



## ATTACHMENT "I"

May 1, 2019

Los Angeles Department of Building & Safety:

In an effort to call the Departments attention to Building Permit irregularities at the project sites of 10701 Bellagio Rd. and 627 Carcassonne Way, the Bel-Air Association is filing appeals to the following permits:

### **10701 Bellagio Road**

<u>14010-30000-03040</u>	Issued 4/17/2015	NEW ACCESSORY LIVING QUARTER WITH ATTACHED GARAGE.
<u>14010-30000-03038</u>	Issued 4/17/2015	NEW TWO STORY SINGLE FAMILY DWELLING WITH ATTACHED GARAGE.
<u>09030-10000-04612</u>	Issued 9/29/2009	Proposed to temporary stockpile 5000 cubic yards of soil onsite per approved modification, no. 19089, dated 9/17/09.
<u>14030-30000-06886</u>	Issued 4/17/2015	Grading for new single family dwelling, accessory living quarter, and site retaining walls.
<u>16030-20000-05687</u>	Issued 11/21/2016	GRADING EXCAVATION FOR NEW POOL AND SPA.
<u>15020-30001-00336</u>	Issued 2/1/2017	supplemental ref to pcis # 15020-30000-00336 to check for lot line adjustment
<u>15020-30000-00336</u>	Issued 4/17/2015	NEW SITE RETAINING WALL.
<u>16047-20000-01381</u>	Issued 11/21/2016	BUILD 14' X 60' POOL W/ 7' X 14' SPA AND POOL COVER PER LA CITY STANDARD PLAN #268

### **627 N CARCASSONNE ROAD 90077**

<u>14010-10001-03040</u>	Issued 2/1/2017	1.) SUPPLEMENTAL TO 14010-30000-03040 FOR CHANGE OF USE FROM A.L.Q. TO (N) SFD W/ ATTACHED GARAGE DUE TO LOT LINE ADJUSTMENT. 2.) REVISIONS AND ADDITION TO STRUCTURE. 3.) REVISE STRUCTURAL INVENTORY.
<u>17030-20000-00378</u>	Issued 2/6/2017	GRADING EXCAVATION FOR NEW POOL AND SPA. 249 cu yd

17030-20000-00190 Issued 2/1/2017 SITE GRADING FOR NEW SFD, SITE RETAINING WALLS, AND POOL ( SEE COMMENT)

17020-20000-00101 Issued 2/1/2017 SITE GRADING FOR NEW SFD, SITE RETAINING WALLS, AND POOL

17047-20000-00090 Issued 2/6/2017 NEW IRREGULAR 16'-4" X 145'-6" POOL AND 4'-6" X 13' SPA PER STANDARD PLAN 268 AND ENGINEERING DETAILS.

Due to the inconsistencies in the plans, grading information, and inaccuracies presented to Building & Safety Plan Check by the developer, the Los Angeles Department of Building & Safety erred in issuing the above permits for 10701 Bellagio Road and 627 Carcassonne Way.

Below are eight areas where the above permits run afoul of the Los Angeles Municipal Code.

### **Haul Route Threshold**

The original 2015 Building permits for the single-family home and accessory living quarters presented a single project that was exporting just under the 1,000 cu yds of soil threshold in an attempt to avoid the requirement of obtaining a Haul Route permit. However, upon completion of a lot line adjustment, the developer re-classified the accessory living quarter as a single-family home. Despite the reclassification, the project remained a single development as the owner, management, contractors, sub-contractors, vendors and all other aspects of the two projects remained unchanged. Additionally, CEQA would continue to classify the development as a single project.

On 11/21/2016 and 02/06/2017 supplemental permits were issued for the excavation and export of soil for two different pools. The total export for those permits was an additional 464 cu yds, bringing the total admitted export for this project to approx. 1,400 cu yds. Thereby crossing the threshold for the requirement of a Haul Route.

