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November 1, 2013

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CASE NO. ZA 2012-1402(ZV)(ZAA)(ZAD)
ZONE VARIANCE – ZONING
ADMINISTRATOR'S DETERMINATION
– FENCE HEIGHT
10550 West Bellagio Road
Bel Air-Beverly Crest Planning Area
Zone : RE20-1
D. M. : 141B149
C. D. : 5
CEQA: ENV-2005-8611-MND-REC2
Legal Description: Lots A, B, PM 2005-
3998

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

a Variance from Section 12.21-C.10(d) to permit a height of 50 feet in lieu of the 36 feet height limit for the construction of a single-family dwelling in the RE20-1 Zone;

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

an Adjustment from Section 12.21C.8(a) of the Los Angeles Municipal Code to allow the construction of one retaining wall, ten feet in height and approximately 136 feet in length along the eastern property line in RE20-1 Zone ,

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

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

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceedings against the City or its agents, officers, or employees relating to or to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. All other use, height, and area regulations of the RE20-1 Zone classification of the subject property, and all other applicable government/regulatory agency regulations shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
8. This approval is tied to Parcel Map AA-2005-3998-PMLA and ENV-2005-8611-MND-REC2. The applicant/developer shall comply with all conditions and mitigation measures identified in these related cases.
9. The materials for the fence shall consist of decorative wrought iron fence on top of the existing wall with the wrought iron to a maximum height of 8 feet.
10. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for

approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

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

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

TRANSFERABILITY

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

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

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

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

APPEAL PERIOD – EFFECTIVE DATE

The applicant's attention is called to the fact that this variance is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after November 19, 2013, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so

that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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

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

NOTICE

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

FINDINGS OF FACT

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

BACKGROUND

The property consists of two irregular-shaped, interior lots (Lots "A" and "B" of Parcel Map No.AA-2005-3998) totaling 84,567 square feet with a frontage on the south side of Bellagio Road and on the east side of Stone Canyon Road. Although there are two separate legal lots, construction of a home across the property line will tie the two parcels together. The site is currently vacant although previous grading has occurred on the site and there are native as well as non native vegetation on site. Stone Canyon Creek runs through the southwestern portion of the site and through the adjacent parcels to the south.

Requirements of the approved Parcel Map and environmental mitigation measures require the preservation of the creek and a 10-foot indigenous vegetation buffer on either side. The subject site is located in the Bel Air-Beverly Crest Community Plan area and designated for Very Low Residential (residential estate single family) uses and is subject to the Baseline Hillside Ordinance.

The applicant is proposing the construction of a 42,409 square foot single-family home on the property. The majority of Lot "B" will remain as open space with landscaping except for a pool and similar accessory structures. In addition, the applicant seeks to construct a wrought iron fence on top of an existing three to five feet tall stone and masonry wall that exists in the public right of way adjacent to the subject property.

The residences adjoining properties to the south and are largely obstructed from view due to the size of the lots, the dense vegetation and the change in grade. To the west of the property is the Bel Air Country Club, and adjacent to the south are two lots currently under construction with a single family dwelling under the same ownership of the subject property. The houses in the area range from approximately 4,504 square feet to approximately 38,662 square feet. The adjoining properties to the north, east and south are zoned RE20-1 and are developed with single family residences/estates. The property to the west is zoned A1-1XL, and is developed with a golf course.

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

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

Subject Site:

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

Surrounding Properties:

Case No. ZA 2012-1395-ZV-ZAA – On March 19, 2013, the Zoning Administrator denied a variance to permit a height of 50 feet in lieu of the 36-foot height limit for a single family dwelling at 360 North Stone Canyon Road however approved a Zoning Administrator's Determination for the construction of a 8-foot in height wall within the front yard setback. The denial of the height variance was appealed and on June 5, 2013 the West Los Angeles Area Planning Commission denied the appeal and sustained of the Zoning Administrator. On June 25, 2013 the City Council asserted jurisdiction over the West Los Angeles Area Planning Commission's action in denying the appeal. On September 11, 2013 the City Council voted to grant the appeal and thereby reversed the decision of the Zoning Administrator in denying the appeal and granted a variance to permit a 50-foot in height single family dwelling.

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

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

Case Nos. ZA 2002-5061(YV)(ZAA)(ZAD) and ZA 2002-5061(YV)(ZAA)(ZAD)-A-1 – On February 27, 2003, the Zoning Administrator denied a variance at 457 Bel Air Road, to permit a series of retaining walls up to 9.5 feet in height in the front yard setback area in lieu of the permitted 3 ½ feet, a variance to permit the construction and continued maintenance of a single family dwelling of height varying from 36 feet at the front to 46 feet 6 inches at the rear, a variance to permit the height of an accessory living quarters to be 39 feet 1.5 inches. Dismissed a variance to permit retaining walls up to 22 feet in height, and an adjustment to permit a tennis court observing a 21-foot setback. Approved an adjustment to permit an accessory structure (studio) to be located 39 feet 11 inches from the property line in lieu of the required 55 feet. On July 11, 2003, the West Los Angeles Area Planning Commission granted the appeal resulting in a variance to permit a series of retaining walls up to 9.5 feet in height in the front yard setback area, permit the construction and continued maintenance of a single-family dwelling a height varying from 36 feet at the front to 44 feet at the rear, and to permit the height of an accessory living quarters to be 39 feet in lieu of the maximum height of 36 feet. An adjustment to permit an accessory structure (studio) to be located 39 feet 11 inches from the property line in lieu of the required 55 feet.

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

Case No. ZA 2000-0559(ZV)(YV)(ZAI) – On August 9, 2000, the Zoning Administrator dismissed a variance at 10550 Bellagio Road for an over-in-height wall equivalent to a linear distance of 192 feet along the front yard extending

westerly from the northeasterly property line along the street frontage on Bellagio Road, inasmuch as the proposed wall along this segment will not encroach into the required 5-foot front yard setback and therefore is permitted by right. Approved a variance to permit the construction, use and maintenance of a second kitchen in a caretaker's gatehouse in conjunction with the construction of a new main residence. Approved a determination to permit a height of 45 feet in lieu of the maximum 36 feet otherwise permitted.

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

Case No. ZA 94-0463(ZV) – On September 15, 1994, the Zoning Administrator approved a variance at 642 Siena Way, to permit the construction, use and maintenance of a recreation/entertainment accessory building, in terrace under an existing legal nonconforming tennis court structure, to observe a maximum height of approximately 53 feet in lieu of the 36 feet permitted; a freestanding elevator tower which will observe a maximum height of approximately 44.5 feet in lieu of the permitted 36 feet; and a kitchen apart from the main dwelling, located in the accessory building. Conditions include: overnight occupancy within the accessory building is prohibited. There shall be no rooms or furniture for sleeping of any type permitted within the accessory building.

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

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

PUBLIC HEARING

There were two public hearings conducted for the proposed project.

The original public hearing for the subject case and a companion Parcel Map Modification case (AA-2005-3998-PMLA-M1) and a related Zoning Administrator case (ZA 2012-1395-ZV-F) was held on January 9, 2013 and was attended by the applicant's representatives and representatives of the neighbors, other interested persons, and a representative from Council District 5. The Parcel Map Modification case included both the subject site and the neighboring property at 360 Stone Canyon Road. The following is a summary of the points made by the speakers.

Fred Gaines, (representative for the applicant):

- The property consists of two interior lots located in a hillside area.
- The site slopes downward only at the westerly end of the property towards Stone Canyon Creek near the property line at Stone Canyon Road.
- It is because of the sloped portion of the property that the Applicant will require a Zone Variance for the proposed residence.
- Due to the large setbacks and existing landscaping, the additional height will have no impacts to the surrounding properties.
- The property is currently enclosed by a decorative stone and masonry wall that was constructed in the public right-of-way decades ago and ranges in height from 50-inches to 54-inches as measured from the street. The Applicant's proposal to construct a wrought iron fence on top of the existing wall, to a maximum total height of 8 feet.

Dale Goldsmith, (representing a neighbor to the south):

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

Santa Monica Bay Restoration,

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

Mark Barron, (property owner across the street from the project):

- Testified in support of the project.

Victor Marmon, (representing the adjacent neighbor to the east):

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

Mike Fisher, (an engineer representing the adjacent neighbor to the east):

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

Leonard Liston, (the engineer representing the applicant):

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

Shawn Bayliss, (Planning Deputy for Council District 5):

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

After the hearing, the Zoning Administrator took the case under advisement to allow the neighbors additional time to review the proposed plans and submit additional comments.

The Parcel Map Modification application was subsequently withdrawn by the applicant and was terminated by the Advisory Agency on June 12, 2013. The currently approved Parcel Map is the original map approved by the West Los Angeles Area Planning Commission (on appeal) on December 6, 2006.

