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PLEASE REFER TO FILE NO:

#11834.01

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 90012

**Re: COUNCIL FILE 13-0804 -- REQUEST TO DENY PROJECT APPEAL --  
ZA 2012-1395-ZV-ZAA-1A**

Dear Honorable Councilmembers:

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").

Statements in the Project Summary provided by the applicant's attorney, Mr. Gaines, in his letter to Charlie Rausch dated January 8, 2013 are factually inaccurate and misleading. (For convenience, I will refer to statements in Mr. Gaines's January 8, 2013 letter to Mr. Rausch as being statements by the applicant.)

The applicant asserts that the height limit permitted by the Zoning Code is 36 feet, and that the project is subject to the Hillside Ordinance. This is not correct. Under LAMC Subsection 12.26 A.3 and other applicable law, if the height variance is granted or if any current construction exceeds LAMC requirements the project must comply with all current zoning, and development rules, regulations, ordinances and adopted policies of the City of Los Angeles, including the Baseline Hillside Ordinance,

As you know, for a zone variance to be granted, all five of the required findings must be made. None of the five findings can be made in this case.

- (i) 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 -- from the natural or finished grade, 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 was well aware of the natural grade of the property when it purchased it 11 years after the applicable height measurement procedure was adopted, and it was also aware of the natural grade when it performed massive grading of the property. The applicant could have chosen to maintain the natural grade of the property, it could have chosen a different location for its house, or it could have designed its house to fit within the established height limit for the subject property. 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. This required zone variance finding cannot be made.

- (ii) 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, for these and other reasons the subject property does not have special circumstances that other local properties in the same zone and vicinity do not possess, and this required zone variance finding cannot be made.

- (iii) 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.**

The applicant is requesting a large height variance -- 20 feet (67% greater than the 30-foot height limit under the Baseline Hillside Ordinance for a flat roofed house), or 14 feet (39% greater than a 36-foot height for a sloped roof under the Baseline Hillside Ordinance). Such increased height limits are not compatible with development in the vicinity.

The applicant cites six zone variance cases as precedents for its request, but they are not controlling. First, those cases cannot override the findings that must be made solely on the facts applicable to this property. Second, the six zone variance cases cited by the applicant are either not in the vicinity of, and/or not in the same zone as, the subject property, or the site is not similar to the subject property as to size, shape, topography, surroundings and other factors.

- 540 Crestline -- Los Angeles Planning Department Case Tracking Information webpage downloaded by the undersigned attached as Exhibit A.
- 255 Mabery (incorrectly given by the applicant as "Mayberry") -- Letter of Determination attached as Exhibit B.
- 480 Bel Air Road -- Letter of Determination attached as Exhibit C.
- 457 Bel Air Road -- Letter of Determination attached as Exhibit D.
- 642 N. Siena Way -- Letter of Determination attached as Exhibit E.
- 620 N. Stone Canyon Road -- Letter of Determination attached as Exhibit F.

- (iv) 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 G 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 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.

Also, the granting of the requested variance would set a detrimental precedent.

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.

**(v) The granting of the variance WILL adversely affect ELEMENTS of the General Plan.**

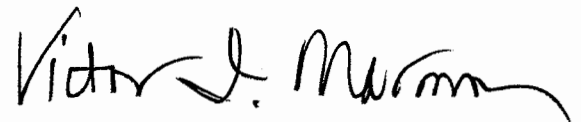
The structure currently under construction (without the increased height from the variance) already imposes its presence over the surrounding community. Future indigenous landscaping (required by parcel map conditions) will not block this structure, or an even larger structure from view. The existing 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. This required finding for a height variance cannot be made.

The requested variance also cannot be granted because the project under which the West Los Angeles Area Planning Commission adopted an environmental clearance has changed. 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". A mitigation measure must be added to provide corrective measures. Further, an EIR is required 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.

Finally, the applicant has not been prevented from building its already massive house. See Exhibit H attached for copies of the building permits for the house obtained by the undersigned from the LADBS Custodian of Records and copies of the Property Activity Reports applicable to those permits.

Very truly yours,



Victor I. Marmon

VIM:el

Attachments

**EXHIBIT "A"**



Search: ZA-1989-1250-YV

Go

Search Help

Summary

Details

Scanned Documents

### Case Information Summary Sheet

<b>Case Number:</b>	<b>ZA-1989-1250-YV</b>
<b>Primary Address:</b>	540 CRESTLINE DR
<b>Primary Zone:</b>	Data Not Available
<b>Planning Area:</b>	Data Not Available
<b>Council District(s):</b>	Data Not Available
<b>Certified Neighborhood Council (CNC):</b>	Data Not Available
<b>Area Planning Commission (APC):</b>	Data Not Available
<b>Historic Preservation Overlay Zone:</b>	Data Not Available
<b>Historic Cultural Monument:</b>	Data Not Available
<b>Project Description:</b>	TO PERMIT A MAXIMUM HEIGHT OF APPROXIMATELY 52-54 FEET WITHIN THE PERMITTED 57 FOOT HEIGHT ENVELOPE FOR A SINGLE-FAMILY DWELLING IN THE RA-1 ZONE.
<b>Total Project Area:</b>	Data Not Available
<b>Required Action:</b>	Not Known
<b>Client Contact Name:</b>	Data Not Available
<b>Client Contact Phone:</b>	Data Not Available

[LA City Home Page](#) | [City Planning Home Page](#) | [Case Tracking Information Home](#)

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**EXHIBIT "B"**



# CITY OF LOS ANGELES

CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

ROBERT JANOVICI  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

DANIEL GREEN

ALBERT LANDINI

WILLIAM LILLENBERG

JOHN J. PARKER, JR.

JON PERICA

HORACE E. TRAMEL, JR.

DEPARTMENT OF  
CITY PLANNING  
CON HOWE  
DIRECTOR

FRANKLIN P. EBERHARD  
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OFFICE OF  
ZONING ADMINISTRATION  
221 NORTH FIGUEROA STREET  
ROOM 1500  
LOS ANGELES, CA 90012-2601  
(213) 580-5495  
FAX: (213) 580-5569

December 28, 1995

John and Helen Hill (A)  
255 Mabery Road  
Los Angeles, CA 90402

Victoria Pakshong (R)  
13146 Warren Avenue  
Los Angeles, CA 90066

Department of Building and Safety

CASE NO. ZA 95-0790(YV)  
YARD VARIANCE  
255 Mabery Road  
Brentwood-Pacific Palisades  
Planning Area  
Zone : R1-1  
D. M.: 123B129  
C. D.: 11  
CEQA : CE 95-0835  
Fish & Game: Exempt  
Legal Description: Lot No. 31,  
Tract No. 1719

Pursuant to Los Angeles Municipal Code Section 12.27-B,1 and Charter Section 98, I hereby APPROVE:

a variance from Section 12.21-A(a) of the Municipal Code, to permit the construction, use and maintenance of a 900 square-foot two-story addition to an existing single-family residence observing a height of 45 feet in lieu of the required 36-foot height limit, also a variance from Section 12.21-A(a) of the Municipal Code to observe reduced side yard setbacks ranging from 3.5 feet to 6 feet on the easterly and westerly side yards in lieu of the required 8-foot side yard setbacks for a 900 square-foot two-story addition to an existing single-family residence,

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 within 24 hours of its occurrence.

#### 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 one year 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. A Zoning Administrator may extend the termination date for two consecutive additional periods not to exceed one year each, prior to the termination date of each period, if a written request is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

#### 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 that you advise them regarding the conditions of this grant.

#### VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.27-K,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 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 JANUARY 15, 1996, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. 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 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. SUCH OFFICES ARE LOCATED AT:

Los Angeles City Hall  
200 North Spring Street  
Room 460, Counter S  
Los Angeles, CA 90012  
(213) 485-7826

6251 Van Nuys Boulevard  
First Floor  
Van Nuys, CA 91401  
(818) 756-8596

#### 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 December 14, 1995, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that practical difficulties, unnecessary hardships or results inconsistent with the general purpose of the zoning regulations would result from a strict enforcement thereof, and that the five requirements and prerequisites for granting a variance as enumerated in Section 98 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

#### BACKGROUND

The subject property is a sloping, rectangular-shaped, interior (adjacent to a 10-foot walkway record lot, having a frontage of approximately 45 feet on the west side of Mabery Road and an approximate depth of 134. The property features a downslope from Mabery Road to the rear property line. The subject site is developed with one-story over basement single-family residence.

Surrounding properties are within the R1 Zone and are characterized by hillside topography and narrow streets. The surrounding properties are developed with one- and two-story single-family dwellings.

Mabery Road, adjoining the subject property to the south, is a local street dedicated to a width of 40 feet and improved with curb, gutter, and sidewalk.

A 10-foot wide walkway of steps adjoins the subject property to the west and gives pedestrian access to Entrada Drive.

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

**Subject Property:**

There are no relevant ZA or CPC cases on the subject property.

**Surrounding Properties:**

Case No. ZA 94-0050(F) - On July 8, 1994, the Zoning Administrator approved a variance at 237 Mabery Road to permit the continued use and maintenance of a 6-foot block wall along the front property line.

Case No. ZA 90-1144(F) - On February 7, 1991, the Zoning Administrator approved a variance at 338 Entrada Drive to permit a 6 feet 5 inches in height fence and gate in front yard setback area.

The subject property is a single-family Spanish style residence on Mabery Road in Santa Monica Canyon. The residence appears to be one-story from the street. However the lot features a steep downslope and the residence is two stories over basement at the rear. The applicant explained the history of the residence. The subject property, was one of the early Spanish Colonial Revival homes in its neighborhood. Built in 1939, this house was designed as a beach house. On the exterior, it was sensitively designed in the Mediterranean style, sharing this charming style with many of its neighbors. On the interior, the house had limited flow and usage, another deliberate architectural decision, appropriate to the planned use in 1939.

When constructed in 1939 as a beach community property, the house was to be shared by several related families, on holidays or weekends at the beach. Given those intentions, the interior house well meets those original expectations. That is to say, it contains small, isolated bedrooms, one common room and a small, shoehorned kitchen -- all built on one-story, slightly below street level. Inside, there is no area which one could consider an "eating area" or "dining room/area," simply because that was apparently not important to the builders. In fact the same owners had previously built, in 1924, an abutting two-story house, at 259-261 Mabery, a house which they divided up into at least five different living units, each isolated from the other. The applicants' house 255 Mabery was built to provide for the spill-over from that neighboring house.

The applicant's application explains that the residence suffered chimney damage in the earthquake. There are two alternatives to restore the residence and maintain the original character and charm and update it internally to 1990s standards or demolish the residence. The applicant would prefer to undertake the former since in 1991 the extensive work was conducted in the basement using all necessary permits and first rate

construction materials, specifically in keeping with the 1939 style of the residence. Long neglected termite damaged walls were removed, sheer walls were installed and tied into the footings and foundations. Throughout, extensive new wiring was run and an up-to-date electrical service relocated and installed (to replace the existing 30 amp. service).

A drawing showing the elevation of the residence from Mabery Road is attached to the file. Staff has requested a second drawing illustrating the elevation of the proposed addition in relation to the adjacent properties. The architect for the project brought the drawing to the public hearing.

### FINDINGS

In order for a variance to be granted, all five of the mandated findings delineated in City Charter Section 98 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 result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant proposes to expand the living area of the existing two apartment units from one bedroom to two bedrooms on the property and is limited due to existing layout of the house on the property and rear yard existing layout unless the existing house is torn down at great cost and rebuilt observing only a 5-foot front yard in order to avoid this variance. The most feasible location for the addition will be to extend it to a third story above the current roof into the side lot line areas which will require this granting of a height and yard variance for a reduced side yard setback.

The side setbacks and height limitations of the existing structure dictate the need for a variance. It would be possible on this building site to abide by the "Revised Hillside Ordinance," but this would require total demolition of the existing structure. Therefore major practical difficulties are caused by the fact that the home was built many years ago. It appears that earlier building codes might have afforded the opportunity to construct a second story just as have many of the neighboring houses.

Strict application of the height limitations of the "Revised Hillside Ordinance" would create practical difficulties and hardships. Because the allowable 36 feet is measured from a 5-foot mark down slope on the hillside, it dictates that 1 additional foot above the ridge line is allowable. Effectively that allows for a partial addition above the existing flat roof. If a 9 feet height variance, that will allow for a second story by adding that to captured vertical space presently available and allowable. Thus the building will continue to present a relatively low profile because it is still set far back from the street, unlike many of its two-story neighbors.

Practical difficulties would result and major hardships would be suffered by the applicant if it is necessary to demolish the dwelling,

move closer to the street, reduce the Front Yard Setback, and construct a new house in order to conform to the Hillside zoning ordinances. Not only would this be a major hardship on the owners, but also the impact on the community would be far greater and far more negative. Construction would last for perhaps an entire year, rather than a few months. And, the end product the applicant and staff would most likely be less appealing. On a site visit it was apparent that the applicant had carried out the 1991 remodel to the residence in a sensitive manner matching up old Spanish style windows, etc.

2. **There are 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 lot in question is special because it is a sloping parcel where other lots across the street are level. In order to build the proposed addition in the most practical location, a variance will be needed. If the existing house and other rear yard development was not so limiting on locating the new addition, this property might more easily accommodate this project by right.

The subject property is a hillside residence on a substandard street, therefore, the current allowable minimum front setback is 5 feet. The proposed addition would cover only a portion of the existing structure. Therefore, the proposed second floor addition will be set back from the street 41 feet, 9 inches. The proposed addition is well within current ordinances regarding front yard setbacks. Indeed, the proposed setback is perhaps more sensitive than other like uses in the neighborhood, both past and more recent. The proposed front setback certainly conforms to like neighborhood uses and is intended to minimize the visual impact.

3. **Such 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 such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The City has previously granted other reduced yard requests for additions to residential properties and modest height increases (a 9-foot actual increase above the current roof line) where space was limited. This request is similar to past similar grants but due to special characteristics of this site, would not set a special example for other such projects because the sloping topography of this site is not a common factor for most lots in the neighborhood which have level building pads.

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

There would be no significant adverse impacts from this request given its overall modest size and the proposed location. There has been no direct opposition from adjacent neighbors to the request. All required Code parking can be provided. Fourteen neighbors support the request and one neighbor a block away raised the issue of view and need for this request.

The requested reduced side yards will not impact the neighborhood. To the west is the pedestrian public stairway that is currently cleaned and maintained by the applicant. Staff noted that it was immaculate. To the east is the residence described above that was originally constructed in 1939 by the same family. The residence was constructed to the side yard. Obviously in 1939 the family did not look to the future when the residences could be under separate ownership.

5. **The granting of the variance will not adversely affect an element of the General Plan.**

There is no direct wording in the adopted community plan which directly relates to this specific request. While there is a citywide hillside 36-foot height limit, the City does allow anyone to file a variance request to any current Code requirement such as height or yards. A house of the same proposed size could be built without a variance but would become a 36-foot "wall" only 5 feet from the street which is incompatible with the goal of the community to keep all new residential development consistent with the scale, setback and design construction of existing homes which observe attractive landscaped front yards of 20 to 30 feet of average setback.

#### ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program flood insurance rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
7. On October 6, 1995, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference CE 95-0835, for a Categorical Exemption, Class 5, Category 10, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby certify that action.
8. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



JON PERICA  
Associate Zoning Administrator

JP:lmc

cc: Councilman Marvin Braude  
Eleventh District  
Adjoining Property Owners  
County Assessor

**EXHIBIT "C"**



CITY OF LOS ANGELES  
CALIFORNIA

ROBERT JANOVICI  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

DANIEL GREEN  
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WILLIAM LILLENBERG  
JOHN J. PARKER, JR.  
JON PERICA  
HORACE E. TRAMEL, JR.