And while it will be discussed further in this appeal, the 1,400 cu yds of export does not take into account the import of soil that likely took place to raise the projects building pad. Regardless, the department erred in issuing the additional export of earth material with first requiring a Haul Route.

### **Grading/Building Pad**

Having reviewed Building & Safety records, it appears the developer raised the building pad of the site significantly, in a likely effort to obtain a better view of the golf course directly across the street. The obvious pad raising is seen by comparing previously approved State Licensed Stamped grading reports and applications for prior homes at this site. Additionally, photos taken from the City's records and Google street view provide color-commentary to the facts presented by those State Licensed Stamped reports and plans of previous projects.

Previous projects that were contemplated or permitted show vastly different topographical elevations than what was presented by the developer of this project. On 08/05/2005 a grading permit was issued for a single-family home that shows both existing and proposed contour lines that establish a grade elevation much different than the topographic elevations of the current developer. In the 08/05/2005 permit you can see the portion of the lot fronting Bellagio is either level with or below Bellagio Road. This dip in the property, which appears to hit its deepest near the Bellagio/Carcassonne corner of the property, is a

common theme in nearly every topographical map and survey, except the developers. Also, the 08/05/2005 permit does not show an existing elevation of 548-550ft until nearly 80-100 feet back from Bellagio Road, with the lowest portions of the front half of the lot hitting nearly 536ft or lower. This is over a 14 foot grade differential within the front half of the property alone. However, the developer's plans show none of this.

Again, permits from 05/22/2007 and 06/03/2009 show similar grade elevations as the 08/05/2005 permit. It is my understanding that these previous plans were also accompanied by State Licensed and Stamped plans and reports. In these two additional instances, the plans show a lower elevation at the corner of Bellagio and Carcassonne, which dips below the street. Many residents believed this area was a drainage swale or pond.

However, when you compare the previous plans and the street view pictures from 2011, 2014, 2015, and 2018, you are presented with a vastly different reality than what the developer claims to be the grading baseline. Most notably are the 2011 and 2014/15 street view pictures (Exhibits B, C, D), as you can clearly see the raising of the grade. The markers are the Bellagio drive way and the disappearance of the front corner swale/pond, as the slope goes from dipping below the street to rising substantially above it.

Of note is what appears to be the obvious import of dirt in 2014, which seems to have happened shortly after the current owner purchased the property, and many months prior to receiving a grading permit for his own development. This import of many thousands of cubic yards of dirt to raise the grade prior to receiving a grading permit could explain why a State Licensed professional believed the topographic elevations were so different than previous State Licensed professionals.

Additionally, the 2008 Bureau of Engineering Cadastral Maps, 2006 Santa Monica Topographical Maps, and even the original tract maps show contour elevation lines that mirror those from the previous permits and refute those presented to the City by the developer.

These discrepancies in the elevation appear around the entire perimeter of the 10701 Bellagio and 627 Carcassonne properties. And due to these possible misrepresentations, the height, allowable square footage, and allowable grading are all called into question.

Also in dispute is the active nature of the 09/29/2009 Temporary Stockpiling Permit for 5,000 cubic yards of dirt. Either the dirt came from the grading efforts of the previous home which returned the site to the previous condition. Or the dirt came from outside of the property. In either case, the permit should have been finalized in 2012 with the previous building permit.

### **Allowable Square footage**

The SFD and ALQ permits were issued in error due to the allowance of a possible excess of square footage. The plans nearly maxed out the allowable square footage of the home based on elevation contours that were faulty. Since the allowable square footage is based on zone, lot size, and steepness of the lot, the allowable square footage is different when following the topographical contours of previous State Licensed Professionals. This would likely result in a project with less allowable square footage than what was permitted and constructed.

### **Allowable Height**

The SFD and ALQ permits were issued in error due to their reliance on inaccurate topographic surveys. Since the height is inextricably connected to natural or existing grade, nearly the entirety of the Bellagio Rd. home, and over half of the Carcassonne home breach the allowable height limits spelled-out in the LAMC.

