

APPENDIX M

HISTORICAL PLANNING CASES FOR THE PROJECT SITE



NORRIS POULSON
MAYOR

DEPARTMENT OF
CITY PLANNING
OFFICE OF THE
ZONING ADMINISTRATOR
361 CITY HALL
LOS ANGELES 12
MICHIGAN 5211

May 9, 1955

Joe Kirkwood, Jr.
c/o S. W. Cunningham & Associates
3723 Wilshire Boulevard
Los Angeles 5, California

Re: Z. A. CASE NO. 13459
Southwesterly corner
Whitsett Avenue and
Valley Spring Lane
Studio City District

Department of Building and Safety

Greetings:

In the matter of the application of Joe Kirkwood, Jr., lessee, for Conditional Use approval and zone variance to permit the development and use of an approximately 19-acre parcel of land located in the R2 and R1-Zones westerly of Whitsett Avenue between Valleyheart Drive and Valley Spring Lane for a golf driving range and pitch-and-putt golf course with incidental automobile parking facilities, including construction and operation of a golf pro shop for limited sale of golfing supplies, and with a limited snack bar to serve patrons of the facility, and with modification, if necessary, of required front and side yard setbacks from bordering streets, please be advised that the Zoning Administrator has made the following finding of facts and determination and has conditionally granted the request for a term period of ten (10) years.

FINDING OF FACTS AND DETERMINATION

After thorough consideration of the statements contained in the application, the report of the Investigator thereon, the statements made at the public hearing before the Administrator on April 14, 1955, the individual communications and petition of protest submitted by surrounding property owners, and correspondence with the applicant and representatives of surrounding property owners concerning suggested tentative terms and conditions, (which are by reference made a part hereof, as well as a personal inspection of the property and the surrounding district, I find that practical difficulties, unnecessary hardships or results inconsistent with the general purposes of the R2 and R1 Zones would result from a strict enforcement thereof, and that the four requirements and prerequisites for granting a variance, as enumerated in the City Charter and in Section 12.27-B, 1 of the Municipal Code and the requirements for authorizing a Conditional Use under the provisions of Section 12.24-C of the Municipal Code, have been established by the following facts:

1. The property in question constitutes an approximate 19-acre, trapezoidal-shaped parcel of land comprising an entire block

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bounded on all sides by public streets. The property has frontage on a secondary highway and is located adjacent to and across the Los Angeles River channel from the commercial frontage along Ventura Boulevard and due to the size, undeveloped nature and location of the parcel in question constitutes one of the few vacant areas of sufficient size in the adjacent closely developed areas of North Hollywood and Studio City which could be developed and utilized for a publicly-operated recreational area such as that here proposed. The Comprehensive Zoning Ordinance would automatically permit development and use of the property for a public park or playground which could include the same type of recreational facilities as proposed for the area. Furthermore, the Master Plan recognizes that the public playgrounds and parks cannot serve all of the recreational needs of a residential community and that additional privately-operated recreational facilities must be provided and that due to the size of site needed for such facilities, proper areas or sites cannot be determined in advance and set aside on the Comprehensive Zoning Map but that such locations can best be considered and determined by the Conditional Use method as here involved. In view of these factors, permitting development and use of the property in question, subject to proper terms and conditions which will integrate the use into well developed adjacent residential community, would be in harmony with the intent and purpose of the Comprehensive Zoning Ordinance by providing an attractive, wholesome-type of recreational facility for convenience of persons residing in the general locality who desire this type of facility.

2. In view of the open land type of use proposed as contrasted with the construction of single or multiple dwellings as would be permitted on various portions of the property and the need for additional space to accommodate the off-street automobile parking facilities and recreational features of the development, some deviation in the front and side yard requirements and the provisions of the extant building line ordinance along Whitsett Avenue with respect to the location of the parking area and the height and nature of enclosing fixtures is necessary and justifiable to permit the reasonable development of this total property.
3. The subject property has never been included in a recorded subdivision map, making provision for dedication and improvement of the applicant's share of the bordering local streets which now constitute half width streets dedicated by adjoining residential subdivisions or for the widening and improvement of Whitsett Avenue to the designated width of a secondary highway as indicated on the Master Plan and as has been provided in the recorded subdivisions abutting other portions of Whitsett Avenue and granting the request without making provision for subdivision of the property and the dedication and improvement of the necessary land for the widening of the

*As recommended in
Case No. 13459*

*See
page 1*

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existing boundary streets would be detrimental to surrounding residential property in the same neighborhood and would be contrary to the Master Plan by interfering with the street pattern which has been developed and followed in adjacent subdivisions. Furthermore, granting the request to permit the proposed recreational development without strict control over the nature thereof, the hours of operation, the provision for ample offstreet automobile parking, and landscaping of the premises and without strict limitation of the accessory activities such as proposed snack bar in the clubhouse building or without providing a term period so that the use can be reviewed in light of changed conditions in the neighborhood would be detrimental to public welfare and injurious to the well developed and attractive single-family residential area which surrounds the acreage parcel on three sides and the church development across Whitsett Avenue near Valleyheart Drive. However, the granting of the request, under the detailed conditions imposed, will not involve the same objections, but will provide an attractive improvement for this parcel of land and will provide much needed recreational facilities and a landscaped open space for the benefit of the adjacent residential developments with the property well integrated into the surrounding residential community by completing the present narrow streets and with provision of ornamental street trees and landscaped setbacks. The ten-year term period will permit review of the use in light of any material change in conditions which might occur in the surrounding neighborhood.)

Therefore, by virtue of Sections 12.24-C, 12.27-B, 1 and 14.02 of the Municipal Code, the use of that portion of Lot 214, Tract No. 1000, bounded by Whitsett Avenue, Valleyheart Drive, Bellaire Avenue and Valley Spring Lane, with address at 4141 Whitsett Avenue, Studio City district, for the development and operation of a privately-operated recreation center consisting only of a golf driving range, pitch-and-putt golf course and practice putting green, with incidental offstreet automobile parking facilities, and including construction and operation of an incidental headquarters clubhouse building containing, if desired, the incidental limited sale of golfing supplies and a limited snack bar to provide refreshments for patrons of the facility, is hereby authorized as a Conditional Use as far as zoning regulations are concerned; and a variance from the provisions of Article 2, Chapter 1 of said Code and Building Line Ordinance No. 86,514 is also granted on said property, but only insofar as said variance is necessary to permit the above described use and with the enclosing fixtures around the boundaries of the property, after subdivision, projecting into the building line space established by said ordinance and observing reduced setbacks from the existing or future boundary property lines or greater heights than would be permitted in a required yard space as hereinafter set forth in more detail, upon the following terms and conditions:

1. That the owners of the property shall immediately proceed to file and record a subdivision map of the subject property, which map shall provide for the dedication and improvement of the necessary land for the widening of Whitsett Avenue,

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Valley Spring Lane and Bellaire Avenue to standard widths required by the Master Plan with said improvements meeting customary standards for such streets including, if found necessary and desirable by public authorities, the opening and improvement of Valleyheart Drive along the southwesterly portion of the property, all in a manner satisfactory to the City Planning Commission and City Council in approving the subdivision map. Furthermore, that the tentative subdivision map shall have been approved by the City Planning Commission before plans for the development are approved by the Zoning Administrator or any work is performed on the property in connection with the herein approved use, and that the grading and improvement work on the boundary streets shall be carried on concurrently with the development work on the property, and that the final subdivision be recorded and the required street improvement work completed before any portion of the property is actually used for the recreational purposes hereby authorized.

2. That the existing dwelling and accessory buildings located on the southeasterly portion of the property shall either be removed from the premises or the buildings shall be painted, improved, and surrounded with landscaping to conform more closely with those in the surrounding community.
3. That complete plans of the proposed buildings and all improvements including a detailed plot plan showing the exterior boundaries of the property involved, the location of all proposed buildings and other improvements, parking areas, driveways, tees, landscaped areas, enclosing fixtures, etc., be submitted to and approved by the Zoning Administrator prior to the issuance of any building permits or start of development work on the property, other than planting of lawn; said plot plan to conform substantially with the plot plan attached to the file and marked Exhibit "A", except as herein otherwise required or permitted, such as increased landscaped setback on boundary streets. Provided, however, the Zoning Administrator reserves the right to permit additional pitch-and-putt facilities on the southeast portion of the property.

4. That the proposed clubhouse building shall not exceed one story in height or exceed a size of approximately 35 ft. by 60 ft. in dimension, and shall be of residential design with a gabled roof, and include sanitary facilities for both sexes and shall be located near the northeasterly corner of the property but set back at least 50 ft. from the widened lines of both Whitsett Avenue and Valley Spring Lane, conforming substantially with the architect's perspective drawing submitted with the application and marked Exhibit "B". Furthermore, that any facilities in said clubhouse building for

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*See Z.A. Case
13459
for modified
wording*

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W. H. CARR NO. 13744

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refreshments shall be limited to a snack bar or lunch counter type with provision for seating not more than ten (10) persons, and in no event shall there be a general restaurant or cafe established on the premises, but that the sandwiches and refreshments shall be primarily for the benefit and convenience of patrons of the recreational facilities on the premises. Furthermore, that in no event shall intoxicating liquors, wine or beer be sold or served on the premises, and no person shall be allowed to bring such beverages on the premises for consumption thereon. Any golf pro shop or sale of golf supplies shall be operated strictly as an incidental activity for the convenience of patrons of the golfing facilities on the premises and shall not be operated as a sporting goods store to attract patronage of the general public and the presence of such golf pro shop and supplies shall not be advertised by any methods.

5. That adequate offstreet automobile parking space shall be provided on the property for at least 75 automobiles, with ingress and egress to said parking area confined to Whitsett Avenue, with said parking area and enclosing fixtures observing a setback of at least 5 ft. from the required widened line of Whitsett Avenue and at least 120 ft. from the required widened line of Valley Spring Lane. Said parking area shall be enclosed along the setback lines, except across entrance and exit driveways, with an ornamental masonry wall at least 5 ft. in height, but not exceeding 6 ft. in height above the finished surface of the parking area, and shall be enclosed along the northerly and southerly ends with a similar type wall or with compact evergreen shrubbery to effectively screen the parking area from adjacent dwellings. Furthermore, that the parking area, except as herein specifically varied or required, shall be developed and maintained in strict compliance with the provisions of Section 12.21-A, 6 of the Municipal Code.

6. That the portions of the property devoted to the golf driving range and pitch-and-putt golf course shall be enclosed on all sides with either an ornamental masonry wall similar to that required above for the parking area or with a substantial chain-link wire fence having a height of approximately 6 ft. with said enclosing fixtures observing setbacks of at least 5 ft. from the required widened lines of Whitsett Avenue, Valley Spring Lane, and Bellaire Avenue. Furthermore, that at least the portion of the enclosing fence adjacent to the golf driving tee area shall either have a compact eugenia or other broadleaf evergreen hedge planted and maintained inside and adjacent thereto or shall have hardy ivy vines planted along the same and trained to grow upon the fence to form a screen around the driving tee area except for necessary means of ingress and egress from the clubhouse section. The enclosing fixtures along the Valleyheart Drive side of the property if as and when said driveway is improved for vehicular or pedestrian travel, shall be of fine mesh wire to prevent

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golf balls from being driven or rolling onto Valleyheart Drive, and the Administrator reserves the right to require or permit the wire enclosing fixture along Valleyheart Drive to be increased in height a sufficient amount to prevent driven golf balls from leaving the premises and endangering persons utilizing Valleyheart Drive.) If the City Council does not require the improvement of Valleyheart Drive at this time in connection with processing the subdivision map as required in condition No. 1 and the applicant desires to use portions of Valleyheart Drive for the southerly end of the golf driving range as permitted by revocable Permit No. 63055 granted by the Board of Public Works on April 22, 1955, then the enclosing fixture along the southerly side of the development around such portions of the proposed use may be located on the southerly side of Valleyheart Drive and maintained until such time as said Drive is improved and open to public travel, after which the enclosing fixture as described above shall be then placed along the northerly side of Valleyheart Drive. The enclosing fixtures specified above need not enclose that portion of the property at the northeast corner between the clubhouse building and the adjoining property lines which, except for access walks to the clubhouse, shall be attractively landscaped but shall include enclosing fixtures between the golf driving tee area and the adjacent streets not otherwise enclosed by the clubhouse building.