RICHARD J. RIORDAN  
MAYOR

DEPARTMENT OF  
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LOS ANGELES, CA 90012-2601  
(213) 580-5495  
FAX: (213) 580-5569

July 25, 1995

Art and Dahlia Bilger (A)  
1060 Laurel Way  
Beverly Hills, CA 90210

Roy Shacter (R)  
Sheriff and Associates  
3440 Motor Avenue  
Los Angeles, CA 90024

Department of Building and Safety

CASE NO. ZA 95-0379(YV)  
HEIGHT VARIANCE  
480 Bel Air Road  
Belair-Beverly Crest Planning Area  
Zone : RE20-1-H  
D. M.: 141B153  
C. D.: 5  
CEQA : CE 95-0430  
Fish & Game: Exempt  
Legal Description: Portion of Lots  
72 and 73, Bel Air Tract

Pursuant to Los Angeles Municipal Code Section 12.27-B,1 and Charter Section 98, I hereby APPROVE:

a variance from Section 12.21-A,17(c)(1) of the Municipal Code, to permit in an RE20 Zone and Hillside Area the construction, use and maintenance of a single-family dwelling that will observe a 52-foot maximum height only for that portion of the dwelling that is adjacent to a proposed below grade tennis court in lieu of the maximum allowed 36-foot height,

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 within 24 hours of its occurrence.
5. All areas not built upon shall be landscaped.

**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 one year 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. A Zoning Administrator may extend the termination date for two consecutive additional periods not to exceed one year each, prior to the termination date of each period, if a written request is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

**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 that you advise them regarding the conditions of this grant.

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.27-K,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 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 AUGUST 9, 1995, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. 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 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. SUCH OFFICES ARE LOCATED AT:

Los Angeles City Hall  
200 North Spring Street  
Room 460, Counter S  
Los Angeles, CA 90012  
(213) 485-7826

6251 Van Nuys Boulevard  
First Floor  
Van Nuys, CA 91401  
(818) 756-8596

#### 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 July 13, 1995, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that practical difficulties, unnecessary hardships or results inconsistent with the general purpose of the zoning regulations would result from a strict enforcement thereof, and that the five requirements and prerequisites for granting a variance as enumerated in Section 98 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

#### BACKGROUND

The subject property is a sloping, irregular-shaped, record lot, consisting of approximately 2.5 acres, having a frontage of approximately 250 feet on the east side of Bel Air Road and an approximate depth varying from 300 to 450 feet. The property features a moderate downslope from the area of the proposed residence to the area of the proposed tennis court.

A residence was demolished and the land is vacant awaiting construction.

Surrounding properties are within the RE20 Zone and are characterized by hillside topography, and narrow streets. The surrounding properties are developed with two-story estate sized single-family dwellings. The area is one of mature trees and lush vegetation. Gardens are landscaped.

Bel Air Road, adjoining the subject property to the west, is a local street dedicated to a width of 40 feet and improved with some curb.

Cuesta Way, adjoining the subject property to the east, is a local street dedicated to a width of 20 feet and improved with some curb.

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

**Subject Property:**

There are no relevant ZA or CPC cases on the subject property.

**Surrounding Properties:**

No similar or relevant cases were found on surrounding properties in the immediate neighborhood.

**FINDINGS**

In order for a variance to be granted, all five of the mandated findings delineated in City Charter Section 98 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 result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The subject site is approximately 2.5 acres on the east side of Bel Air Road. Staff met the supervising architect at the site. The architect for the project is Ricardo Legorreta of Mexico City, an architect with an international clientele. Staff was told by the supervising architect that a 14,000 square foot residence will be constructed on the site. The residence will not be over-in-height. In fact the residence in the main is at 26 feet. However, there are two small towers of 32 feet. The towers staff was told are part of Ricardo Legorreta's signature on the design.

There are beautiful old pine trees on the lot that will remain plus a large amount of lush vegetation. A landscape architect has been hired to ensure that the entire project is beautifully landscaped befitting the Legorreta residence to be constructed on the property.

To the west of the area proposed for the residence the ground falls away steeply to Bel Air Road. It is proposed to construct a tennis court in this "depressed" area. Trees in the depressed area will be preserved. By placing the tennis court in this area it will have no impact on the neighborhood. Indeed it abuts Bel Air Road where there are no homes directly visible from the street. In fact, the only visible structure is a neighbor's tennis court directly across from the proposed tennis court of the subject property (see photograph).

By sinking the tennis court to make it less obtrusive a variance becomes necessary as the court will be measured from that grade to the top of

the tower of the residence that is at 36 feet. The residence has a basement that is completely underground and is not counted in the height except that doors open from the basement level to the tennis court. The Department of Building and Safety measures from this point. Therefore, although the tennis court has been placed to be the least obtrusive a variance is necessary.

2. **There are 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 proposed site is a hillside lot of an irregular shape with a sloping terrain. The lot is larger at 2.5 acres than many other adjacent lots in the RE20 Zone. Also, the fact that the sunken tennis court is the cause of the need for the over-height variance is unusual because most tennis courts are not designed to be depressed into the ground.

3. **Such 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 such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The City has previously granted variances for minor height increases beyond the permitted height limit, but only where, as in this case, the request is limited and there is support from adjacent neighbors and the local homeowners association. All of the favorable factors exist to support this request.

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

There will be no significant problems caused by this grant. The portion of the new house which will exceed the normal height limit of 36 feet is only one wall of the house which is 38 feet in length next to the new tennis court. Without a sunken tennis court with its lowered grade to measure height from, the house would not be over-height. The one wall which is over-height is not adjacent to other homes and there are existing trees and new landscaping which would buffer the appearance from nearby neighbors.

The Bel Air Association has approved the plans for the residence and since the tennis court is 15 feet from the street, tennis court lights have been approved by the Bel Air Association. However, in recent years staff has found that no tennis court lights have been approved in Bel Air because of adverse impacts on the adjacent property owners.

It was also pointed out to staff that the tennis court is being constructed in a sloping area of the lot since that area cannot be used for any other recreational use. This leaves the remaining portion of what is a large lot to be developed with attractive landscaping.

Four letters in support of the request have been received.

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

There is no direct wording in the adopted Bel Air Community Plan which covers this particular request. The overall goal of the plan is to ensure compatible new development with the existing uses in the neighborhood. This use will fit in well with surrounding uses.

**ADDITIONAL MANDATORY FINDINGS**

6. The National Flood Insurance Program flood insurance rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
7. On May 19, 1995, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference CE 95-0430, for a Categorical Exemption, Class 5, Category 10, City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100. I hereby certify that action.
8. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

*Jon Perica*

JON PERICA  
Associate Zoning Administrator

JP:lmc

cc: Councilmember Michael Feuer  
Fifth District  
Adjoining Property Owners  
County Assessor

**EXHIBIT "D"**



# West Los Angeles Area Planning Commission

200 North Spring Street, Room 532, Los Angeles, CA 90012-4801 (213) 978-1300

Website: <http://www.lacity.org/pln/index.htm>

## DETERMINATION OF THE WEST LOS ANGELES AREA PLANNING COMMISSION

**Mailing Date:** July 11, 2003

**Case No.:** ZA 2002-5061(YV)(ZAA)(ZAD)-A1

**Location:** 457 Bel Air Road

**Council District:** 5

**Plan Area:** Bel Air-Beverly Crest

**CEQA:** ENV 2002-5062-MND

**Zone:** RE20-1-H

**District Map:** 141B153

**Legal Description:** Lots 80 and 81, Bel Air Tract

**FILE COPY**

**Applicant:** Sam Surloff, JAD Group, LLC / George Mhlsten, Michael Nytzen, Latham, & Watkins LLP (Representative)

**Appellant:** Same

At its meeting on May 21, 2003, the following action was taken by the West Los Angeles Area Planning Commission:

1. **Granted** the appeal
2. **Overtured** the action of the Zoning Administrator
3. **Granted** a **Variance**, pursuant to Charter Section 562 and L.A.M.C. 12.27, from L.A.M.C. 12.07.01-C,1, 2 and 3 and 12.21-C,1(g), 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 3-1/2 feet for fences and walls in the front yard area; and a **Variance** from L.A.M.C. 12.21-A,17(c) to 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 a **Variance** from L.A.M.C. 12.21-A,17(c) to permit the height of an accessory living quarters to be 39 feet in height in lieu of the maximum height of 36 feet; and an **Adjustment**, pursuant to L.A.M.C. 12.28-A, to permit an accessory structure (studio) to be located 39 feet 11 inches from the property line in lieu of the required 55 feet and under L.A.M.C. 12.21-C,5(b)
4. **Dismissed**, a **Variance**, pursuant to Charter Section 562 and L.A.M.C. 12.27, from L.A.M.C. 12.07.01-C,1, 2 and 3 and L.A.M.C. 12.21-C,1(g) to permit retaining walls up to 22 feet in height in lieu of the permitted 6 feet within side yards and rear yards. (This request has been withdrawn by the Applicant); and an **Adjustment**, pursuant to the provisions of L.A.M.C. 12.28-A, from L.A.M.C. 12.21-C,5(m) and ZAI 78-100 to permit the construction, use and maintenance of a tennis court to observe a 21-foot setback in lieu of the 50-foot setback required for that portion more than 6 feet above grade. (This request has been withdrawn by the Applicant);
5. **Modified** the Findings of the Zoning Administrator
6. **Modified** the Conditions of Approval
7. **Adopted** Mitigated Negative Declaration No. ENV 2002-5062-MND

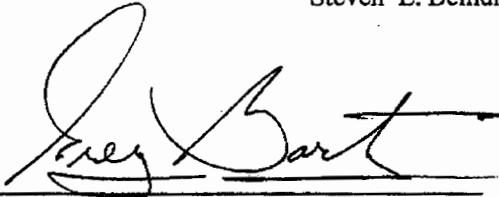
**Fiscal Impact Statement:** There is no General Fund impact as administrative costs are recovered through fees.

**FILE COPY**



This action was taken by the following vote:

<u>Move</u>	<u>Second</u>	<u>West Los Angeles Area Planning Commission</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
		Matthew Rodman, President	<input checked="" type="checkbox"/>		
		Flora Gil-Krisiloff, Vice President	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>		Robyn Ritter Simon, Commissioner	<input checked="" type="checkbox"/>		
	<input checked="" type="checkbox"/>	Elvin W. Moon, Commissioner	<input checked="" type="checkbox"/>		
		Steven E. Belhumeur, Commissioner	<input checked="" type="checkbox"/>		



Greg Bartz, Commission Executive Assistant  
West Los Angeles Area Planning Commission

VOTE: 5-0

**Effective Date / Appeals:** There is a 15 day appeal period for the subject case to be appealed to the City Council. **The last day to file an appeal is July 28, 2003** and the Commission Determination will be final on **July 29, 2003** **unless an appeal is filed within that time.** All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Room 251, Van Nuys. Forms are also available on-line at [www.lacity.org/pln](http://www.lacity.org/pln). Any appeal must be filed on the prescribed forms, accompanied by 1.) the required fee, 2.) a copy of the Zoning Administrator's action, 3.) a copy of the Commission's decision letter. The appeal must be received and receipted at a **Public Counter office** on or before the final day of the appeal period or the appeal will not be accepted.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachment(s): Findings and Conditions

c: Notification List

## FINDINGS

### 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 result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The subject property is approximately 4.01 acres and is located in the Bel Air Community Plan area of Los Angeles. The property fronts Bel Air Road and is approximately 460 feet wide and 540 feet deep at the northwest corner and 189 feet deep at the southeast corner of the site as viewed from the Bel Air frontage. Surrounding properties are within the RE20-1 Zone and are characterized by hillside topography and winding streets. The surrounding properties are developed with one- two- and three-story estate-sized single-family dwellings. Many of the surrounding properties are also developed with accessory structures, such as tennis courts, swimming pools, and caretaker structures.

According to the plans and information attached to the file, the new proposed development will include the construction of a new single-family dwelling with accessory living quarters, a studio, pool, pool house and tennis court. In order to facilitate the development of the property as planned, the Applicant is requesting a Variance to allow the main dwelling to observe a maximum height of 44 feet in lieu of the 36 feet permitted by the Zoning Code. The maximum height of a portion of the roof is now at 44 feet, reduced from the originally proposed height of 47.5 feet in response to neighbors' concerns. In addition, the grade of the building pad has been lowered one foot resulting in an additional reduction in overall height of the approximately four and one-half feet. This request also includes a guesthouse that will exceed the 36-foot building height by approximately three feet, or 39 feet, down from the original proposal of 41 feet.

Denial of the Variance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations. The project site is located on an irregular site in that it experiences a dramatic change in elevation (60 feet) across the four-acre property as it rests atop a hill. The development as planned utilizes the natural grade and maintains increased setback areas, providing areas of open space in the rear (approximately 55 feet from house to property line) and side yards (210 feet from house to property line). The residence will be secluded on the property by topography and by a fully developed landscape system to be planted for this purpose. The main house is designed and located at a point such that it lies in harmony with the hillside that surrounds it. The size of the residence, like all other development in the city, is proportionate to the size of the property. The architect has designed the project to include large setbacks of open space in order to preserve the rustic and hillside nature of its surroundings, meanwhile maintaining the privacy and seclusion characteristic of the area.

The Applicant is also requesting Variance approval for the construction of retaining walls in the front yard in excess of the maximum permitted height of three and one-half feet. The original request involved a two-wall retaining wall system along Bel Air Road with the lower wall reaching a maximum height of 17 feet and the upper wall reaching a maximum height of 10 feet, for an overall height of 27 feet. In response to concerns raised by adjoining property owners, the wall in this area was redesigned to a three-wall system with no wall higher than approximately eight feet, for an overall height ranging from zero feet to approximately 22 feet. In addition extensive landscaping will be planted in front of the wall to virtually screen it from view from Bel Air Road and the properties on the opposite side of Bel Air Road from the subject property.

Approval of the requested Variances would ensure the Applicants of substantial property rights possessed by many other properties in the vicinity of the property. Bel-Air is characterized by large, architecturally distinguished estate homes on large properties. Many of the grand homes in Bel Air were built prior to the imposition of the restrictive provisions of the Hillside Ordinance height limits, which was generally enacted to control hillside development that was occurring in other areas of the City where many large homes being built were out of scale with the smaller hillside lots upon which the homes were being built. The issues which spurred the enactment the Hillside Ordinance did not generally occur in lower Bel Air where the streets are of adequate width to accommodate construction activities, and the properties are sufficiently large (ranging from approximately 20,000 square feet to several acres) to accommodate larger homes without adversely affecting neighboring properties. As least thirteen other residences within proximity to the subject property range in height from 44 feet to 105 feet. Nine of these homes were granted Variances to exceed the height limit, as has been requested in this case. In response to concerns raised by adjoining property owners and the Associate Zoning Administrator in his denial of the Variances, the height of the main house has been reduced 3-1/2 feet from the height originally requested, to a new proposed maximum height of 44 feet and the height of the guest house has been reduced 2 feet 2-1/2 inches from the height originally requested, to a new proposed maximum height of approximately 39 feet. The proposed house design has been approved by the Bel Air Association.

The approval of the requested variances to permit minor portions of the roof of the main house and the guest house to exceed the 36 foot height limit would permit the property to be developed in the same manner as other similar properties in the area. Approval of these variances results in the subject property being able to be developed in the manner and style of other properties in the vicinity, therefore assuring the property owner parity in developing their property compared to those in the surrounding area.

The approval of the walls proposed within the front yard setback area again is consistent with prior Zoning Administrator approvals permitting walls and fences in front yard setback areas to be higher than the 3-1/2 feet permitted by the Code. Tall walls and fences located along the street frontage and in the front yard areas are common features of properties in this area. Variances have been approved for walls ranging in height up to 12 to 15 feet on properties in the immediate area, including upon a property located immediately to the west and adjoining the subject site. In March, 2003, an Associate Zoning Administrator approved a request for an over-height wall within the front setback area for the adjoining property to the south at 385 Copa de Oro Road. In an approval for one of these Variances (at 254 Bel Air Road), the Zoning Administrator found: "The request for over-in-height gates is common in this neighborhood. The gates are required for security reasons. High ornate gates are seen as a statement to complete the aesthetic look of the large Bel Air residences." Further, the property owners on the east side of Bel Air Road, across the street from the property, who originally raised concerns regarding the initial design of the wall have now submitted letters in support of the design which is part of this appeal.

