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BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

ANDREW A. ADELMAN, P.E.
GENERAL MANAGER

RAYMOND CHAN
EXECUTIVE OFFICER

ORDER TO COMPLY

HSU, DAVID W
4955 LOS FELIZ BLVD
LOS ANGELES, CA 90027

CASE #: 205048
ORDER #: A-1560610
EFFECTIVE DATE: August 31, 2007
COMPLIANCE DATE: September 30, 2007

OWNER OF
SITE ADDRESS: 4955 W LOS FELIZ BLVD
ASSESSORS PARCEL NO.: 5588-007-008
ZONE: RE11; Min. Lot 11,000 Sq. Ft.

An inspection has revealed that the property (Site Address) listed above is in violation of the Los Angeles Municipal Code (L.A.M.C.) as follows:

VIOLATION(S):

1. Unapproved construction.

You are therefore ordered to: 1) Demolish and remove the unapproved construction or make it conform to the provisions of this Code.

Code Section(s) in Violation: 91.8105, 91.103.1, 12.21A.1.(a) of the L.A.M.C.

2. Unapproved occupancy.

You are therefore ordered to: Discontinue the use and occupancy of the garage as a sound stage/recording studio.

Code Section(s) in Violation: 91.104.2.5, 91.103.1, 12.21A.1.(a) of the L.A.M.C.

3. Illegal occupancy.

You are therefore ordered to: 1) Discontinue the use and occupancy of all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

Code Section(s) in Violation: 91.8902.14, 91.8902, 91.103.1, 12.21A.1.(a) of the L.A.M.C.

4. Not providing or maintaining the required covered off street parking.

You are therefore ordered to: 1) Provide/maintain required off-street parking.

Code Section(s) in Violation: 12.21A.4.(m), 12.21A.1.(a) of the L.A.M.C.

5. Unapproved garage conversion is not allowed in the R zone.

You are therefore ordered to: 1) Discontinue the unapproved use of the unapproved garage conversion which is not allowed in the R zone.

Code Section(s) in Violation: 12.21A.1.(a) of the L.A.M.C.

PENALTY WARNING:

Any person who violates or causes or permits another person to violate any provision of the Los Angeles Municipal Code (L.A.M.C.) is guilty of a misdemeanor which is punishable by a fine of not more than \$1000.00 and/or six (6) months imprisonment for each violation. Section 11.00 (m) L.A.M.C.

APPEAL PROCEDURES:

There is an appeal procedure established in this city whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine error or abuse of discretion, or requests for slight modification of the requirements contained in this order when appropriate fees have been paid. Section 98.0403.1 and 98.0403.2 L.A.M.C.

NON-COMPLIANCE FEE WARNING:

A proposed noncompliance fee may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or request for slight modification is filed within 15 days of the compliance date.

If an appeal or request for slight modification is not filed within 15 days of the compliance date or extensions granted therefrom, the determination of the department to impose and collect a non-compliance fee shall be final. Section 98.0411 L.A.M.C.

NOTE: FAILURE TO PAY THE NON-COMPLIANCE FEE WITHIN 30 DAYS AFTER THE DATE OF MAILING THE NOTICE, MAY RESULT IN A LATE CHARGE OF TWO (2) TIMES THE NON-COMPLIANCE FEE PLUS A 50 PERCENT COLLECTION FEE.

If you have any questions or require any additional information please feel free to contact me at (213)252-3045. Office hours are 7:00 a.m. to 5:00 p.m. Monday through Friday.

Inspector: 

Date: August 29, 2007

RON KIDWELL
3550 WILSHIRE BLVD. SUITE 1800
LOS ANGELES, CA 90010
(213)252-3045

RG

REVIEWED BY

MASTER LAND USE PERMIT APPLICATION
LOS ANGELES CITY PLANNING DEPARTMENT

Planning Staff Use Only

ENV No.	Existing Zone RE11-1	District Map 150B197
APC Central	Community Plan Hollywood	Council District 4
Census Tract 1892.00	APN 5588007008	Staff Approval * Date

* Approval for Filing by Community Planning or Division of Land Staff, When Applicable

CASE NO. _____
 APPLICATION TYPE Zoning Administrator's Adjustment
(zone change, variance, conditional use, tract/parcel map, specific plan exception, etc.)

