paid.
- No inspection can be scheduled until the permit fees are paid.

BY: CHUCK WIK

Permit No: 10030

Application No:

DATE: 2/21/12

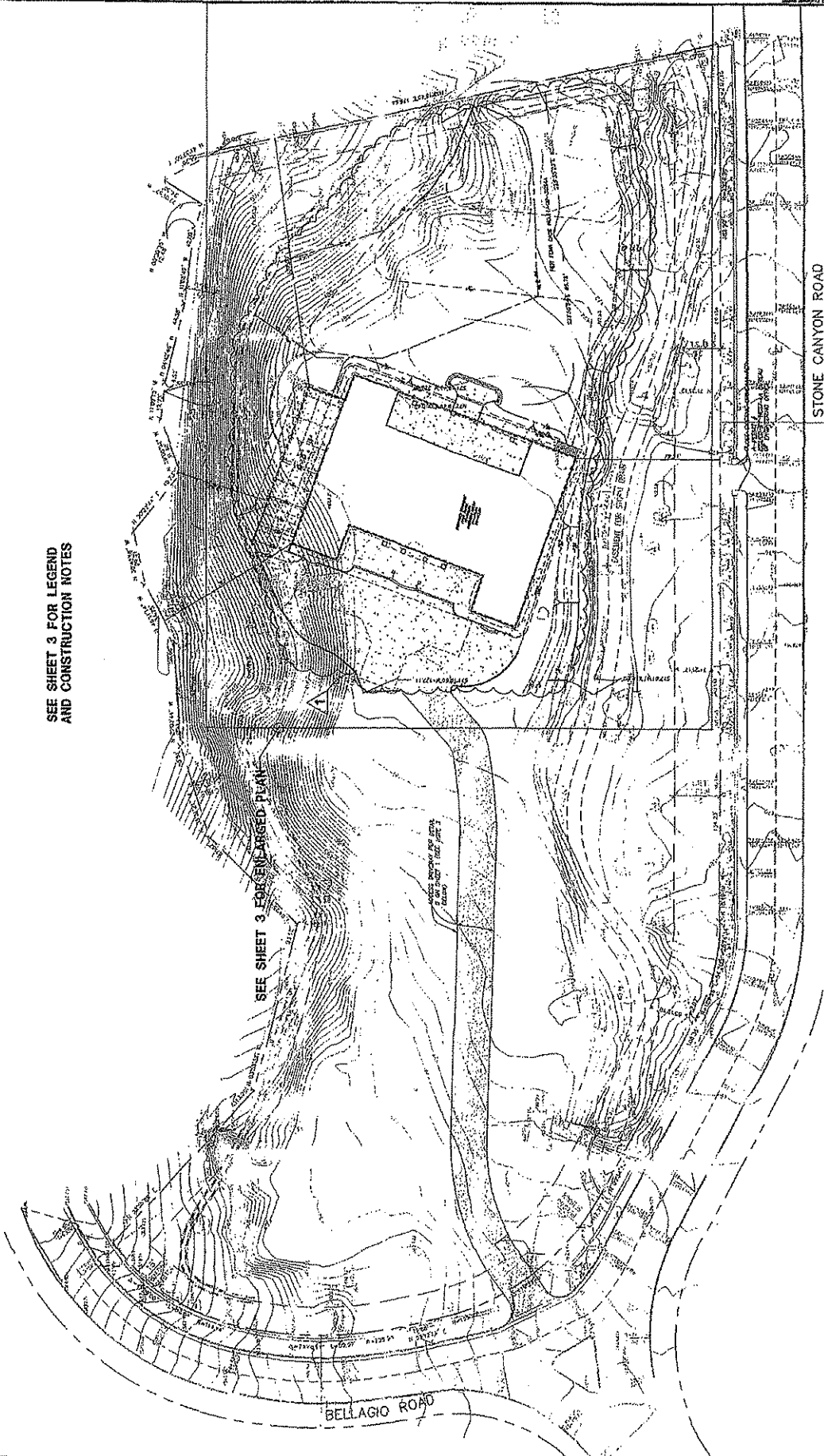
10030

10030

- This set of plans is not approval for construction.
- It is unlawful to alter, change, or add to these plans.
- The stamping of this plan set is not valid to hold a 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 ENLARGED PLAN



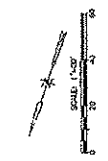
STONE CANYON ROAD

BELLAGIO ROAD



Charles Company, Inc.  
Professional Engineers  
280 N. BEL AIR, CA. 90710

NOTES:  
1. THE ENGINEERING PROFESSIONAL ENGINEER HAS REVIEWED THE PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF LOS ANGELES.  
2. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE PROJECT.  
3. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE PROJECT.  
4. THE ENGINEER HAS NOT CONDUCTED A VISUAL SURVEY OF THE PROJECT.



UNIVERSITY SERVICE, ALEX...  
CALL FOR MORE  
1-800-368-3633  
THE UNIVERSITY SERVICE GROUP, INC.

OVERALL SITE PLAN  
CHARLES COMPANY, INC.  
280 N. BEL AIR, CA. 90710

6370

CITY OF LOS ANGELES

PROJECT NO.	DATE	SCALE

ENGINEER

PROJECT NO.

DATE

SCALE

DATE