The Zoning Administrator in case ZA 2012-1395(ZV)(F), denied a variance to permit a height of 50 feet in lieu of the 36-foot height limit for a single family dwelling at 360 North Stone Canyon Road however approved a Zoning Administrator's Determination for the construction of a 8-foot in height wall within the front yard setback. The denial of the height variance was appealed and on June 5, 2013 the West Los Angeles Area Planning Commission denied the appeal and sustained of the Zoning Administrator. On June 25, 2013 the City Council asserted jurisdiction over the West Los Angeles Area Planning Commission's action in denying the appeal. On September 11, 2013 the City Council voted to grant the appeal and thereby reversed the decision of the Zoning Administrator in denying the appeal and granted a variance to permit the 50-foot height residence.

At the applicant's request and concurrence with the Associate Zoning Administrator, a second public hearing was conducted on September 25, 2013 at Los Angeles City Hall. The purpose of the hearing was to allow additional materials into the record and allow additional comments and testimony on the new materials. Additionally, the representatives for the applicant changed between the original hearing in January and the new hearing in September. The hearing was attended by seven people including the applicant, representatives for the applicant, representatives for the abutting property owner, and a representative for Council Office 5. The following is a summary of the points made by the speakers.

Ben Kim, (representative for the applicant):

- Described the property and the entitlement requests.
- Changed height variance request from 53 feet to 50 feet.

- Have been working with surrounding property owners for outreach, only one main opponent of the project.
- 82% of the proposed home complies with height.
- Proposed home sits in a "bowl" shaped parcel with adjacent properties to the north, east and south at higher elevations.
- Significant grade differentiation on property that warrants height variance.
- Home footprint is 16,000 square feet or 19% of the site.
- Additional height will not block views.

Nicole Martin, (representative for the applicant):

- The site has a long and narrow configuration.
- Only about 18% of the proposed home will be above the height limit.
- Stone Canyon Creek is required to be preserved.
- Property has dense vegetation that will block or otherwise lessen impact of the house on views.
- The proposed residence will be in parody with other neighboring residences.
- Other homes in area have been granted variance to height as well as for retaining walls and over-in-height fences/walls.

Edgar Khalatian, (representing nearby homeowners):

- Opposed to the granting of the height variance.
- The proposed height is 40% taller than what is permitted.
- The required five findings cannot be made to approve the height variance.
- Approval of the request would set a precedent.

Victor Marmon (representing the adjacent neighbor to the east):

- Submitted letters from other consultants opposing the requests.
- There is no reason for the height variance since the home can be designed to comply with requirements.
- The existing creek is not an impediment to development of the site.
- The flood zone argument is inconsequential.
- Topographic map submitted by the applicant is inaccurate.
- The project does not comply with the Baseline Hillside Ordinance.
- Applicant has not provided plot plans.
- Roof top structures and equipment can be accommodated without additional height.
- Findings to approve the requests cannot be made.

Michael Piszker (representing the adjacent neighbor to the east):

- Opposed to the height variance.

- Has worked as past FEMA consultant.
- The current MND is inadequate and an EIR should be required.
- The site has over an acre of developable area that can accommodate the house.
- Applicant cannot use flood zone designation as a basis for the height variance.
- Views will be obstructed.
- No justification for the retaining wall.
- Findings for approval cannot be made.

Jon Perica (representing the adjacent neighbor to the east):

- Went over the required five findings for the height variance and argued why the findings cannot be made.

Shawn Bayliss, (Planning Deputy for Council District 5):

- Supports the application.
- The required protection of the existing waterway by the city creates site constraints, and appreciates the preservation of the creek.
- Based on his understanding the finished home will not be 50 feet in height but for the most part be within 32 to 36 feet in height.
- The site has a long and narrow configuration. after considering the water course.
- No one opposed a height variance request for the property across the street for a 59-foot residence which sits on a hill.

Correspondences Received.

At the public hearing on September 25, 2013, letters and document were received from the following:

Letters and documents in support of the application were submitted by the applicant's representative Malissa Hathaway McKeith (Lewis Brisbois Bisgard & Smith LLP), and from Leonard Listen (LC Engineering Group, Inc.). Reasons for supporting the application were the same as those expressed by Ben Kim and Nicole Martin at the public hearing.

A letter of opposition was submitted by Jeffrey S. Haber (Paul Hastings). The reasons for opposing the project were the same as expressed by Edgar Khalatian at the public hearing.

Letters and documents in opposition were submitted by Victor Marmon (Marmon Law Offices), David Applebaum, Michael Piszker, California Energy Design Inc., and Jon Perica representing the property owner of 333 Copa de Oro Road. Victor Marmon, Michael Piszker, and Jon Perica also expressed their opposition to the application at the public hearing in addition to the letters.

A letter of non-opposition to the project was received from Cynthia Arnold of the Bel Air Association.

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 applicant has requested a variance to permit construction of a 42,409 square foot single-family home on an 84,567 square foot lot with a maximum height 50 feet that would otherwise be limited to a 36-foot height.

Zoning regulations require measurement of height as follows:

Envelope height (otherwise known as vertical height or "plumb line" height) shall be the vertical distance from the Grade of the site to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the lowest Grade within 5 horizontal feet of the exterior walls of a Building or Structure.

On the subject site, the lowest point, or "datum" point measured five feet from the house perimeter is 477.0 feet at grade level and is located at the southwestern portion of the parcel. As the property gradually ascends eastward, the elevation on the eastern portion of the house is 493 feet at grade level, creating a 16-foot grade difference between the west side datum point and the east side of the house. Stone Canyon Creek traverses the property from the north to the south along with an ascending slope on the east which reduces, by approximately 35 percent, the buildable space of the entire property. The required front yard set back from Stone Canyon Road, in the RE20-1 Zone is 25 feet. Stone Canyon Creek also results in a downward slope on the southwest portion of the home that creates a low datum or measuring point that reduces the permitted height of the home. Because height has to be measured from the lowest point, the entire height of the house regardless of where it is on the property is measured from the 477-foot datum point. This creates a practical difficulty because the height limit of 36 feet reduces the height of the home as the building footprint moves eastward from the datum point regardless of the 16-foot grade differential while maintaining the 36-foot height limit. Only the southwestern portion of the home will be above 36 feet in height when measured from the finished grade while the majority of the house will be at 36 feet in height

when measured from the finished grade, the grade at which most people will see the structure.

The property falls under the Baseline Hillside Ordinance (BHO) which was adopted to ensure that construction in this community did not unduly block views, that residence sizes are compatible with lots; and that the overall character of the surrounding community is maintained. The Bel Air area is populated with estate homes, many of which (like the applicant) are on two acre parcels. The size, height, and character of the subject home is consistent with the aesthetic goals of the BHO. The subject parcel is actually below street grade and not on a hill. Since the site is currently vacant, any new construction on the site will impact the view of the parcel from surrounding properties. However, because the site is below street grade and the home is at the base of an upslope hill, the additional height should not be significantly noticeable to most persons. The home will be surrounded by landscaping and as part of the environmental mitigation measures, a 10-foot wide strip of indigenous plants are required to be maintained as well as preservation of Stone Canyon Creek in its natural state.

The height variance request does not increase the usable square footage of the home. Although there has been some objection to the proposed square footage of the home, the square footage is permitted by the zone based on the size of the property. The variance request is only to allow additional height so that the proposed residence can have a consistent roof line for the entire home that otherwise would be difficult to maintain because of the measurement of height from the lowest datum point and the grade difference. The proposed height increase of the home will not block views. If one were sitting on the first floor of the nearest home, located at 333 Copa de Oro Road, that floor would be higher than the height of the proposed roof line of the home at 10550 Bellagio Road. The occupants of the neighboring home would have to look down to see the roof line of the proposed residence. In addition, there is dense foliage and mature trees in between the structures on both properties, severely restricting the roof line of sight. The neighborhood is characterized by a variety of home styles including traditional, ranch, and more modern styles. The site is not in a Design Overlay Zone or a Specific Plan that regulates the architectural design of the home and therefore the design of the house is not subject to Planning Department review.

The hardship is that the height regulation and the way height is measured creates a practical difficulty for the property owner where due to a natural water course, that must be preserved, creates a drop in the elevation from where height is measured which adds a 16-foot grade difference between the measuring point and the developable portions of the site.

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 subject site is located along a public street where the majority of the lots are already developed making this site one of the last remaining developable sites. The site is also directly across the street from the Bel Air Country Club golf course so there are no residential neighbors on the west side of the parcel. There are special circumstances that apply to the subject site that do not apply to other properties in the same zone and vicinity that limits the ability to develop the site.

The site has a relatively long and curved street frontage of approximately 595 feet along Stone Canyon Road and Bellagio Road. The street frontage triggers a front yard setback requirement in the RE20 Zone that requires a 25 foot setback for the length of the street. In this case the front yard is the longest required yard (setback) for the project when compared to the side yard which only requires 10 feet and an additional 25 feet for the rear yard. Stone Canyon Creek runs through the western portion of the site which cuts into the developable area of the site. The natural water course itself is the lowest point of the site and protection of this course requires a minimum 10 foot buffer from the creek. Additionally, the subject site is at a lower grade than the street which effectively makes the property appear sunken when compared to other developed properties.

