

PARCEL MAP AA-2005-3998-PMLA-1A-M1
10550 BELLAGIO AVE / 360 STONE CANYON
Appeal Hearing: February 24, 2011

APPLICANT / REPRESENTATIVES

M & A Gabae (O) (A)
9034 W Sunset Blvd
West Hollywood, CA 90069

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

David Carlat (R)
Political Consulting & Management
1017 N La Cienega Blvd, Suite 103
West Hollywood, CA 90069

APPLICANT'S REQUEST

Modify Parcel Map AA-2005-3998-PMLA-1A-M1 all or portions of 15 conditions and one finding by the West Los Angeles Area Planning Commission Appeal of Parcel Map AA-2005-3998-PMLA on October 4, 2006 and one condition approved by the Deputy Advisory Agency on August 9, 2006. And add a new condition as presented below.

Proposed New Condition:

"No structures shall be built within the 15-foot storm drain and sanitary sewer easement located in front portion of property, excluding any future proposed bridges entitled to each parcel"

Justification for new condition:

This condition originates from case # **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road. The referenced 15-foot storm drain and sanitary sewer easement is the same waterway along the front of the subject property of **AA – 2005 – 3998 – PMLA – 1A – M1** at 360 Stone Canyon, approved October 4, 2006. Any language regarding the waterway that deviates from "15-foot storm drain and sanitary sewer easement" constitutes an abuse of discretion imposed on the applicant of this parcel map case. By proposing this condition, the applicant seeks to mitigate any concerns regarding the treatment of the storm drain while receiving the no more than the same imposition as the adjacent properties.

Modify the following Conditions:

Condition 2 – Modify To read "*That the existing drainage and sanitary sewer easement within the subdivision be delineated on the final map satisfactory to the City Engineer*"

Condition 4c – Modify to read "*Close any unused driveways along Stone Canyon and Bellagio Roads including any necessary removal, reconstruction of the existing improvements, or restoration of the 15-foot storm drain and sanitary sewer easement, satisfactory to the City Engineer*"

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Condition 4f(3) – Modify to read *“Any necessary removal and reconstruction of the existing improvements, or restoration of the 15-foot storm drain and sanitary sewer easement, including removal of all existing encroachments”*

Justification:

The term “Stone Canyon Creek natural watercourse easement” is inaccurate and represents an abuse of discretion - under **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road, the “Stone Canyon Creek natural watercourse” was referred to exclusively as a 15-foot storm drain and sanitary sewer easement. The applicant of AA – 2005 – 3998 – PMLA – 1A – M1 requests the same language be applied to this determination and proposes that any deviation may represent an abuse of discretion

Condition 7 – Modify condition to read *“A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building & Safety. Any driveway or vehicle access proposed over the existing 15-foot storm drain and sanitary sewer easement shall be designed to minimize any impacts on the storm drain and sanitary sewer easement...”*

Condition 11c – Modify to read *“The landscape plan shall include specific designs for indigenous plants to be placed along 15-foot storm drain and sanitary sewer easement.”*

Justification:

Language requiring a ten-foot wide indigenous vegetation buffer was not applied in case **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road. The above case referred to the waterway exclusively as a “15-foot storm drain and sanitary sewer easement”. There is no municipal code or other regulatory requirement for such a buffer.

Conditions 7&13, MM-2 & MM-15 – Modify to remove portion that reads *“No alteration, piping or disturbance of the natural water course shall be permitted.”*

Justification:

The applicant’s proposed new condition, which states “No structures shall be built within the 15-foot storm drain and sanitary sewer easement located in front portion of property, excluding any future proposed bridges entitled to each parcel” precludes the necessity for any conditions regarding alternation, piping, or disturbance. Additionally, in a similar case **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road, such

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conditions were *not* imposed and the water course was referred to exclusively as a “15-foot storm drain and sanitary sewer easement”

Condition 11.c.(iii) – Modify to read as “*The developer/builder shall guarantee all trees, indigenous plantings along the 15-foot sanitary sewer and storm drain easement and irrigation for a period of three years and all other plants for a period of 60 days after landscape and irrigation installation.*”

Justification:

The term “Stone Canyon Creek natural watercourse easement” is inaccurate and represents an abuse of discretion - under **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road, the “Stone Canyon Creek natural watercourse” was referred to exclusively as a 15-foot storm drain and sanitary sewer easement. The applicant of AA – 2005 – 3998 – PMLA – 1A – M1 requests the same language be applied to this determination and proposes that any deviation may represent an abuse of discretion

Condition 11.d – Remove portion that reads “*Such plan shall show preservation of the natural Stone Canyon Creek water course. No alteration, piping or disturbance of the natural water course shall be permitted*”.

