

CITY OF LOS ANGELES
CALIFORNIA



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DATE: OCT 15 1998

The McGregor Company (A)
Attn: Bill McGregor
9777 Wilshire Boulevard, Suite 908
Beverly Hills, California 90212

Coldwater Property II, LLC (O)
9777 Wilshire Boulevard, Suite 908
Beverly Hills, California 90212

Spindler Engineering (R)
Attn: Larry Gray
16822 Saticoy Street
Van Nuys, California 91406

Re: CASE NO. ZA 98-0215(CUZ)(ZV)(YV)
CONDITIONAL USE, ZONE AND YARD
VARIANCES

Related Case: Tract No. 39364(MOD)
Site Address: 2621 Coldwater Canyon
Drive

Bel Air-Beverly Crest Planning Area

Zone: RE40-1-H

D.M.: 153 B 161, 153 B 165, 156 B 165

C.D.: 5

CEQA: MND 98-0077-CUZ(ZV)(YV)(RTT)

Fish and Game: Exempt

Legal Description: Lots 1-13 of Tract No.
39364

Department of Building and Safety

Pursuant to Los Angeles City Municipal Code Section 12.24-C,12, I hereby DENY:

a conditional use permit, pursuant to the provisions of Section 12.24-C,12 of the Municipal Code, to permit the establishment, use and maintenance of a private recreational facility within a gated community consisting of an equestrian riding and training facility with three corral areas, two jumping and one riding arenas, a two-story club house and caretaker building, a twelve-bedroom groomer's quarters building and the stabling of 51 horses, and entry gates; and

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

a variance from Section 12.21-C,5(b) of the Municipal Code to permit the construction, use and maintenance within the private street Lakecrest Lane of a guard/gate house accessory structure to be located within the front one-half of the Lot 13 Tract No. 39364, and; a variance from Section 12.27-I,1 of the Municipal Code to permit up to 6- to 10-foot in height walls and fences to be located within the front yard setback area adjacent to the guard/gate house all on property located in the RE40 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 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. Plan (revised). A revised Plan shall be provided to the Deputy Advisory Agency depicting the proposed one-story guard/gate house on Lots 1 and 2 of Tract No. 39364 (private street easement) and 6- to 10-foot fencing and blockwalls, no later than 30 days after the effective date of the subject determination.
4. 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.
5. Any graffiti on the site be removed or painted over to match the color of the wall surface to which it is applied within 24 hours of its occurrence.
6. Building and Safety Department submittal. A copy of this grant and its conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be included in the "notes" portion of the building plans provided to the Department of Building and Safety prior to issuance of a building permit.
7. All the terms and conditions of Tract No. 39364 as modified and not affected by this grant shall remain effective.

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, 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. This process is subject to a mandatory hearing pursuant to Section 12.27-B,7 of the Los Angeles Municipal Code.

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 these variances are not permits or licenses 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 these variances 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 OCT 30 1998, 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:

Figueroa Plaza
201 North Figueroa Street
Room 300, Counter N
Los Angeles, CA 90012
(213) 977-6083

Planning Department
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 FOR CONDITIONAL USE

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, the statements made at the public hearing on June 3, 1998, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for approval of a conditional use permit under provisions of Section 12.24-C of the Municipal Code have not been established by the following facts:

BACKGROUND

1. The subject property includes a recorded 13-lot Tract No. 39364 encompassing approximately 72 acres in the Santa Monica Mountains located south of Mulholland Drive and paralleling west of Coldwater Canyon Drive. The property is steep topography in the RE40-1-H Zone and is vacant of any structure. The property has access and frontage on the northerly portion of the site on Coldwater Canyon Drive.

The surrounding properties are located south of Mulholland Drive in steep topography with drainage southerly. The adjoining properties to the north are improved with single family dwellings in the RE20-1 Zone in the Hidden Valley Road development. The properties lying east of the subject property from Eden Drive south to Betty Lane are improved with single family dwellings on sloping topography in the RE15-1-H Zone. The properties lying east of Coldwater Canyon Drive are similarly improved with single family dwellings in the RE15-1-H Zone. The adjoining properties to the northwest and west are in the vicinity of the Upper Franklin Reservoir in the OS-1-XL Zone. The properties adjoining to the south are

in the RE40-1-H Zone and in the vicinity of the Santa Monica Mountains National Recreation Area.

Coldwater Canyon Drive, adjoining the subject property to the east, is designated a scenic mountain arterial street, dedicated a variable 55 to 60 feet and is improved partially with pavement, curb and gutter along the adjoining easterly subdivision. There is only asphalt pavement along the subject property's street frontage.