Due to the front yard setback requirement and the required preservation of Stone Canyon Creek, the developable area is essentially relegated to the eastern and northern portion of the parcel. This shallow developable lot exists because of the natural water course that traverses north to south through the property within the front yard area along Stone Canyon Road. If Stone Canyon Creek did not exist, the home could be constructed after a front yard setback of 25 feet from the front property line. However, because of the existing creek and its 15 foot wide easement and an additional 10 foot buffer with indigenous vegetation on both sides of the creek, the proposed home is required to be set back from the front property line approximately 55 feet, at minimum in certain areas of the property and more in others. As such, the front yard area is undevelopable and significantly restricts the developable area of the property by approximately 35 percent.

Approximately 82 percent of the proposed residence's perimeter would be measured at approximately 36 feet from the finished pad elevation. A small portion of the proposed residence, less than 18 percent, would be greater than 36 feet in height. The portion of the proposed residence (the west elevation) that is higher is due to the area being located nearest to the natural water channel at the southwest corner of the home. The natural creek is an unusual topographical feature that is not present on most properties in the area or at least not visible in its natural state. The water channel causes significant lowering of the property grade in just this one area. This is the cause for portions of the home to exceed the 36-foot height limit. This sloping toward the creek results in a lower datum point from which the entire residence is measured and is not a representation of the overall building height. The overall grade difference between the eastern portion of the property and the western portion of the property, towards the water channel is approximately 16 feet. The property has been previously disturbed, in fact lowered from its natural grade,

as is the case here, the height of the house will be measured from the lower elevation, even though the parcel is nearly 16 feet higher just a few feet away.

There are circumstance realities of the site special to the property which include constraints posed by the requirement to maintain Stone Canyon Creek in its natural state with a buffer zone, the topographical change between the western and eastern portions of the site, remaining vacant parcel in a mostly developed neighborhood, a relatively long frontage along the public street, and the below street grade nature of the site which all together generally do not apply to other properties in the same zone and vicinity.

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 natural features of the property are unique when compared to other properties in the immediate vicinity because a natural water course, Stone Canyon Creek, traverses the property from north to south which limits the buildable area of the property by 35 percent according to the application. While the property is approximately 225 feet deep in the area of the home, the creek sits lower on the property which is why there is a 16 foot elevation difference between the eastern and western portions of the property with an ascending slope from west to east. Additionally, the site has a long street frontage of approximately 595 feet requiring a significant section for the required front yard setback when compared to other homes in the vicinity. The residential structure cannot be constructed within the required setback further limiting area of building. Specifically, the Code required set back from Stone Canyon Road would ordinarily be 25 feet. Because of the requirement to preserve Stone Canyon Creek and to maintain an additional 10-foot buffer on either side of the creek, setbacks from Stone Canyon Road are as much as 55 feet in some locations for the proposed structure and require greater setbacks in other areas of the property if it were to be developed. The majority of the other residences in the vicinity comply with the minimum 25 foot front yard setback otherwise required under the zoning and may not be required to have Stone Canyon Creek preserved as a natural water course. The developable portions of the subject site is restricted by the area taken up by the natural water channel and greater setbacks related thereto. Stone Canyon Creek in some areas of the neighborhood is covered over by a concrete culvert to channel the stream water. The lower topography of Stone Canyon Creek is similarly the reason why the datum point, the point from which the height is measured, is lower than other portions of the property.

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.**

The requested variance is for the height of a structure and not for a non-permitted use. What is being proposed is a single family residence in a single family neighborhood. The requested variance is to permit an additional 14 feet in height to the proposed single family residence. The proposed height would not affect views of the surrounding residences in the area that are of similar sizes and heights. The subject property is situated approximately 60 feet lower than other surrounding homes so views would not be blocked. The nearest residential property located at 333 Copa de Oro, is some 13 feet higher than the elevation of the proposed roofline and the view is filtered by dense foliage and mature trees. The first floor of the nearest home located at 333 Copa de Oro Road would be, at minimum, 13 feet higher than the proposed height of the roof line at 10550 Bellagio Road. The occupant of the neighboring home would have to look down to see the roof line if the individual is at grade level. The adjacent properties developed with single family residences to the north are also higher in elevation from the subject property and views will not be blocked. The home at 620 Stone Canyon Road begins at an elevation approximately 60 feet higher than the finished grade of 10550 Bellagio Road so that the property and home is significantly higher than the subject site and its neighbors. The adjacent property to the west is the golf course of the Bel Air Country Club and the additional height does not impact the use. The adjacent property to the south is currently being developed with a similar single family residence with a similar height variance granted by the City Council.

Because the site is currently vacant, construction of any structure on the subject property would be noticeable from the public street. However, if one were standing on Stone Canyon Road looking towards the proposed structure, due to the lower grade of the project site from the street, the additional height would not be noticeable because the structure itself for the majority complies with the 36-foot height limit. The view of the home will be through required setbacks and buffer area from Stone Canyon Creek and through dense foliage and a stone wall that currently exists and will remain.

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

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

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

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

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

ZONING ADMINISTRATOR'S ADJUSTMENT FINDINGS

In order for an adjustment from the zoning regulations to be granted, all 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:

- 1. While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The property consists of two irregular-shaped lots located in an area of the City characterized by sloping terrain and large estate homes. The property has a natural downward-southwesterly grade. The site has been previously graded to accommodate construction of a single family dwelling. However, the site has unique and specific topographic hardships that relate to a natural water course that traverses the western portion of the site. This water channel has a 15 foot easement area and additional 10 feet buffer from the either side of the creek. The natural water course, the required buffer and required setback sets the proposed home back from the eastern property line by approximately 55 feet, at minimum in certain areas of the property and more in others.

Two retaining walls of a maximum height of 10 feet in height currently exist along the eastern property line. These walls are approximately 405 feet and 462 feet in length and each have a 10 feet setback. These walls were approved and constructed to retain the hill and allow the site to be built. To further add to the special features of the site, the site has an approximate 16 feet east/west elevation difference and an approximate 10 feet north/south elevation difference. In order to stabilize the proposed house pad or any pad on this site, and to create developable open space, a retaining wall is necessary. The hardship realities of the topography special to the property and requirements and constraints posed by the preservation of Stone Canyon Creek which cannot be altered, make strict adherence to the zoning regulations infeasible.

Records show that one other property in the vicinity of the applicant's project has also sought and received approval to permit multiple retaining walls in lieu of the maximum allowed by Code, located at 620 North Stone Canyon Road (Case No. ZA 2006-0982-ZV-ZAA-ZAD).

Denial of the request will result in unnecessary hardships for the applicant because due to grade changes on the property, the applicant cannot efficiently utilize the property even though the project with proper mitigation measures will not result in adverse impacts to the surrounding properties. Further, due to the hillside nature of the immediate area and since the majority of the surrounding properties were built prior to the current regulations relating to the retaining walls, the retaining walls are not uncommon in the project area and in the hillside community in general.

The unique situation of this site, as well as the location, use and design of existing improvements thereon, make the request as proposed, logical because it would allow for the functional integration of the project with existing improvements on the project site and in the surrounding area

2. **In light of the project as a whole including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The proposed retaining wall will not result in any change to the character of the residential neighborhood, which is improved with estate sized homes with similar retaining walls. The proposed retaining wall will separate the subject site from an adjacent neighboring property to the south that is currently under construction under the same ownership as the subject site. The proposed retaining wall will not change the primary use of the proposed single family home and will not exceed the height of the proposed house nor will it affect views from the neighboring properties.

3. **The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The Bel Air-Beverly Crest Community Plan seeks to protect investment, promote good design, and ensure public safety. The Plan does not specifically address retaining walls. Granting the request allows the applicant to create a more usable landscaped area that will provide more functional private open space, consistent and expected of the neighborhood. The retaining wall will be on private property, not visible to anyone beyond the property, except for the property immediately south, located at 360 Stone Canyon Road. This retaining wall will serve as a boundary wall between both properties and will be densely landscaped.

Such regulations, however, are written on a Citywide basis and cannot take into

account individual unique characteristics that a specific parcel and its intended use may have. In this instance, the granting of the request will allow a more viable, functional, livable dwelling in a manner consistent with the spirit and intent of the zoning regulations. The proposed retaining wall will not result in any change to the character of the residential neighborhood, which is improved with estate sized homes with similar retaining walls. Therefore, the project will be in substantial conformance with the various objectives of the General Plan.

ZONING ADMINISTRATOR'S DETERMINATION FINDINGS

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

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

A decorative stone and masonry wall currently exists in the public-right-of way adjacent to the applicant's property. It ranges in height from about 50-inches to about 54-inches. The sections of the wall in front of the applicant's property are approximately 241'-5" and 355'-10" in length. The applicant seeks approval to construct and maintain a new decorative wrought iron fence on top of the existing wall, with a total height of 8 feet maximum.