1. PROJECT LOCATION AND SIZE

Street Address of Project 4955 West Los Feliz Blvd Zip Code 90027
 Legal Description: Lot 7 Block None Tract TR5337
 Lot Dimensions 80'x160' Lot Area (sq. ft.) 12,806 Total Project Size (sq. ft.) 858

2. PROJECT DESCRIPTION

Describe what is to be done: To allow the continued use and maintenance of a recreation room converted from a 2 car garage/ guest house and the construction of an attached car port for 2 vehicles.

Present Use: rec room Proposed Use: rec room and car port
 Plan Check No. (if available) _____ Date Filed: _____

Check all that apply:

<input checked="" type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Change of Use	<input type="checkbox"/> Alterations	<input type="checkbox"/> Demolition
<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Residential	
Additions to the building:	<input type="checkbox"/> Rear	<input checked="" type="checkbox"/> Front	<input type="checkbox"/> Height <input type="checkbox"/> Side Yard

3. ACTION(S) REQUESTED

Describe the requested entitlement which either authorizes actions OR grants a variance:
 Code Section from which relief is requested: 12.07.01 C (3) RE11-1 Zone Code Section which authorizes relief: 12.28
A Zoning Administrator's Adjustment to allow a rear yard setback of 0 feet in lieu of 25' for the recreation room and attached car port in the RE11-1 Zone

Code Section from which relief is requested: 12.07.01 C (1) RE11-1 Zone Code Section which authorizes relief: 12.28
A Zoning Administrator's Adjustment to allow a side yard setback of 0 feet in lieu of 5' for the recreation room and attached car port in the RE11-1 Zone

Code Section from which relief is requested: _____ Code Section which authorizes relief: _____

Code Section from which relief is requested: _____ Code Section which authorizes relief: _____

List related or pending case numbers relating to this site:

SIGNATURES of adjoining or neighboring property owners in support of the request; not required but helpful, especially for projects in single-family residential areas. (Attach sheet, if necessary)

NAME (Print)	SIGNATURE	ADDRESS	KEY # ON MAP

4. OWNER/APPLICANT INFORMATION

Applicant's Name Chris Jenkins and David Hsu Company _____

Address: 4955 Los Feliz Blvd Telephone: (951) 808-9888 (C Jenkins) Fax: () _____
Los Angeles Zip: 90027 E-mail: cjenkins@skunk2.com

Property Owner's Name (if different than applicant) David Hsu

Address: 4955 Los Feliz Blvd Telephone: () Contact Chris Jenkins Fax: () _____
Los Angeles Zip: 90027 E-mail: _____

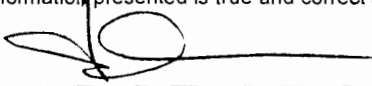
Contact Person for project Information Steve Kaali, Windrich Group

Address: 22148 Sherman Way Telephone: (818) 795-7697 Fax: (818) 888-7133
Canoga Park Zip: 91303 E-mail: steve@windrichgroup.com

5. APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner or lessee if entire site is leased, or authorized agent of the owner with power of attorney or officers of a corporation (submit proof). (NOTE: for zone changes lessee may not sign).
- b. The information presented is true and correct to the best of my knowledge.

Signature: 

Subscribed and sworn before me this (date): 1-23-08

Print: DAVID HSU

In the County of RIVERSIDE State of California

Date: 1-23-08

Notary Public Kathy Lancaster

Stamp:

7. ADDITIONAL INFORMATION/FINDINGS

In order for the City to render a determination on your application, additional information may be required. Consult the appropriate "Special Instructions" handout. Provide on attached sheet(s) this additional information using the hand-out as a guide.

NOTE: All applicants are eligible to request a one time, one-year only freeze on fees charged by various City departments in connection with your project. It is advisable only when this application is deemed complete or upon payment of Building and Safety plan check fees. Please ask staff for details on an application.