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

Subject Property and Neighboring Properties:

There are no prior zoning related actions. However, there is a concurrent modification of conditions to the subject Tract No. 39364.

The proposed project entails the modification recorded Tract No. 39364 and the construction of a private equestrian facility. The proposed tract map modification includes a reduction in overall area, from 99 acres to 72 acres, a reduction in grading from 1,200,000 cubic yards to 950,000 cubic yards, and the elimination of a parallel emergency access road. The total number of residential lots will remain at 12. Extensive grading has been conducted on the project site. A total of approximately 600,000 cubic yards of earth has been moved, and 350,000 cubic yards of earthwork is proposed as part of this modification. The proposed equestrian facility will be located on three lots within the subdivision totaling 39.6 acres. The proposed facilities will include a two-story, 9,000 square foot (+/-) club house, with manager's quarters and two parking spaces, overlooking a lighted 180' x 300' jumping arena. A maximum of 51 horses will be housed in 12' x 14' stables which will be configured in a "U" shape around two corrals and two smaller arenas. An additional four corrals, a jump chute and a turnout will be interspersed throughout the site. Caretaker housing will include individual sleeping quarters for 12 people and three kitchen facilities in a one-story, 8,225 square-foot building with tuck under parking and storage (due to a grade differential). Other buildings include a one-story, 600 square-foot, veterinarian building with four stalls, a one-story, 750 square-foot, shop attached to the caretakers housing and a one-story, 1,500 square-foot, shop/storage building, a 65-foot by 65-foot parking area will be available for trailers and cars. The equestrian facility will be for the use of residents of the subdivision and the subdivider only, and will not be a commercial operation. The project will be constructed in one phase.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-C of the Los Angeles Municipal Code. In order for a

particular request to be authorized, certain designated findings have to be made. In certain cases, there are specific conditional use categories which have additional or unique findings only applicable to that specific use beyond the four standard findings for other conditional use categories.

FINDINGS

In order for a conditional use permit for generic description of use/project to be approved the mandated findings delineated in Municipal Code Section 12.24-C must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 1. The proposed location will not be desirable to the public convenience or welfare.**

The proposed equestrian facility would occupy three of the 12 residential lots of Tract No. 39364 as modified. These three lots are located in the southerly portion of the tract composed of hilly and mountainous terrain. Access to the lots is by the proposed private street easement Lot 13 that would intersect Coldwater Canyon Drive designated as a scenic mountain arterial street. The location of the proposed equestrian facility would not be convenient to the public due to the remote relationship on the upper elevations by way of access on a proposed 44-foot wide private street intersecting the narrow Coldwater Canyon Drive arterial that carries much traffic between the San Fernando Valley and basin area. The welfare of the public is not enhanced when the attendant issues of waste disposal/pick-up, waste runoff, delivery of feed, traffic generation, etc. are significant to affect smaller adjoining and surrounding properties in the RE15-1 H and RE20-1-H Zones. Many of these properties are nonconforming and are not able to enjoy the right to keep a horse because they are less than 17,500 square feet. The size and scope of the proposed equestrian facility in relation to the adjoining properties is detrimental to the public welfare.

- 2. The location is not proper in relation to adjacent uses or the development of the community.**

The adjoining properties to the north in the RE20-1-H Zone and to the east in the RE15-1-H Zone are developed with single family dwellings on steep terrain. There are no horses on these properties because the properties lack lot area and do not have a history of equine usage. The historical development of the immediate community has been residential uses in the restrictive zones in the mountainous terrain. Equestrian uses and facilities have not been developed although the RE Zone permits the keeping of equines having lot areas of 17,500 square feet or

more. Property owners in the RE15-1-H Zone which are located below the subject property have voiced opposition to the equestrian facility because of the attendant health/water/feed issues and because the scope of the facility appears de facto commercial.

3. The use will be materially detrimental to the character of the development in the immediate neighborhood.

The approval of Tract No. 39364 as modified for a 13-lot subdivision composed of 12 residential lots and 1 private street easement lot in the RE40-1-H Zone conforms to the character of the existing development of dwellings in the less restrictive RE20 and RE15 Zones. The approval of Tract No. 39364 was cognizant of the desire for open space and larger lot areas on the mountainous terrain in relationship to the adjoining smaller residential lots. The drastic proposal to modify the Tract No. 39364 to allow the equestrian facility changes the original intent for subdivision. The equestrian facility entails a large operation including a clubhouse, housing, corrals, arena, stables for 51 horses, parking, and other structures on 39.6 acres which is purported for private use by property owners of the nine lots. However, the scope and size defies the intent of private use and argues for commercial purposes. The intent of the RE Zone is to permit the equine use incident to the residential use on a lot. Each lot of Tract No. 39364 could have an equine without the modification of the conditions of the Tract No. 39364.