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

- 110 Stone Canyon Road: wall of 9 feet in height
- 111 Stone Canyon Road: wall of 9 feet in height
- 120 Stone Canyon Road: wall of 8 feet in height
- 129 Stone Canyon Road: fence of 6 feet in height
- 300 Stone Canyon Road: wall of 9 feet in height
- 360 Stone Canyon Road: wall of 8 feet in height (not yet built, but recently approved)

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

to the residential property that is exposed for a significant portion along a well traveled street located across the street from a private golf course.

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

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

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

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

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

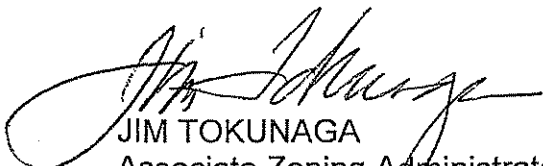
9. **Consideration has been given to the environmental effects and appropriateness of the materials, design and location, including any detrimental effects on the view enjoyed by occupants of adjoining properties and security to the subject property.**

In general, fences/walls, when in character with their surroundings, are not detrimental to the public welfare or injurious to adjacent properties. In this instance, the design, location, and height of the fence will not cause shade or shadow

impacts, create an area that conceals potential criminals, and is not in the public right-of-way. As requested and conditioned, the fence does not create visibility problems, or impacts to light and air. The proposed fence allows for added privacy and security while still retaining an open design that relates to the street. Thus, as proposed, the fence is not anticipated to have any impacts on solar access, ventilation or on privacy to the adjoining property owners.

ADDITIONAL MANDATORY FINDINGS

10. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone AO, areas of 100-year shallow flooding where depths are between 1 and 3 feet; average depths of inundation are shown, but no flood hazard factors are determined.
11. On December 12, 2012, a Mitigated Negative Declaration (ENV 2005-8611- MND-REC2) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of the mitigation measures described in the MND (and identified in this determination), there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.



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

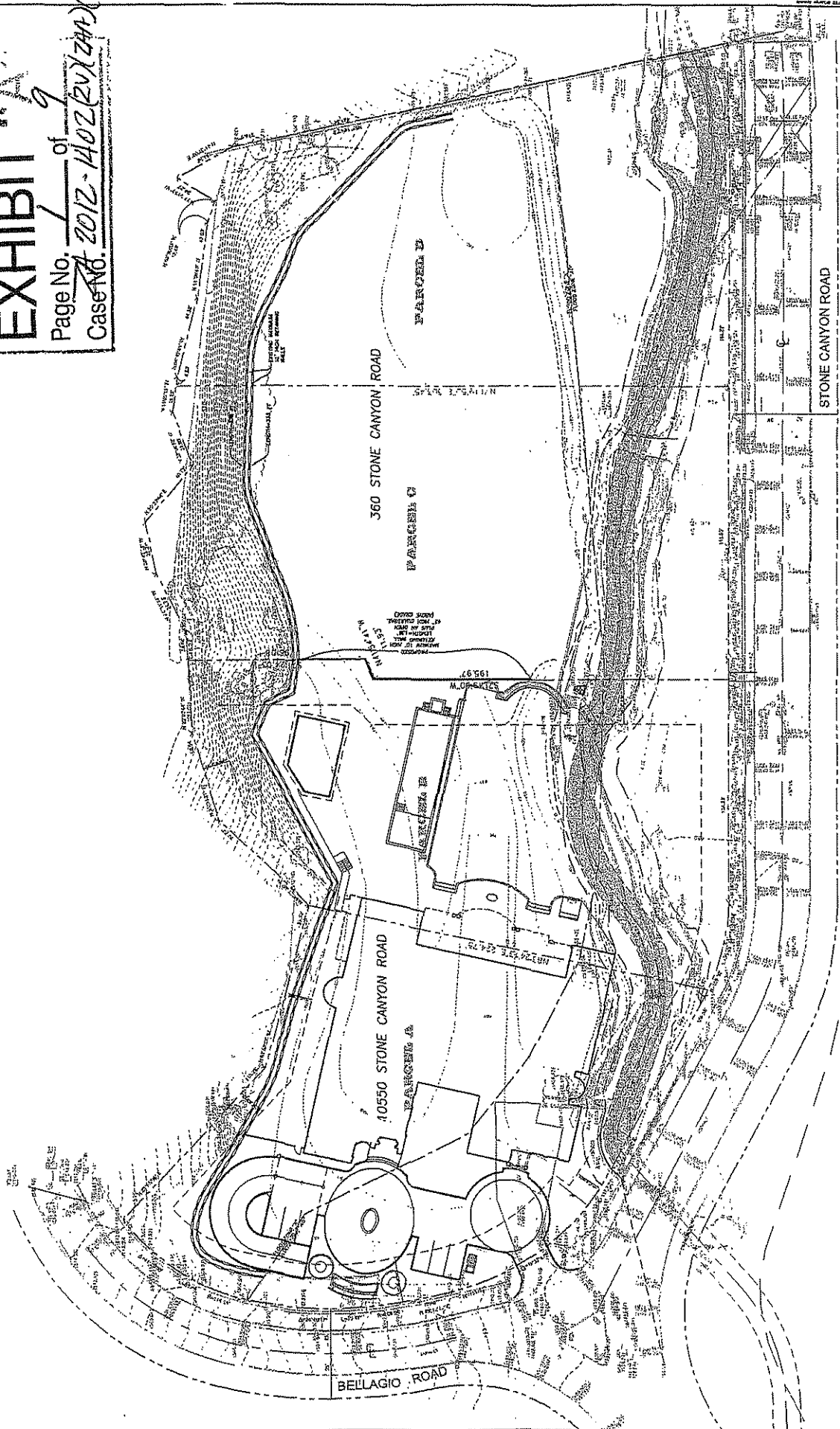
JT:

cc: Councilmember Paul Koretz
Fifth District
Adjoining Property Owners

EXHIBIT "A"

Page No. 1 of 9

Case No. 2012-1402 (RV)(ZAD)



NO.	DATE	DESCRIPTION
1	11/15/11	PRELIMINARY
2	01/10/12	REVISED
3	03/01/12	REVISED
4	05/01/12	REVISED
5	07/01/12	REVISED
6	09/01/12	REVISED
7	11/01/12	REVISED
8	01/01/13	REVISED
9	03/01/13	REVISED
10	05/01/13	REVISED
11	07/01/13	REVISED
12	09/01/13	REVISED
13	11/01/13	REVISED
14	01/01/14	REVISED
15	03/01/14	REVISED
16	05/01/14	REVISED
17	07/01/14	REVISED
18	09/01/14	REVISED
19	11/01/14	REVISED
20	01/01/15	REVISED

U.S. ENGINEERING GROUP, INC.
11101 BELLAGIO ROAD, SUITE 200
LOS ANGELES, CALIFORNIA 90048
TEL: 310.433.8888 FAX: 310.433.8889
WWW.US-ENGINEERING.COM

DATE: 11/15/11
PROJECT: RETAINING WALL EXHIBIT
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