The approval of the requested variance to permit a wall height of up to 9-1/2 feet within the front yard setback area means that the property can be developed in the same manner as other similar properties in the area. Approval of this Variance results in the subject property being able to be developed in the manner and style of other properties in the vicinity, therefore assuring the property owner parity in developing their property compared to those in the surrounding area.

In addition, while the original request included Variances to permit over-height retaining walls in the side and rear yard setback areas, the property owner again revised the proposal to eliminate these walls from within the setback area in response to concerns expressed by adjoining neighbors.

The project site is located in an exclusive residential area of the City with large properties improved with estate-sized dwellings, many of which exceed the current height regulations and are existing either by right or virtue of being built prior to the effectuation of the Hillside Ordinance or approved under Variance authority

granted by the Zoning Administrator. Over-height retaining walls are also not uncommon due to the hillside character and private nature of the neighborhood. In fact, there have been several other cases in the surrounding neighborhood that have granted height variances both for over-height buildings and over-height encroaching retaining walls. Denial of the variances requested would result in practical difficulties and unnecessary hardships inconsistent with the intent and purpose of the zoning regulations.

2. **There are 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.**

There are numerous special circumstances that apply to this property and do not generally apply to other properties in the same zone and vicinity, which result in the need for the requested variances. As stated previously, these circumstances include the property's highly irregular shape and significant changes in elevation and resulting configuration atop a hill. Resting on a slope, the property has several elevation changes ranging from approximately 480 feet above sea level at the southeasterly property line (along Bel Air Road) to approximately 540 feet at the northerly portion of the property. Elevation peaks at the northern boundary (side yard) and descends sharply to the northwest (50 feet) and northeast (30 feet) of the site. South, through the property, elevation descends gradually to a level of 490 feet at the southern property line (side yard). The northerly, westerly and easterly boundaries are all characterized by steeply sloping terrain. These special circumstances all contribute to the need for the requested variances.

3. **Such 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 such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The requested variances are necessary for the preservation and enjoyment of substantial property rights possessed by many other properties in the vicinity of the property. Bel Air is characterized by large, architecturally distinguished estate homes on large properties. Many of the large homes in Bel Air were built prior to the imposition of the restrictive provisions of the Hillside Ordinance height limits, which was generally enacted to control hillside development that was occurring in other areas of the City where many large homes being built were out of scale with the smaller hillside lots upon which the homes were being built. The issues which spurred the enactment of the Hillside Ordinance did not generally occur in lower Bel Air where the streets are of adequate width to accommodate construction activities, and the properties are sufficiently large (ranging from approximately 20,000 square feet to several acres) to accommodate larger homes without adversely affecting neighboring properties. At least thirteen other residences within proximity to the subject property range in height from 44 feet to 105 feet. Nine of these homes were granted variances to exceed the height limit, as has been requested in this case. In response to concerns raised by adjoining property owners, the height of the main house has been reduced three and one-half feet from the height originally requested, to a new proposed maximum height of 44 feet and the height of the guest house has been reduced approximately two feet from the 41-foot height originally requested, to a new proposed maximum height of approximately 39 feet.

The approval of the requested variances to permit minor portions of the roof of the main house and the guest house to exceed the 36-foot height limit would permit the property to be developed in the same manner as other similar properties in the area, therefore assuring the property owner parity in developing their property compared to those in the surrounding area.

The approval of the walls proposed within the front yard setback area again is consistent with prior Zoning Administrator approvals permitting walls and fences in front yard setback areas to be higher than three and one-half feet permitted by the Code. Tall walls and fences located along the street frontage and in the front yard areas are common features of properties in this area. Variances have been approved for walls ranging in

height up to 12 to 15 feet on properties in the immediate area, including upon properties located immediately to the west and to the south adjoining the subject site. Further, the property owners on the east side of Bel Air Road, across the street from the property, who originally raised concerns regarding the initial design of the wall have now submitted letters in support of the design which is part of this appeal.

The approval of the requested variance to permit a wall height of up to nine and one-half feet within the front yard setback area allows the property to be developed in the same manner as other similar properties in the area, therefore assuring the property owner parity in developing their property compared to those in the surrounding area.

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

Granting of the variances will allow development of the property with an estate sized dwelling with amenities typical of many others in the same general area. Several other properties in the immediate area are three and four stories in height, some of which exceed the 36-foot height limit currently imposed on properties in hillside areas. The dwelling will observe an increased setback along the Bel Air Road frontage, the southerly side property line, and the southern half of the rear property line in order to lessen its impact from the street and abutting properties. Furthermore, heavy landscaping planned for the site including the use of mature trees and existing foliage will mitigate the height of the home, making it barely visible from the surrounding properties.

Similarly, the granting of requested variances for over-height retaining walls will not be materially detrimental to the public welfare or injurious to the property. As with the height of the home, planned landscaping for the proposed project is designed screen the walls and buffer the property from the surrounding area thereby mitigating the height of the walls.

With the changes from the original request to the height of the buildings and walls, and the location of the walls, the majority of property owners surrounding the subject property now support the project. In addition, the Bel Air Association, which is the homeowners' association for the area, has approved the construction of the house.

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

The adopted Bel Air-Beverly Crest Plan designates the subject and adjacent properties for Very Low I residential corresponding with those uses permitted in the RE20 Zone and Height District No. 1. The proposed residence is fully consistent with the single-family land use designation on the community plan and with the RE20 zoning of the property. One goal of the general plans is the "preservation and enhancement of the varied and distinctive residential character of the community." The "character" of the neighborhood is that of large estates with privacy and heavy landscaping. The property owners seek to develop the property with structures and uses which are consistent with other properties in the vicinity. The variances will not adversely affect any element of the General Plan.

**ADJUSTMENT FINDINGS**

In order for an adjustment from the zoning regulations to be granted, all five of the legally mandated findings delineated in Section 12.28 of the Los Angeles Municipal Code 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:

6. **The granting of an adjustment will result in development compatible and consistent with the surrounding uses.**

The Applicant requests a Zoning Administrator's Adjustment to allow an accessory structure (studio) to observe a minimum setback of 39 feet 11 inches in the front yard in lieu of the minimum 55 feet required for such structures in the front yard.

Given that the required front yard setback area for a primary building is only 25 feet, the studio will actually be set back further than many of the surrounding buildings. The studio on the subject property will be set back almost 40 feet from the front property line, bordering Bel Air Road, at an elevation 25 feet above street level. At some points, the studio is located as far as 52 feet from the front property line given the irregular, diagonal direction of Bel Air Road.

As this building will resemble a single-family dwelling, complies with the height requirement of the Code as the height variance is denied, and is screened by extensive landscaping, it will be consistent and compatible with the surrounding single-family uses.

7. **The granting of an adjustment will be in conformance with the intent and purpose of the General Plan.**

The Bel Air-Beverly Crest Community Plan designates the subject property for Very Low I Residential with corresponding zone of RE20 and Height District No. 1. The subject request would not change the single-family nature of the area and is consistent with the Very Low I Plan designation.

8. **The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.**

The intent of the zoning regulations in requiring accessory buildings to be in the rear portion of the lot or at least 55 feet behind the front lot line is to avoid the appearance of unattractive accessory buildings such as detached garages and storage rooms in the front of the dwellings. It is a regulation to preserve the attractiveness of a residential area. In this case, the accessory building is consistent with the design of the main building and has the appearance of a residential building and not an accessory building. It is also well screened by proposed landscaping and set back approximately 40 feet from the front property line.

9. **There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.**

The proposed accessory building will have no greater impact than a primary residential structure in the same location as it is consistent in design with the main dwelling, complies with the height requirement, is set back almost 40 feet and is screened from view by landscaping. Additionally, no testimony or comments have been received in opposition to the location of this building indicating no perceived adverse impacts from this structure.

10. **The site and/or existing improvements make strict adherence to the zoning regulations impractical or infeasible.**

The Applicant indicates that the proposed project includes the dwelling, lawn, swimming pool, accessory living quarters, studio and tennis court primarily concentrated where the elevation is most level and/or previously graded within the southwesterly portion of the property. Placing the studio in this area is problematic and not as aesthetically desirable to the overall design given the various structures already proposed there. Functionally, locating the studio in the same area as the active areas of the site (tennis court

and swimming pool) would be impractical and much less desirable than the location proposed on the opposite side of the main dwelling.

**ADDITIONAL MANDATORY FINDINGS**

11. 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. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
12. On November 20, 2002, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2002-5062-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance. The Commission adopted that action. The records upon which this decision is based are with the Environmental Review Section in Room 763, 200 North Spring Street.
13. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



**CONDITIONS OF APPROVAL**

The Conditions and requirements of ZA 2002-5061(YV)(ZAA)(ZAD) have not been modified substantially, except as indicated below.

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" and dated May 21, 2003, 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. 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 included in and printed on the "notes" portion of the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
5. Prior to the issuance of any building permits relative to this matter, site and floor plans shall be submitted to the Los Angeles City Fire Department for review and approval. All recommended fire safety recommendations shall be incorporated in project design and construction.
6. Except as expressly modified by this action, all other requirements of the Hillside Ordinance provisions set forth in Section 12.21-A,17 of the Los Angeles Municipal Code shall be complied with.
7. The perimeter retaining wall shall be constructed in substantial conformance with the plot plan attached to the case file and marked Exhibit "A".
8. The perimeter retaining walls shall be painted in earth or natural green tones, and landscaped in substantial conformance with the landscaping concept illustrated on Exhibit "A".
9. The property shall be landscaped in substantial conformance with the landscaping concept illustrated on Exhibit "A", except as may be revised as a result of this action. Prior to issuance of a building permit, the final landscape plan shall be approved by the Zoning Administrator. A copy of the final plan shall be filed with the Zoning Administrator for attachment to the file. The landscaping plan shall include the following minimum elements:
  - a. The perimeter retaining wall shall be planted with an evergreen vine (such as creeping fig). The vines shall be approximately 3 feet tall at planting time in order to provide substantially full cover after five years of growth.
  - b. An evergreen hedge shall be planted in front of the retaining walls along the east property line promptly following completion of the wall. At the time of planting, the hedge shall be equal to or greater than the height of the retaining walls.



- c. Evergreen trees (approximately 20 to 25 feet in height at planting time) shall be planted along the driveway as shown on Exhibit A.
  - d. Evergreen trees (approximately 20 to 25 feet in height at planting time) shall be planted in front of the retaining walls along the east property line as shown on Exhibit A to provide screening of walls and buildings located on the site from surrounding properties. Smaller trees shall be planted to fill in the landscape where the taller trees are not necessary to screen the buildings. These landscaping materials shall be planted promptly following completion of the wall.
  - e. Evergreen trees (approximately 25 to 30 feet in height at planting time) shall be planted in front of the retaining walls along the west property line as shown on Exhibit A to provide screening of walls and buildings located on the site from surrounding properties. Smaller trees shall be planted to fill in the landscape where the taller trees are not necessary to screen the buildings.
  - f. Where the trees within the 25-foot setback along the west property line are not necessary to screen the view of the house on the subject property from the house at 10521 Bellagio Road, they shall be kept trimmed to no higher than the top of the wall.
  - g. Shrubs and groundcover shall be planted underneath the trees to further reduce visibility of the wall and to complement landscaping on adjoining properties.
  - h. Trees and Shrubs shall be planted along the north property line to fill gaps in existing vegetation, in order that direct views between the home (including the main building, guest house and tennis court) on the subject property and the property directly to the north (475 Bel Air Road) are screened. Such trees and shrubs shall be up to 20 to 25 feet in height at the time of planting, or lower as necessary, and shall be of a type that will grow to the required height upon maturity to screen views between the properties. Alternatively, the Applicant may offer to install such landscaping on the 475 Bel Air Road property. Such landscaping shall be installed within six months following occupancy of the home, and any trees and shrubs required by this condition shall be promptly replaced if they die within one year of planting.
10. Prior to issuance of a building permit, the Applicant shall submit for approval by the Zoning Administrator, a landscape maintenance plan providing for the continued maintenance of all landscaping on the property for a period of 10 years and the continued supervision of all tree maintenance by a certified arborist for a period of 10 years. The plan shall include a requirement for the replacement of trees shown on the plan during the 10-year period.
  11. Prior to review of any grading or building permits by the Zoning Administrator, the Applicant shall obtain the driveway approval from the District Office of the Department of Transportation and the City Engineer.
  12. All construction vehicles shall be parked on-site during the construction of the project. Construction vehicles that cannot be parked on -site, shall be parked at a remote off-street location, from which workers may car pool or be shuttled to the project site.
  13. Deliveries of equipment and supplies shall be coordinated so that only one vendor/delivery vehicle is at the site at any one time. The construction supervisor shall be present at all such times in order to mitigate any potential traffic impacts offsite.
  14. The main dwelling shall not exceed 44 feet in height.
  15. The tennis court shall observe at least a 13-foot side yard from the northerly property line.

16. The tennis court may be lighted, with a maximum of eight horizontally mounted, rectilinear-type, sharp cut-off fixtures shielded in such a manner that the light source will not be viewable from abutting residential properties. Lamps shall be metal-halide type of not more than 1,000 watts each and mounted at a height of 20 feet or less above the court surface. Alternative, state-of-the-art light fixtures may be substituted, with the approval of the Zoning Administrator, so long as the substitute fixtures provide equal or better light source protection to abutting residential properties.
17. The tennis court shall be completely enclosed with an open, mesh, chain-link type fence or a solid masonry wall, or any combination thereof, to the satisfaction of the Zoning Administrator. Further, said fence or wall shall observe a height of 10 feet measured from the finished surface of the court.
18. Except as specifically varied or required herein, the tennis court is subject to all operational and construction standards outlined in Revised Zoning Administrator's Interpretation Case No. ZAI 78-100 dated August, 1985.
19. Any 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.
20. Within fifteen days prior to commencement of construction activities, the telephone contact number of the on-site construction superintendent shall be provided to all adjoining property owners and those opposite the property on Bel Air Road for their use during business hours each day of construction to report any complaints regarding construction activities on the property.
21. Except as herein modified or required, all mitigation measure identified in ENV No. 2002-5062-MND shall also apply as summarized below:
  - a. **Seismic:**

The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.
  - b. **Air Quality:**
    - 1) All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403.
    - 2) The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
    - 3) All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
    - 4) All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
    - 5) All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
    - 6) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

c. Noise:

- 1) The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- 2) Construction shall be restricted to the hours of 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 6 p.m. on Saturday.
- 3) Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- 4) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- 5) The project sponsor must comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

d. General Construction:

- 1) All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials/wastes must be taken to an appropriate landfill. Toxic wastes must be discarded at a licensed regulated disposal site.
- 2) Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.
- 3) Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- 4) Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- 5) Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- 6) Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

e. Liquefaction

- 1) Compliance with the Uniform Building Code Chapter 18, Division 1, Section 1804.5 Liquefaction Potential and Soil Strength Loss which requires the preparation of a geotechnical report. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration.
- 2) Building design considerations may include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

f. Single Family/Multi Family Hillside Dwelling

- 1) Project Applicants are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.
- 2) Post development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate where the increase peak stormwater discharge rate will result in increased potential for downstream erosion.
- 3) Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- 4) Limit clearing and grading of native vegetation at the project site to the minimum needed to build lots, allow access, and provide fire protection.
- 5) Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- 6) Promote natural vegetation by using parking lot islands and other landscaped areas.
- 7) Preserve riparian areas and wetlands.
- 8) Cut and fill slopes in designated hillside areas shall be planted and irrigated to prevent erosion, reduce runoff velocities and to provide long term stabilization of soil. Plant materials include: grass, shrubs, vines, ground covers, and trees.
- 9) Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits or channels from erosion by discharge velocities by installing rock outlet protection. Rock outlet protection is physical device composed of rock, grouted riprap, or concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair and maintain the outlet protection after each significant rain.
- 10) Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- 11) All storm drain inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- 12) Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- 13) Legibility of stencils and signs must be maintained.
- 14) Materials with the potential to contaminate stormwater must be: (a) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (b) protected by secondary containment structures such as berms, dikes, or curbs.