Justification:

The applicant’s proposed new condition, which states “No structures shall be built within the 15-foot storm drain and sanitary sewer easement located in front portion of property, excluding any future proposed bridges entitled to each parcel” precludes the necessity for any conditions regarding alternation, piping, or disturbance. Additionally, in a similar case **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road, such conditions were *not* imposed and the water course was referred to exclusively as a “15-foot storm drain and sanitary sewer easement”

Modify the Mitigation Measures under Condition No. 13, specifically MM-1, MM-2, MM-12, MM-13 & MM-25 Remove “*Stone Canyon Creek natural water course*” and replace with “*15-foot storm drain and sanitary sewer easement*”

Justification:

Similar to the language of **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road, the waterway is to be referenced exclusively as a 15-foot storm drain and sanitary sewer easement. Any variation constitutes an abuse of discretion.

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Condition 13, MM-1 – Remove portion that states “*No alteration, piping or disturbance of the Stone Canyon Creek natural water course or easement shall be permitted.*”

Justification:

The applicant’s proposed new condition, which states “No structures shall be built within the 15-foot storm drain and sanitary sewer easement located in front portion of property, excluding any future proposed bridges entitled to each parcel” precludes the necessity for any conditions regarding alternation, piping, or disturbance. Additionally, in a similar case **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road, such conditions were *not* imposed and the water course was referred to exclusively as a “15-foot storm drain and sanitary sewer easement”

Condition 13, MM-2 – Modify to read “*15-foot sanitary sewer and storm drain easement, as well as prominent knolls or ridge lines shall be preserved. In addition, the following measures shall be required*” and to remove “*No alteration, piping or disturbance of the natural water course shall be permitted.*”

Justification:

No such condition has been imposed in similar cases and any reference to the water way as “Stone Canyon Creek natural watercourse” is inaccurate and represents an abuse of discretion per case **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road, whereby the waterway is referred to exclusively as a 15-foot storm drain and sanitary sewer easement.

Remove Condition 13, MM-2c which states “*A strip of indigenous vegetation at least ten feet wide shall be maintained at all times along both sides of the Stone Canyon Creek natural water course easement, including during any construction on site*”

Justification:

Language requiring a ten-foot wide indigenous vegetation buffer was not applied in case **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road. The above case referred to the waterway exclusively as a “*15-foot storm drain and sanitary sewer easement*”. There is no municipal code or other regulatory requirement for such a buffer.

Remove Condition 13, MM-11 which states “*Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition*”

Justification:

Bel Air Estates is an area made up of large estate sized residences. Lots are typically developed to their full potential.

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Condition 13, MM-13 – Modify to remove portion that reads as “*A strip of indigenous vegetation at least ten feet wide shall be maintained at all times along both sides of the Stone Canyon Creek natural water course easement, including during any construction on site*”

Justification:

In case **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road, the waterway is referenced exclusively as a 15-foot storm drain and sanitary sewer easement. Furthermore, the requirement for a ten feet wide strip of indigenous vegetation along both sides of the 15-foot storm drain and sanitary sewer easement has not been imposed under similar cases. There is no municipal code or other regulatory requirement for such a buffer.

Remove Condition No. 13. MM-15 which states “*Preserve Stone Canyon Creek natural water course and any associated riparian areas and wetlands. No alteration, piping, or disturbance of the natural water course shall be permitted*”

Justification:

The new condition proposed above by applicant, which states “No structures shall be built within the 15-foot storm drain and sanitary sewer easement located in front portion of property, excluding any future proposed bridges entitled to each parcel” precludes the necessity for any conditions regarding alternation, piping, or disturbance. Additionally, in a similar case **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road, such conditions were not imposed and the water course was referred to exclusively as a “15-foot storm drain and sanitary sewer easement”

Delete the fourth Subdivision finding regarding environmental impacts “*requiring preservation of the Stone Canyon Creek natural water way*”

Justification:

No such condition has been imposed in similar cases and any reference to the water way as “Stone Canyon Creek natural watercourse” is inaccurate and represents an abuse of discretion per case **ZA – 2006 – 0982 (ZV) (ZAA) (ZAD)**, a variance approved March 22, 2007, for an adjacent property at 620 North Stone Canyon Road, whereby the waterway is referred to exclusively as a 15-foot storm drain and sanitary sewer easement.