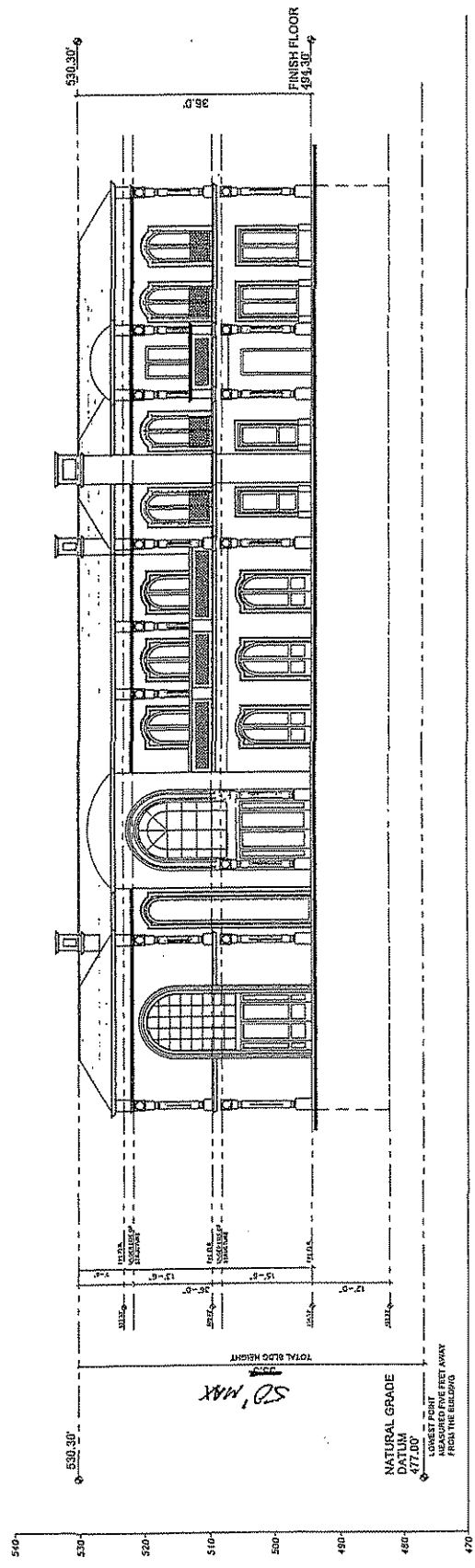
CITY OF LOS ANGELES
PROJECT NO. 6411

RETAINING WALL EXHIBIT
CHARLES COURANT
10559 BELLAGIO ROAD
BEL AIR, CA

LEGAL / ASSESSOR INFO
 NET SITE AREA
 PROJECT ADDRESS
 DISTRICT MAP
 BLOCK

61,667 SQUARE FEET (1.94 ACRES)
 0550 BIRCH STREET
 LOS ANGELES, CALIFORNIA 90077
 DISTRICT MAP: 141B123
 BLOCK: 1035E

LEGAL DESCRIPTION:
 LOT 12, 13 AND 14 OF TRACT 2, MAP NUMBER 2066-3088 AS RECORDED
 IN PUBLIC MAP BOOK 369 AT PAGES 44 AND 45 OF OFFICIAL RECORDS
 OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA.



A NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

EXHIBIT "A"
 Page No. 2 of 9
 Case No. ZA 2012-1402 (ZAP) (ZAP)

LEGAL / ASSESSOR INFO.

NET SITE AREA
PROJECT ADDRESS:
DISTRICT MAP:
TRACT:
BLOCK:

LEGAL DESCRIPTION:
PARCELS A AND B OF PARCEL MAP NUMBER 2009-3958 AS RECORDED
IN PARCEL MAP BOOK 389 AT PAGES 44 AND 45 OF OFFICIAL RECORDS
OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA.

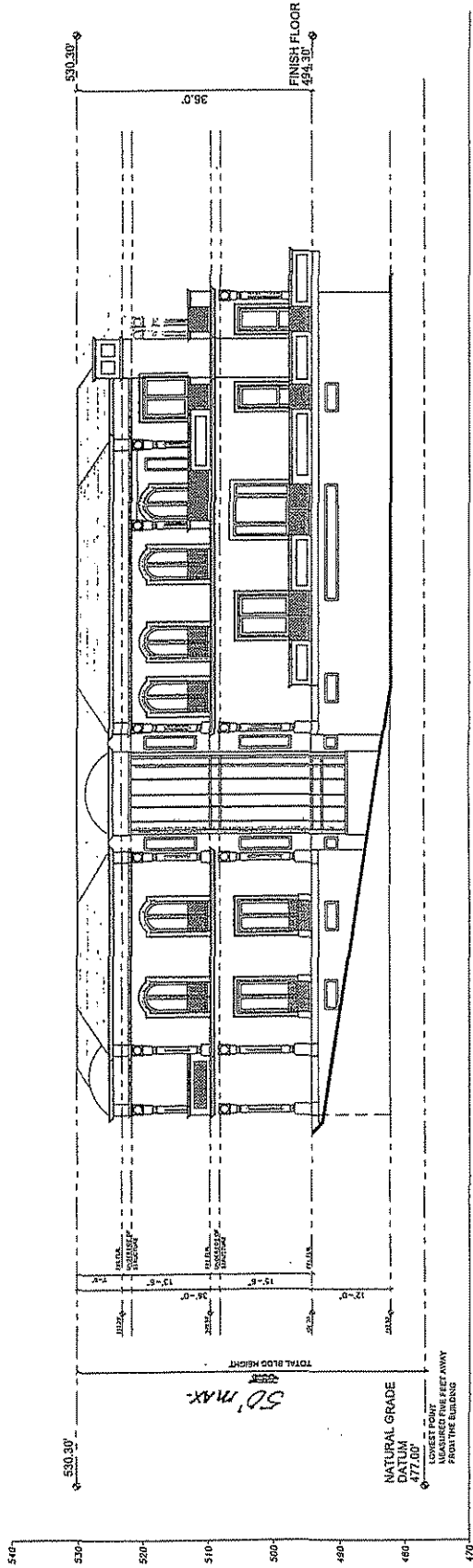


EXHIBIT "A"

Page No. 3 of 9

Case No. ZA 2012-1402

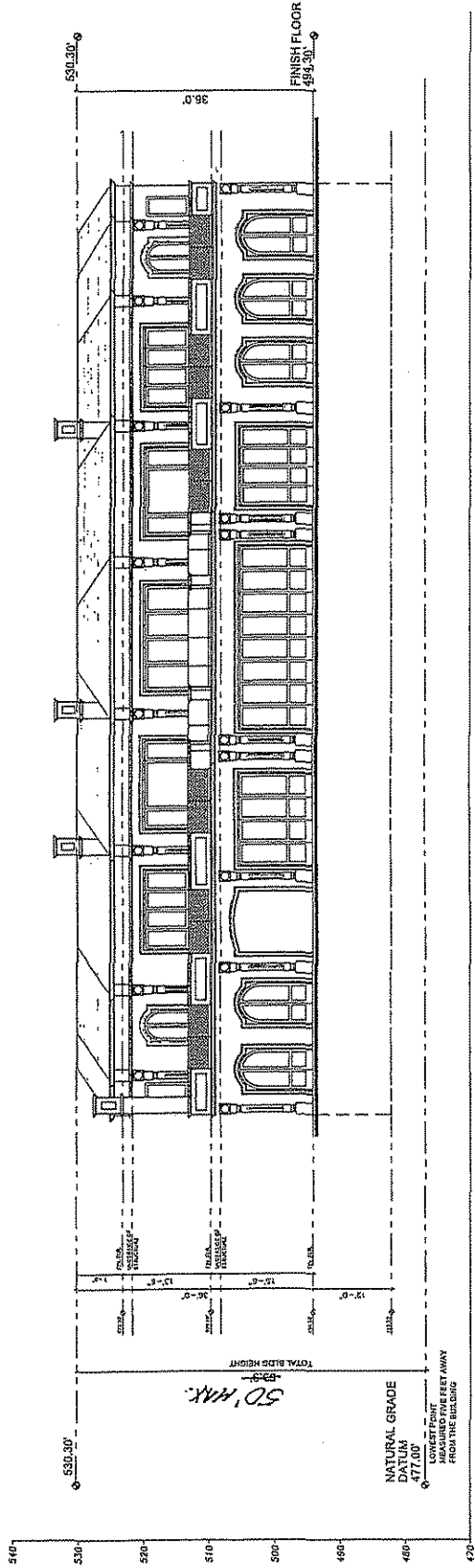
2/1/14
(CAD)

LEGAL / ASSESSOR INFO.

81,567 SQUARE FEET (1.54 ACRES)
NEXT SITE AREA
PROJECT ADDRESS:
10550 BELLEGA RD
LOS ANGELES, CALIFORNIA 90077
DISTRICT MAP:
14B1153
BLOCK:
NONE

LEGAL DESCRIPTION

PORTION AND IS OF PARCEL MAP NUMBER 2005-3098 AS RECORDED
IN PARCEL MAP BOOK 369 AT PAGES 44 AND 45 OF OFFICIAL RECORDS
OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA.



C SOUTH ELEVATION
SCALE 1/8" = 1'-0"

ELEVATION
SHEET 3 OF 4

EXHIBIT "A"

Page No. 4 of 9

Case No ZA 2017-1402 (21)

(21A)
(200)

LEGAL / ASSESSOR INFO

NET SITE AREA
PROJECT ADDRESS:
DISTRICT MAP:
TRACT:
BLOCK:

LEGAL DESCRIPTION:
PARCELS A AND B OF PARCEL MAP NUMBER 2005-3988 AS RECORDED
IN PARCEL MAP BOOK 369 AT PAGES 44 AND 45 OF OFFICIAL RECORDS
OF LOS ANGELES COUNTY IN THE STATE OF CALIFORNIA.