7. That all portions of the property including the space between the property line and curbs, if any, along the existing or widened boundary streets, except those portions of the property used for buildings, parking area, driveways, sidewalks, sandtraps and other similar facilities, shall be planted with lawn, interspersed, if desired, with trees, shrubs, or flowers, and the entire grounds, structures, surfacing, landscaping, and other improvements on the property shall be maintained in a first-class condition at all times providing a park-like condition. Furthermore, that ornamental street trees of a broadleaf evergreen variety, approved by the Division of Forestry, Recreation and Parks Department, shall be planted and maintained in the public street space between the curbs and the sidewalk or property line, if no sidewalk is required, along the widened portion of Bellaire Avenue, Valley Spring Lane, and Whitsett Avenue; said trees to be planted not more than 50 ft. on center except where vehicular driveways into the parking area might dictate a different spacing, *at 60 ft. on center*
8. That the driving tees for the golf driving range shall be arranged and directed in a manner substantially as shown on the plot plan attached to the file marked Exhibit "A" so that balls will be driven away from Valley Spring Lane and Whitsett Avenue and so that under normal play, balls will not be driven, hooked or sliced onto adjoining public streets or private property, and that the operator of the enterprise shall at all times maintain supervisors on the golf driving tee area who

shall be instructed to relocate towards the center of said area those practice golfers who have a tendency to drive an exceptionally long ball or hook or slice in such manner that the balls might leave the premises. Furthermore, the operator of the enterprise shall at all times carry fully paid-up public liability and property damage insurance in the sum of at least \$50,000 covering bodily injury, including at any time death occurring thereafter and damage to and destruction of property of others, and that ~~prior to issuance of any permits, there shall be filed with the Zoning Administrator a certificate of insurance to the above effect giving the name of the insurance carrier and its address and a sworn statement that such insurance will be maintained in full force and effect during use of the property for the purpose hereby authorized.~~

*See
it
section
after
2/55 -
should read
"tee and putting
golf course"*

PITCH & PUT GOLF COURSE

9. That in no event shall the nine-hole golf course be illuminated or used after dark. Furthermore, that no other portion of the enterprise shall be operated between the night hours of 11 p.m. and 7 a.m. of any day, and that any lights installed on the property be promptly turned off at or before 11 p.m. of each night. Any lights installed on the property in connection with the practice driving range, putting green or clubhouse shall be carefully designed, deflected and directed in such a manner as to cause no annoyance to present or future occupants of surrounding residential property. Furthermore, that the plans showing any proposed lighting development of the property shall be first submitted to and approved by the Zoning Administrator before any installation is made on the property.

10. That the enterprise shall at all times be operated with due regard for the residential character of the surrounding property and in a quiet business-like manner with no rowdiness or excessively boisterous conduct permitted. Furthermore, that in no event shall there be any loudspeaker or public address system installed or operated on the premises and any radio or other device operated in the clubhouse shall be properly modulated so as not to be disturbing to occupants of adjacent residential improvements.

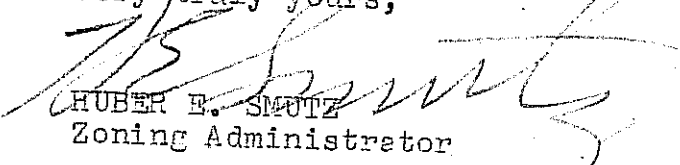
11. That any signs erected or placed on the premises shall be of a conservative identification or directional nature and, except for small directional signs on the golf course or parking lot, shall be located on the Whitsett Avenue side of the property, and shall be first submitted to and approved by the Zoning Administrator prior to installation. In no event shall any such sign be illuminated, except by indirect subdued means, nor shall there be any signs displayed on the outside of the clubhouse advertising the golf shop, refreshment stand or snack bar located therein or any products sold at such a facility.

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- 12. That the Zoning Administrator reserves the right to require additional or corrective conditions concerning the development and use of the property if, in his opinion, such additional conditions are necessary in order to protect the welfare of adjacent residents or properties or persons using the adjacent public streets.
- 13. That in order to permit review of this use in light of any changed conditions in the surrounding neighborhood, this Conditional Use and variance shall be in force and effect for a period of ten (10) years and thereafter shall be null and void.
- 14. The use hereby authorized is conditional upon the privileges being utilized within one hundred-eighty (180) days after the effective date hereof, and if they are not utilized or construction work is not begun within said time, and carried on diligently to completion of at least one usable unit, this authorization shall become void, and any privilege or use granted hereby shall be deemed to have lapsed, unless the Zoning Administrator has granted an extension of the time limit, after sufficient evidence has been submitted that there was unavoidable delay in taking advantage of the grant. Once any portion of the privilege hereby granted is utilized, the other conditions thereof become immediately operative and must be strictly complied with. Furthermore, that this Conditional Use approval shall be subject to revocation in the same manner as provided under Section 12.27-B, 7 of the Municipal Code for revocation of zone variances, if the conditions herein contained are not strictly complied with.

The applicant's attention is called to the fact that this grant is not a permit or license, and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, that if any condition of this grant is violated, or if the same be not complied with in every respect, then the applicant or his successors in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. 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. The Zoning Administrator's determination in this matter will become effective after an elapsed period of ten (10) days from the date of this communication, unless an appeal therefrom is filed with the Board of Zoning Appeals.

Very truly yours,


 HUBER E. SMUTZ
 Zoning Administrator

HES:fh

- cc: ^{sp3} Division of Forestry - Recreation & Parks Dept. H. E. Allport, Jr.
- ✓ K. Outwater - Subdivision A. Fleming
- ✓ Board of Public Works R. E. Streit



OFFICE OF THE
ZONING ADMINISTRATOR

381 CITY HALL
LOS ANGELES 12
MICHIGAN 5211

NORRIS POULSON
MAYOR

January 3, 1956

Joe Kirkwood, Jr.
4141 Whitsett Avenue
North Hollywood, California

Re: Z. A. CASE NO. 13744
Southwesterly corner
Whitsett Avenue and Valley
Spring Lane
Studio City District

Department of Building and Safety

Greetings:

In the matter of the application of Joe Kirkwood, Jr., lessee, for modification of Conditions Nos. 5 and 6 of the extant variance and Conditional Use authorizing a golf driving range and pitch-and-putt course on approximately a 19-acre parcel of land located in the R2 and R1 Zones at the southwesterly corner of Whitsett Avenue and Valley Spring Lane as specified in Z. A. Case No. 13459 so that the enclosing wall around the required parking area may be $3\frac{1}{2}$ ft. instead of 5 ft. in height and with the required enclosing fixtures to be located 3 ft. from the new curb line instead of 5 ft. from the new property lines along Whitsett Avenue, Valley Spring Lane, and Bellaire Avenue and to waive the required hedge or vines screening the golf driving tee area from the adjacent street areas, please be advised that the Zoning Administrator has made the following finding of facts and determination and has partially granted the request with respect to location of the enclosing fixtures along Valley Spring Lane and Bellaire Avenue, the height of the wall adjacent to the parking lot on Valley Spring Lane, and temporary waiver of the hedge or vine screen around the golf driving tee area but not as to modification of the required 5 ft. setback from the new property line along Whitsett Avenue.

FINDING OF FACTS AND DETERMINATION

After thorough consideration of the statements contained in the application, the report of the Investigator thereon, the statements made at the public hearing before the Administrator on December 29, 1955, the proceedings in connection with Z. A. Cases 13459 and 13586 which involve the original grant and a minor modification thereto, and the substantial petitions of surrounding property owners favoring the modifications requested, which are by reference made a part hereof, as well as a personal inspection of the property and the surrounding district, I find that practical difficulties, unnecessary hardships or results inconsistent with the general purposes of the R2 and R1 Zones would result from a strict enforcement thereof, and that the four requirements and prerequisites for granting a variance, as enumerated in the City Charter and in Section 12.27-B, 1 of the Municipal Code and the requirements for authorizing a Conditional Use under the provisions of Section 12.24-C of the Municipal Code, have been established by the following facts:

1. As recognized in extant Z. A. Case No. 13459, the 19-acre parcel in question, when ultimately completed as a golf driving range and pitch-and-putt course, will provide an attractive, wholesome type of recreation facility for the convenience of persons residing in the general locality who desire this type of facility. One of the conditions of approval of said use was the filing and recording of a subdivision map of the subject property including dedication, widening and improvement of all adjoining streets, with the improvements of the widened streets to meet customary standards for such streets, all as approved and required by the City Planning Commission and City Council in processing the required subdivision map. Other conditions involved setback of walls and fences from required widening lines, ornamental tree planting, parking lot improvement, clubhouse orientation, hours of operation, etc., and said conditions were carefully set forth affording maximum protection to adjoining property owners along Bellaire Avenue, Valley Spring Lane and particularly to those properties having frontage on Whitsett Avenue directly across the street from the greatest activity of the golf course and driving range. In drafting the protective conditions for this development, the Administrator anticipated that the Planning Commission and Council would require sidewalks in the improvement of the widened portions of the adjoining streets and specified a landscaped setback between these sidewalks and the enclosing fixtures. However, the City Council in approving the final subdivision map waived the necessity of installing sidewalks along Valley Spring Lane and Bellaire Avenue and temporarily waived installation of a sidewalk along Whitsett Avenue, and the applicant, for a number of reasons explained in the application, desires to now place the enclosing fixtures around the parking area within 3 ft. of the curb line instead of observing the required 5 ft. setback from the property line which would have been the inside of the sidewalk. We are advised that the Board of Public Works has given revocable permission to enclose portions of the soon to be dedicated widened streets within the enclosing fence around the golf course, with the fence placed within 3 ft. of the curb line. Inasmuch as no sidewalks are to be installed along the northerly and the westerly street, both the applicant and many of the home owners to the north and west are fearful that a wide space between the curb and fence enclosing the golf course area, particularly in view of the required ornamental trees to be planted thereon would serve as an attractive hazard to neighborhood children, using said strip as a play area and who might endeavor to climb the trees in an effort to cross the fence and get onto the golf course. Furthermore, in view of past difficulties with miscellaneous rubbish dumping in the area, it is felt that a wide landscaped space might serve as an invitation for further dumping of rubbish during late night hours in this space. The applicant and his advisers also believe that, due to the type of sprinklers to be installed, better maintenance of the landscaping, both in the street space

and on the golf course, can be obtained by placing the fence near the curb lines and installing one type of sprinkler on the fence and the additional space afforded inside the fence will reduce possible hazards from the fairways of the pitch-and-putt course adjoining said fence. Furthermore, the owners of the home along the easterly side of Whitsett Avenue who have observed the attractive manner in which the golf course and driving range is being laid out and landscaped are fearful that the 5 ft. wall required to enclose the parking area along Whitsett Avenue and the hedge or vine screen around the golf driving tee area will provide a less desirable outlook and interfere with what promises to be an attractive vista of the landscaped golf course.

2. The above related factors involve a rather material change in circumstances than those which were considered by the Zoning Administrator when the conditions attached to the extant authorization were drawn which justify some modification of the conditions, particularly as they apply to the location of the enclosing fence along Valley Spring Lane and Bellaire Avenue and to the height of the wall and landscaped screen enclosing, respectively, the automobile parking area and golf driving tee area along Whitsett Avenue. The change in circumstances, however, are in no way sufficient to justify any modification of the 5 ft. setback required for enclosing fixtures from the new property line along Whitsett Avenue. It is quite possible that a public sidewalk will be required along Whitsett Avenue by the City Council as reservation/included in the approval of the tentative subdivision map and bonds required to be posted thereunder, and irrespective of whether said sidewalk is or is not required along Whitsett Avenue in the future, said Avenue consists of a traffic thoroughfare which will increase in importance and along which the improvements and activity should observe a reasonable setback from the property line to complement the front yards observed by the homes fronting on the easterly side of said Avenue. Furthermore, the Administrator has already granted a variance from the provisions of Building Line Ordinance No. 86,514 in order to permit the enclosing fixtures along Whitsett Avenue within 5 ft. of the new street line which provides ample adjustment along said Avenue, considering the use in question.
3. Granting the request insofar as it involves elimination of the 5 ft. setback on the new property line along Whitsett Avenue or granting other portions of the request without reservations and conditions would be materially detrimental to surrounding property and improvements, contrary to the original intent and purpose of the conditions upon which authorization for use of this property were based and contrary to the objectives of the Master Plan. However, partially granting the request, under the conditions imposed, would not have the same objections but appears reasonable

and equitable under the circumstances and appears to coincide with the desires of the surrounding affected property owners and the reservations and the conditions will make it possible for the Administrator to require landscaped screens around the golf driving tae area if it proves to be more objectionable to the adjacent home owners than anticipated and will permit requirement for relocating the fence around the local street borders of the property if found necessary for public welfare in the future.

Therefore, by virtue of authority contained in Section 12.24-C and 12.27-B, 1 of the Municipal Code, a modification of the terms of Conditions Nos. 5 and 6 of the Conditional Use and variance granted under Z. A. Case No. 13459 and which Conditional Use authorized development and use of a pitch-and-putt golf course and a golf driving range with incidental clubhouse and services on that portion of Lot 214, Tract 1000, bounded by Whitsett Avenue, Valley Heart Drive, Bellaire Avenue, and Valley Spring Lane, Studio City District (proposed Lot 1, Tract 19437), is hereby authorized as far as zoning regulations are concerned and a variance from the provisions of Article 2, Chapter 1 of said Code is also granted on said property, but only insofar as said variance and modification of the Conditional Use is necessary to modify said Conditions Nos. 5 and 6 of extant authorization under Z. A. Case No. 13459 so as to read as hereinafter set forth, upon the following terms and conditions:

1. That Condition No. 5 of said extant authorization under Z. A. Case No. 13459 is hereby modified and hereafter shall read as follows:

"5. That adequate offstreet automobile parking space shall be provided on the property for at least 75 automobiles, with ingress and egress to said parking area confined to Whitsett Avenue, with said parking area and enclosing fixtures observing a setback of at least 5 ft. from the required widened line of Whitsett Avenue and at least 120 ft. from the required widened line of Valley Spring Lane. Said parking area shall be enclosed along the setback lines, except across entrance and exit driveways, with an ornamental masonry wall at least 3½ ft. in height but not exceeding 6 ft. in height above the finished surface of the parking area, and shall be enclosed along the northerly and southerly ends with a similar type wall or with compact evergreen shrubbery to effectively screen the parking area from adjacent dwellings. Furthermore, that the parking area, except as herein specifically varied or required, shall be developed and maintained in strict compliance with the provisions of Section 12.21-A, 6 of the Municipal Code."