- 15) The storage area must be paved and sufficiently impervious to contain leaks and spills.
- 16) The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- 17) The owner(s) of the property will prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Zoning Administrator binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.

g. Flooding/Tidal Waves:

Compliance with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 154,405. (This MND does not apply should a waiver be given under provisions of the Flood Hazard Management Specific Plan.)

h. General Plan Designation/Zoning:

Compliance with mitigation measures required by this mitigated negative declaration (MND).

i. Public Services (Fire):

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

22. 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 Records Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with these Conditions attached must be submitted to the Zoning Administrator 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.

**EXHIBIT "E"**

CITY OF LOS ANGELES  
CALIFORNIA

ROBERT JANOVIQ  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JAMES J. CRISP  
DANIEL GREEN  
ALBERT LANDINI  
WILLIAM LILLENBERG  
JOHN J. PARKER, JR.  
JON PERICA  
HORACE E. TRAMEL, JR.



RICHARD J. RIORDAN  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
CON HOWE  
DIRECTOR

FRANKLIN P. EBERHARD  
DEPUTY DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

ROOM 600, CITY HALL  
LOS ANGELES, CA 90012-4801  
(213) 485-3851

September 15, 1994

Chase Mishkin (A)  
642 Siena Way  
Bel Air, CA 90024

Charles Kanner (R)  
Kanner Architects  
10924 Le Conte Avenue  
Los Angeles, CA 90024

Department of Building and Safety

CASE NO. ZA 94-0463(ZV)  
ZONE VARIANCE  
642 Siena Way  
Bel Air Planning Area  
Zone : RE40-1-H  
D. M.: 141B149  
C. D.: 5  
CEQA : MND 94-0203-ZV(YV)  
Fish & Game: Exempt  
Legal Description: Parcel B,  
PMLA No: 3061

Pursuant to Los Angeles Municipal Code Section 12.27-B,1 and Charter Section 98, I hereby APPROVE:

a variance to permit:

1. 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 by Los Angeles Municipal Code Section 12.21-A,17(c)(1);
2. the construction, use and maintenance of a freestanding elevator tower which will observe a maximum height of approximately 44.5 feet in lieu of the permitted 36 feet; and
3. a kitchen apart from the main dwelling, located in the accessory building, in lieu of the provisions of Los Angeles Municipal Code 12.07.01-A,1,

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, floor and elevation plans 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. Prior to issuance of a grading permit, a plot plan prepared by a reputable tree expert as defined by Ordinance 153,478, indicating the location, size, type and condition of all existing trees on the site shall be submitted for approval to the Zoning Administrator and the Street Tree Division of the Bureau of Street Maintenance, and for review to the Council Office. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Mitigation measures such as replacement of a minimum of 24-inch box trees on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site.
  5. Pursuant to Condition No. 4, as few trees as possible shall be removed from the downslope tree screen of the tennis court area. Any trees that must be removed (with the approvals required under Condition No. 4) shall be replaced with vegetation screening of comparable size and density.
  6. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, in accordance with a landscape plan prepared by a licensed landscape architect, licensed architect, or landscape contractor, to the satisfaction of the Zoning Administrator. The landscape plan shall incorporate a landscape buffer along the northeasterly and northwesterly property lines. (MND)
  7. 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.
  8. Prior to construction, the applicant shall obtain necessary approvals from the Grading Division of the Department of Building and Safety with respect to control of geologic stability, water drainage and water runoff control. (MND)
  9. All lighting shall be directed onto the site, and no floodlighting shall be located as to be seen directly by the adjacent residential areas. This condition shall not preclude the installation of low level security lighting. (MND)
  10. Recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans to the satisfaction of the Fire Department. (MND)



**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 one year 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. A Zoning Administrator may extend the termination date for two consecutive additional periods not to exceed one year each, prior to the termination date of each period, if a written request is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

**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 that you advise them regarding the conditions of this grant.

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.27-K,3 of the Los Angeles Municipal Code provides:

"It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Chapter."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 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 SEPTEMBER 30, 1994, UNLESS AN APPEAL THEREFROM IS FILED WITH THE BOARD OF ZONING APPEALS. 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 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. SUCH OFFICES ARE LOCATED AT:

Los Angeles City Hall  
200 North Spring Street  
Room 460, Counter S  
Los Angeles, CA 90012  
(213) 485-7826

6251 Van Nuys Boulevard  
First Floor  
Van Nuys, CA 91401  
(818) 756-8596

#### 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 August 18, 1994, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that practical difficulties, unnecessary hardships or results inconsistent with the general purpose of the zoning regulations would result from a strict enforcement thereof, and that the five requirements and prerequisites for granting a variance as enumerated in Section 98 of the City Charter and Section 12.27-B,1 of the Municipal Code have been established by the following facts:

#### BACKGROUND

The subject property consists of a large, hillside, irregular-shaped parcel of land observing an approximate 188.6-foot frontage on the north side of Siena Way within an approximate maximum dimension of 460 feet to the most rear portion of the subject property. The northerly half of the subject property has a downward slope toward the Stone Canyon Road. The site is improved with an estate-quality single-family dwelling with accessory structures including the subject tennis court.

Surrounding properties are within the RE40-1-H Zone and are characterized by extreme hillside topography and substandard hillside limited streets.

Siena Way, adjoining the subject property to the south, is a designated substandard hillside limited street dedicated a width of 30 feet and is improved with pavement and curb.

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

Certificate of Occupancy was issued November 28, 1994 for a family room and gallery addition to the two-story single-family dwelling.

Certificate of Occupancy was issued July 1, 1987 for a two-story, single-family dwelling with attached two-car garage. Another detached garage is opposite the attached garage separated by a motor court.

Certificate of Occupancy was issued July 1, 1987 for a tennis court as accessory to a single-family dwelling.

Certificate of Occupancy was issued July 1, 1987 for a 20- by 40-foot swimming pool, with 7- by 7-foot spa and approved enclosure accessory to a single-family dwelling.

Certificate of Occupancy was issued July 1, 1987 for a detached two-car garage accessory to a single-family dwelling.

### FINDINGS

In order for a variance to be granted, all five of the mandated findings delineated in City Charter Section 98 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. In this case, all five mandatory variance findings were makeable for a grant. Three of the five findings were makeable for a denial (only one finding in the negative is needed to deny a request). Cases where many, if not all, of the mandatory findings can be made either way are fairly common. In such instances, the relative weight and validity of the arguments must be evaluated.

In this case, the arguments for approval were clearly superior in four of the findings, and eminently makeable for the remaining one. Since all five findings can be made, and the preponderant weight of meritorious arguments are for the affirmative side, the Administrator has granted the request.

2. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant is proposing to make a major improvement to the existing property which would enclose the underside of an existing tennis court for the construction of a recreational/entertainment accessory building to be connected by elevator tower and bridge to the existing motor court, and to contain a kitchen.

The property contains a tennis court with a 12-foot screen fence, which obtained a Certificate of Occupancy in 1987, which was legal as to height when constructed. It became legally nonconforming as to height with the enactment of the Hillside Ordinance in 1992. At the time the existing tennis court was constructed, the applicant had no reason to believe that the future utilization of the area underneath the court would be limited. The applicant's inability to predict the City's adoption of the Hillside Ordinance and the impact it would have upon her property forms the basis for a practical difficulty and unnecessary hardship which was not self imposed. Further, the setback of the main dwelling on the subject property from Siena Way is consistent with that

of neighboring properties and did not induce a self imposed hardship by crowding development within the remainder of the property. The 53-foot height of the accessory building includes the existing 12 feet of fenced screening on top of the tennis court. The height to the upper surface of the existing tennis court deck is approximately 41 feet.

With respect to the proposed elevator tower, an elevator is necessary because the elevation differential between the existing motor court and the finished floor of the entertainment building is approximately 38.5 feet (the remainder of the height of the elevator tower is necessary to accommodate the elevator overrun and mechanical equipment). Because of the considerable differential in elevation as noted, a stairway would not serve the intended purpose.

The proposed kitchen would serve a catering function within the entertainment accessory building, so that food would not have to be carried the approximately 150 feet to and from the main dwelling. Because of this considerable distance, a practical difficulty and unnecessary hardship would be imposed by the strict imposition of the Code requirements.

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

These circumstances include that the addition of the proposed accessory building will have no effect upon the height of the structure, since the tennis court (with screening fences) already exists and would not be modified with respect to height. Further, if the 12-foot in height screen fences are not considered, the height of the deviation to the top of the tennis court surface is 41 feet above grade (or 5 feet above the 36-foot Code permitted maximum). Special circumstances for the proposed elevator tower are created by the extreme topography on the site, with the finished floor of the entertainment building approximately 38.5 feet below the existing motor court. In consideration of this substantial vertical distance, a stairway would be an inadequate alternative for the proposed elevator. Special circumstances exist for the proposed kitchen, due to the considerable distance between the accessory building and the existing main dwelling kitchen (approximately 150 feet).

4. **Such 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 such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

According to documentation in the file, at least six other properties in the Bel Air area contain structures built beneath tennis courts, including living quarters, gymnasiums, greenhouses and the like; at least eight dwellings contain kitchens in accessory buildings; and five dwellings possess tower structures.

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

The proposed construction will be essentially an infill of existing structures on the property. There will be no change to the height of the existing tennis court. As mandated by the conditions of this grant, adequate landscape screens will be retained between this development and adjacent properties. Concerns regarding geology, grading, drainage and water runoff, and fire hazard will be mitigated by the conditions of this grant and the standard administrative requirements of the City. The most likely source of noise impacts already exists within the property, i.e., the tennis court, and that impact will not be exacerbated by this grant. There will be no additional impacts upon privacy, light, air or access upon adjacent properties than presently exist.

6. **The granting of the variance will not adversely affect any element of the General Plan.**

The Bel Air-Beverly Crest Plans designates the subject property for Minimum Residential land uses with corresponding zones of A1, A2, and RE40. The request is consistent with the adopted plan, inasmuch as the plan does not address minor deviations in the height of structures; and a kitchen, as conditioned by this grant and by the character of the accessory building, will not constitute a second dwelling within the property.

7. At the public hearing, 17 persons were present. Two persons spoke in support of the application and three in opposition. Further, a representative of Councilman Zev Yaroslavsky commented that, if approved, landscape plans should be submitted for approval by the Administrator and for review by the Council Office. She noted that second remote kitchens are relatively common in Bel Air. Two substantial submittals were made to the file, one by the applicant and one by protestant neighbors; in addition one letter was received in support and two in opposition.

Arguments in support in summary included: the requested height variance is for the tennis court/fence only, not for the proposed recreation building itself; the over-in-height elevator is needed because there is a 38.5-foot vertical differential between the garage and the floor of the entertainment center; the kitchen is needed to avoid having to carry food more than 150 feet from the main dwelling; the hardships are not self imposed; the buildable area of the property is relatively small; the site is steep and quite visible from below; subtracting the 12-foot in height tennis screen fence, the requested height variance is really for only 41 feet; this development is an infill within property; the tennis court was built legally, but was rendered legal nonconforming by the Hillside Ordinance; the existing structures (tennis court and fence) will not change in height with the proposed construction; the topography affects the necessary height of the proposed elevator; separate entertainment centers are common in the area, as are the other requests in this case; the elevator tower will

not be visible from Stone Canyon Road; the proposed improvement is aesthetically superior to the existing condition; the owner will retain downslope landscaping as a screen; the existing tree screen will not be removed; the proposal will not impair privacy or create geologic/drainage problems.

Points in opposition included in summary: any hardship here is self imposed, since the house was constructed in 1987 with a large front yard and was turned sideways, thereby using up significant parts of the property; the request is not allowed by law; the request far exceeds the height limit in the Code; there are no special circumstances: the property is typical in size, shape, topography and surroundings; there are no substantial property rights possessed by neighbors which are denied this owner, since the house is unusually large; the height at the top of the elevator would actually be 73 feet above grade; plans show that it is the intent to clear foliage to allow window views from the accessory building; many trees will be removed; there will be geologic/drainage problems; noise problems; visibility problems; reductions in market value for neighbors; fire hazards; the substandard streets will make construction activity difficult; the elevator tower will be visible from Stone Canyon Road; the request is contrary to the General Plan, which contains language advocating minimizing grading, and preservation of low density areas; the staff report was negative in this case; notice was incorrect; and the applicant withheld information.

#### ADDITIONAL MANDATORY FINDINGS

8. The National Flood Insurance Program flood insurance rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)
9. On July 13, 1994, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND 94-0203-ZV(YV) (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance with which I concur and hereby certify. Flood hazard control, energy conservation, water conservation and sewer conservation will occur through City administrative procedures. The records upon which this decision is based are with the Environmental Review Section in Room 655, City Hall.
10. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

#### NOTICE

Congestion Management Program (CMP): The CMP is a program enacted by the State Legislature with the passage of Assembly Bill 471 (July 10, 1989), as amended by Assembly Bill 1791 (February 11, 1990). The CMP's intent is to coordinate land use, transportation and air quality decisions on the regional highway and roadway system as defined by the

Congestion Management Agency (CMA). The owner of any project or structure which contributes to the degradation of this system, based on standards adopted by the CMA, due to unmitigated trips, may be subject to additional trip mitigation measures to be imposed by the CMA (LACTC).



Handwritten signature of John J. Parker, Jr.