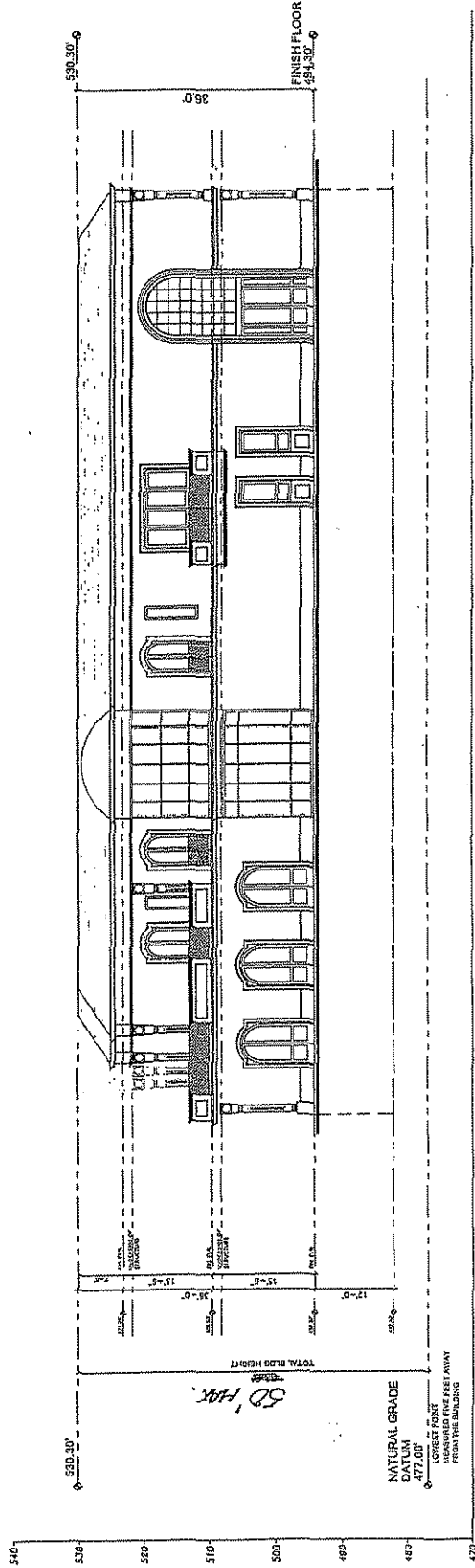


EXHIBIT "A"
Page No. 5 of 9
Case No. ZA 2012-1402 (2A)
(ZAD)

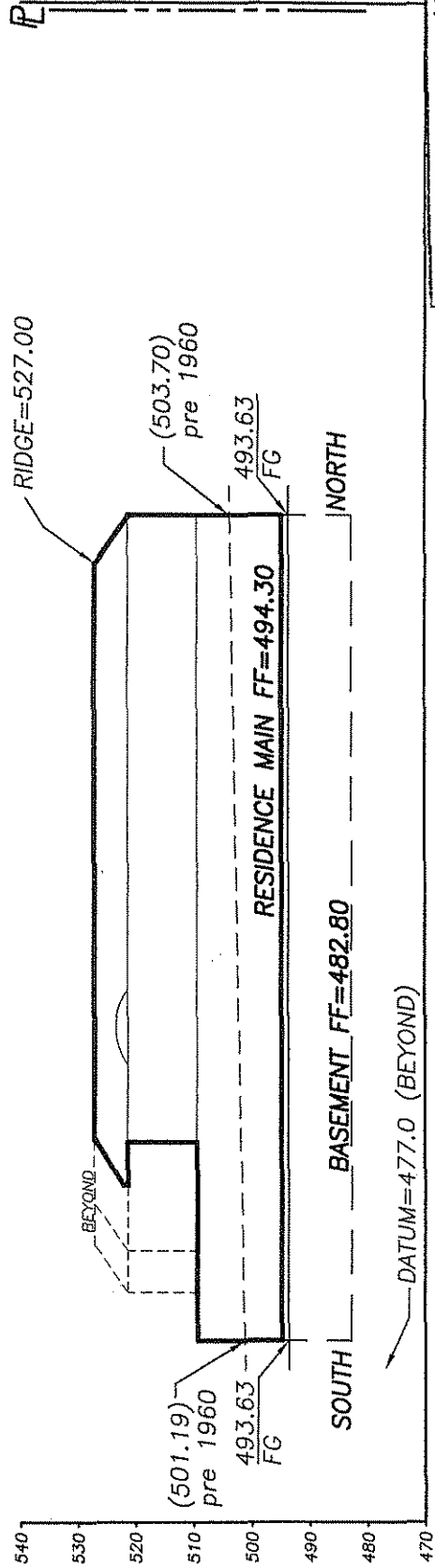
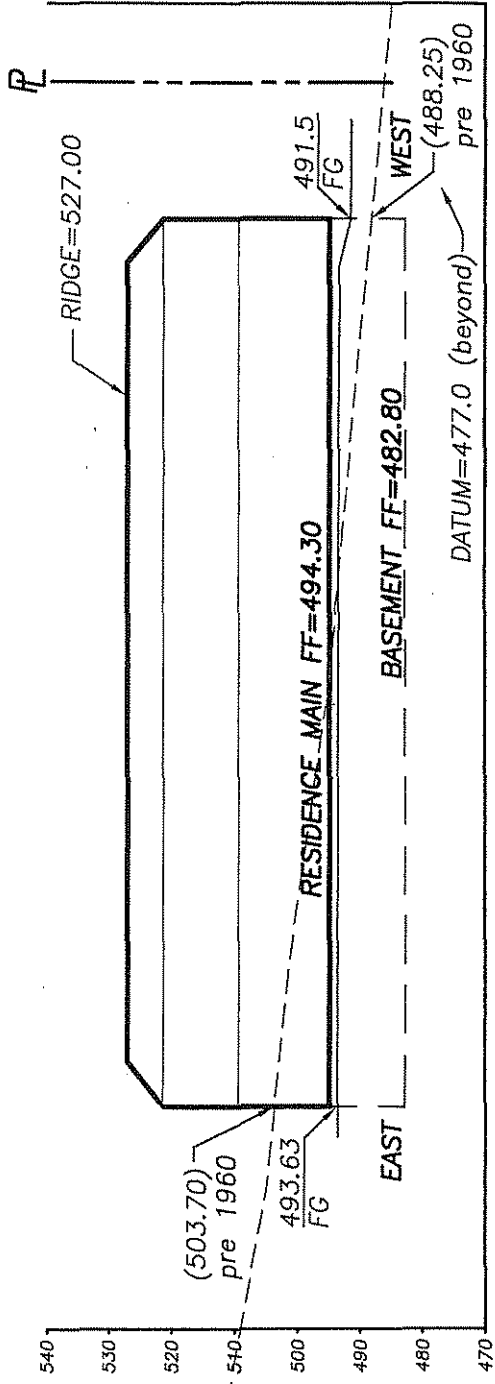
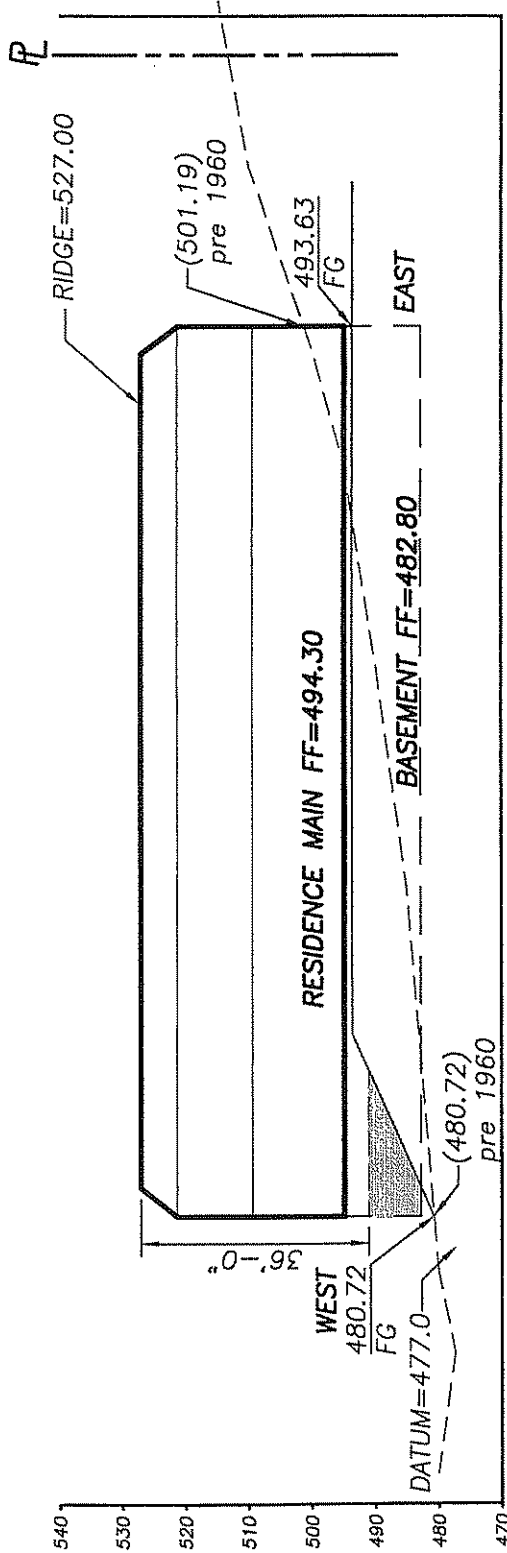


