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201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

FRANK M. BUSH
GENERAL MANAGER
SUPERINTENDENT OF BUILDING

OSAMA YOUNAN, P.E.
EXECUTIVE OFFICER

INSPECTION BUREAU

April 5, 2018

**Bank of New York Mellon
C/O C.T. Corporation System
Vivian Imperial, Agent of Service
818 W. Seventh St. Suite 930
Los Angeles, CA 90017**

**Order # DO062817-881
Effective Date: April 5 2018
Compliance Date: May 6, 2018**

ORDER TO COMPLY

**Violation Address:
909 N Greentree Road a.k.a 864 Brooktree Road
Pacific Palisades, CA 90272**

Compliance Date: May 6, 2018

An inspection of the site referenced above on September 1, 2009 revealed that the scope of work is not in conformance with the City of Los Angeles Zoning Code requirements, LAMC Section 12.07.01C.1.

This Order is an amendment to the previous Order to Comply to update the owner information.

Therefore, you are hereby ordered to comply with the following requirements of the Los Angeles, Municipal Code (LAMC) and other laws on or before May 6, 2018.

On October 10, 2003, in the action entitled Horwitz, et al, v. City of Los Angeles, Los Angeles Superior Court Case No. BC 271518, the Orange County Superior Court entered a judgement and issued a peremptory writ which ordered the City of Los Angeles, Department of Building and Safety to revoke building permit numbers 00014-30000-04934, 00014-10002-04934, 00014-10003-04934, and 00014-10004-04934. Grading Permit No. 01030-10000-00015, and all other building permits and Certificates of Occupancy for the residence located at 909 Greentree Road, a.k.a. 864 Brooktree Road in the City of Los Angeles issued between January 5, 2001 and September 11, 2003. The judgement and writ were affirmed by the California Court of Appeal in

the decision *Horwitz v. the City of Los Angeles*, 124 Cal.App.4th 1344 (2004) (“Court of Appeal Decision”).

The Court of Appeals Decision held that 909 Greentree is 14 feet closer to the street than permitted “by the Los Angeles Municipal Code Section 12.07.01 C.1 and must conform to the mandatory requirements of such zoning ordinance.

By written notices dated May 25, 2005 and June 9, 2006, in accordance with the judgement, writ and Court of Appeal Decision, the City revoked all of the permits and certificates of occupancy on 909 Greentree Road.

Following a trial before the Orange County Superior Court concerning the “Projecting Building Exception” LAMC Section 12.22C.5, and the Court’s Final Ruling Statement of Decision” dated November 5, 2007, the Orange County Superior Court ordered the City not to ‘reinststate or issue building permits pertaining to 909 unless and until the real parties in interest (Mehr and Vickey Beglari) take lawful measures to bring 909 into compliance with the Los Angeles Code setback requirements.

This order is supplemental to Order # R5110-102 issued on September 1, 2009 and is an addendum thereto except for the compliance dates.

Further, you are ordered to pay the Code Violation Inspection Fee (C.V.I.F.) of \$336.00 plus 6% surcharge (\$20.16), which will be billed to you separately (Section 98.0421 L.A.M.C.). This is not the bill. Wait for the invoice before contacting the Department regarding the C.V.I.F only. For all other matters, you may contact the inspector at the bottom of this Order to Comply at any time.

Note: Failure to pay the C.V.I.F. within 30 days of the invoice date of the bill noted above will result in a late charge of two (2) times the C.V.I.F. plus a 50% collection fee, for a total of \$1,246.56 (\$1,176.00 plus \$70.56 surcharge). Any person who fails to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of 1% per month.

Non-Compliance Fee Warning:

In addition to the C.V.I.F. noted above, a proposed Non-Compliance Fee in the amount of \$550.00 may be imposed for failure to comply 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 (Section 98.0411(a) L.A.M.C.).

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.).

Warning: A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1000.00 and/or six months in jail. L.A.M.C. 11.00 (m) & 98.0408 (a)

Note: Failure to pay the Non-Compliance Fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$1,925.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from

the 60th day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

Investigation Fee Warning:

Whenever any work has been commenced without authorization by a permit or application of inspection which violates provisions of the L.A.M.C. and if no order has been issued by the Department or a court of law requiring said work to proceed, a special investigation shall be made prior to the issuance of any permit, license or application for inspection (Section 98.0402(a) L.A.M.C.).

Note: An Investigation Fee shall be double the amount charged for an application for inspection, license or permit fee, shall be collected on each permit, license or application for inspection so investigated. In no event shall the Investigation Fee be less than \$400.00 (Section 98.0402(a) L.A.M.C.).

Penalty Warning:

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of a misdemeanor which is punishable by a fine of not more than \$1,000.00 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.)

If you have any questions or require any additional information, please feel free to contact me at the phone number below.

Inspector:

Date: 4/5/2018

Daniel Orrante
11620 Wilshire Blvd.
310-914-3906