JOHN J. PARKER, JR.  
Associate Zoning Administrator

JJP:lmc

cc: Councilman Zev Yaroslavsky  
Fifth District  
Adjoining Property Owners  
County Assessor

**EXHIBIT "F"**



MICHAEL LOGRANDE  
ACTING CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

GARY BOOHER  
PATRICIA BROWN  
R. NICOLAS BROWN  
SUE CHANG  
ANIK CHARRON  
LARRY FRIEDMAN  
EMILY J. GABEL-LUDDY  
DANIEL GREEN  
LOURDES GREEN  
ERIC RITTER  
MICHAEL S.Y. YOUNG

**CITY OF LOS ANGELES**  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

**DEPARTMENT OF  
CITY PLANNING**

S. GAIL GOLDBERG, AICP  
DIRECTOR

**OFFICE OF  
ZONING ADMINISTRATION**

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

(213) 978-1318  
FAX: (213) 978-1334  
www.lacity.org/PLN

March 22, 2007

Jeffrey A. Kaplan (A)  
924 Westwood Boulevard, #910  
Los Angeles, CA 90024

Eddy Compagno Zoan (R)  
William Hefner Architects  
5820 Wilshire Boulevard, #500  
Los Angeles, CA 90036

Department of Building and Safety

CASE NO. ZA 2006-0982(ZV)(ZAA)(ZAD)  
ZONE VARIANCE AND  
ZONING ADMINISTRATOR'S  
ADJUSTMENT/DETERMINATION  
620 North Stone Canyon Road  
Bel Air-Beverly Crest Planning Area  
Zone : RE20-1-H  
D. M. : 141B153  
C. D. : 5  
CEQA : ENV 2006-0983-MND  
Fish and Game : Exempt  
Legal Description : Lots A and B,  
Parcel Map No. 2039

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

a Variance from Section 12.07.01-A to permit the construction, use and maintenance of a new single-family dwelling with two kitchens;

a Variance from Section 12.21-A17(c)(1) to permit the construction, use and maintenance of a 59-foot high, two-story single-family dwelling in lieu of the permitted 36 feet;

Pursuant to Los Angeles Municipal Code Section 12.28-A, I hereby DENY:

a Zoning Administrator's Determination to permit the construction, use and maintenance of a block wall of 8 feet in height, which is proposed at the north of the proposed southerly driveway within the front yard setback area in lieu of the maximum 3 feet 6 inches as required under the Section 12.22-C,20(f) of the Municipal Code;

a Zoning Administrator's Determination to permit the construction, use and maintenance of retaining walls of 11 feet in height, which is proposed within the side and rear yards in lieu of the maximum 6 feet as required under the Section 12.22-C,20(f) of the Municipal Code;



a Zoning Administrator's Determination to permit the construction, use and maintenance of a block wall of 12 feet in height, which is proposed within the northerly and southerly side yards in lieu of the maximum 6 feet as required under the Section 12.22-C,20(f) of the Municipal Code;

Pursuant to Los Angeles Municipal Code Section 12.28-A, I hereby APPROVE:

a Zoning Administrator's Adjustment to permit the construction, use and maintenance of an 8-foot high block wall, which is proposed at the southerly corner of the property within the front yard area and retaining walls varying in height from 6 feet to 16 feet within the front yard area, which are proposed to create the southerly driveway in lieu of the maximum permitted height of 3-1/2 feet as required under 12.21C,1(g) and 12.22-C,20(f);

a Zoning Administrator's Adjustment to permit the construction, use and maintenance of an 8-foot high block wall in the northerly and southerly side yards in lieu of the maximum permitted height of 6 feet as required under the Section 12.22-C,20(f);

a Zoning Administrator's Adjustment to permit the construction, use and maintenance of an 8-foot high retaining wall in the side and rear yards in lieu of the maximum permitted height of 6 feet as required under the Section 12.22-C,20(f);

a Zoning Administrator's Adjustment from Section 12.21-C,5(b) to permit the construction, use and maintenance of accessory structures (a guard booth, a bridge and a tennis court) within 55 feet from the front property line;

Pursuant to the provisions of Section 12.24-X,26, I hereby APPROVE:

a Zoning Administrator's Determination to allow multiple retaining walls (except for the walls limited in height as a result of this action within the required setback area) ranging from 7 feet 6 inches to 16 feet in height in lieu of the 2 retaining walls of a maximum 10 feet in height as required in the Section 12.2-C,8(a),

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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. Prior to any sign-off of plans by the Zoning Administrator, the applicant shall submit the plot plan for review and approval to the Fire Department. Said Department's approval shall be included in the form of a stamp on the plans submitted to the Zoning Administrator.
7. If the gate(s) are controlled by access keys or any other electronic devices, the keys to the gate(s) shall be provided to the local Police and Fire Departments prior to the issuance of any grading or building permit(s).
8. The floor area of the dwelling shall not exceed a maximum of 32,000 square feet of floor area excluding the basement and garage or 39,000 square feet of floor area for habitable space.
9. No structures on the subject site shall be rented out as a second dwelling unit.
10. No kitchens shall be permitted in any other structure except for one kitchen on the first floor and a second kitchen in the staff quarters in the basement of the main dwelling.
11. The second kitchen in the staff quarters in the basement shall not exceed 600 square feet of floor area and shall be used only incidental to the staff quarters.
12. No structures on the property shall exceed a height of 59 feet.
13. The parking spaces shall be provided in compliance with the Planning and Zoning Code and to the satisfaction of the Department of Building and Safety.
14. Prior to the issuance of any building permit, a lot tie affidavit combining the two lots in one legal parcel shall be made to the satisfaction of the Department of Building and Safety. The recorded copy of a lot tie affidavit shall be submitted to the Zoning Administrator prior to the issuance of any building permit.
15. No structures shall be built within the existing utility and bridle trail easement located in the rear of the property and the 15-foot storm drain and sanitary sewer easement located in the front portion of the property, except for the proposed bridge at the northerly driveway in the front of the property.

16. No accessory structures including the proposed guard booth shall be built west of the existing storm drain and sanitary sewer easement. The guard booth shall be designed in harmony with the main dwelling in terms of the architectural designs, building materials and landscape.
17. Prior to the issuance of any building permit, a revocable permit shall be approved for the bridge, which is proposed within the existing storm drain and sanitary sewer easement from the Public Works Department. Prior to the sign off of the plans, a copy of the revocable permit shall be submitted to the satisfaction of the Zoning Administrator.

A construction of the proposed bridge shall be approved by responsible agencies including the United States Army Corps of Engineers. Prior to the issuance of any building permit, evidence showing the approvals from the responsible agencies shall be submitted to the Zoning Administrator. (A clearance letter from responsible agencies with their approved plan will satisfy this condition.)

18. The proposed block walls and retaining walls shall maintain a minimum of 5 feet set back from the property lines. The trees, climbing vines and/or shrubbery shall be planted on both sides of the retaining/block walls. The trees planted in those areas shall be, within two years of construction, capable of completely covering the walls and obscuring their views from the neighboring properties and the public streets. Creeping vines to cover the retaining walls shall be planted where it is impossible to plant trees and shrubbery.
19. Prior to any sign-off by the Zoning Administrator, the applicant shall submit landscape and irrigation plans prepared by a licensed landscape architect to the satisfaction of the Zoning Administrator. The landscape plan shall incorporate the preservation of existing trees where feasible and shall show trees and/or other vegetation on both sides of the retaining/block walls as well as the landscaping within the 5-foot setback area between the walls and the property lines.
20. Prior to issuance of any grading or building permit, soils/geotechnical reports shall be submitted to and approved by the Department of Building and Safety, Grading Division. All conditions of the grading approval shall be incorporated and printed in the plans submitted to the Zoning Administrator and the Department of Building and Safety for plan check.
21. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
22. The proposed paddle and tennis courts shall comply with provisions of the ZAI 78-100.
23. All mechanical equipment including but not limited to a water heater as well as heating and air conditioning units shall not be placed in the area that adjoins habitable rooms of neighboring properties or in the required front and side yards in order to mitigate potential noise and aesthetic impacts to the surrounding properties.

Any mechanical equipment on the roof, if any, shall be appropriately screened in order to obscure the visibility of the equipment from the neighboring properties and/or public streets.

24. All mitigation measures recommended in Mitigated Negative Declaration No. ENV 2006-983-MND for the project (Exhibit "B" attached) are hereby made part of the conditions of approval of this grant and shall be strictly complied with.
25. Prior to the issuance of any building permit, driveway plans shall be approved to the satisfaction of the Departments of Building and Safety and the Public Works.
26. Construction Requirements/Restrictions:
  - a. Prior to the commencement of site excavation and construction activities, the applicant shall notify residents within a 100-foot radius of the project site and provide residents with a written construction schedule. The notice shall be provided with a minimum of 30 days notice before the commencement of any construction activities.
  - b. The applicant and project construction manager shall identify a contact person and provide a telephone number for any inquiries or complaints from residents regarding construction activities.

Prior to the commencement of the site excavation and construction activities, the phone number shall be provided to all residents within a 100-foot radius and it must also be posted at the site so that it is readily visible to any interested party during the site preparation, grading and construction. The applicant shall be required to respond within 24 hours of any complaints / inquiries received on this hotline.

- c. Parking Plan: Prior to the issuance of any grading or building permit, the applicant shall submit to the Zoning Administrator for review and approval of a plan indicating where the contractor and subcontractor vehicles will be parked so that the blockage of two-way traffic on the streets in the vicinity of the property can be avoided.
- d. Fire Department Parking Restricted Areas. Construction parking at the designated and posted locations during Red Flag Days is strictly prohibited, in compliance with the "Los Angeles Fire Department Red Flag No. Parking" program.
- e. Deliveries of Equipment and Supplies. All deliveries during construction shall be coordinated so that only one vendor/delivery vehicle is at the site at one time and that a construction supervisor is present during that time to mitigate any potential traffic impacts.
- f. Truck Traffic Restricted Hours. Truck traffic directed to the project site for the purpose of delivering materials, construction-machinery, and fill material as

well as removal of graded soil shall be limited to the hours of 9 a.m. to 3 p.m., Monday through Friday. No truck deliveries shall occur outside of this time period.

- g. The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.
27. Prior to the issuance of the building permit, the revised plot plan in 1/8" - 1'0" scale shall be submitted to satisfaction of the Zoning Administrator showing the following:
- The proposed retaining walls and block walls shall maintain a minimum of 5 feet from the property lines.
  - No block walls shall be shown within the front yard setback area at the north of the proposed southerly driveway.
  - The security booth (a guard house) shall be located easterly of the existing storm drain and sanitary sewer easement.
  - The block walls, which are proposed within the side and rear yards and at the southerly corner of the property within the front yard, shall be limited to a maximum of 8 feet in height.
28. 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 Zoning Administrator 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 two 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. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

**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 \$1,000 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 6, 2007, 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 [www.lacity.org/pln](http://www.lacity.org/pln).** 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 August 24, 2006, 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 is westerly-easterly upward sloping, an irregular-shaped, hillside lot located at the southeasterly corner of Bellagio Road and Stone Canyon Road. The site contains approximately 135,635 square feet in area (3.12 acres) with a lot frontage of approximately 540 feet and the depth of 410 feet. The project site is comprised of two lots (Lots "A" and "B", Parcel Map No. 2039, Map 38, Page 44).

The applicant originally proposed the project on Lot "B" (620 Stone Canyon Road). Subsequent to the hearing held on August 24, 2006, he purchased the adjoining parcel to the south (Lot "A": 518 Stone Canyon Road) in order to address the neighboring property owners' concerns in regards to the location of the proposed paddle tennis court.

Lot "B" is currently developed with a one-story single-family dwelling, a guest house, a pool house, a tennis court and a detached garage. The access to the house is provided from Stone Canyon Road to a long driveway leading to the detached garage which is located on the southeasterly portion of the parcel.

Lot "A", which was newly purchased and incorporated into the project site, is developed with a one-story single-family home as well as a guest house, and a pool. Vehicular access is provided by two driveway entrances leading to a circular driveway, one of which located at the southeasterly corner of the parcel, and the other which is located in the middle of the parcel.

The applicant plans to demolish the existing structures on both parcels, and rebuild a new single-family home with three kitchens, a pool, tennis courts and a guest house. The majority of the newly purchased parcel (Lot "A") will remain as open space with landscaping



except the portion of the proposed tennis court and a pool, which will extend into Lot "A" and a new second driveway access will be provided from Stone Canyon Road leading to the parking area underneath the tennis court.

The adjoining properties to the north, east, and south were not visible due to the size of the lots and the surrounding vegetation on all properties. The properties to the west (across the street) were behind walls that measured over 6 feet in height, which according to the Planning Department staff, obscured the view of the neighboring properties.

There are similar situations in the area including all the homes within a 500-foot radius. All the properties are located on a hillside and have either visible retaining walls or over-in-height fences. The staff was unable to determine the number and height of the fences and retaining walls on each property due to the tall fences and the topography of these large lots. The property located at 10550 Bellagio Road, was granted a second kitchen in the caretaker's guardhouse and a kitchen apart from the main dwelling was allowed at 642 Siena Way.

The properties listed below have legal over-in-height walls:

10539 Bellagio Road  
10550 Bellagio Road  
729 Bel Air Road  
457 Bel Air Road  
385 Copa De Oro Road

The average size of the ten main houses in the area ranges from approximately 4,504 square feet to approximately 38,357 square feet.

The adjoining properties to the north, south, and east are zoned RE20-1-H and developed with single-family residences/estates.

The adjoining properties to the west are zoned RE40-1-H and developed with single-family residences/estates.

North Stone Canyon Road, the adjoining the property on the east, a northerly-southerly Hillside Local Street, dedicated a width of approximately 60 feet and is improved with a roadway of 30 feet in width, curbs and gutters. The 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:

Ordinance No. 167,564-SA3140 – Effective on March 15, 1992, the Ordinance was amended by changing the zones and zone boundaries on the Zone Map; resulting in a change of the subject property from RE15-1-H to RE20-1-H. (CPC 86-0829(GPC))

Affidavit No. 16999 – This affidavit was missing from the microfilm tape, staff could not locate it at the time of the report.

Surrounding Properties:

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 spa in the required side yard at 385 Copa De Oro Road. (1 block)

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 3-1/2 feet for fences and walls in the front yard area, a variance to permit the construction and continued maintenance of a single-family dwelling as 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 height 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 yards and rear yards (request withdrawn by the applicant). 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 setback required for that portion more than 6 feet above grade (request withdrawn by the applicant). 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; and 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. (Adjoining property to the rear of the subject property)

On July 11, 2003, the West Los Angeles Area Planning Commission granted the appeal resulting in a granted 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 height 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. Dismissed a Variance to permit retaining walls up to 22 feet in height in lieu of the permitted 6 feet within side yards and rear yards (request withdrawn by the Applicant). 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 setback required for that portion more than 6 feet above grade (request withdrawn by the Applicant).

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 maximum 8-foot height wooden gates within the front yard setback area of property located in the RE20-1-H Zone at 385 Copa De Oro Road. (1 block)

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 for an over-in-height wall, as modified, within the front and side yard setbacks of a new single-family dwelling. 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 Zoning Administrator's 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 a height of 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. (Less than 1 block)

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. (2 blocks)

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 94-0472(YV) – On August 31, 1994, the Zoning Administrator approved a variance to permit an approximate 11-foot in height masonry wall, including an entry gate, within the required front yard setback at 10539 Bellagio Road. (Adjoining property)

Case No. ZA 92-0608(YV) – On 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. (Adjoining property)

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 at 10539 Bellagio Road. In addition a reduced front yard setback of from 5 feet to 25 feet. (Adjoining property)

Representatives of the neighbors submitted comment letters and stated the following:

- The representative of the adjoining property owner to the northeast (475 Bel Air Road) supported the project, however, was concerned about the construction impacts. A minimum of 30 days notice was requested prior to any demolition, excavation and any masonry or other noisy construction work on the site, so that the neighboring property owner may make arrangements to be out of town if she so desires.
- The representative of the adjoining property owner to the east (457 Bel Air Road) opposed the project and expressed concern about a 59-foot high structure, the location of a paddle court with an 18 foot high fence and 20 foot tall light fixtures in the required yard, the loss of trees and the lack of articulation on the building design. After the applicant expanded the project site and relocated the paddle tennis court to the outside of the required setback area, the representative informed the applicant and the zoning administrator that the revised project is acceptable to his client provided that the paddle and tennis courts comply with ZAI 78-100.
- The owner and representative of 661 Stone Canyon Road opposed the project and stated that there are no special circumstances that can substantiate an approval of the requests. The grading of approximately 11,000 cubic yards of soil demonstrates that the project is not keeping with the topography of the site. The project will result in impacts on aesthetic, traffic, drainage and the quality of air and water quality.
- The representative of the adjoining property owner to the south (10539 Bellagio Road) was concerned about the heights of the building and the proposed fence/wall, lighting impacts, multiple kitchens in three separate living areas, and landscaping.

### **PUBLIC HEARING**

On August 24, 2006, a public hearing was held on the subject case and was attended by the applicant, his representatives and representatives of the neighbors (661 Stone Canyon, 457 Bel-Air Road, and 10539 Bellagio Road).