2. That Condition No. 6 of said extant authorization under Z. A. Case No. 13459 is hereby modified and hereafter shall read as follows:

"6.

That the portions of the property devoted to the golf driving range and pitch-and-putt golf course shall be enclosed on all sides with either an ornamental masonry wall similar to that required above for the parking area or with a substantial chain-link wire fence having a height of approximately 6 ft., with said enclosing fixtures observing setbacks of at least 5 ft. from the required widened lines of Whitsett Avenue. If no sidewalks are required by the City Council along the northerly side of the property adjoining the southerly side of widened Valley Spring Lane or along the westerly side of the property adjoining the easterly side of widened Bellaire Avenue in the improvement requirements under the subdivision approval in connection with Condition No. 1 and if proper authorization on a revocable basis is obtained from the Board of Public Works to place fence enclosures in a dedicated public street space, then the chain-link wire fence enclosure along the Valley Spring Lane and Bellaire Avenue portions of the property may be placed within not less than 3 ft. of the curb along both the widened Valley Spring Lane and Bellaire Avenue. The enclosing fixtures along the Valley Heart Drive side of the property if, as and when said Drive is improved for vehicular or pedestrian travel, shall be of fine mesh wire to prevent golf balls from being driven or rolling onto Valley Heart Drive, and the Administrator reserves the right to require or permit the wire enclosing fixture along Valley Heart Drive to be increased in height a sufficient amount to prevent driven golf balls from leaving the premises and endangering persons utilizing Valley Heart Drive. If the City Council does not require the improvement of Valley Heart Drive at this time, in connection with processing the subdivision map as required in Condition No. 1 and the applicant desires to use portions of Valley Heart Drive for the southerly end of the golf driving range or golf course as permitted by revocable Permit No. 63055 granted by the Board of Public Works on April 22, 1955, then the enclosing fixture along the southerly side of the development around such portions of the proposed use may be located on the southerly side of Valley Heart Drive and maintained until such time as said Drive is improved and open to public travel, after which the enclosing fixture as described above shall be then placed along the northerly side of Valley Heart Drive and under the same circumstances and conditions specified for Valley Spring Lane and Bellaire Avenue may be placed within 3 ft. of the future curb line along the northerly side of Valley Heart Drive. The enclosing fixtures specified above need not enclose that portion of the property at the northeast corner between the clubhouse building and the

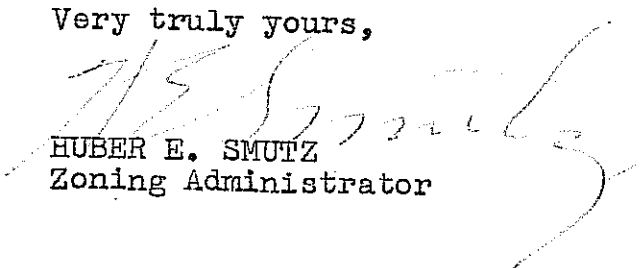
adjoining property lines which, except for access walks to the clubhouse, shall be attractively landscaped but shall include enclosing fixtures between the golf driving tee area and the adjacent streets not otherwise enclosed by the clubhouse building. If any enclosing fixture is placed around the northeasterly corner of the property in front of the prolonged northwesterly and southeasterly walls of the clubhouse building, said enclosure shall not exceed $3\frac{1}{2}$ ft. in height and furthermore, the enclosing fixture around the northwesterly corner of the property shall observe a diagonal cut corner of at least 30 ft. at said intersection measured along each fence line from their prolonged point of intersection or the fence enclosure in said 30 ft. diagonal cutoff shall not exceed $3\frac{1}{2}$ ft. in height. Furthermore, if experience with the golf driving range activity, after the enterprise has been placed in operation, makes it appear desirable to screen the golf driving tee area from adjacent dwellings, then the Zoning Administrator reserves the right to require that at least the portion of the enclosing fence adjacent to the golf driving tee area shall either have a compact Eugenia or other broadleaf evergreen hedge planted inside and adjacent thereto or shall have hardy ivy vines planted along the same and trained to grow upon the fence to form such a screen except for necessary means of ingress and egress from the clubhouse section."

3. That any authorization contained herein to place the enclosing fixtures along the boundary local streets within 3 ft. of the curb line along said boundary streets shall, of course, be subject to obtaining proper authorization from the Board of Public Works, and the action of the Zoning Administrator in this respect shall in no way be considered as in any way prejudicing the action of the Board of Public Works in exercising its discretion on the merits of any request to place the enclosing fixtures in portions of the existing or soon to be dedicated public street area. Furthermore, the Zoning Administrator reserves the right to revoke any authorization hereby granted for placing such enclosing fixtures beyond the property lines soon to be shown upon recording of Subdivision Tract 19437 if, in the future, it is found desirable or necessary to public welfare to obtain sidewalks along said bordering streets. The above-referred to authorization in no way includes permission to place the enclosing fixtures in the widened street area along Whitsett Avenue, but the enclosing fixture shall observe the specified 5 ft. setback from the new westerly line of Whitsett Avenue.
4. That this Conditional Use approval and variance modifying provisions of said Conditions Nos. 5 and 6 shall in no way serve to modify other conditions of the original authorization under Z. A. Case No. 13459, as modified by Z. A. Case

No. 13586, and they shall remain in full force and effect, including Condition No. 7 requiring landscaping of the space between the property line and curbs. It is understood that the ornamental street trees required by Condition No. 7 along Valley Spring Lane and Bellaire Avenue shall be placed inside of and adjacent to any fence enclosure which is located closer than 5 ft. to the curb line along said streets.

The applicant's attention is called to the fact that this grant is not a permit or license, and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, that if any condition of this grant is violated, or if the same be not complied with in every respect, then the applicant or his successors in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. 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 condition of this grant. The Zoning Administrator's determination in this matter will become effective after an elapsed period of ten (10) days from the date of this communication, unless an appeal therefrom is filed with the Board of Zoning Appeals.

Very truly yours,


HUBER E. SMUTZ
Zoning Administrator

HES:fh

cc: S. W. Cunningham & Associates
3723 Wilshire Boulevard
Los Angeles (5)

Board of Public Works
Room 153, City Hall

P. S. The applicant's attention is called to the fact that a revised plot plan showing any proposed new location of the enclosing fixtures and height of wall and any other changes in details of the layout must be submitted to and approved by the Zoning Administrator as required by Condition No. 3 of Z. A. Case No. 13459, since otherwise the layout development will not conform with the plot plan which was approved by the Zoning Administrator under date of July 27, 1955. Said plot plan must be approved by the Administrator before fences are located in any different position than those shown on the originally approved plot plan.



ZONING ADMINISTRATOR

361 CITY HALL
LOS ANGELES 12
MICHIGAN 5211

NORRIS POULSON
MAYOR

June 1, 1956

13744

Mr. Joe Kirkwood, Jr.
4141 Whitsatt Avenue
North Hollywood, California

Re: MODIFICATION OF APPROVED
PLOT PLAN

E. A. Cases No. 13459
and No. 13586

Department of Building and Safety

Southwesterly corner
Whitsatt Avenue and
Valley Spring Lane
Studio City District

Greetings:

Under date of July 27, 1955, the plot plan for development of the Golf Center on the property involved in the above-entitled cases was conditionally approved by the Zoning Administrator. Said plot plan indicated a 20 ft. in height wire mesh fence supported by poles separating the golf driving range area from the pitch-and-putt golf course. Since that time, some experience with operation of the golf driving range and the periodic strong gusty winds which affect the area has indicated the necessity of erecting a higher fence separating the two areas in order to provide more safety, and recently high poles and a wire fence has been erected. The applicant has requested the Administrator to approve a revision in the originally approved plot plan in order to eliminate any question concerning the greater height to this protective fence. He has promised to reduce the height of the supporting telephone poles to a height of approximately 30 ft. and plant trees adjacent to these poles to carry out the beautification of the course. The Administrator has personally inspected the fence and if the poles are reduced in height and trees planted as proposed, the change in the heretofore approved plan will not be objectionable or contrary to the original intent.

In view of these considerations, please be advised that the Administrator has approved a revision in the heretofore approved plot plan to indicate the fence separating the golf driving range from the pitch-and-putt golf course as having a height of 30 ft., upon the following conditions:

1. That the telephone poles supporting the fence be reduced in height to approximately 30 ft.
2. That the fine wire mesh fence utilized for the purpose be kept stretched in a taut manner so as to eliminate middle sag between the poles and be maintained in good condition at all times.

Modification of Approved
Plot Plan
F. A. Cases No. 13459
and No. 13586

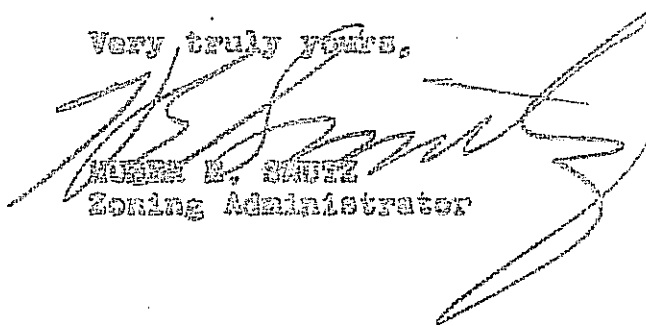
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June 1, 1956

3. That adjacent to each of the supporting telephone poles there be planted a tall growing type of broadleaf evergreen tree which will eventually largely obscure the telephone poles.
4. That in no event shall flags, banners, or other items which would further attract attention to this protective fence be located, placed, or permitted upon the fence or the supporting poles at any time.

The applicant is advised further that the above approval of plans is from a zoning standpoint only and any necessary building or other permits or certificate of occupancy must be obtained from the proper City departments and all other public regulations must be complied with.

Very truly yours,



MURRAY E. SMITH
Zoning Administrator

HES:fn

CITY OF LOS ANGELES

CALIFORNIA

HUBER E. SMUTZ
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

CHARLES V. CADWALLADER
ARTHUR DVORIN
R. A. RUDSER



SAMUEL WM. YORTY
MAYOR

DEPARTMENT OF
CITY PLANNING

OFFICE OF
ZONING ADMINISTRATION

400 CITY HALL
LOS ANGELES, CALIF. 90012
MADISON 4-5211

May 13, 1965 5/24

George McCallister,
Studio City Golf Course, Inc.
4141 Whitsett Avenue
North Hollywood, California

Re: Z. A. CASE NO. 17460
4141 Whitsett Avenue
Studio City District
D. M. No. 7347

Department of Building and Safety

Greetings:

In the matter of the application of George McCallister, lessee, for Conditional Use approval and zone variance to permit the continued use of an approximately 19-acre parcel of land located in the R3-1 and R1-1 Zones westerly of Whitsett Avenue between Valleyheart Drive and Valley Spring Lane for a golf driving range and pitch-and-putt golf course with incidental automobile parking facilities, including construction and operation of a golf pro shop for limited sale of golfing supplies, and with a limited snack bar to serve patrons of the facility, and with modification, if necessary, of required front and side yard setbacks from bordering streets, please be advised that the Associate Zoning Administrator has made the following finding of facts and determination and has conditionally granted the request for a term period of ten (10) years.