EXHIBIT "A"

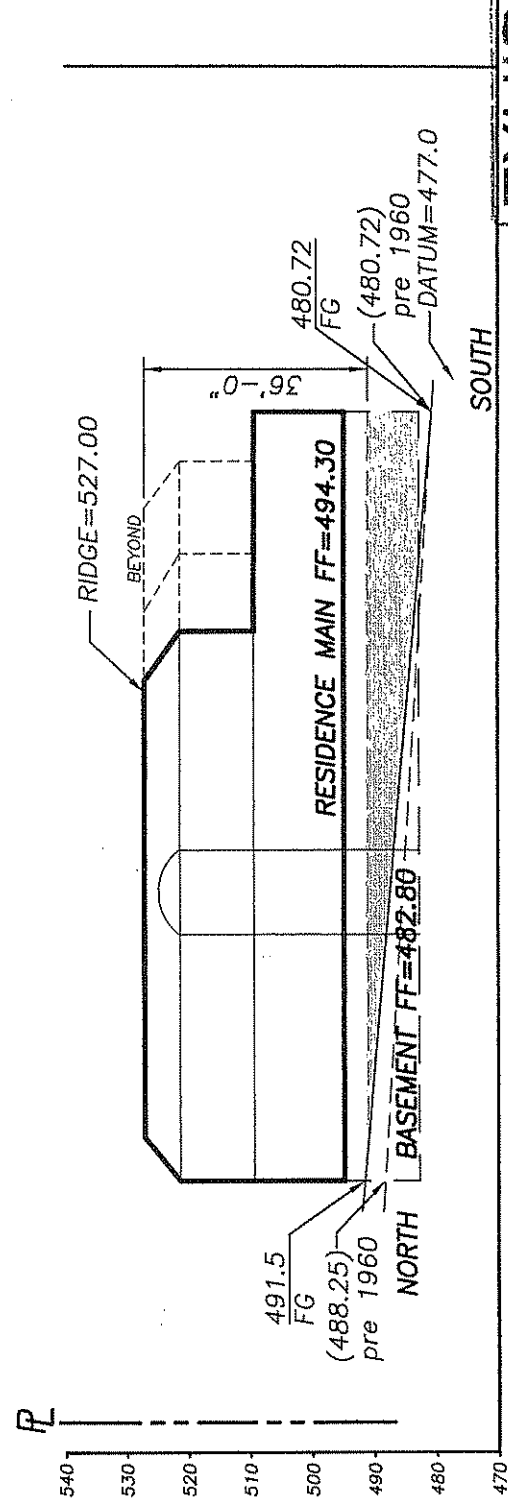
Page No. 6 of 9
 Case No. 7A 2012-102 (AV)
 (SAD)

10550 BELLAGIO ROAD

SURVEY EXHIBIT



SOUTH ELEVATION

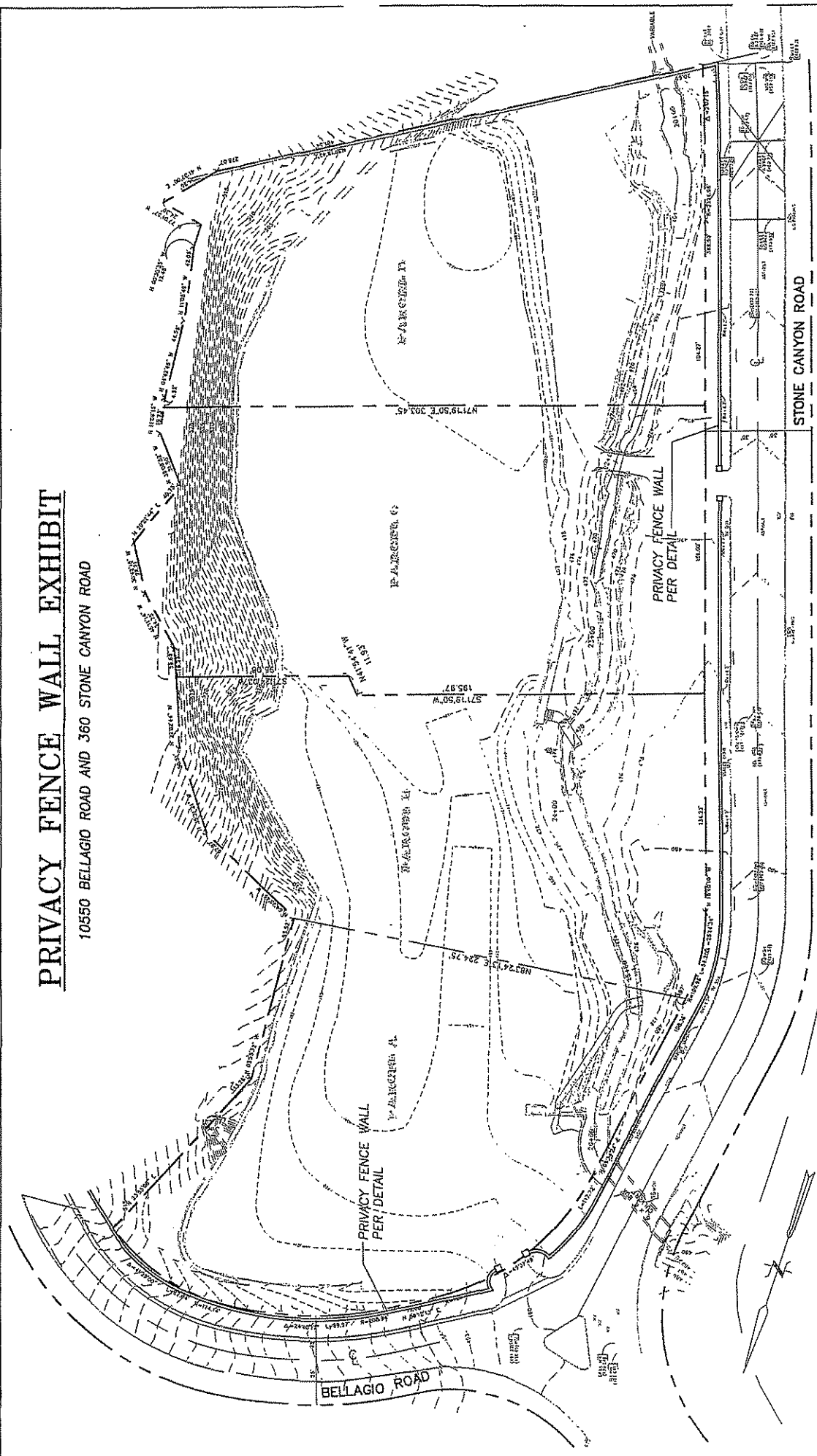


WEST ELEVATION

EXHIBIT "A"
 Page No. 7 of 9
 Case No. ZA-2012-1402
 (ZA)(ZAA)(ZAD)

PRIVACY FENCE WALL EXHIBIT

10550 BELLAGIO ROAD AND 360 STONE CANYON ROAD



PREPARED BY:



LC ENGINEERING GROUP, INC.
C O N S U L T I N G E N G I N E E R S
888 Pierce Court, Suite 301, Alhambra Oaks, California 91388
(626) 462-1244 (610) 981-1146 Fax: (626) 462-1244 Email: walt@lcegroup.com

SHEET 2 OF 2

EXHIBIT "A"
Page No. 8 of 9
Case No. 2P 2017-1402

(2V) (24V) (2D)



LC ENGINEERING GROUP, INC.

CONSULTING ENGINEERS
889 Pierce Court, Suite 101, Thousand Oaks, California 91320
(805) 497-1244 (818) 991-7148 FAX (818) 991-5942 Email: workfiles@lcegroupinc.com