The applicant's representative (William Hefner, architect) stated the following:

The site is located in a hillside area with a grade of the property changes approximately 80 feet. Due to the slope of the site and the size of the property, the proposed retaining walls will not be visible from the street and the surrounding properties. There is a 7 1/2 -foot utility and bridle trail easement in the rear of the property. The proposed driveway will be less than 20% grade as required by the

code. A total of 17 and 11 parking spaces will be provided under the proposed tennis court and the main dwelling unit, respectively. Since vehicular and pedestrian access is connected from the parking area under the tennis court to the main dwelling, the datum point (a measuring point for the height of the building) will be a natural grade of the parking entry at 509 AMSL resulting in a main dwelling of 59 feet in height. However, the height of the main dwelling will remain 36 feet from the lowest point of the natural grade to the top of the structure. The adjoining property to the northeast (457 Bel-Air Road) is approximately 40 feet higher in elevation than the subject site and is currently being developed with a new single-family home. The project will not block the neighbor's views because the neighboring property to the southeast is lower in elevation than the site and there is a retaining wall on the neighbor's property. The applicant tried to contact the adjoining property owners to the northwest, however, was not able to get hold of the owners. The proposed site will be approximately 5 feet lower than the existing elevation. Approximately 10,950 cubic yards of soil will be graded and exported. The street parking is permitted on Stone Canyon Road.

The neighbors' representatives testified the following:

- Philip Metson representing an adjoining neighbor to the southeast (10539 Bellagio Road):  
  
The proposed 12-foot fence along the property line adjoining his client's property will not be appropriate. A 6-foot high fence may be more appropriate. His client is concerned about lights and noise associated with the proposed paddle court. His client's landscaping cannot be used as a mitigation measure for the subject site. The project should provide proper mitigation measures for open space, setback, and noise. The applicant and his client are currently having an open dialogue to resolve those issues.
- Michael Nytzen representing an adjoining neighbor to the east (457 Bel Air Road):  
  
A new single-family home is under construction at his client's property (457 Bel-Air Road). The neighbor is concerned about the paddle court, height of the project and loss of trees. The proposed paddle tennis court should not be located within the required setback area. His client is concerned about noise and lighting impacts associated with the proposed paddle tennis court.
- Chris Lyffon representing the owner of the property located at 661 Stone Canyon Road stated that the proposed project is not in harmony with the neighborly atmosphere in the surrounding area.

After the hearing the Zoning Administrator took the case under advisement for four weeks in order to allow the applicant additional time to resolve the neighbors' concerns addressed at the hearing and in written communication received in the file. Subsequent to the hearing, the applicant purchased the adjoining parcel to the southwest and incorporated it into the project site in order to address the neighbors' concerns in regards to noise and lighting impacts associated with the paddle tennis court, and open space. On December 26, 2006,

the applicant submitted the revised plot plan, floor plans and site sections showing elevation of the proposed buildings.

The revised plans were sent to the adjoining neighbors for review and comment. However, the applicant was not able to reach an adjoining owner to the north and the following response was received:

- Michael Nytzen representing an adjoining neighbor to the east (457 Bel Air Road):

The proposed revisions to the paddle court are acceptable to his client, who is the property owner of 457 Bel-Air Road, provided that they adhere to all other requirements of the Code and provisions of ZAI 78-100 with respect to the operation of the paddle and tennis courts. The revised plan relocates the court to a minimum of 25 feet from his client's property line and includes lights with a maximum height of 14' above playing surface.

No other responses were received.

The Zoning Administrator notes that the hearing notice for the original project was extended to the property owners/occupants within a 700-foot radius of the previous project boundary (Lot "B") in lieu of the 500-foot radius in order to meet the minimum number of property owners list. Since a 500-foot radius of the new project boundary falls within the boundaries of the prior hearing notice, the original hearing notice meets the notice requirements for the revised project proposed in the expanded project area (Lot "A" and "B").

**VARIANCE FINDINGS - Approval Of Zone/Yard Variance to Allow Two Kitchens and 59-Foot Building Height**

1. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The site contains approximately 135,635 square feet in area (3.12 acres) with a lot frontage of approximately 540 feet and a depth of 410 feet. The project site is comprised of two lots, Lots "A" (518 Stone Canyon Road) and "B" (620 Stone Canyon Road) of Parcel Map No. 2039.

The applicant plans to demolish the existing structures on both parcels, and rebuild a new single-family home with two kitchens, a pool, paddle and tennis courts and a guest house. The majority of the newly purchased parcel (Lot "A") will remain as open space with landscaping except for the portion of the proposed tennis courts and a pool, which will extend into Lot "A" and a new second driveway access will be provided from Stone Canyon Road leading to the parking area underneath the tennis court. A total of three kitchens were proposed in the original plan, however, the revised plan shows two kitchens, one on the first floor, and the other in the basement of the main dwelling.

The project components are shown as follow:

	Proposed (Square feet of floor area)
First Floor	16,714
Second Floor	14,300
Basement Total (Habitable Space)	16,867 7,500
Guard House	148
Parking area under Tennis Court	6,148
<b>Total</b>	<b>38,662 habitable space</b>
<b>Parking Spaces</b>	18 spaces in the basement of the main dwelling 18 spaces under tennis court

The request is to allow a second kitchen in the staff quarters in the basement and to permit a maximum of 59 feet of building height for the main dwelling in lieu of the 36 feet required by the Hillside Ordinance, Section 12.21-A,17.

A second kitchen is proposed in the basement of the main dwelling. The Code only allows one full kitchen for a single-family home in the RE20 Zone. The applicant stated that the kitchen proposed in the staff quarters in the basement of the main dwelling is for staff use only, and is not intended for the creation of an additional dwelling unit that can be rented out. The kitchen's usage will be incidental to the staff's quarters, which is not uncommon for estate-sized homes. Thus, the strict application of the zoning provisions would result in practical difficulties in that a reasonable use of the property would be impaired and the ability to improve the efficiency of the residence's layout and the property would be constrained. Further, the project site was expanded to include an additional parcel, on which there is a separate single-family home with a full kitchen. However, the applicant plans to demolish the existing structures and to rebuild a new single-family home with two kitchens, which will not result in an increase in the number of kitchens.

The project proposed a parking area under the proposed tennis court and in the basement of the main dwelling. It will accommodate a total of 36 parking spaces. The parking areas under the proposed tennis court and in the basement of the main dwelling will be connected. Vehicular access to the project site will be provided from two driveways from Stone Canyon Road. Since the parking area in the basement of the main dwelling is connected to a parking area under the tennis court, a datum point (a measuring point of the building height) will be measured from a point that is 5 feet down slope from the lowest part of the tennis court at Elevation 509 which brings this house to be measured up to a maximum of 59 feet. However, it is noted that the height of the proposed house would not exceed 36 feet in direct height measuring from the lowest natural grade to the highest point of the building. Without the granting of the request, the two parking areas cannot be connected; however, there will not be a change in the height of the main dwelling, which will remain as 36 feet because the datum point will be at a higher elevation resulting in practical



difficulties of the functional use of the two parking areas. Further, the project will not cause any loss of the existing views from any neighbor due to the size of the subject site and neighboring properties, elevation and very dense landscaping that surrounds the site on all four sides.

Therefore, the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

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

There are several characteristics that differentiate this lot from any other nearby property in the Bel Air community. These circumstances include the size, the configuration, the topography and the condition of existing improvements on the subject site. First, the project site consists of two legal lots. The two lots will be joined together as one large lot through a "lot tie" procedure with the Department of Building and Safety. Second, the two lots create an ownership area of 3.2 acres which is approximately two to three times the average 35,000-40,000 square-foot lots that exist in the surrounding properties. Third, there is a substantial grade change on the subject site, which is an approximately 60- to 80-foot difference in elevation. These are circumstances which, taken as whole, do not generally apply to other properties in the vicinity and zone.

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

The surrounding homes are all of similar age (although most have been or are being remodeled) and size with two-story heights similar to the proposed project. The properties in the project area are developed with one-, two- or three-story homes containing approximately 4,500 square feet to 40,000 square feet of floor area. There are homes in the project vicinity that exceed a building height of 36 feet. These homes either predated the current Hillside regulation of a 36-foot height limit or obtained an approval of a variance similar to the project request. The 36-foot height restriction required in a hillside area was adopted by the City to protect the visual impact on adjacent property owners as well as shade/shadow, views and air circulation for the neighbors. Due to the topography and size of the subject site and the neighboring properties, and dense landscaping on the subject site and on the adjacent properties, the increase in height and the kitchen in the accessory structure will not be visible from the neighboring properties. Under the special circumstances, the following over-in-height approvals were previously approved in the Bel Air and Brentwood Community Plans:



- ZA 95-0379(YV) at 480 Bel Air Road approval for a 45-foot height house - 9 feet above limit,
- ZA 95-0790(YV) at 255 Mayberry 45-foot house – 9 feet above limit),
- ZA 89-1250(YV) 540 Crestline Drive approval for 57-foot building height.
- ZA 2002-5061(YV)(ZAA)(ZAD) and ZA 2002-5061(YV)(ZAA)(ZAD)-A-1 at 457 Bel Air Road for a 44-foot height house

Second kitchens in estate-sized dwellings are not uncommon. Some of the approvals granted were for second kitchens in separate recreation rooms, patio uses or staff quarters. The request for the second kitchen is a reasonable one given the size of the property and the functional floor plans proposed on the property. The Planning Department staff in its review of the case references a number of similar requests for second kitchens that have been granted in the Bel Air neighborhood (e.g., ZA 2000-0559(ZV)(YV) at 10550 Bellagio Road, ZA 2006-6058(ZV)(YV) at 10442-10452 Bellagio Drive). In fact, in a July 2000 article in the Los Angeles Times, a reference is made to a single-family home in the area that contains five kitchens. As such, the grant of the request will allow for a more efficient use of the land and for the preservation of a property right enjoyed by many other property owners in the Bel Air community.

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

The height of the main dwelling will be 59 feet, as measured by the Department of Building and Safety (5 feet from the lowest part of the house to the highest part of the new roof). However, the height of the project, as measured from any point of the house straight up will not exceed the 36-foot limit. The building height increase requested by this application really results from how the City measures height, not by the actual new height of 36 feet at any given point of the new building height, which is consistent with the 36-foot limit for this hillside area location.

The project will not cause any loss of existing views from any neighbor due to the very dense landscaping that surrounds the site on all four sides. The majority portion of the newly purchased Lot "A", which was incorporated into the project site, will remain as open space. In addition, the adjoining neighbors have their own lush landscaping with their own tall trees. A condition was required to plant trees or other vegetation that will completely cover the approved retaining or block walls in order to obscure the views of the walls from the neighboring properties and public streets. The height of the building will not be prominently visible from the neighboring properties due to the dense landscaping, setbacks, and size of the subject site and the neighboring properties. None of the neighbor's views will be blocked, nor will any sunlight be blocked and no wind patterns will be affected. The main dwelling is proposed to be in the middle portion of the 3.2 acre site providing extensive setbacks from the adjoining properties; therefore this setback will further reduce the proximity and visibility of the proposed project from the neighboring properties and the streets.

The proposed kitchen is to be used in conjunction with staff quarters in the basement of the main dwelling unit. This request will not have any observable impact or cause any adverse impact for the neighbors. All the proposed cooking will be conducted indoors and will only be for the staff. Conditions prohibiting the renting out of any portion of the estate as a second dwelling unit have been imposed. A covenant is required to ensure that the subject conditions are recorded to run with the land so that in the event the subject property is sold, any prospective owner will be aware of the conditions imposed. Thus, as conditioned, no detrimental impacts to the character of the surrounding area resulting from the variance approvals are anticipated to occur.

The property owner of the neighboring property at 475 Bel Air Road submitted a letter in support of the project. The representative of the owner for the adjoining property owner (457 Bel Air Road) stated that his client's concerns in regards to the paddle tennis court have been resolved.

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

The Bel Air-Beverly Crest Community Plan Map designates the property for Very Low I Residential land uses with a corresponding zone of RE20 and Height District No. 1. The property is not currently within the area of any specific plans or interim control ordinances. However, the property is within the purview of the Hillside Ordinance.

The basic use of the property for single-family residential purposes is consistent with the Bel Air-Beverly Crest Community Plan and the Plan does not specifically address adjustments.

Under Chapter 3 of the Plan, certain relevant policies have been adopted to control new "Residential" development. Policy number 3 states, "All areas of the Bel Air-Beverly Crest Community Plan should be subject to improved design standards to ensure compatibility of new development with the scenic character of the community." The existing extensive landscaping and large setbacks from the property line ensure that the extra height will not block any scenic view of adjacent homes. Therefore, the scenic character is being protected by the sensitive design of the proposed height addition to the existing house which is consistent with the policy goal of the community plan.

The 6th Residential policy of community plan says that, "land uses ... should be limited in accordance with the following: 1) The steepness of the natural topography and 2) the compatibility of the proposed development with adjacent development." The existing development on all sides of the subject site is of similar large home construction of estate size homes. A number of nearby homes are several stories high and portions of those homes are similar in height to the project. The proposed addition will be in harmony with the community as far as use and overall size/height.

The proposed 59-foot high main dwelling and the second kitchen proposed for the estate staff in the basement of the house will not impact any adjacent property owners and the second kitchen, which will be used only incidental to the staff quarters and will not be visible from the adjacent properties.

**ADJUSTMENT FINDINGS – DENIAL - (1) Block wall 8 feet in height in the front yard (proposed north of the southerly driveway), 2) Retaining walls of 11 feet within side and rear yards, and 3) Block walls of 12 feet within the northerly and southerly side yards)**

6. **The granting of a block wall of 8 feet in height proposed at the north of the southerly driveway, retaining walls of 11 feet in height proposed within the rear and side yards and block walls of 12 feet within the side yards will result in development that is incompatible and inconsistent with the surrounding uses.**

An 8-foot high block wall is proposed at the north of the southerly driveway. Since the retaining wall is 12 feet high and is proposed at the north of the southerly driveway, easterly of the existing storm drain and sanitary easement, it will effectively provide privacy and security for the property, for which the proposed construction of an 8-foot block wall was intended to provide. Therefore, without the proposed 8-foot block wall, the applicant's privacy and security concerns will be resolved. The applicant stated that retaining walls were needed to stabilize the slope and that a building pad and a 12-foot block wall within the side yards would not only provide privacy and security to the property, but it would also be used as a mitigation measure to prevent coyotes coming into the property. Due to the elevation, size of the subject site and the neighboring properties, and distance of the project from the neighboring properties, the lower walls would provide an equivalent level of privacy and security protection to the project residents, which the proposed retaining and block walls of 11 to 12 feet in height would provide. The proposed height of the walls will result in development that is incompatible and inconsistent with the neighboring properties, which have walls/fences of 8 feet or lower in height within the required side and rear yard areas.

7. **The granting of an adjustment will be in conformance with the intent and purpose of the General Plan.**

The Bel Air-Beverly Crest Community Plan Map designates the property for Very Low I Residential land uses with a corresponding zone of RE20 and Height District No. 1. The property is not currently within the area of any specific plans or interim control ordinances. However, the property is within the purview of the Hillside Ordinance.

The basic use of the property for single-family residential purposes is consistent with the Bel Air-Beverly Crest Community Plan and the Plan does not specifically address adjustments for over-in-height retaining and block walls within the required setback area.

**8. The granting of an adjustment is not in conformance with the spirit and intent of the Planning and Zoning Code of the City.**

The zoning regulations require a certain height for the retaining and block walls in order to provide compatibility between respective properties as well as to ensure uniform development. In this instance, the proposed over-in-height walls within the required setback area would not be in harmony with the surrounding properties in the area, and therefore, the Code's desire to achieve compatibility between respective sites cannot be achieved in a manner consistent with the spirit and intent of the zoning regulations which promotes orderly development.

**9. There are adverse impacts from the proposed adjustment or any adverse impacts have not been mitigated.**

The proposed 8-foot high block wall in the front yard, 12-foot high block walls in the side yards and retaining walls of 11 feet in height in the rear and side yards would create development that is not in harmony with the surrounding properties in terms of fence/wall heights resulting in adverse aesthetic impacts in the residential neighborhood that cannot be mitigated.