FINDING OF FACTS AND DETERMINATION

After thorough consideration of the statements contained in the application, the report of the City Planning Associate thereon, the statements made at the public hearing before the Associate Administrator on April 9, 1965, information contained in Z. A. Case No. 13459, 13586 and 13744 previously approving the use in question for a 10 year period of time and modifying certain of the terms and conditions in the original determination, which are by reference made a part hereof, as well as personal inspection of the property and the surrounding district, I find that practical difficulties, unnecessary hardships or results inconsistent with the general purposes of the R3 and R1 Zones would result from a strict enforcement thereof, and that the four requirements and prerequisites for granting a variance, as enumerated in the City Charter and in Section 12.27-B, 1 of the Municipal Code and the requirements for authorizing a Conditional Use under the provisions of Section 12.24-C of the Municipal Code, have been established by the following facts:

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1. The property in question constitutes an approximate 19-acre, trapezoidal-shaped parcel of land comprising an entire block bounded on all sides by public streets. The property has frontage on a secondary highway and is located adjacent to and across the Los Angeles River channel from the commercial frontage along Ventura Boulevard and due to the size, undeveloped nature and location of the parcel in question constitutes one of the few vacant areas of sufficient size in the adjacent closely developed areas of North Hollywood and Studio City which could be developed and utilized for a publicly-operated recreational area such as that here proposed. As recognized in extant Z. A. Case No. 13459, the Comprehensive Zoning Ordinance would automatically permit development and use of the property for a public park or playground which could include the same type of recreational facilities as proposed for the area. Furthermore, the Master Plan recognizes that the public playgrounds and parks cannot serve all of the recreational needs of a residential community and that additional privately-operated recreational facilities must be provided and that due to the size of site needed for such facilities, proper areas or sites cannot be determined in advance and set aside on the Comprehensive Zoning Map but that such locations can best be considered and determined by the Conditional Use method as here involved. In view of these factors, permitting development and use of the property in question, subject to proper terms and conditions which will integrate the use into well developed adjacent residential community, would be in harmony with the intent and purpose of the Comprehensive Zoning Ordinance by providing an attractive, wholesome-type of recreational facility for convenience of persons residing in the general locality who desire this type of facility.
 2. In view of the open land type of use proposed as contrasted with the construction of single or multiple dwellings as would be permitted on various portions of the property and the need for additional space to accommodate the off-street automobile parking facilities and recreational features of the development, some deviation in the front and side yard requirements and the provisions of the extant building line ordinance along Whitsett Avenue with respect to the location of the parking area and the height and nature of enclosing fixtures is necessary and justifiable to permit the reasonable development of this total property.
 3. Granting the request to permit the proposed recreational development without strict control over the nature thereof, the hours of operation, the provision for ample offstreet automobile parking, and landscaping of the premises and without

strict limitation of the accessory activities such as proposed snack bar in the clubhouse building or without providing a term period so that the use can be reviewed in light of changed conditions in the neighborhood would be detrimental to public welfare and injurious to the well developed and attractive single-family residential area which surrounds the acreage parcel on three sides and the church development across Whitsett Avenue near Valleyheart Drive. However, the granting of the request, under the detailed conditions imposed, will not involve the same objections, but will provide an attractive improvement for this parcel of land and will provide much needed recreational facilities and a landscaped open space for the benefit of the adjacent residential developments with the property well integrated into the surrounding residential community by completing the present narrow streets and with provision of ornamental street trees and landscaped setbacks. The ten-year term period will permit review of the use in light of any material change in conditions which might occur in the surrounding neighborhood.

Therefore, by virtue of Sections 12.24-C, 12.27-B, 1 and 14.02 of the Municipal Code, the use of that portion of Lot 214, Tract No. 1000, bounded by Whitsett Avenue, Valleyheart Drive, Bellaire Avenue and Valley Spring Lane, with address of 4141 Whitsett Avenue, Studio City District, for the continued operation of a privately-operated recreation center consisting only of a golf driving range, pitch-and-putt golf course and practice putting green, with incidental offstreet automobile parking facilities and including construction and operation of an incidental headquarters clubhouse building containing, if desired, the incidental limited sale of golfing supplies and a limited snack bar to provide refreshments for patrons of the facility, is hereby authorized as a Conditional Use as far as zoning regulations are concerned; and a variance from the provisions of Article 2, Chapter 1 of said Code and Building Line Ordinance No. 86,514 is also granted on said property, but only insofar as said variance is necessary to permit the above described use and with the enclosing fixtures around the boundaries of the property projecting into the building line space established by said ordinance and observing reduced setbacks from the existing or future boundary property lines or greater heights than would be permitted in a required yard space as hereinafter set forth in more detail, upon the following terms and conditions:

1. That a more complete and accurate site development plan of the total development of the property, showing the exterior boundaries of the property, including the area to the curb line of the adjacent streets, as well as the correct location of all fences, walls, walks, driveways, parking areas, parking spacing, tees, fairways, major

landscaping features throughout the golf course, clubhouse location, putting green, flood lighting standards, etc., be submitted to and approved by the Zoning Administrator within 60 days of the effective date of this determination, said plan to also incorporate any additional improvements as may be required by the terms and conditions of the subject authorization.

2. That the proposed clubhouse building shall not exceed one-story in height, and shall be of residential design with a gabled roof, and include sanitary facilities for both sexes and shall be located near the northeasterly corner of the property but set back at least 50 ft. from the widened lines of both Whitsett Avenue and Valley Spring Lane, conforming substantially with the architect's revised elevation drawings and floor plan marked Exhibits "B-1" and "B-2" attached to the file in Z. A. Case No. 13586. Said clubhouse building shall have a net floor area within enclosing walls of not exceeding 2,400 sq. ft. including therein space for storage of power mowers, tools, other maintenance equipment, and various supplies needed on the premises, but may have additional covered but unenclosed porch areas of not exceeding a total of 1,225 sq. ft. Furthermore, that any facilities in said clubhouse building for refreshments shall be limited to a snack bar or lunch counter type with provision for seating not more than ten (10) persons, and in no event shall there be a general restaurant or cafe established on the premises, but that the sandwiches and refreshments shall be primarily for the benefit and convenience of patrons of the recreational facilities on the premises. Furthermore, that in no event shall intoxicating liquors, wine or beer be sold or served on the premises, and no person shall be allowed to bring such beverages on the premises for consumption thereon. Any golf pro shop or sale of golf supplies shall be operated strictly as an incidental activity for the convenience of patrons of the golfing facilities on the premises and shall not be operated as a sporting goods store to attract patronage of the general public and the presence of such golf pro shop and supplies shall not be advertised by any methods.
3. That adequate offstreet automobile parking space shall be provided on the property for at least 75 automobiles, with ingress and egress to said parking area confined to Whitsett Avenue, with said parking area and enclosing fixtures observing a setback of at least 120 ft. from the required widened line of Valley Spring Lane. Said parking area shall be enclosed along the setback lines, except across entrance and exit driveways, with an ornamental masonry wall at least 3 1/2 ft. in height above the

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finished surface of the parking area, and shall be enclosed along the northerly and southerly ends with a similar type wall or with compact evergreen shrubbery to effectively screen the parking area from adjacent dwellings. Furthermore, that the parking area, except as herein specifically varied or required, shall be developed and maintained in strict compliance with the provisions of Section 12.21-A, 6 of the Municipal Code.

4. That the portions of the property devoted to the golf driving range and pitch-and-putt golf course shall be enclosed on all sides with either an ornamental masonry wall similar to that required above for the parking area or with a substantial chain-link wire fence having a height of approximately 6 ft., but not exceeding 7 ft., with said enclosing fixtures observing setbacks of at least 5 ft. from the required widened lines of Whitsett Avenue. If no sidewalks are required by the City Council along the northerly side of the property adjoining the southerly side of widened Valley Spring Lane or along the westerly side of the property adjoining the easterly side of widened Bellaire Avenue in the improvements requirements under the subdivision approval in connection with Condition No. 1 and if proper authorization on a revocable basis is obtained from the Board of Public Works to place fence enclosures in a dedicated public street space, then the chain-link wire fence enclosure along the Valley Spring Lane and Bellaire Avenue portions of the property may be placed adjacent to the curb along both the widened Valley Spring Lane and Bellaire Avenue. The enclosing fixtures along the Valley Heart Drive side of the property if, as and when said Drive is improved for vehicular or pedestrian travel, shall be of fine mesh wire to prevent golf balls from being driven or rolling onto Valley Heart Drive, and the Administrator reserves the right to require or permit the wire enclosing fixture along Valley Heart Drive to be increased in height a sufficient amount to prevent driven golf balls from leaving the premises and endangering persons utilizing Valley Heart Drive. If the City Council does not require the improvement of Valley Heart Drive at this time, in connection with processing the subdivision map as required in Condition No. 1 and the applicant desires to use portions of Valley Heart Drive for the southerly end of the golf driving range or golf course as permitted by revocable Permit No. 63055 granted by the Board of Public Works on April 22, 1955, then the enclosing fixture along the southerly side of the development around such portions of the proposed use may be located on the southerly side of Valley Heart Drive and maintained until such time as said

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Drive is improved and open to public travel, after which the enclosing fixture as described above shall be then placed along the northerly side of Valley Heart Drive and under the same circumstances and conditions specified for Valley Spring Lane and Bellaire Avenue may be placed adjacent to future curb line along the northerly side of Valley Heart Drive. The enclosing fixtures specified above need not enclose that portion of the property at the northeast corner between the clubhouse building and the adjoining property lines which, except for access walks to the clubhouse, shall be attractively landscaped but shall include enclosing fixtures between the golf driving tee area and the adjacent streets not otherwise enclosed by the clubhouse building. If any enclosing fixture is placed around the northeasterly corner of the property in front of the prolonged northwesterly and southeasterly walls of the clubhouse building, said enclosure shall not exceed 3 1/2 ft. in height and furthermore, the enclosing fixture around the northwesterly corner of the property shall observe a diagonal cut corner of at least 30 ft. at said intersection measured along each fence line from their prolonged point of intersection or the fence enclosure in said 30 ft. diagonal cutoff shall not exceed 3 1/2 ft. in height. Furthermore, if experience with the golf driving range activity, after the enterprise has been placed in operation, makes it appear desirable to screen the golf driving tee area from adjacent dwellings, then the Zoning Administrator reserves the right to require that at least the portion of the enclosing fence adjacent to the golf driving tee area shall either have a compact Eugenia or other broad-leaf evergreen hedge planted inside and adjacent thereto or shall have hardy ivy vines planted along the same and trained to grow upon the fence to form such a screen except for necessary means of ingress and egress from the clubhouse section.

5. That any authorization contained herein to place the enclosing fixtures along the boundary local streets within 3 ft. of the curb line along said boundary streets shall, of course, be subject to obtaining proper authorization from the Board of Public Works, and the action of the Zoning Administrator in this respect shall in no way be considered as in any way prejudicing the action of the Board of Public Works in exercising its discretion on the merits of any request to place the enclosing fixtures in portions of the existing or soon to be dedicated public street area. Furthermore, the Zoning Administrator reserves the right to revoke any

authorization hereby granted for placing such enclosing fixtures beyond the property lines shown upon Tract No. 19437 if, in the future, it is found desirable or necessary to public welfare to obtain sidewalks along said bordering streets. The above-referred to authorization in no way includes permission to place the enclosing fixtures in the widened street area along Whitsett Avenue.

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- OK
- 6.
- That all portions of the property including the space between the property line and curbs, if any, along the existing or widened boundary streets, except those portions of the property used for buildings, parking area, driveways, sidewalks, sandtraps and other similar facilities, shall be planted with lawn, interspersed, if desired, with trees, shrubs, or flowers, and the entire grounds, structures, surfacing, landscaping, and other improvements on the property shall be maintained in a first-class condition at all times providing a park-like condition. Furthermore, that ornamental street trees of a broadleaf evergreen variety, approved by the Division of Forestry, Recreation and Parks Department, shall be planted and maintained in the public street space between the curbs and the sidewalk or property line, if no sidewalk is required, along the widened portion of Bellaire Avenue, Valley Spring Lane, and Whitsett Avenue; said trees to be planted not more than 50 ft. on center except where vehicular driveways into the parking area might dictate a different spacing, it being understood that the ornamental street trees required along Valley Spring Lane and Bellaire Avenue shall be placed inside of and adjacent to any fence enclosure which is located closer than 5 ft. to the curb line along said streets.
- 7.
- That the driving tees for the golf driving range shall be arranged and directed in a manner substantially as shown on the plot plan attached to the file and marked Exhibit "A" so that balls will be driven away from Valley Spring Lane and Whitsett Avenue and so that under normal play, balls will not be driven, hooked or sliced onto adjoining public streets or private property, and that the operator of the enterprise shall at all times maintain supervisors on the golf driving tee area who shall be instructed to relocate towards the center of said area those practice golfers who have a tendency to drive an exceptionally long ball or hook or slice in such manner that the balls might leave the premises. Furthermore, the operator of the enterprise shall at all times carry fully paid-up public liability and property damage insurance in the sum of at least \$50,000

covering bodily injury, including at any time death occurring thereafter the damage to and destruction of property of others, and that the lessee shall immediately file with the Zoning Administrator a certificate of insurance to the above effect giving the name of the insurance carrier and its address and a sworn statement that such insurance will be maintained in full force and effect during use of the property for the purpose hereby authorized.

8. That in no event shall the pitch-and-putt golf course be illuminated or used after dark. Furthermore, that no other portion of the enterprise shall be operated between the night hours of 11 p.m. and 7 a.m. of any day, and that any lights installed on the property be promptly turned off at or before 11 p.m. of each night. Any lights installed on the property in connection with the practice driving range, putting green or clubhouse shall be carefully designed, deflected and directed in such a manner as to cause no annoyance to present or future occupants of surrounding residential property.

not
operated
7-11 P.M.
Per letter
4-11-13

9. That the telephone poles supporting the driving range fence be limited in height to approximately 30 ft.

10. That the fine wire mesh fence surrounding the driving range be kept stretched in a taut manner so as to eliminate middle sags between the poles and be maintained in good condition at all times.

11. That adjacent to each of the supporting telephone poles, there be planted a tall growing type of broadleaf evergreen tree which will eventually largely obscure the telephone poles.

12. That in no event shall flags, banners, or other items which would further attract attention to this protective fence be located, placed, or permitted upon the fence or the supporting poles at any time.