Planning Staff Use Only

Base Fee	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date

ALL-PURPOSE ACKNOWLEDGMENT

Title of Document: Master Land Use Permit

Date of Document: 1-23-08

State of California

County of Riverside

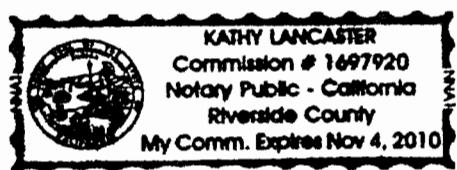
On Jan 23, 08 before me, Kathy Lancaster, Notary Public,
personally appeared David Wei-Dan Hsu

who proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Kathy Lancaster



FOR NOTARY STAMP

**12.28 Variance Findings
Zoning Administrator Adjustment (ZAA) –
Area, Yards, Height, Density**

4955 West Los Feliz Blvd.

- 1. That the granting of such adjustment will result in development compatible and consistent with the surrounding uses.**

The subject property is a 12,806 square foot corner lot on the NW corner of West Los Feliz Blvd and Edgemont St. of the Hollywood Community Plan Area in the RE11-1 Zone. The main single family dwelling unit was permitted in 1993 with a total square footage of 3583 square feet (please see Certificate of Occupancy and Building Permit No 400100368 included in the submittal package). There is a second structure on the property having a total square footage of 1014 square feet. The original Permit No. 30457 was issued in 1926 for a three room Parking garage, laundry room and chauffeur room. The current owner has converted this 1014 square foot single story building into his personal recreation room with a recording studio. Under Sections 12.03 of the Hillside Ordinance the definition of a recreation room is:

“ A room contained in either a main building or an accessory building, designed to be used primarily for games, the pursuit of hobbies, social gatherings, and such activities. Such a room may contain such plumbing fixtures as are utilized in a bar or for hobby activities. Such a room in a single-family or two-family dwelling or in an accessory building appurtenant to a single-family or two-family dwelling, may not include facilities for cooking and preparation of food....”

In 2007 the Los Angeles Code Enforcement Bureau issued a Notice to Comply requiring that the unapproved occupancy of the garage as a recording studio be discontinued, demolished and removed. The Notice to Comply also states there is an illegal occupancy that must discontinue the use and occupancy of all buildings or portions thereof used for cooking, living, sleeping and dining purposes. This accessory building does not have cooking and living uses nor does it have any dining purposes. There is no evidence that these uses and/or activities are occurring.

The LAMC does not allow a commercial recording studio in the RE-11 zone. This recreation room is used solely for the personal use of a musician who writes and records his own personal music. The current owner uses this recreation room for his personal business and falls under the guidelines set forth in LAMC Section 12.05 16 (a) items 1 through 20 for a home occupation use.

The current owner is choosing to keep the personal recording studio and provide the required covered parking with an attached two-vehicle car port. This satisfies the off-street parking requirements set forth in Sections 12.21 A 4(m) and 12.21 A.1(a) of the LAMC. A garage does not need to meet the rear and side yard of 5 feet for the side and

25' for the rear. This accessory building is no longer being used as a garage and now must adhere to these setback requirements. The proposed attached car port also cannot meet these setback requirements as it must stay in line with the accessory building to which it is attached. Physically demolishing the building and proposing an attached carport elsewhere on the property to meet these setback requirements is not possible as there is only 39' from the rear property line to the main structure. A 26'x 39' two car garage cannot physically fit between the main house and the rear property line if adhering to the 25' rear yard setback.

There are many homes in the Hollywood area with accessory structures abutting against rear and side yard property lines not adhering to the setback requirements. This is not an uncommon location for such structures for in the 1920's no zoning laws prohibited such uses or had setback standards. Even by today's standards a garage can be located without adhering to setbacks. Both abutting lots to the north and west have permitted existing legal non-conforming solid 10 foot block walls with dense fully mature ivy growing along the wall to further any negative visual impact. The approved structure is already in place and has not been an incompatible or inconsistent use in the surrounding neighborhood. The granting of an adjustment to allow the continued use and maintenance of this accessory structure will not result in a development that is inconsistent or incompatible with the neighboring properties.

2. That the granting of such adjustment will be in conformance with the intent and purpose of the General Plan of the City.

Yard setbacks and building height limitations have been established to maintain public health and safety. The granting of such adjustment does not infringe upon the property rights of others by affecting views, open space and/or comfortable spatial distances between structures on each individual's property. The General Plan encourages the right for each individual to use his/her own property to its fullest potential as long as it does not infringe upon the rights of others'. The owner's personal recording studio maximizes the opportunity for individual choice by allowing a creative hobby to exist as well as not requiring excessive travel just to exercise the right to work from home. The personal recording studio does not intensify traffic to the subject property or surrounding neighborhood nor does not omit sound that exceeds City noise standards. The entire building is professionally sound proofed. It does not allow sound to penetrate from the outside in or allowing sound to travel beyond a few feet from the building. There is no way possible for any sound produced inside the building to be heard anywhere off-site thus being consistent with City Noise Standards established in the Plan.