**10. The site and/or existing improvements do not make strict adherence to the zoning regulations impractical or infeasible.**

As mentioned in Finding No. 6, the proposed retaining wall, which is proposed easterly of the existing storm drain and sanitary easement will provide privacy and security to the residents, for which the construction of the proposed 8-foot high block wall proposed at the north of the southerly driveway within the front yard was intended to provide. There are other options available to control the coyotes coming into the property, such as walls lower than the proposed 11- to 12-foot high retaining and block walls. There will be no existing improvements since the existing structures on the property will be demolished for the construction of a new single-family home. Therefore, the site and/or existing improvements would not make strict adherence to the zoning regulations impractical or infeasible.

**ADJUSTMENT FINDINGS – APPROVAL - (1) Retaining wall ranging 6 to 16 feet in height in the front yard, 2) Retaining and block walls of 8 feet in the front, side and rear yards, and 3) Accessory structures (guard booth, bridge and tennis court) within 55 feet from front property line)**

**11. The granting of over-in-height walls in the front, side and rear yards and accessory structures within 55 feet from the front property line will result in development that is compatible and consistent with the surrounding uses.**

The proposed retaining walls ranging from 6 feet to 16 feet within the front yard were needed to create the new driveway, which was proposed at the southerly portion of the project site. The project site elevation ranges from Elevation 490 at the street level to the highest point of elevation 570 resulting in a grade difference of 60 to 80

feet. As evidenced in the prior approvals for over-in-height fences in the project area (the relevant cases were noted in the background section of this decision letter), the over-in-height retaining walls are commonly used to stabilize the slope and to create driveway and a building pad in the project area; therefore, the granting of over-in-height retaining walls in the front yard will result in development that is compatible and consistent with the surrounding uses.

The 11-foot high retaining walls proposed in the side and rear yards are denied and are limited to a maximum of 8 feet in height. The 12-foot high block walls proposed in the southerly and northerly side yards are denied and are limited to a maximum height of 8 feet. The applicant stated that those walls were needed to create a building pad and more useable open space as well as to provide privacy and security to the residents and to control coyotes coming to the property. A condition was required to plant trees and/or vegetation, which will be capable of covering all of the entire walls in order to obscure the views of the walls from the neighboring properties and public streets. Further, the walls were required to maintain a minimum 5-foot setback from the property lines, so that a minimum 5-foot landscape buffer from the neighboring properties could be provided. As conditioned, the 8-foot high walls will provide privacy and security to the residents of the project site and the neighboring properties resulting in development that is compatible and consistent with the surrounding estate size homes in the project vicinity.

The accessory structures (guard booth, tennis court and bridge) are proposed within 55 feet from the front property line. The plan shows that the tennis court is located approximately 49 feet from the front property line and a guard booth is proposed at the northerly driveway entrance. The existing bridge will be restored. A condition was required to move the guard booth easterly of the existing storm drain and sanitary easements. As conditioned and landscaped, the tennis court and the security booth will not be visible from the neighboring properties. Thus, the character of the single-family home will not be changed.

**12. The granting of an adjustment will be in conformance with the intent and purpose of the General Plan.**

The adjustment will not result in a change of use or in the density on the site and the lower walls would provide equivalent protection to the project residents. The granting of the adjustment will not only provide privacy and security to the subject site and the neighboring properties, but it will also allow for the creation of a building pad, driveway and useable open space. The conditions imposed will ensure that the single-family neighborhoods will be protected and preserved in conformance with the intent and purpose of the General Plan which promotes stable residential neighborhood.

**13. The granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.**

The zoning regulations require a maximum height of the fence/walls within the required setbacks and a minimum distance of the accessory structures from the

front property line 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, which promote the compatibility between respective sites and the protection of neighboring properties because as conditioned, the project will not result in any change to the character of the residential neighborhood, which is improved with estate sized homes. It is also noted that the Bel Air Community Plan does not specifically address adjustments.

14. **There are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.**

In order to obscure the over-in-height walls, a condition was required to plant trees and/or other vegetation that will completely cover both sides of the approved retaining and block walls. The walls were required to maintain a minimum of 5 feet from the property lines in order to provide a landscape buffer from the neighboring properties.

Although the project is categorically exempt from the California Environmental Quality Act, conditions of this grant include the review and approval by the Fire Department as well as mitigation measures addressing potential light and glare impacts as well as potential impacts during construction. As conditioned and designed, the request will not result in any adverse impacts.

15. **The site and/or existing improvements make strict adherence to the zoning regulations impractical or infeasible.**

The project site is located in hilly terrain and a grade change from the lowest point to the highest is approximately 60 to 80 feet. The site consists of two legal lots and contains approximately 3.2 acres of lot area. Without granting the adjustments, it will not be feasible to create the driveway access to the house from the southerly portion of the project. The unique situation of this site, as well as the location, use and design of the project, makes the request as proposed, logical, as it would allow for the functional design of the project.

**ZONING ADMINISTRATOR DETERMINATION FINDINGS** – (Multiple retaining walls 7 feet 6 inches to 16 feet in height)

16. **The proposed retaining walls will be in conformity with the public necessity, convenience, general welfare and good zoning practice.**

The applicant is requesting a determination to permit 10 retaining walls ranging from 7 feet 6 inches to 16 feet in height in lieu of the maximum of 2 retaining walls of 10 feet as required under Section 12.21-C,8(a) of the Los Angeles Municipal Code, established by Ordinance No. 176,445, effective March 9, 2005, for retaining walls in the hillside area, which states:

"Section 12.21 C.8 Retaining Walls in Hillside Areas

(a) *A maximum of one free standing vertical or approximately vertical retaining wall may be built on any lot with a maximum height of 12 feet as measured from the top of the wall to the lower side of the adjacent ground elevation . . . a maximum of two vertical or approximately vertical walls or portions of a wall can be built if they comply with the following:*

*(i) The minimum horizontal distance between the two walls is three feet; (ii) Neither of the two walls exceed a height of 10 feet measured from the top of each wall to the lower side of the adjacent ground elevation at each wall; and (iii) In no case shall the height of a wall located in a required yard exceed the height allowed by Section 12.22C.20(f) of the Code . . . "*

As stated in the prior findings, the retaining walls were needed to stabilize the slope as well as to create a building pad, driveway access and useable open space. The proposed retaining walls do not exceed the height of the proposed dwelling and are not expected to affect any views from the neighboring properties. As conditioned, the retaining wall will be nearly invisible behind the existing grove of trees, and will aid in controlling the off site drainage flow by creating additional permeable surfaces. Therefore, the retaining walls will be in conformance with public necessity, convenience, general welfare and good zoning practice.

**17. The proposed retaining walls will be in substantial conformance with the various elements and objectives of the General Plan.**

Retaining walls are not specifically addressed in the Bel Air Community Plan. The Plan seeks to protect investment, promote good design, and ensure public safety. Granting the request allows the applicant to construct a driveway as well as to create a building pad and more useable landscape area that will provide more functional, private, open space. Further, the proposed retaining walls will not change the primary use of the existing single-family home. Therefore, the proposed retaining wall will be in substantial conformance with the various elements and objectives of the General Plan.

**ADDITIONAL MANDATORY FINDINGS**

**18. 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.**



19. On April 21, 2006, a Mitigated Negative Declaration (ENV 2006-0983-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. 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.
  
20. Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



SUE CHANG  
Associate Zoning Administrator  
Direct Telephone No. (213) 978-3304

SC:lmc

cc: Councilmember Jack Weiss  
Fifth District  
Adjoining Property Owners  
County Assessor



**EXHIBIT "G"**







**EXHIBIT "H"**

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)	ARR	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 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 - VHFHSZ Flood Haz. Zone - A0 D=2 E=N/A P1	Hillside Grading Area - YES Hillside Ordinance - YES Earthquake-Induced Liquefaction Area - Yes Lot Cut Date - 05/19/1950 Lot Cut Date - PRIOR-06/01/1946
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ZONE(S): RE20-17

4. DOCUMENTS	ZA - ZA-2000-559-ZV-ZAI-YV ORD - ORD-167564-SA3460 CPC - CPC-1986-829-GPC AFF - AFF-13471	AFF - AFF-13878
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5. CHECKLIST ITEMS	Flood Certif. - Flood Elevation Certif. Req'd Special Inspect - Concrete > 2.5ksi Special Inspect - Grade Beam/Caisson	Special Inspect - Masonry Special Inspect - Structural Observation Fabricator Req'd - Shop Welds	Fabricator Req'd - Structural Steel Std. Work Descr - Seismic Gas Shut Off Valve Combine Elec - Wrk. per 91.107.2.1.1.1
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6. PROPERTY OWNER, TENANT, APPLICANT INFORMATION	Owner(s): M And A Gabae	9171 Wilshire Blvd PH STE	BEVERLY HILLS CA 90210
Tenant:	Applicant: (Relationship: Owner-Bldr)	M And A Gabae - Owner-Builder	9034w Sunset Bl WEST HOLLYWOOD 90069 (310) 247-0900

7. EXISTING USE	PROPOSED USE	8. DESCRIPTION OF WORK	LA Department of Building and Safety LA 05 61 286123 06/01/10 03:40 PM LA 05 61 286123 06/01/10 03:40 PM
	(01) Dwelling - Single Family (07) Garage - Private	NEW 2-STORY SINGLE FAMILY DWELLING WITH 8319.5 SF. BASEMENT AND A 2,000 SF. ATTIC.	BUILDING PERMIT RES \$13,552.00 ELECTRICAL PERMIT RES \$3,523.52 HTG/REF PNT RES \$1,761.76 PLUMBING PERMIT RES \$3,523.52 BUILDING PLAN CHECK \$5,643.00 INSPECTION PLAN CHECK \$2,821.50 CITY PLANNING SURCH \$271.04 E1 RESIDENTIAL \$400.00 FOR CASHIER'S (SEE GROUP SURCH W/O #: 810004) \$829.93 SYSTEMS DEVT FEE \$1,489.78 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

9. # Bldgs on Site & Use:	10. APPLICATION PROCESSING INFORMATION
	BLDG. PC By: Victor Cuevas OK for Cashier: Eric Cabrera Signature: <i>Eric Cabrera</i> DAS PC By: <i>[Signature]</i> Coord. OK: <i>[Signature]</i> Date: 06/11/2010

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		
Sewer Cap ID:		Total Bond(s) Due:	

For inspection required by City of Los Angeles (524-2845)	\$3,523.52
Outside LA County (524-2845) inspections via	\$5,643.00
www.ladbs.org To speak to a City Center Agent, call 311 or	\$2,821.50
(866) 4LACITY (424-4231) or County, call (213) 473-3231.	\$271.04
E1 RESIDENTIAL	\$400.00
FOR CASHIER'S (SEE GROUP SURCH W/O #: 810004)	\$829.93
SYSTEMS DEVT FEE	\$1,489.78
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:	\$190,292.39
Carry Over FROM Tran# 286122	\$5,073.22
Total Due:	\$195,365.61
Carry Over TO Tran# 286124:	\$195,365.61

2010LA51412

12. ATTACHMENTS
Plot Plan <i>[Signature]</i>



\* P 0 8 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 - 10000 - 00426

- (P) Basement: +1 Levels / 1 Levels
- (P) Floor Area (ZC): +15610 Sqft / 15610 Sqft
- (P) Height (ZC): +36 Feet / 36 Feet
- (P) Length: +176 Feet / 176 Feet
- (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) R3 Occ. Group: +15610 Sqft / 15610 Sqft
- (P) Parking Req'd for Bldg (Auto+Bicycle): +5 Stalls / 5
- (P) Provided Standard for Bldg: 0 Stalls / 5 Stalls
- (P) Total Provided Parking for Site: +5 Stalls / 5 Stalls
- (P) Type V-B Construction

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 Relocated From:

16. CONTRACTOR, ARCHITECT, & ENGINEER NAME

ADDRESS

CLASS LICENSE#

PHONE#

- (A) Kim, Nam H 6014 Flambeau Road, Rancho Palos Verdes, CA 90275
- (E) Lee, Sang Youck 3531 Brookhill St, Glendale, CA 91214
- (O) , Owner-Builder

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 employees 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) 597-5323 or www.dhs.ca.gov/childlead.

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: ARBUC TORING

Sign: [Signature]

Date: 06/04/10

Owner

Authorized Agent

360 N Stone Canyon Road

Permit Application #: 08010 - 10000 - 00426

Bldg-New  
1 or 2 Family Dwelling  
Plan Check

City of Los Angeles - Department of Building and Safety

Plan Check #: B08LA01747FO  
Initiating Office: METRO

**PLOT PLAN ATTACHMENT**

Printed on: 06/01/10 08:00:59

PROPOSED SITE PLAN / FIRST FLOOR  
Scale: 1/32" = 1'-0"

INCORPORATION RELATED TO  
CHANGES  
REFER TO EDC'S SE GRADING PLAN

(DO NOT DRAW, WRITE, OR PASTE ATTACHMENT'S OUTSIDE BORDER)



360 N Stone Canyon Road



Permit #:

08010 - 10003 - 00426

Plan Check #: B10LA12248

Printed: 02/21/12 03:59 PM

Event Code:

Bldg-Addition 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: 02/21/2012

TRACT	BLOCK	LOT(S)	ARB	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 - 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

ZONES(S): 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 Gabae 9171 Wilshire Blvd PH STE BEVERLY HILLS CA 90210

Tenant:

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

**7. EXISTING USE**

(01) Dwelling - Single Family	<b>PROPOSED USE</b>
(07) Garage - Private	(01) Dwelling - Single Family

**8. DESCRIPTION OF WORK**

SUPPLEMENTAL PERMIT TO 08010-10003-00426 ENLARGE BASEMENT FOR GARAGE  
 PROPOSED GARAGE AND CHANGE FROM 17 ROOMS TO PROPOSED BUILDING IS  
 NOW A 2-STORY, 155' X 98', SINGLE FAMILY DWELLING WITH 1 LEVEL  
 BASEMENT FOR GARAGE ONLY. BUILDING PERMIT - RES 02/11/12 10

**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: 2/21/12

ELECTRICAL PERMIT RES	287.41
PLUMBING PERMIT RES	274.70
PLANNING PERMIT RES	349.41
FOR CASHIER'S USE	64.26
PLANNING SURCH	63.58
CITY PLANNING SURCH	179.32
MISCELLANEOUS	10.00
PLANNING GEN PLAN MAINT	64.66
SCHOOL DEV RES	97,345.04
CA BLDG STD COMMISSION S	18.00
BUILDING PLAN CHECK	90.00
BUILDING PLAN CHECK	90.00
BUILDING PLAN CHECK	90.00

**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		
O-S Surcharge	71.43		
Sys. Surcharge	214.35		
Sewer Cap ID:		Total Bond(s) Due:	

PO80101000300426FN	
Total Due:	913,425.28
Checks:	913,425.28
2012LA76475	

**12. ATTACHMENTS**

Owner-Builder Declaration

Plot Plan



\* P 0 8 0 1 0 1 0 0 0 3 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 - 10003 - 00426

- (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 / 5
- (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 08010-10000-00426 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 tie of parcels C & D. Affidavit 20110847977 for lot tie of parcels A & B. Affidavit 20111583947 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	CLASS	LICENSE #	PHONE #
(A) Smith, Scott Massion	26626 Guadiana,	Mission Viejo, CA 92691	C11318	
(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 Colbath 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 (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 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 (800) 524-3323 or the State of California at (800) 597-5323 or [www.dhs.ca.gov/ehlead](http://www.dhs.ca.gov/ehlead).

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: PAIRLICK TAPPING Sign: [Signature] Date: 2/21/12  Owner  Authorized Agent



1010625201249225

10106227201245005



**OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION**

**(OWNER-BUILDER DECLARATION)**

Application Number: 08010 - 13553-02426

Project Address: 360 N Stone Canyon Road

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

PT 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.

PT 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.

PT 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.

PT 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.

PT 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.

PT 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.

PT 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.

PT 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.

PT 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: 18510-10003 06426

Project Address: 700 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: 700 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. ANDREE

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

- 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.