13. That the enterprise shall at all times be operated with due regard for the residential character of the surrounding property and in a quiet business-like manner with no rowdyism or excessively boisterous conduct permitted. Furthermore, that in no event shall there be any loudspeaker or public address system installed or operated on the premises and any radio or other device operated in the clubhouse shall be properly modulated so as not to

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be disturbing to occupants of adjacent residential improvements.

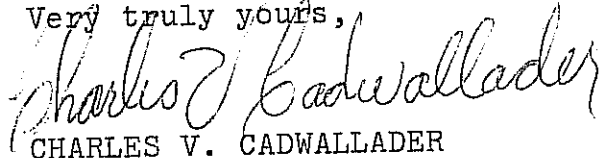
14. That any signs erected or placed on the premises shall be of a conservative identification or directional nature and, except for small directional signs on the golf course or parking lot, shall be located on the Whitsett Avenue side of the property. In no event shall any such sign be illuminated, except by indirect subdued means, nor shall there be any signs displayed on the outside of the clubhouse advertising the golf shop, refreshment stand or snack bar located therein or any products sold at such a facility.
15. That the Zoning Administrator reserves the right to require additional or corrective conditions concerning the development and use of the property if, in his opinion, such additional conditions are necessary in order to protect the welfare of adjacent residents or properties or persons using the adjacent public streets.
16. That in order to permit review of this use in light of any changed conditions in the surrounding neighborhood, this Conditional Use and variance shall be in force and effect for a period of ten (10) years and thereafter shall be null and void.
17. That this determination shall in all respects supersede the previous authorization in Z. A. Case No. 13459 and its various modifications authorized in Z. A. Case No. 13586 and 13744, except that the previous details of the clubhouse plan approval, floodlighting approval and identification sign approval incorporated therein shall become a part of this case by reference.

The applicant's attention is called to the fact that this grant is not a permit or license, and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, that if any condition of this grant is violated, or if the same be not complied with in every respect, then the applicant or his successors in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. 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. The Associate Zoning Administrator's determination in this matter will become effective after an elapsed period of ten (10) days from the date of this communication, unless an appeal therefrom is filed with the Board of Zoning Adjustment.

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The applicant's attention is directed specifically to Condition No. 7 which required street trees to be located in the parkway adjacent to Whitsett Avenue. This was discussed with the applicant at the time of the public hearing and it is expected that the more detailed plot plan will clearly indicate the trees located therein and that such trees will be planted in the parkway as soon as possible.

Very truly yours,



CHARLES V. CADWALLADER
Associate Zoning Administrator

CVC:lln

cc: Director of Planning

Aetna Engineering Co. ✓
5301 Laurel Canyon Blvd.
North Hollywood, Calif.

Mrs. William Bauer et al ✓
4106 1/2 Whitsett Avenue
Studio City, California

Weddington Investment Co. ✓
11222 Weddington
North Hollywood, California

06500490345

CITY OF LOS ANGELES

CALIFORNIA



MAYOR

TOM BRADLEY

September 3, 1975

OFFICE OF
ZONING ADMINISTRATION

DEPARTMENT OF
CITY PLANNING

600 CITY HALL
LOS ANGELES, CALIF. 90012
485-3851

ARTHUR DVORIN
CHIEF ZONING ADMINISTRATOR
ASSOCIATE ZONING ADMINISTRATORS
CHARLES V. CADWALLADER
JAMES MOSS
FABIAN ROMANO
R. A. RUDSER
ROBERT D. WILSON

Studio City Golf Course, Inc.
Attn: Mr. Arthur E. Anderson,
President
4141 Whitsett Avenue
North Hollywood, California 91604

Re: Z. A. CASE NO. 21786
4141 Whitsett Avenue
Sherman Oaks-Studio City
District
D. M. NO. 7347
ED-725-CUZ

Department of Building and Safety

Greetings:

In the matter of the amended and clarified application of Studio City Golf Course, Inc., for Conditional Use Approval upon a site located in the A1 Zone, please be advised that based upon the Findings of Fact hereinafter set forth and by virtue of authority contained in Section 98 of the City Charter and Section 12.24-C, 1.5 of the Municipal Code, the Associate Zoning Administrator hereby authorizes as a Conditional Use, as far as the zoning regulations are concerned, for the modification and amplification of the Conditional Use terms of the extant Z. A. Case Nos. 21609, 21520 and 21195, which authorized the use of property described as Lot 1, Tract 19437 for the continuous maintenance of the Golf Recreation Center, Golf Pro Shop, limited snack bar with incidental parking, and the construction cumulatively of a total of twelve tennis courts, a tennis pro shop, and identification signs, all for a term period to May 1, 1985, and which also granted a Variance to permit over-in-height fence enclosure located in the required yard and within ordinance building lines so that now, in addition to the existing authority, the last phase portion of the proposed development, as shown on Exhibit "B" may be constructed to permit three new tennis courts in addition to the existing twelve tennis courts for a total of fifteen (15) tennis courts, and to require incidental thereto the maintenance of the existing 50 parking spaces on the site for tennis and golf patrons, all for a term period ending on May 1, 1985, on the following terms and conditions:

1. That the development shall conform substantially with the amended plot plan submitted with the application and marked Exhibit "B", except as specifically varied or required herein.

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2. That except as herein modified or varied to the extent necessary to give full force and effect to this authorization, all of the terms and conditions of extant Z. A. Case No. 21195 (a Variance and a Conditional Use approved on June 13, 1973) and Z. A. Case Nos. 21520 and 21609 (Conditional Uses approved on November 4, 1974 and March 14, 1975) shall be strictly complied with as if restated herein.
3. That the 50 existing offstreet parking spaces required by previous authorizations be continuously maintained in a first-class condition.
4. That the Chief Zoning Administrator reserves the right to require additional or corrective conditions concerning the development and use of the property if, in his opinion, such additional conditions are necessary in order to protect the welfare of persons using the subject recreational facilities and to protect adjacent and surrounding residences or property.
5. That this Conditional Use approval shall be subject to revocation in the same manner as provided in Section 12.27-B,5 of the Municipal Code for revocation of Zone Variances if the conditions herein are not strictly complied with.
6. That in order to permit review of this use and the uses authorized under extant Z. A. Case Nos. 21195, 21520 and 21609, in light of any changed condition in the surrounding neighborhood, this Conditional Use authorization, together with Z. A. Case Nos. 21195, 21520 and 21609, shall all be in force and in effect for a term period ending on May 1, 1985, and shall be null and void thereafter.
7. The use hereby authorized is conditional upon the privileges being utilized within one hundred eighty (180) days after the effective date hereof, and if they are not utilized or construction work is not begun within said time and carried on diligently to completion of at least one usable unit, this authorization shall become void and any privilege or use granted hereby shall be deemed to have lapsed unless a Zoning Administrator has granted an extension of the time limit, after sufficient evidence has been submitted that there was unavoidable delay in taking advantage of the grant. Once any portion of the privilege hereby granted is utilized, the other conditions thereof become immediately operative and must be strictly complied with. Furthermore,

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that this Conditional Use approval shall be subject to revocation in the same manner as provided under Section 12.27-B,5 of the Municipal Code for revocation of Zone Variances, if the conditions herein contained are not strictly complied with.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, that if any condition of this grant is violated or if the same be not complied with in every respect, then the applicant or his successors in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. 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. The Associate Zoning Administrator's determination in this matter will become effective after an elapsed period of fifteen (15) days from the date of this communication unless an appeal therefrom is filed within said fifteen (15) day period with the Board of Zoning Appeals.

FINDINGS OF FACT

After thorough consideration of the statements, plans and documents contained in the application, the report and photographs of the City Planning Associate thereon, the statements made at the public hearing before the Associate Zoning Administrator on August 29, 1975, the information contained in the files of Z. A. Case No. 21195 which consolidated, in a comprehensive manner, all of the terms and conditions of former Z. A. Case Nos. 13459, 13586, 13744 and 17460. all of which involved previous grants on the subject property for the subject uses, and the most recent grants under Z. A. Case Nos. 21520 and 21609, all of which are by reference made a part hereof, as well as personal inspection of the property and surrounding district, I find that the requirements for authorizing a Conditional Use under the provisions of Section 12.24-C,1 of the Municipal Code have been established by the following facts:

1. The subject property consists of a roughly rectangular-shaped, 19 acre parcel of land with frontage of approximately 950 ft. on Whitsett Avenue, approximately 1,068 ft. on Valley Spring Lane, and approximately 211 ft. on Bel Air Avenue. To the south is the Los Angeles River Channel so that the land is completely buffered on all sides by streets or the river bed.

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The property is now improved with 12 tennis courts, a golf course, pro shop, and 50 parking spaces. The previous grant covering this case, Z. A. Case No. 21609, required only 48 parking spaces. (Further information on the history of this case may be found in the file of Z. A. Case No. 21609.) The applicant now wishes to build three additional tennis courts to conclude the tennis complex, thereby providing a total of 15 tennis courts. In the amended application, the applicant points out that the three additional tennis courts, together with the existing 12 courts, have removed 15 golf range tees and therefore will reduce the need for golf parking spaces. Field inspection revealed that the three tennis courts have not yet been constructed. Also, the tennis patron parking area located to the southerly rear of the courts are rarely used due to the nature of the facility having no clubhouse or other building to encourage socializing on the premises.

In this case, since the applicant has provided two spaces more than that required by the previous Z. A. Case 21609, and since 15 golf driving tees have been eliminated by the tennis courts, the present request for three additional tennis courts should be granted without requiring additional parking. The parking lot does not appear at this time to be heavily used even during peak hours, and certainly the amenity of three more tennis courts is currently very much in demand.

The construction of the final three additional tennis courts without additional parking and redesign of the golf course would create a minimal impact on the open-space character of the total site and would cause the least amount of detriment to surrounding residential properties. Therefore, in view of these circumstances, the authorization of said final three additional tennis courts is proper in relation to adjacent uses, to the development of the community and to the various elements of the General Plan.

2. Under the conditions of approval herein, and under the comprehensive terms and conditions enumerated in extant Z. A. Case Nos. 21195, 21520 and 21609, it is further found that the herein authorized use will not be materially detrimental to the character of the development in the immediate neighborhood nor will it create a significant impact on the environment.

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The Environmental Review Committee of the City Planning Department under ED-725-74-CUZ, determined that the project for fourteen courts will not have a significant effect on the environment. Under Article 8, Class 11(c), the amended request to construct three more courts for a total of 15 courts is determined to constitute a minor structure appurtenant to existing commercial golf and tennis facilities and thereby is categorically exempt from the California Environmental Quality Act of 1970. The re-examination of the existing facilities and the proposed facilities authorized on the subject property, after a period of time herein specified, assures its reasonable compatibility with a residential neighborhood and prevents any long term adverse effect upon the community.

Very truly yours,



KEI UYEDA
Associate Zoning Administrator

KU:dc

cc: Director of Planning

County Assessor

Councilman Joel Wachs
2nd District

Lee Ambers
14401 Sylvan Street
Suite 106
Van Nuys, California 91401

02602930044

CITY OF LOS ANGELES

CALIFORNIA

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CHIEF ZONING ADMINISTRATOR
ASSOCIATE ZONING ADMINISTRATOR
CHARLES V. CADWALLADER
FABIAN ROMANO
R. A. RUDSER
ROBERT D. WILSON
KEI UYEDA



OFFICE OF
ZONING ADMINISTRATION

DEPARTMENT OF
CITY PLANNING

600 CITY HALL
LOS ANGELES, CALIF. 90012
485-3851

TOM BRADLEY
MAYOR

October 22, 1976

Studio City Golf Course, Inc.
Attn: Arthur E. Anderson,
President
4141 Whitsett Avenue
Studio City, California 91604

Re: Z. A. CASE NO. 22004
4141 Whitsett Avenue
Sherman Oaks-Studio City
District
D. M. NO. 7347
(2202)

Department of Building and Safety

Greetings:

In the matter of the amended and clarified application of Studio City Golf Course, Inc. by Arthur E. Anderson, President, for Conditional Use Approval on a site located in the A1-1 Zone, please be advised that based upon the Findings of Fact hereinafter set forth and by virtue of authority contained in Section 98 of the City Charter and Section 12.24-C,1 of the Municipal Code, the Associate Zoning Administrator hereby authorizes as a Conditional Use, as far as the zoning regulations are concerned, the use of the property described as Lot 1, Tract No. 19437 and leased portions of the flood control channel, and located at 4141 Whitsett Avenue, Sherman Oaks-Studio City District, to permit:

the modification and amplification of extant Z. A. Case No. 21786, which previously authorized continued maintenance of a golf course recreation center, including 15 tennis courts, so as to now allow an additional 5 tennis courts under the final phase of development and inferentially, to include an additional 23 automobile parking spaces for the total facility,

under the following terms and conditions:

1. That the use and development of the site shall conform substantially with the plot plans submitted with the amended and clarified application and marked Exhibits "A" and "A-1" Revised, except as herein specifically varied or required.
2. That except as herein modified or varied to the extent necessary to give full force and effect to this authorization, all of the terms and conditions of extant Z. A. Case Nos. 21195, 21520, 21609 and 21786 shall be strictly complied with as if restated herein.
3. That the herein approved additional 23 parking spaces shall be developed in full conformance with Section 12.21-A, 5 and

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6 of the Municipal Code. Further, that a total of 130 parking spaces shall be provided on-site for the total facility, as shown on Exhibit "A-1" Revised.