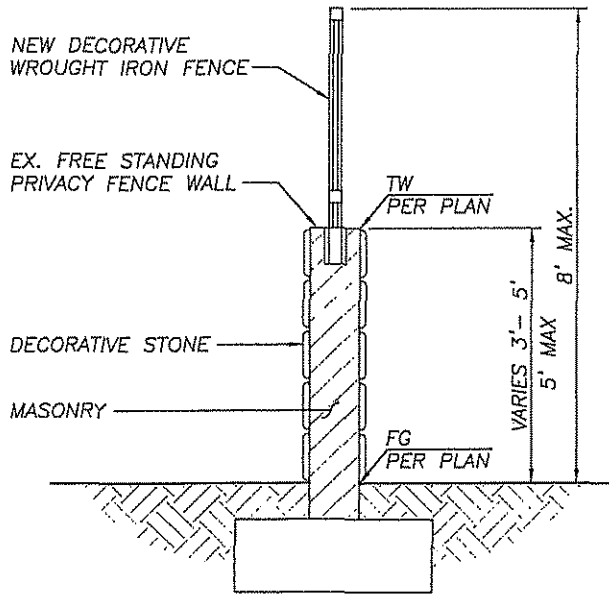
JOB NO. 6411

CLIENT: CHARLES COMPANY

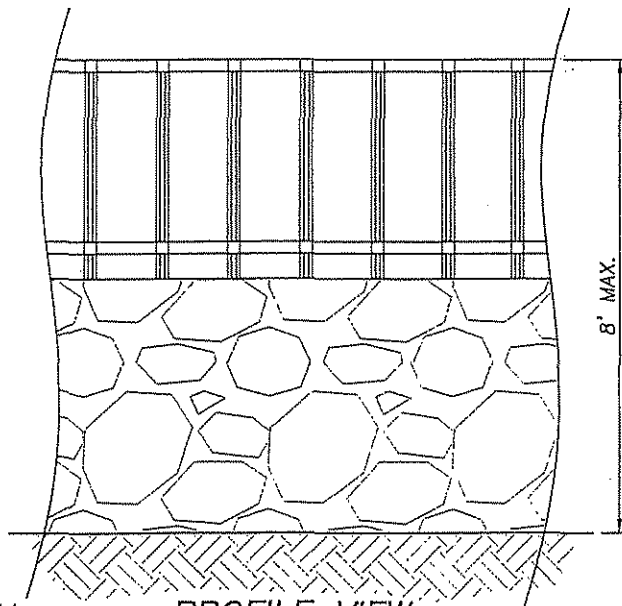
DESIGNED BY: LL

DRAWN BY: HG

DATE: 08-23-12



SECTION VIEW



PROFILE VIEW

PRIVACY FENCE WALL

NTS

NOTE:
SEE PRIVACY FENCE WALL
EXHIBIT FOR LOCATION OF
PRIVACY FENCE WALL



EXHIBIT "A"

Page No. 9 of 9

Case No. ZA 2012-1402

(2V)(ZAA)(ZAD)

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING

STAFF INVESTIGATOR REPORT

November 28, 2012

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

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

Case Nos. ZA-2012-1402-ZV-ZAA-ZAD
HEIGHT VARIANCE, FENCE HEIGHT
ADJUSTMENT, RETAINING WALL
DETERMINATION
10550 Bellagio Road
Bel Air Planning Area
Zone: RE20-1
D.M. : 141B149
C.D. : 5
CEQA: ENV-2005-8611-MND-REC2
Legal Description: Lot 165, Bel Air Tract

Request

A variance from Section 12.21-A.17(c)(1) of the Los Angeles Municipal Code, to permit a height of 50 feet in lieu of 36 feet in conjunction with the construction of a two story, 42,409 square foot estate single family house.

An adjustment from Section 12.22C.20(f) of the Los Angeles Municipal Code, to permit a fence of up to eight feet in height in the front yard in lieu of the three and a half feet allowed by the Code.

A Zoning Administrator's determination, to permit an exception from Section 12.21C.8(a) of the Los Angeles Municipal Code to allow the construction of a retaining wall of up to ten feet in height and approximately 136 feet in length along the eastern property line, in addition to two existing ten foot tall retaining walls.

Property Description

The site is an irregular shaped, sloping parcel, consisting of two merged lots, with a frontage of 389 feet, a depth of approximately 303 feet and an area of 84,567 square feet.

The site is located on the southeast corner of Stone Canyon and Bellagio Roads and is about a quarter mile north of Sunset Boulevard in Bel Air.

The vacant site was formerly developed with a single family home.

The Project

The project consists of a request for a variance to permit a height of 50 feet in lieu of the 36 foot limit in the Zone Code in order to construct a three story, 43,231 square foot estate single family home. The applicant states that the variance is needed because the City has apparently changed the application of the Hillside Ordinance to measure height from the "natural grade" rather than from the "finished grade". If the height of the planned house is measured from the finished grade, it would be only 41 feet, only slightly higher than the 36 foot limit and only an adjustment would be required. However, because the natural grade is 10 feet below the finished grade, it increases the measured height of the house by that amount and a variance rather than an adjustment is needed.

In addition, the applicant states that the structure height of the house itself is 41 feet due to the measurement being done from a point five feet out from the structure at the low point of the natural grade. If the house were on a flat lot, the calculated height would be 41 feet.

Thus, a variance is required because of the difference of interpretation as to what surface the height is measured from and the measurement from a lower point on the slope five feet from the house.

The City has previously allowed construction of and granted identical or greater variances for other houses in Bel Air and nearby communities that are identically situated to the subject house. The variances are:

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

The project also includes a request for an adjustment to to permit an eight foot high fence in the front yard in lieu of the three and a half feet allowed. The applicant is seeking to continue an existing wall at the front of the property facing the street with a height of 46 inches to about 54 inches and to add a new decorative wrought iron fence on top of the existing wall for a total maximum height of 8 feet. The applicant states that over height privacy walls and fences are prevalent in the neighborhood. The other residences along Stone Canyon Road with over height fences are:

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

Finally, the project includes a request for a Zoning Administrator's determination to permit an exception from Section 12.21C.8(a) of the Los Angeles Municipal Code to allow the construction of a retaining wall of up to ten feet in height and approximately 136 feet in length along the eastern property line, in addition to two existing ten foot tall retaining walls. The applicant states that proposed third retaining wall is needed to stabilize the slope and create a building pad and useable open space. The proposed retaining wall will not exceed the height of the proposed dwelling and will not affect any views from neighboring properties. In addition, other properties in the vicinity of the project site have also sought and received approval to permit multiple retaining walls in lieu the maximum two walls allowed by the Municipal Code, including the property at 620 Stone Canyon Road through case no. ZA-2006-0982(ZV)(ZAA)(ZAD).

Surrounding Land Uses*

The surrounding neighborhood consists of estate single family homes designated Very Low I Residential on the Bel Air-Beverly Crest Community Plan and zoned RE20-1 and a private golf course designated Public/Quasi Public Open Space and zoned A1-1XL.

Previous Cases, Affidavits, Permits and Orders on the Applicant's Property

Case No. AA-2005-3998-PMLA - On October 4, 2006 the West Los Angeles Area Planning Commission, on appeal, sustained the August 9, 2006 approval by the Deputy Advisory Agency of a parcel map for four single family home lots while granting the appeal in part.

Case No. ZA-2000-0559(ZV)(YV)(ZAI) - On August 9, 2000 the Zoning Administrator approved a variance for an over height wall, a variance for the construction and maintenance of a second kitchen in a caretaker's gatehouse and a Zoning Administrator's determination to permit a height of 45 feet in lieu of the 36 feet permitted

CPC-1986-829-GPC - On January 28, 1992, the City Council approved a zone change from R1-1 to RE20-1 as part of the General Plan/Zoning Consistency Program for Bel Air.

Previous Cases, Affidavits, Permits and Orders on Surrounding Properties

ZA-2006-982(ZV)(ZAA)(ZAD) - On March 22, 2007, the Zoning Administrator approved a variance for a second kitchen, a variance for a height of 59 feet in lieu of 36 feet, Zoning Administrator adjustments for an eight foot tall block wall and retaining walls from six to

sixteen feet high in lieu of the three and a half feet permitted, two eight foot tall block walls in lieu of the six feet permitted and the construction and use of a guard booth, a bridge and a tennis court within 55 feet of the front property line for a single family home at 620 Stone Canyon Road..

ZA-2002-5061(YV)(ZAA)(ZAD) - On February 27, 2003, the Zoning Administrator approved a height of 44 feet in lieu of the 36 feet permitted and accessory living quarters, a tennis court and swimming pool in the rear yard and an office structure in the front yard of a single family home at 457 Bel Air Road.

ZA-95-0379(YV) - On July 25, 1995 the Zoning Administrator approved a variance for a height of 52 feet in lieu of 36 feet for a single family home at 480 Bel Air Road.

CPC-1986-829-GPC - On January 28, 1992, the City Council approved zone changes from R1-1 to RE20-1 as part of the General Plan/Zoning Consistency Program for Bel Air.

General Plan, Specific Plans and Interim Control Ordinances

The Bel Air-Beverly Crest Community Plan designates the property Very Low I Residential with a corresponding zone of RE20.

The property is within the area of the Hillside Mansionization Ordinance, is designated a Hillside Area and is in an area prone to liquefaction during an earthquake.

Streets

Stone Canyon Road and Bellagio Road, abutting the west and north sides side of the property are local streets with an asphalt roadway, curb and gutter and a dedication of 60 feet.

Flood Hazard Evaluation.

The National Flood Insurance Program rate maps, which are 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 the property is located in Zone AO, areas subject to 100 year floods with an average depth of two feet.

Environmental Clearance

On November 21, 2012 the project was issued Mitigated Negative Declaration No. ENV-2005-8611-MND-REC2 due to a determination that the environmental impacts of the project can be mitigated to a level of insignificance.

Comments from Other Departments or the General Public

At the time of report preparation, no public agency has submitted any written comments, nor was any correspondence received from the general public.



Marc Woerschling,
City Planner