360 N Stone Canyon Road

Permit Application #: 08010 - 10003 - 00426

Bldg-New

City of Los Angeles - Department of Building and Safety

Plan Check #: B10LAI2248FO

1 or 2 Family Dwelling

Initiating Office: METRO

Plan-Check

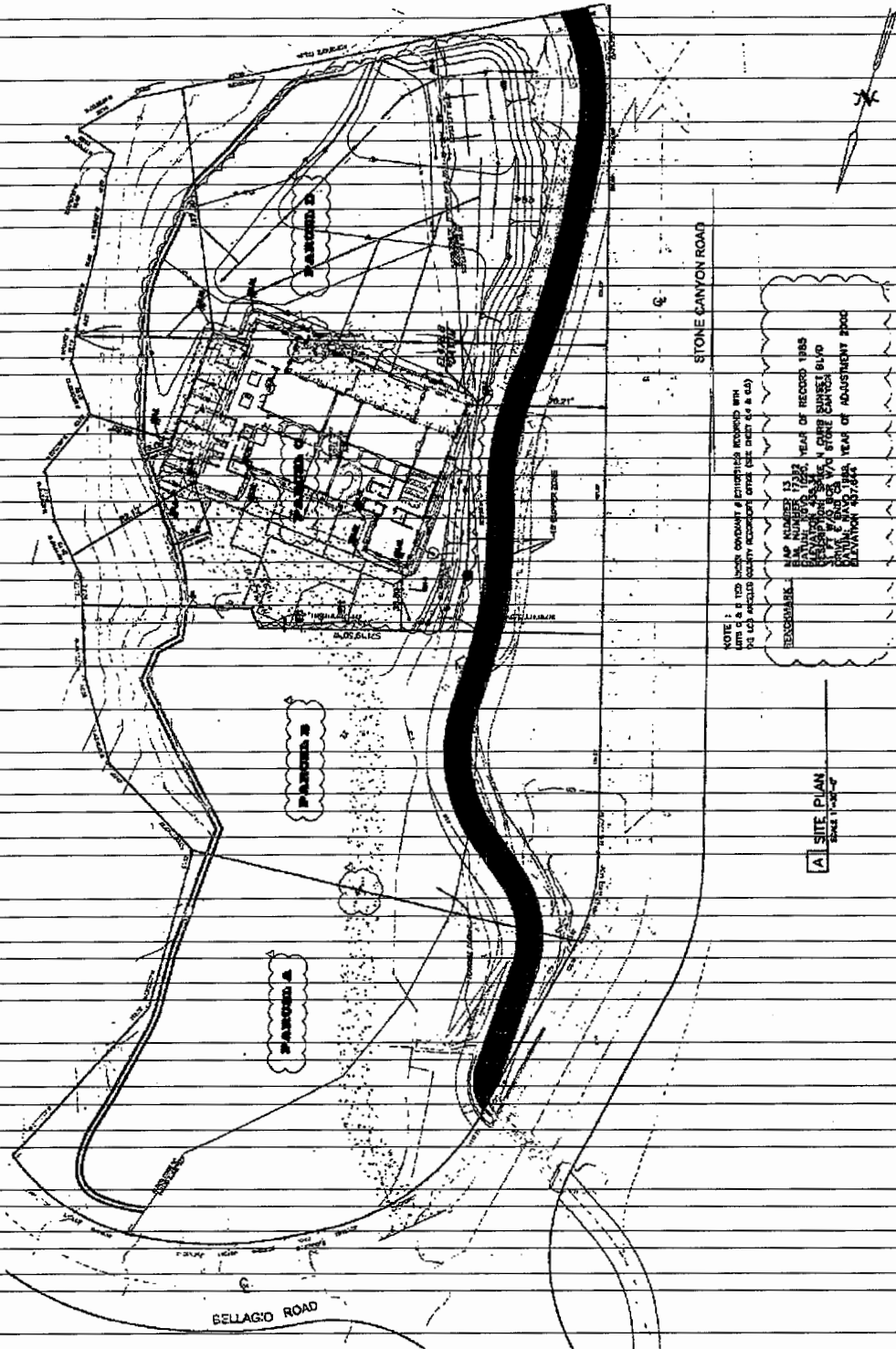
PLOT PLAN ATTACHMENT

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1010625301240125

01010227201245000

(DO NOT DRAW, WRITE, OR PASTE ATTACHMENTS OUTSIDE BORDER)



5

360 N Stone Canyon Road



Permit #:

08010 - 10004 - 00426

Plan Check #: B1ILA08369

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

APPLICATION FOR BUILDING PERMIT  
AND CERTIFICATE OF OCCUPANCY

Last Status: Ready to Issue

Status Date: 03/28/2012

1. TRACT	BLOCK	LOT#	ARE	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

ZONES(S): 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 Gabace 9171 Wilshire Blvd PH STE BEVERLY HILLS CA 90210

Tenant:

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

7. EXISTING USE PROPOSED USE

(01) Dwelling - Single Family

8. DESCRIPTION OF WORK

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 ON 03/27/12 04:27:11

9. # Bldgs on Site & Use:

BUILDING PERMIT FEES \$130.00  
For inspection requests, call toll-free (866) LADBUILD (524-2845).  
Outside LA County, call (213) 482-0800 or request inspections via  
www.ladbs.org To speak to a Call Center agent, call 311 or  
(866) 4LACITY (452-2499) Outside LA County, call (213) 473-3231.  
CITY PLANNING SURCH \$2.00

10. APPLICATION PROCESSING INFORMATION

BLDG. PC By: Chad Doi DAS PC By: Coord. OK:  
OK for Cashier: Chad Doi Date: 3/28/12

MISCELLANEOUS W/O #: 81000426  
PLANNING GEN PLAN MAINT \$3.90  
CA BLDG STD COMMISSION S \$1.00  
BUILDING PLAN CHECK \$0.00  
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. Surecharge	7.83
Planning Surcharge	7.80
Planning Surcharge Misc Fee	10.00
Planning Gen Plan Maint Surchar	3.90
CA Bldg Std Commission Surchar	1.00
Permit Issuing Fee	0.00
Sewer Cap ID:	Total Bond(s) Due:

P080101000400426FM

Total Due: 163.64  
Check: 163.64

2012LAPESC

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

14. APPLICATION COMMENTS:

Plan Check Only application approved along with 08010-10003-00426 and 10030-10000-10412 per C. Kumabe'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.

15. BUILDING RELOCATED FROM:

16. CONTRACTOR, ARCHITECT & ENGINEER NAME ADDRESS

(O) Owner-Builder

CLASS LICENSE # PHONE #

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 (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).)

(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. 7034, 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. 7034, 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: \_\_\_\_\_

(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 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) 597-5323 or www.dhs.ca.gov/childlead.

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: DAVID CHARLTON

Sign: [Signature]

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

1. TRACT	BLOCK	LOT(S)	ABB	COUNTY MAP REF #	PARCEL ID # (PIN #)	2. 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	Flood Haz. Zone - Outside Flood Zone
LADBS Branch Office - WLA	District Map - 141B153	Hillside Grading Area - YES
Council District - 5	Energy Zone - 9	Hillside Ordinance - YES
Certified Neighborhood Council - Bel Air - Beverly Crest	Fire District - VHFHSZ	Near Source Zone Distance - 0
Community Plan Area - Bel Air - Beverly Crest	Flood Haz. Zone - AO D=2 E=N/A IN	Thomas Brothers Map Grid - PAGE 592 - GRID B7

ZONES(S): RE20-1

**4. DOCUMENTS**

ZA - ZA-2000-559-ZV-ZA1-YV	BHO - Yes	AFF - 20110847976 - LT	AFF - AFF-13471
ORD - ORD-167564-SA3460	AFF - 20110699625	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 Sunset Blvd WEST HOLLYWOOD CA 90069 (310) 247-0900

<b>7. EXISTING USE</b>	<b>PROPOSED USE</b>	<b>8. DESCRIPTION OF WORK</b>
(01) Dwelling - Single Family (07) Garage - Private		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

9. # Bldgs on Site & Use:

**10. APPLICATION PROCESSING INFORMATION**

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

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

Signature: [Signature] Date: [Signature]

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 [Signature]



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



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

14. APPLICATION COMMENTS:
\*\* Approved Seismic Gas Shut-Off Valve may be required. \*\* Comments from HOF regarding Street Classification on permit
08010-100003-00426: "SUBSTANDARD-RIGHT OF WAY IS 50' WIDE, ROADWAY IS 24' WIDE PER STREET PLAN P-20701.
ACCESS FROM BELLAGIO RD."

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:

Table with 5 columns: 16. CONTRACTOR, ARCHITECT & ENGINEER NAME, ADDRESS, CLASS, LICENSE #, PHONE #. Rows include Smith, Scott Mission; Lcc, Sang Youck; Owner-Builder.

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 (HIS 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).)

(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.)

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: \_\_\_\_\_

(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 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) 597-5323 or www.dhs.ca.gov/childlead.

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: PEARL LU Sign: [Signature] Date: 7/18/12 [ ] Owner [X] Authorized Agent

360 N Stone Canyon Road

Permit Application #: 08010 - 10005 - 00426

Bldg-Addition  
1 or 2 Family Dwelling  
Plan Check

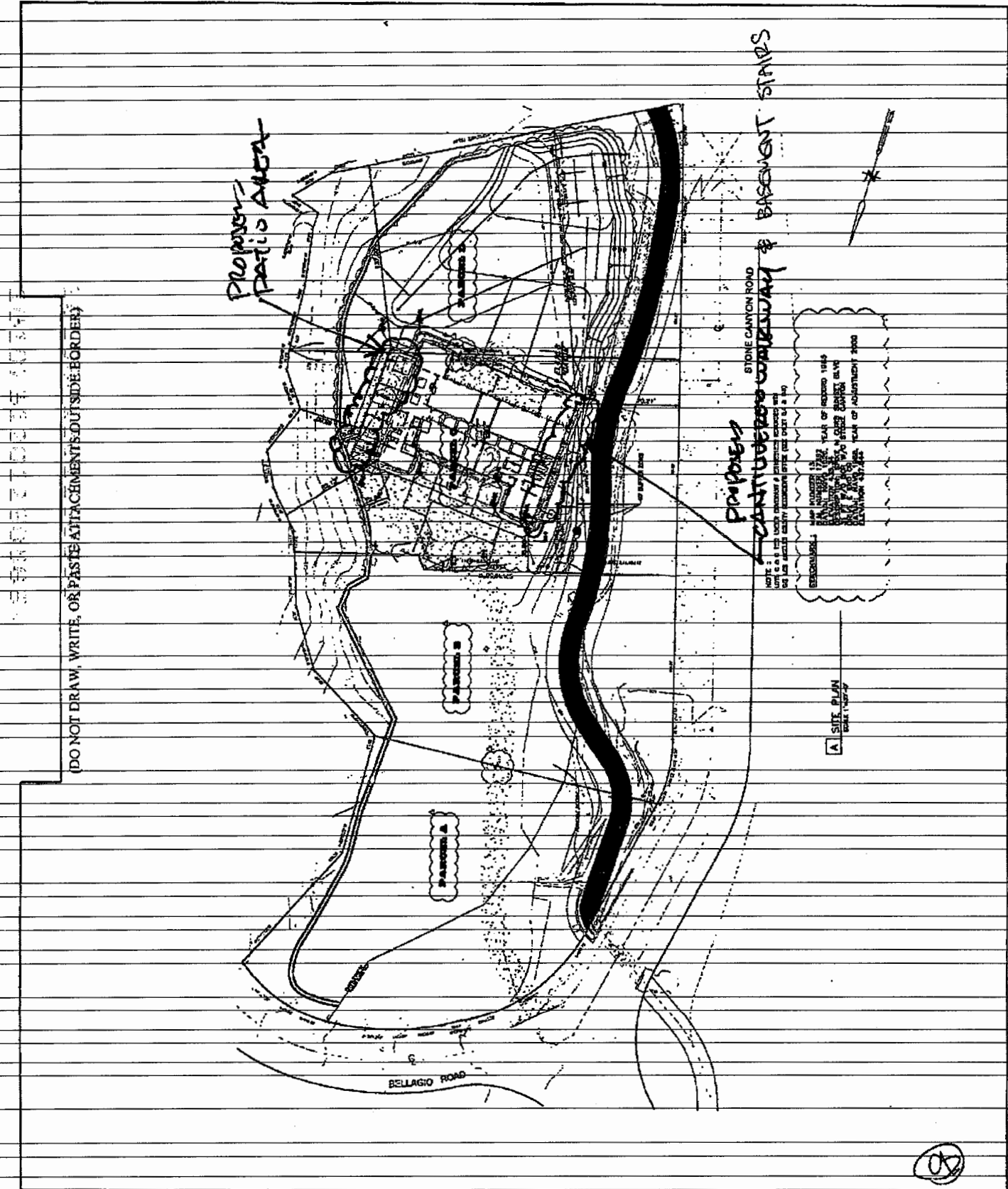
City of Los Angeles - Department of Building and Safety

Plan Check #: B12LA05800FO

Initiating Office: METRO

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

PLOT PLAN ATTACHMENT



DO NOT DRAW, WRITE, OR PASTE ATTACHMENTS OUTSIDE BORDER

**NOTE:** THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. THE CITY OF LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LOS ANGELES DEPARTMENT OF BUILDING AND SAFETY AND ALL OTHER AFFECTING AGENCIES.

**RECORDING:** THIS PLAN WAS RECORDED ON 07/18/12 AT 11:50:50 AM. THE RECORDING NUMBER IS 08010-10005-00426-003.

A. SITE PLAN  
DATE: 7/18/12

OS





# Property Activity Report

**360 N STONE CANYON ROAD 90077**

**APPLICATION / PERMIT NUMBER: 08010-10000-00426**

**PLAN CHECK / JOB NUMBER: B08LA01747**

[Home](#)

[Help](#)

[Parcel Profile Report](#)

[LADBS Home](#)

[LAHD Property Activity Report](#)

[Disclaimer](#)

## 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 FAMILIY 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
Frnt 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	06/01/2010	KEVIN AZARMAHAN
Sewer availability	Cleared	06/01/2010	VALENTINO PUEBLOS

## Licensed Professional/Contractor Information

### Architect Information

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

### Contractor Information

Owner-Builder

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 City of Los Angeles.  
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**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

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



# Property Activity Report

**360 N STONE CANYON ROAD 90077**

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

**PLAN CHECK / JOB NUMBER: B10LA12248**

[Home](#)

[Help](#)

[Parcel Profile Report](#)

[LADBS Home](#)

[LAHD Property Activity Report](#)

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## 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, 155' 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 Mitigatn	Cleared	11/02/2011	AMMAR ELTAWIL
VHFHSZ	Cleared	11/02/2011	TERRENCE O'CONNELL
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
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-Builder

**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

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



# Property Activity Report

360 N STONE CANYON ROAD 90077

APPLICATION / PERMIT NUMBER: 08010-10004-00426

PLAN CHECK / JOB NUMBER: B11LA08369

[Home](#)

[Help](#)

[Parcel Profile Report](#)

[LADBS Home](#)

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## Permit Application or Issued Permit Information

GROUP: Building  
 TYPE: Bldg-Alter/Repair  
 SUB-TYPE: 1 or 2 Family Dwelling  
 PRIMARY USE: (1) 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

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 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

[BACK](#)   [NEW SEARCH](#)



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[Home](#)

[Help](#)

[Parcel Profile Report](#)

[LADBS Home](#)

[LAHD Property Activity Report](#)

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

## 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 08010-10003-00426. 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.

**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	DAVID WEINTRAUB
ZA Case	Cleared	07/18/2012	DAVID WEINTRAUB

## Licensed Professional/Contractor Information

### Architect Information

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### Contractor Information

Owner-Builder

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**Engineer Information**

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**Inspection Activity Information**

**Inspector Information**

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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

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