4. That the existing parkway along Whitsett Avenue shall be fully landscaped with green ground cover, interspersed if desired, with trees, shrubs or flowers. Further, an underground sprinkler system shall be installed prior to the issuance of any building permits for the herein approved development.
5. That prior to the issuance of any building permits for the herein authorized improvements, fully detailed plot and landscape plans shall be submitted to and approved by a Zoning Administrator. Further, said plans shall indicate size and location of buildings and other improvements, sprinkler systems, size and type of trees, shrubs, flowers, ground covers and all other details of the development, including fence type and heights, tennis court locations, lighting, parking details, etc. Said plans shall be in reasonable conformance with the plot plans submitted with the application and marked Exhibits "A" and "A-1" Revised.
6. That the existing north pedestrian entrances to the golf pro shop and putting green from Valley Spring Lane be completely closed off with an attractive decorative masonry wall in order to discourage onstreet parking by patrons on Valley Spring Lane.
7. That every effort be made to require all patrons to utilize the offstreet parking facilities provided on the site. Further, that only service vehicles be permitted to use the service entrance to the golf pro shop building located adjacent to Spring Valley Lane. Further, this service entrance shall be provided with a gate and be locked at all times it is not in use for deliveries or other service functions.
8. That all of the existing parking areas along the Whitsett Avenue frontage be restriped to provide parking stalls meeting current standards so that they will be more convenient and to encourage their greater usage by patrons.
9. That the two existing driveways to Whitsett Avenue from the parking area adjacent to Whitsett Avenue be widened to 30 ft. for easier access to the parking facilities on the site.
10. That in the event the use of the nine-hole golf course is discontinued or it is not maintained as a nine-hole golf course, substantially in its present configuration, all authority under this and previous grants relative to the use of the facilities for a tennis facility shall thereafter be null and void.

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 Submitted
 12-17-77
 [Signature]
 [Signature]

11. That the entire facility shall remain open to the public and not be operated as a private club.
12. That the existing golf clubhouse shall be retained for that purpose and in no event shall any additional clubhouse or other facility relating to tennis club use, other than the previously authorized office, shall be maintained on the premises unless and until specifically authorized by a separate request.
13. That the hours of operation of the entire facility shall not begin before 7:00 A. M. or continue after 11:00 P. M. of any evening.
14. That all lights on the proposed tennis courts shall be properly shielded in such a manner so that the light shall be directed onto the subject property and shall not transmit light more than one foot candle above the ambient on adjacent residential properties.
15. That in the event that Valleyheart Drive or Valley Spring Lane is widened or improved in such a manner as to eliminate or seriously affect the usability of the golf course, then the number of tennis courts shall be reduced on the total development sufficiently to provide an equivalent amount of space for the continuation of the nine-hole golf course. The number and location of the tennis courts to be removed in such instance shall be determined by a Zoning Administrator after discussion with the owner or lessee of the property, the Bureau of Engineering, Department of Traffic and other affected agencies.
16. That the herein authorized use shall be conducted at all times with due regard for the residential character of the surrounding district, and the right is reserved to the Chief Zoning Administrator to impose additional corrective conditions, if, in his opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent residential property.
17. That this Conditional Use approval shall be subject to revocation in the same manner as provided in Section 12.27-B, 5 of the Municipal Code for revocation of Zone Variances, if the conditions herein are not strictly complied with.
18. That in order to permit a review of this use and the uses authorized under Z. A. Case Nos. 21195, 21520, 21609, and 21786 in the light of any changed condition of the surrounding neighborhood, this Conditional Use authorization, together with those cases previously mentioned, shall all be in full force and effect for a term period ending on May 1, 1985 and shall be null and void thereafter.

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18. The use hereby authorized is conditional upon the privileges being utilized within one hundred eighty (180) days after the effective date hereof, and if they are not utilized or construction work is not begun within said time and carried on diligently to completion of at least one usable unit, this authorization shall become void and any privilege or use granted hereby shall be deemed to have lapsed unless a Zoning Administrator has granted an extension of the time limit, after sufficient evidence has been submitted that there was unavoidable delay in taking advantage of the grant. Once any portion of the privilege hereby granted is utilized, the other conditions thereof become immediately operative and must be strictly complied with. Furthermore, that this Conditional Use approval shall be subject to revocation in the same manner as provided under Section 12.27-B, 5 of the Municipal Code for revocation of Zone Variances, if the conditions herein contained are not strictly complied with.

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, that if any condition of this grant is violated or if the same be not complied with in every respect, then the applicant or his successors in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. 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. The Associate Zoning Administrator's determination in this matter will become effective after an elapsed period of fifteen (15) days from the date of this communication unless an appeal therefrom is filed within said fifteen (15) day period with the Board of Zoning Appeals.

FINDINGS OF FACT

After thorough consideration of the statements, plans, photographs and other documents contained in the amended and clarified application, the report and photographs of the City Planning Associate thereon, the petitions both in support and opposition as well as other communications relative to this matter, the statements made at the public hearing before the Associate Zoning Administrator on May 7, 1976, the information contained in the files of Z. A. Case Nos. 13459, 13586, 13744, 17460, 21195, 21520, 21609 and 21786, all of which are by reference made a part hereof, as well as personal inspection of the property and surrounding district, I find that the requirements for authorizing a Conditional Use under the provisions of Section 12.24-C,1 of the Municipal Code have been established by the following facts:

1. The subject property consists of a roughly rectangular shaped, 19 acre parcel of land with a frontage of approximately 950 ft. on Whitsett Avenue, approximately 1,068 ft. on Valley Spring Lane, 211.33 ft. on Bel Air Avenue,

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and approximately 1,399 ft. on Valleyheart Drive (unimproved adjacent to the Los Angeles River Channel on the southwest).

The property is now improved with 15 tennis courts, an existing nine-hole pitch and putt golf course, approximately 105 parking spaces, tennis office, golf club house and pro shop, a 34-tee driving range and a maintenance building. The entire site is in the A1-1 Zone.

The subject property was originally authorized as a Conditional Use for a privately operated golf recreation center, including a driving range, pitch and putt golf course, and incidental offstreet parking under Z. A. Case No. 13459. This Conditional Use approval was subsequently modified by several Z. A. cases with authorization for successive construction of lighted tennis courts and additional parking facilities.

The applicant now proposes, as a final phase of development, to add 5 additional tennis courts on the interior of the site and which will result in displacement of 10 of the 34 tees on the golf driving range, and the addition of approximately 23 new parking spaces to serve the entire facility. The construction of the final phase of development with the 5 tennis courts will still maintain the open space character of the total site and because the interior location of the proposed improvements will create minimal detriment to surrounding residential properties. Further, the recreational nature and character of the entire facility will be unchanged except for the reduction of the size of the driving range to 24 tees. The existing pitch and putt golf course will be maintained in its entirety and in the event the widening of surrounding streets necessitates removal of any part of the golf course, the herein imposed conditions will assure the continuation of said facility.

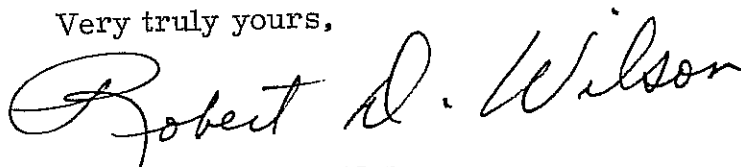
There is a greatly increased demand throughout the City for public facilities for the playing of tennis, which has greatly increased in popularity in the last few years. There are very limited public facilities in parks and these are subject to heavy demand. Further, the site is well buffered from adjacent residential uses in that it is surrounded by public streets and the open nature of the use, landscaping and limited commercial nature all provide a recreational facility compatible with the neighborhood. Therefore, in view of these circumstances, the authorization of the final phase of the development of the tennis courts is proper in relation to adjacent uses, to the development of the community and the various elements and objectives of the General Plan.

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2. In view of the limited nature of the herein involved modification of the existing facilities, the comprehensive terms and conditions of extant Z. A. Case Nos. 21195, 21520, 21609 and 21786 and the term nature of the grant which will permit reexamination in the light of any changed conditions, it is further determined that the proposed facility will be compatible with the residential neighborhood and prevent any long term adverse effect on the community or be materially detrimental to the character of the development of the neighborhood.

The Environmental Review Committee of the City Planning Department, under EIR No. ED-18-76-CUZ, determined that the project for additional tennis courts will not have a significant effect on the environment. After a thorough review of this file, the testimony at the public hearing, as well as review and analysis of all of the data in the file relative to the proposal, the Associate Zoning Administrator concurs in the Committee's conclusion.

Very truly yours,


ROBERT D. WILSON
Associate Zoning Administrator

RDW:dc

cc: Director of Planning

County Assessor

Councilman Joel Wachs
Second District

Lee Ambers
14401 Sylvan Street
Suite 106
Van Nuys, California 91401

02403000127

CITY OF LOS ANGELES 5
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CHIEF ZONING ADMINISTRATOR

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JAMES J. CRISP
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JOHN J. PARKER, JR.
JON PERICA
HORACE E. TRAMEL, JR.



RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

ROOM 600, CITY HALL
LOS ANGELES, CA 90012-4801
(213) 485-3851

December 12, 1994

Honorable Board of Zoning Appeals
200 North Spring Street
Los Angeles, CA 90012

CASE NOS. BZA 5055
and ZA 94-0530(CUZ)
SUPPLEMENTAL REPORT
4141 Whitsett Avenue
Sherman Oaks-Studio City-
Toluca Lake Planning Area
Zone : A1-1
D. M.: 165B161
C. D.: 5
CEQA : CE 94-0502
Fish & Game: Exempt
Legal Description: Lot 1,
Tract 19437

On October 20, 1994 I denied a conditional use permit in connection with the continued use and maintenance of an existing nine-hole pitch and putt golf course, golf driving range, 20 tennis courts, incidental parking, pro shop, snack bar and accessory uses at the above referenced location.

My denial was without prejudice and was based essentially on the legal issue involving the status of the applicant's tenancy at the location. The applicant is not the owner of the subject property and at the time of my determination the owner was suing to evict the applicant on the grounds that the applicant's leasehold interest in the property was no longer valid. The matter was in litigation and had not been resolved. It was my conclusion that it would not have been in the interest of the public welfare to approve the subject application at that time because the owner of the property had not joined in the application and was in opposition to its approval and to do so could expose the City to litigation.

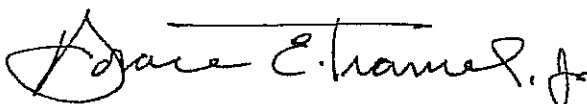
Subsequently, on November 30, 1994 and December 7, 1994 the court took actions on the issue which are significant and which may affect the Board's action on the appeal before it. Attached are copies of two documents concerning the above referenced matter consisting of court orders dated November 30, 1994 and December 7, 1994, respectively. The first document grants a motion by the Studio City Golf Course for summary judgement regarding the status of the lease agreement between the involved parties, and denies a similar motion by the owner of the subject property, Weddington Investment. The second document is a denial of a motion for reconsideration in connection with the court's action of November 30, 1994. At this time I am unable to comment on the documents and if the issue regarding the applicant's status of tenancy at the location has been fully resolved and



would therefore cause me to change my position on the conditional use application. A representative of the Office of the City Attorney has been requested to attend the meeting of the Board on December 13, 1994 to comment on the legal issues involved.

In the event the Board acts to grant the appeal and approve the conditional use application, the following recommended conditions of approval are submitted:

1. That a revised, detailed plot plan showing with dimensions the exterior boundaries of the property involved, the adjoining streets, parking spaces, driveways, enclosing fixtures, bumper guards and wheel stops, type of surfacing, landscaping, sprinkler systems and other improvements be submitted to and approved by a Zoning Administrator prior to issuance of any building permits or certificate of occupancy for the use of the property for the purposes herein authorized.
2. 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.
3. All graffiti on the site shall be removed or painted over within 24 hours of its occurrence.
4. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
5. All of the terms and conditions of extant ZA Case No. 21786 shall remain in effect as if restated herein except for any modifications or amplifications as authorized herein.
6. Prior to the issuance of building permits in connection with the grant herein, plot plan approval shall be obtained from the Fire Department. Such approval shall consider, but not be limited to, the gasoline storage tank located on the subject property and its use and maintenance or abandonment pursuant to applicable provisions of the Municipal Code.
7. In order to provide for reexamination of the matter in the light of any changed conditions in the neighborhood, the authority herein granted shall be valid for a period of 10 years from the effective date hereof, and null and void thereafter.