The owner can accommodate additional on-site guest parking that is uncovered and tandem to the two covered parking spaces. Cars cannot park on Los Feliz Blvd so any guest, service provider or additional cars that cannot park in driveways, carports and garages on-site must park on Edgemont St. It has been observed on several occasions during different times of the day and week that Edgemont St is not burdened by excessive street parking. To further alleviate any potential off-site street parking two on-site guest

parking spaces have been created in addition to the required two covered spaces. This acts as good faith on behalf of the Applicant that this adjustment is in conformance with the General Plan and Zoning Code.

3. That the granting of such adjustment will be in conformance with the spirit and intent of the Planning and Zoning Code of the City.

Section 12.21C 1 (g) requires a 5 foot side yard setback and a 25 foot rear yard setback for all properties located in the RE-11 Zone. This is to provide an adequate buffer between structures and property lines protecting privacy and providing safety for fire access and other emergency accessed if ever required. In the early 1900's when the two-car garage, laundry room and chauffeur room was constructed no setbacks from property lines were required. Current standards apply for all new construction and the proposed request is not for new construction but for a remodel of a structure that was legally permitted. This chauffeur room was a habitable space meant for cooking, bathing and sleeping. The request to go from a habitable space to a recreation room is a less intense use than what is permitted. Therefore the granting of the adjustment to allow the structure to remain in place and not have to be demolished and relocated to meet current setback requirements is in conformance with the spirit and intent of the Planning and Zoning Code of the City.

4. That there are no adverse impacts from the proposed adjustment or that any adverse impacts have been mitigated.

The adverse impacts for the recreation room can only be noise and excessive street parking both of which have been mitigated. The distance from the recreation room to the gate is 34 feet long and the distance from the north property line wall to the planter box that defines the driveway is 25 feet. This 34'x25' area is where the proposed attached 2 vehicle car port is to be located. This area is not only large enough to accommodate two vehicles for covered parking satisfying LAMC 12.21 A 4(a) and 12.21 A 4(m) but also can provide two additional uncovered spaces for any guest parking.

The other potential adverse impact is sound generated both on and off site from the recording studio. This room is designed to keep outside noise from entering and maintain any noise emitted from the room to even lower standards set forth in the LAMC noise standards. The walls are insulated with two separate layers of drywall and sound reducing foam that keeps sound from being heard less than 10 feet from the building. The Applicant will provide a noise study if the City feels it necessary.

No physical exterior remodeling exists or is being proposed from what was originally permitted not to mention with the gate closed this recreation room cannot be seen from any adjacent property or right of way.

Taking into consideration all the mitigation factors and existing conditions, the granting of this adjustment will not create any unmitigated adverse impacts.

5. That the site and/or existing improvements make strict adherence to the zoning regulations impractical and feasible.

Sections 12.07.01 C (1) and 12.07.01 C (3) are the rear and side yard setback requirements for the RE 11-1 Zone. The side yard setback requirement is 5 feet and the rear yard setback requirement is 25'. In 1926 the Building Department issued Permit No. 30457 for a 26'x39' parking garage, laundry and chauffeur room. This permitted structure is what exists on the lot today. The only exterior changes to the building have been doors and windows. The interior remodel is the conversion to the recreation room. The building was permitted to be on a 0 lot line on the side yard property line to the west and the rear yard property line to the north.

The new use of this structure requires that it conform to the current setback standards. Physically moving the structure would require completely demolishing the building and reconstructing it to meet the current setback requirements. This is not only impractical and infeasible but also impossible. Adhering to the 25' rear yard setback requires moving the building 25' to the south towards the main house. The remaining distance from 25' to the house is only 17' so the building if directly adjacent to the main structure would not be able to maintain its current width of 26'. The Code also requires a distance of 10' between structures.

The granting of the adjustment will allow the existing permitted structure to remain in its current location without causing any impractical, infeasible and impossible relocation efforts.