### **Actual Height**

Regardless of the topographical issues, there is concern the actual height of the homes exceed the allowable height. The height of the first and second floors are staggering and appear to not match the permitted height of the approved plans.

### **Number of Kitchens**

The department erred when issuing permits for single family homes that contained three kitchens. In both homes, the approved plans call-out three kitchens, which requires a Planning Department action to allow more than one kitchen. The department should require the developer

### **Pitched Roof vs. Flat Roof**

The developer is attempting to take advantage of the City's allowance of additional height when the roofs are pitched on a home. The perimeter of the Bellagio home's roof has a pitch, but then flattens out to no pitch. However, the home appears to enjoy the increased height throughout. This is a technique that is being used to gain the height, but then truncate its affect of interior ceiling heights by flattening the center of the roof. The department erred in issuing permits allowing for the 36 foot height while not requiring the roof to be fully pitched.

### **Front Wall Height**

The two homes are surrounded by walls, gates, and shrubs/hedges acting as walls, that exceed the LAMCs allowance of 42 inches for front yard walls/gates, and six feet for side yard walls.

### **Number of Retaining Walls**

The two homes appear to enjoy more than the allowable two retaining walls. Due to the reclassification of the ALQ to a SFD, the westerly wall was counted as a wall for each home. Additionally for the Carcassonne home, it maintains northerly and easterly retaining walls as well. Which breaches the two wall maximum.

Additionally, the Bellagio Rd. home has a westerly retaining wall, a second wall adjacent to Bellagio, a third at the south/east corner of the home, and a forth along the easterly side of the home. These last two walls are what create and supports the raised pad of the home, without being apart of the structure.

It is for the reasons stated above that we believe the Department erred in issuing permits to the projects located at 10701 Bellagio Rd., and 627 Carcassonne Way.

Exhibits List:

- A. 2011 ZIMAS Aerial Photo. – Shows the site prior to construction. Can see the perimeter slope creating a bowl effect. Bellagio driveway extends approx. seventy feet into lot.
- B. 2011 (September) Google Street View. – Shows flat driveway entering off Bellagio Rd. Shows elevation decline across the frontage, from left to right, towards Bellagio and Carcassonne corner. Shows grade not increasing until approx. 1/3 into the lot. Gradual grade increase.
- C. 2014 (September) Google Street View. - No grading permits issued. Obvious raising of the pad. Driveway disappears under several feet of soil. Bellagio and Carcassonne corner has been raised significantly. Obvious piles of dirt for grading purposes.
- D. 2015 (October) Google Street View. – Pad height has been raised significantly. Rebar for front retaining wall visible. Westerly retaining wall visible.
- E. 2016 (February) Google Street View – View of the Bellagio and Carcassonne corner. No longer dips below the street. Appears to have been raised 10-15 feet per every-other previous permit and topo map. Can see front retaining wall, second driveway leading into the street light. Second retaining wall parallel to front retaining wall, and easterly retaining wall, creating corner of building pad.
- F. 2016 (February) Google Street View – Same date as exhibit E. just different view. Can see easterly wall.
- G. 2018 (January) Google Street View – Bellagio and Carcassonne corner. Second driveway. Stop sign has been moved behind the street light, into intersection. Street light still obstructing driveway. Can see front retaining wall and the parallel retaining wall.
- H. 2017 ZIMAS Aerial Photo – Shows the flat roof down the center of the Bellagio home. Can see the removal of the sloping grade along perimeter.
- I. Temp. Stockpile Permit.
- J. 2009 Grading Permit.
- K. 2007 Building Permit
- L. 2005 Grading Permit
- M. 2016 Grading Permit. Pool.
- N. 2017 Grading Permit. Pool.
- O. 2008 BOE Cadastral Map. Topographical.