HORACE E. TRAMEL, JR.
Associate Zoning Administrator

HET:lmc

CITY OF LOS ANGELES
CALIFORNIA

ROBERT JANOVICI
CHIEF ZONING ADMINISTRATOR

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RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
CITY PLANNING

CON HOWE
DIRECTOR

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DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

ROOM 600, CITY HALL
LOS ANGELES, CA 90012-4801
(213) 485-3851

October 20, 1994

BZA-5055

Art E. Anderson (A)
Studio City Golf Course, Inc.
4141 Whitsett Avenue
Studio City, CA 91604

Weddington Investment Co., Inc.
11222 Weddington Street
North Hollywood, CA 91601

Gary L. Morris (R)
6433 Topanga Canyon Boulevard, #138
Canoga Park, CA 91303

CASE NO. ZA 94-0530(CUZ)
LETTER OF CORRECTION
4141 Whitsett Avenue
Sherman Oaks-Studio City-
Toluca Lake Planning Area
Zone : A1-1
D. M.: 165B161
C. D.: 5
CEQA : CE 94-0502
Fish & Game: Exempt
Legal Description: Lot 1,
Tract 19437

Department of Building and Safety

On October 18, 1994, I denied without prejudice a conditional use permit to allow the continued use and maintenance of an existing nine-hole pitch and putt golf course, golf driving range, 20 tennis courts, incidental parking, pro shop, snack bar and accessory uses at the above referenced location. After further consideration I have decided that the letter of determination should be changed to provide a more accurate representation. Accordingly, the first full paragraph on Page 7 of the letter of determination is hereby corrected to read as follows:

The applicant is not the owner of the subject property. The owner is suing to evict the applicant on the grounds that the applicant's leasehold interest is no longer valid. The matter is in litigation and has not been resolved. The City cannot impose conditions in connection with a grant unless there is reasonable assurance that such conditions can be carried out. In this instance there is no such assurance because the owner of the subject property has not joined in the application and is in opposition to its approval. Therefore, it would not be in the interest of the public welfare to approve the subject application under the existing circumstances and to do so could expose the City to litigation.

Horace E. Tramel, Jr.

HORACE E. TRAMEL, JR.
Associate Zoning Administrator

HET:lmc

cc: Councilman Zev Yaroslavsky
Fifth District

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
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JOHN J. PARKER, JR.
JON PERICA
HORACE E. TRAMEL, JR.

October 18, 1994

BZA - 5055

Art E. Anderson (A)
Studio City Golf Course, Inc.
4141 Whitsett Avenue
Studio City, CA 91604

Weddington Investment Co., Inc.
11222 Weddington Street
North Hollywood, CA 91601

Gary L. Morris (R)
6433 Topanga Canyon Boulevard, #138
Canoga Park, CA 91303

CASE NO. ZA 94-0530(CUZ)
CONDITIONAL USE
4141 Whitsett Avenue
Sherman Oaks-Studio City-
Toluca Lake Planning Area
Zone : A1-1
D. M.: 165B161
C. D.: 5
CEQA : CE 94-0502
Fish & Game: Exempt
Legal Description: Lot 1,
Tract 19437

Department of Building and Safety

Pursuant to Los Angeles Municipal Code Section 12.24-C,9 and 12, I hereby
DENY WITHOUT PREJUDICE:

a conditional use permit to allow the continued use and maintenance of an existing nine-hole pitch and putt golf course, golf driving range, 20 tennis courts, incidental parking, pro-shop, snack bar and related accessory uses on a site in the A1-1 Zone, described as Lot 1, Tract 19437, located at 4141 Whitsett Avenue, Sherman Oaks-Studio City-Toluca Lake Planning Area.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on August 22, 1994, and the advice of the Office of the City Attorney, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that the requirements for denying a conditional use permit under the provisions of Section 12.24-C of the Municipal Code have been established by the following facts:

BACKGROUND

The subject property consists of a very large parcel of land, approximately 17 acres in area, being generally triangular shaped, with a frontage of approximately 950 feet on the southerly side of Valley Spring Lane and with



considerably lesser frontage of approximately 211 feet on Bel Air Avenue to the west. The southerly portion of the involved property adjoins the Los Angeles River Channel, so that the site is completely surrounded by streets and the river bed.

The property is in the A1 Zone and is developed with a large private recreational facility including 20 tennis courts, a golf course, tennis control building, driving range, pro shop and 131 paved parking spaces.

Surrounding properties are within the R3-1 and R1-1 Zones and are characterized by level topography and improved streets. The surrounding properties are developed with one- and two-story single-family dwellings and apartments.

Adjoining properties to the north of Valley Spring Lane are zoned R1-1 and are developed with one-story single-family dwellings.

Adjoining properties to the south of the subject site is zoned OS and is the Los Angeles County Flood Control Channel.

Adjoining properties to the east of Whitsett Avenue are zoned R3-1 and are developed with two-story apartments.

Adjoining properties to the west of Bellaire Avenue are zoned R1-1 and are developed with one-story single-family dwellings.

Whitsett Avenue, adjoining the subject property to the east, is a designated Secondary Highway dedicated a width of 28 feet and improved with curb, gutter and sidewalk.

Valley Spring Lane, adjoining the subject property to the north, is a local street dedicated a width of 60 feet and improved with curb, gutter and sidewalk.

Prior related actions on the site/in the area include:

Subject Property:

✓ Case No. ZA 13459 - On May 9, 1955, the Zoning Administrator approved for 10 years a conditional use to establish and operate a privately owned recreational center, one gold pro shop in the R1 and R3 Zones.

✓ Case No. ZA 13744 - On December 29, 1955, the Zoning Administrator modified conditions of approval for ZA 13459.

Case No. ZA 13586 - On July 18, 1955, the Zoning Administrator granted a conditional use to enlarge floor area over that permitted in Condition No. 4, ZA 13459, for proposed clubhouse building and also storage space or portion of 2,400 square feet involved in the R1-1 Zone.

✓ Case No. ZA 17460 - On May 13, 1964, the Zoning Administrator approved for 10 years the continued use of privately operated recreation center with golf pro shop, snack bar, with off-street parking with fencing, lighting and sign.

Case No. ZA 21520 - On November 4, 1974, the Zoning Administrator dismissed conditional use for a pitch and putt golf course and five tennis courts with related ancillary facilities.

✓ Case No. ZA 21786 - On September 3, 1975, the Zoning Administrator approved a conditional use of golf driving range, pitch, a putt course and two additional tennis courts with parking and accessory facilities.

✓ Case No. ZA 22004 - On October 22, 1976, the Zoning Administrator granted the continued use of pitch and putt golf course with driving range, tennis courts, and accessory facilities. BZA 2380 denied the protestant's appeal of the decision on December 28, 1976.

City Plan Case No. 23662 - On October 27, 1971, Ordinance No. 142,584 became effective for a change of zone from R1-1 and R3-1 to A1-1.

Permit No. 84VN79019 - Issued on October 28, 1984, to reroof tennis shop.

Permit No. 75VN29551 - Issued on October 10, 1975 for a 12-foot fence with lights.

Permit No. 75VN22150 - Issued on April 18, 1975, for a 12-foot tennis court fence.

Permit No. 75VN4337 - Issued on November 15, 1975 for a tennis shop.

Permit No. 75VN4338 - Issued on November 15, 1975, for a 12-foot tennis court fence.

Permit No. 73VN1709 - Issued on August 27, 1973, for cut and fill for tennis court sites.

Surrounding Properties:

No similar or relevant cases were found on surrounding properties in the immediate neighborhood.

At the public hearing conducted for the application approximately 150 people were in attendance and six people commented including the applicant's representative, a representative of the owner of the subject property, a representative of district Councilman Zev Yaroslavsky and a representative of the Studio City Residents Association. All of the speakers expressed support for the project with the exception of the representative of the owner of the subject property.

The applicant's representative indicated that the subject use is appropriate for the location and has been continuous for the past approximate 38 years. The site is the only significant green area in the community. It is widely used and is an asset to the community. There is wide support for approval of its continued operation from local residents including the Studio City Residents Association and other community groups. There is virtually no opposition. Approximately 2000 signatures in support have been submitted and an additional 700 names were submitted at the public hearing. It was indicated that the only opposition was from the owner of the subject property

and that the opposition was based on the owners desire to sell or develop the land for a more profitable use.

Further, the applicant's representative addressed several issues raised in a letter to the file from the owners attorneys dated August 11, 1994, including defective notice of the public hearing for the subject application; that the applicant lacked standing to request the subject conditional use; that the environmental clearance issued for the application is not adequate; and that land use issues have not been properly addressed. With respect to the claim that the notice of the hearing was defective, it was indicated that a review of all public actions and approvals shows that the current notice is identical to those for past applications for use of the site. However, as a portion of the adjacent Valleyheart Drive is leased from the County of Los Angeles and is included in the project site, the leased area increased the size of the site and required an expanded notice area by 50 feet and an additional 12 properties which were not noticed by mail. In this regard the applicant's representative attempted to contact the owners of the 12 properties and was able to secure signatures in support from 10 of the owners, one owner was out of state and difficult to contact and the other property owner declined to sign in support but did not express opposition to the application.

With respect to the applicant's standing to request the subject conditional use, it was indicated that the applicant has been the operator of the subject facility at the location for the past 38 years. Further, that questions about this matter are legal issues to be resolved by the parties or in a court, not at a public hearing on the merits of a conditional use. However, the lease agreement between the parties does specify that the City must refuse to extend the lease in order for it to be invalid. Moreover, it was also indicated that the conditional use approved for the location expired in 1985 and the applicant failed to request a new conditional use because of erroneous information provided by a City employee in 1975 who said, "to put the papers in a drawer and not worry about it unless there were a significant change in the operation or the community". Apparently that official assumed that the applicant knew he had to renew the conditional use in ten years. All prior requests to the City for use of the site were made by the leasee only. The applicant also assumed that changing the site's zoning from "R" to "A" made new requests unnecessary, as would be true for a regulation golf course.

With respect to the environmental clearance for the application, it was indicated that all prior applications and approvals were granted after adequate examination of potential impacts. Such approvals were granted when something new was proposed, either golf course or tennis courts and now the request is for the continuation of a use that has proven its merit and lack of impacts. There have been no complaints regarding the facility because there have been no problems. A gasoline storage tank located on the subject site is more than 100 feet from any buildings and poses no hazard.

With respect to land use issues, it was indicated that all land use issues have been addressed through prior approvals and the current request. It is not material that one of the buildings on the site is used for managers quarters and has been for the past 20 years, a clearly permitted use in the A1 Zone. Such use enhances rather than detracts from the level of service provided and security. The intrusion into the Los Angeles County Flood

Control leased land is immaterial and a change of legal description has been submitted to avoid confusion. At the close of his testimony the applicant's representative indicated that the subject application should be approved and that the required findings in support of approval had been made and included in the applicant's application for the subject conditional use.

The representative of district Councilman Zev Yaroslavsky expressed the councilman's support for the application indicating that the applicant's representative had clearly laid out the significant aspects of the project. The subject property is currently at its best and highest use and is a necessary and beneficial feature of the community providing valuable open space. Conditional use authorizations are often reviewed after a reasonable period of time. The applicant should have reapplied when the previous conditional use expired, but it is apparent that the use is proper for the location and should be allowed to continue even if another operator takes over the facility. The subject property was rezoned to the A1 Zone and the adopted district plan was amended to designate the site for Open Space. To institute a new use of the site would require additional hearings and environmental review and the site would likely remain vacant for a substantial period of time.

A representative of the Studio City Residents Association spoke in support of the application indicating that the golf course is a valuable asset to the community and that virtually all of the people in attendance at the public hearing were members of the organization he represents and were in support of approval. A letter from the Association was submitted at the hearing.

The representative of the owner of the subject property spoke in opposition to approval of the application indicating that the subject application was improperly filed and should not have been before the Zoning Administrator. The applicant had no standing to file the application because the lease had terminated under their agreement and the issue is in litigation. Moreover, the notice of the public hearing for the subject application did not include the entire property being put to golf course uses. The previous conditional use authorization expired in 1985 and because of this the contract between the owner and the leasee terminated. The applicant's tenancy terminated August 16, 1994. The Zoning Administrator has no authority to grant a new conditional use application over the subject property without the consent of the owner of the property. The notice of the public hearing was inadequate because the project was not properly described and the project site was not fully described. Moreover, the application was not properly signed in that it was signed by the applicant in a private capacity and not as an officer of the corporation. An underground gasoline storage tank may be located near a dwelling on the site and may cause exposure to hazardous substances. The Staff Report prepared for the application is inadequate in that much of the required parking is not being provided and this issue was not addressed. The other testimony at the hearing was in support of the project and correspondence received consists of numerous letters and petition signatures in support. The only correspondence opposition to approval came from the owner of the subject site.

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 in lieu of the four standard findings for other conditional use categories.

FINDINGS

In order for a conditional use permit for maintenance of a gold course 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 be desirable to the public convenience but would not be in the interest of the public welfare.**

The applicant has submitted the following in support of this required finding:

In the Studio City-North Hollywood area there are few recreational areas other than the subject site that are open to the general public. Thus, this site is desirable to the public as a golf and tennis facility. There is a long term proven public interest in these activities at this location as evidenced by the over 10,000 repeat patrons of these facilities and continued daily usage thereof. The surrounding area is largely residential and this site is harmonious with the overall land use pattern. It also creates a buffer between the commercial use on Ventura Boulevard and the residential uses to the north. This provides a tremendous amount of open space with lush landscaping to provide a visual benefit to the neighborhood and has recently been described by the President of the Studio City Residents Association as "One of the crown jewels of Studio City".