4. The proposed location will not be in harmony with the various elements and objectives of General Plan.

The proposed equestrian facility is permitted by right in the M2 and M3 Zones as a commercial use. The keeping of equines is permitted by right in the RE Zone provided the lot area is 17,500 square or more. The reason for this equine use is the accessory characteristic permitted to the property owner of the primary residential use. Facilities for equestrian trails are mentioned in the Bel Air-Beverly Crest Plan and in the Mulholland Scenic Parkway Specific Plan, however, there are no specific standards that apply to the proposed equestrian facility except that "access to and facilities for Equestrian, Hiking and Bicycle Trails should be provided in conformance with standards set forth in the Mulholland Scenic Parkway Report and Major Equestrian and Hiking Trails Element...". A review of this Element adopted December 31, 1968 shows no proposed designation for an equestrian trail stop, horse keeping district or concentration of horses on or near the subject property. The closest equestrian trail is along Mulholland Drive located to the north. Also, there is the objective to protect the open and natural character of single family development in the Plan that would be affected by the proposed development.

FINDINGS OF FACT FOR VARIANCES

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 June 3, 1998, 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 98 of the City Charter and Section 12.27-C,1 of the Municipal Code have been established by the following facts:

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.**

Application of setback requirements to the proposed accessory guard house would present practical difficulties to creating a coherent access plan and could result in an ineffective design and an inability to provide the necessary level of security for the project and its residents. The proposed guard house will be ancillary to the primary permitted use of the site as a residential estate subdivision, and will provide a level of security typically associated with developments of this nature. Finally, through its design and associated landscaping, the guard house will create a cohesive focal point for entry into the development.

The proposed over-in-height fences will provide a level of security typically associated with developments of this nature, and through their design and integration into the project, will create a cohesive focal point for entry into the development and the equestrian facility. The over-in-height fences proposed at the entry into the subdivision will be integrated into the design of the guard house, as well as with the fences for the two lots with frontage on Coldwater Canyon Drive (Lot 1 and 2). The over-in-height fences will be of a scale and design that will enhance the development and its view from Coldwater Canyon Drive. The over-in-height fences at the entry to the equestrian facility will be designed to compliment its architecture and ambiance.

- 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 prominent location of the subdivision and the extent of recreational amenities proposed, coupled with its proximity to a highly traveled thoroughfare (Coldwater Canyon), creates the necessity for the proposed guard house.

The location of the 12-lot residential estate subdivision on 72 acres within close proximity to a highly traveled thoroughfare (Coldwater Canyon), and development of an associated recreation facility, creates the necessity for the proposed over-in-height fences.

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.**

There are many developments in the area as well as other hillside areas of the city that have employed guard houses to control access and provide an increased level of security for residents. The location and design of the subdivision allows the guard house to be sited with minimal aesthetic impacts and will create a unified focal and entry point which will benefit residents of the subdivision and the surrounding neighborhood. This proposed guard house is necessary to provide an amenity on par with developments of a similar scale and design.

There are many development in the hillside areas of the city that have employed over-in-height fences to control access and provide an increased level of security for residents. The location and design of the subdivision allows the over-in-height fences are necessary to provide an amenity on par with development of a similar scale and design.

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.**

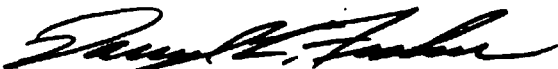
The guard house will be located to control access to a residential estate subdivision and private street that is not yet constructed. The public, therefore, has no history of using the street, and no public benefit will be lost as a result of gating the street. The over-in-height fences will be integrated into the development and used to enhance the design of the project. The design of the over-in-height fences will be unobtrusive, and will create an aesthetically pleasing addition to the surrounding neighborhood by creating a uniform treatment along the site's frontage with Coldwater Canyon Drive.

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

The development of a 12-lot subdivision on 72 acres is consistent with the General Plan land use classification of minimum density as well as the zoning designation of Residential Estate (RE) 40. Since the classification of the property as "residential estate" facilitates the development of custom residences on large lots, the use of a guard house would conform to the scale and type of development anticipated in that zone.

ADDITIONAL MANDATORY FINDINGS

6. 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)
7. On April 1, 1998, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. MND 98-0077-CUZ (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. The records upon which this decision is based are with the Environmental Review Section in Room 1540, 221 North Figueroa Street, Los Angeles, CA 90012.
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.



DARRYL L. FISHER
Associate Zoning Administrator

DLF:PM:shk

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