The Zoning Administrator concurs with the above statements of the applicant and believes that the existing use of the site is appropriate and that such use if allowed to continue would be desirable to the public convenience. However, approval of the application at this time under the existing circumstances regarding the status of the tenancy of the applicant at the location would not be in the best interest of the public welfare and could expose the City to liability. Accordingly, Zoning Administrator must deny the application. The application is denied without prejudice.

At the close of the public hearing conducted for the application on August 22, 1994 the Zoning Administrator took the application under advisement in order to assess the contention of the owner of the subject site that the applicant is a month-to-month tenant of the premises and has no authorization to request a conditional use of the site over the owner's objection. The owner of the property indicated among other issues that the lease agreement between the owner and the applicant had terminated, that the applicant had become a month-to-month tenant and that a notice of termination had been issued with vacation of the premises to occur within 30 days from July 15, 1994. While the

applicant was given an opportunity to, and did, respond to the owners contentions, the response was not sufficient with respect to the current status of the applicant's current and ongoing tenancy at the location and made no mention of the month-to-month tenancy or the notice to vacate the premises. The matter is currently under litigation and to date the matter has not been resolved.

The Zoning Administrator consulted the Office of the City Attorney for legal advice on the issues involved. It was the advice of the City Attorney that as the applicant is not the owner of the subject property, is considered a month-to-month tenant, an unlawful retainer is involved and that the matter is in litigation and has not been resolved, the City cannot impose conditions in connection with a grant unless there is reasonable assurance that such conditions can be carried out. In this instance there is no such assurance because the owner of the subject property has not joined in the application and is in opposition to its approval. Therefore, it would not be in the interest of the public welfare to approve the subject application under the existing circumstances and to do so could expose the City to litigation.

2. The location is proper in relation to adjacent uses or the development of the community.

The applicant has submitted the following in support of this required finding:

The project was first approved in 1958 and has grown and matured with the community. In accordance with the Conditional Use Permit and Variance granted, the property has been developed with careful attention to its environment. The Clubhouse is of residential design with a gabled roof and thus blends with the neighboring development. The golf driving range, golf course and parking area are designed and landscaped so as to present as attractive an appearance as possible and thus to enhance the appearance of the overall area. Similarly, the tennis courts, as shown on the enclosed plot plan, are built and landscaped so as to blend with the general attractiveness of the entire recreational area.

The Zoning Administrator concurs with the above and also finds that the subject facility has been in operation at the location for many years and has become a focal point in the community. The site is adjoined on three sides by low density residential uses with commercial uses adjacent to the southwest. The property provides the only substantial green area in the local community and has existed and has been operated in a compatible manner with the uses on adjacent properties without apparent adverse impact to the those properties. Its continued use and maintenance would in no way affect the existing character of the neighborhood.

3. The use will not be materially detrimental to the character of the development in the immediate neighborhood.

The applicant has submitted the following in support of this required finding:

As has been stated above, the project has been a focal point of the community since its approval in 1958, at which time the City of Los Angeles found the project to be in harmony with the General Plan and a positive addition to the neighborhood. The project provides much needed open space in an increasingly urban and paved over environment. The location which is immediately adjacent to the flood control channel, on the south acts as a buffer to this and the commercial uses further south on Ventura Boulevard. The existing homes to the west, north and east all consider this to be their park and view it as a significant benefit to their neighborhood.

The Zoning Administrator concurs with the above and also finds that the continued use and maintenance of the subject facility would continue to provide valuable open space and recreational opportunities for residents of the area and for visitors from other parts of the city. The use is a beneficial aspect of the local environment and would continue to enhance the community consistent with the goals and objectives of the adopted district plan.

4. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The adopted Sherman Oaks-Studio City-Toluca Lake District Plan designates the subject property for Public Open Space. The use of the site is consistent with this designation and it was intended that the subject use or a similar use be continued over the property. The Plan was amended to its current designation for the site partially in recognition of the existing uses at the location which have been continuous for more than 35 years. The continued operation of the existing facility would in no way compromise the Plan and its objective to provide valuable and desirable open space in the community coupled with recreational opportunities. The continued use of the site as proposed in the subject application is an appropriate use of the property under the Plan and is compatible with adjacent and surrounding uses.

ADDITIONAL MANDATORY FINDINGS

5. The subject property is not located in an area for which a flood insurance rate map has been prepared.
6. On July 15, 1994, the subject project was issued a Notice of Exemption (Article III, Section 3, City CEQA Guidelines), log reference CE 94-0502, for a Categorical Exemption, Class 1, Category 2. City CEQA Guidelines, Article VII, Section 1, State EIR Guidelines, Section 15100.
7. 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.

NOTICE

Congestion Management Program (CMP): The CMP is a program enacted by the State Legislature with the passage of Assembly Bill 471 (July 10, 1989), as amended by Assembly Bill 1791 (February 11, 1990). The CMP's intent is to coordinate land use, transportation and air quality decisions on the regional highway and roadway system as defined by the Congestion Management Agency (CMA). The owner of any project or structure which contributes to the degradation of this system, based on standards adopted by the CMA, due to unmitigated trips, may be subject to additional trip mitigation measures to be imposed by the CMA (LACTC).

APPEAL PERIOD - EFFECTIVE DATE

THE ZONING ADMINISTRATOR'S DETERMINATION IN THIS MATTER WILL BECOME EFFECTIVE AFTER NOVEMBER 2, 1994, 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:

Los Angeles City Hall
200 North Spring Street
Room 460, Counter 5
Los Angeles, CA 90012
(213) 485-7826

6251 Van Nuys Boulevard
First Floor
Van Nuys, CA 91401
(818) 756-8596



HORACE E. TRAMEL, JR.
Associate Zoning Administrator

HET:lmc

cc: Councilman Zev Yaroslavsky
Fifth District
Adjoining Property Owners
County Assessor



Los Angeles City Board of Zoning Appeals

Room 504, City Hall, Los Angeles, Ca 90012-4801 (213) 485-2470

Mailing Date: January 3, 1995

BZA Case No. 5055
ZA Case No. 94-0530-CUZ
CEQA: CE 94-0502
Fish and Game: Exempt

Address: 4141 Whitsett Avenue
Community plan: Sherman Oaks-
Studio City-Toluca Lake
Zone: A1-1
Council District: 5
D.M.: 165-B-161
Legal: Lot 1, Tract 19437

Applicant/Appellant: Studio City Golf Course (Gary L. Morris)

BOARD OF ZONING APPEALS DETERMINATION REPORT

Meeting Date: December 13, 1994

Summary of determination action:

Appeal granted
Conditions of approval imposed
Findings of Z.A. modified

Effective Date:

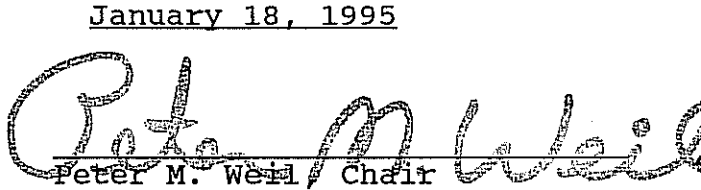
Effective January 19, 1995
unless appealed


Appeal Status:

Appealable on or before
January 18, 1995

Vote Summary:

Moved: Mr. Weil
Seconded: Mr. Gilbert
Aye(s): Mr. Acevedo
Ms. Kezios
Mr. Silcott
No(es): None
Absent: None


Peter M. Weil, Chair


Edward Barr, City Planner

cc: The determination notice list attached to the case file.

DO NOT file appeals or requests for transfer of jurisdiction with the Board. File them in accordance with the information contained in this report. Attach a copy of this report to your appeal application.

BOARD OF ZONING APPEALS DETERMINATION REPORTBACKGROUND AND APPEAL REQUEST:

1. On October 18, 1994, Zoning Administrator Horace Tramel denied:

a conditional use permit to allow the continued use and maintenance of a nine hole pitch and putt golf course, golf driving range, 20 tennis courts, incidental parking, pro shop, snack bar and related accessory uses on a site approximately 17 acres in size in the A1-1 Zone.

2. The applicant appealed the entire action.

PROPERTY DESCRIPTION:

Site area: 17 acres (approximate).

Site description: generally a triangular, level parcel surround by three streets and the Los Angeles River.

Existing use of site: pitch and put golf course with accessory uses.

ACTION: BY VIRTUE OF THE AUTHORITY VESTED IN IT BY CHARTER SECTION 99 AND MUNICIPAL CODE SECTION 12.28, THE BOARD:

1. Pursuant to Board of Zoning Appeals Case No. 5055 and Zoning Administration Case No. 94-0530-CUZ, GRANTED the applicant appeal, subject to the attached, Exhibit B-1, Conditions of Approval.
2. GRANTED, subject to the attached, Exhibit No. B-1, Conditions of Approval, the conditional use permit.

SUMMARY OF THE HEARING:

1. The Zoning Administrator summarized the action, findings and facts set forth in the determination and report to the Board. In addition, the Administrator stated that as stated in his report, the applicant is not the owner of the property, and is in fact in the midst of litigation. For that reason, the Administrator was advised by the City Attorney's office that if he had approved the conditional use, it might have placed the City in a position of liability.

However, there has now been a Superior Court ruling, apparently in the favor of the tenant, and the City Attorney is here to explain the situation.

2. The representative of the City Attorney's office addressed the Board. The judge of the court has ruled that the applicant in this case may be either the owner or the lessee, so the proper applicant is in front of the Board, and the Board is now free to make its determination based on the merits of the case and not the legal problems involved.

3. The attorney for the owner of the property addressed the Board, stating that it is not the intent of the owner of the property to shut down the golf course. Should the Board approve the conditional use, then his client will appeal, because the tenant had no right to file for the conditional use in the first place.
4. Another attorney for the owner addressed the Board, stating that it is his clients' intent to appeal the Superior Court ruling, and if the Board approves the conditional use, it will place the burden on the litigation proceedings. While these issues are pending in a court of law, the tenant has no right to apply for the conditional use, and the action of the Board may hinder the process.

[Mr. Weil asked if there was anyone in the room who felt that there were any reasons not to grant the appeal, based on the merits of the case, not the legal issues.]

5. The first attorney addressed two issues, the underground gasoline storage tank and the change in parking requirements, stating that both these issues needed to be resolved before the conditional use is considered.

[The Zoning Administrator stated that both the issues were addressed in a set of conditions contained on page 2 of a supplemental report to the Board dated December 12, 1994.]

6. The Board deliberated as follows:
 - a. Mr. Weil moved to overturn the determination of the Zoning Administrator, to grant the appeal, to add the aforementioned conditions and to modify the findings of the Zoning Administrator as necessary.
 - b. The remainder of the Board concurred.

FINDINGS:

1. Conditional use. Pursuant to Municipal Code Section 12.24-C. 9 and 12, the Board sustained the findings of the Zoning Administrator, except as stated in the subject findings.
 - a. The proposed location will be desirable to the public convenience and will be in the interest of the public welfare inasmuch as the Board was advised by the City Attorney's office that a judge of the Superior Court has ruled that the tenant may file the application for conditional use. Therefore, the concern for the liability of the City expressed by the Zoning Administrator in his denial of the conditional use no longer exists.
2. The project has been restricted by the conditions imposed by this action. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties and/or to prevent or mitigate the potential adverse environmental effects of the subject

recommended action.

MANDATORY FINDINGS:

1. Environmental (CE). On July 15, 1994, the Environmental Review Section of the Planning Department determined that the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970 designate the subject project as categorically exempt under Article VII, Section 1, Class 1, Category 2.
2. Fish and Game (CE). Pursuant to said exemption, 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 the California Code of Regulations Title 14, Section 753.5(d).
3. The Board arrived at its determination based upon its review of available records and evidence contained in the subject and related files and upon testimony and evidence provided at the Board's hearing on the subject matter.

CONGESTION MANAGEMENT PROGRAM (CMP) COUNTY WIDE IMPACT FEE NOTICE: The CMP is a new program enacted by the State Legislature with the passage of Assembly Bill 471 (July 10, 1989), as amended by Assembly Bill 1791 (February 11, 1990). The CMP's intent is to coordinate land use, transportation and air quality decisions on the regional highway and roadway system as defined by the Congestion Management Agency which locally is the Metropolitan Transportation Authority (MTA). The owner of any project or structure which contributes to the degradation of this system, based on standards adopted by the CMA, due to unmitigated trips, may be subject to additional trip mitigation measures to be imposed by the CMA (MTA).

APPEAL RIGHTS:

1. Appealable. The determination in this matter is appealable. Said determination will become effective on the date indicated on the front page of this report unless an appeal therefrom is filed with the City Council.
2. Appeal filing requirements:
 - a. Must be filed in person by the appellant or appellant's representative on the prescribed forms.
 - b. Must be accompanied by the required fee payments.
 - c. Applicant appeal applications must be accompanied by hearing notice labels or a receipt of payment for vendor mailing services, to the satisfaction of the public counter.
 - d. Must be filed in person by the appellant or appellant's representative at any of the following public counters:

Planning Counter
 City Hall Room 460-S
 200 North Spring Street
 Los Angeles, CA 90012
 Hours: Monday thru Friday
 7:30 a.m.-5:00 p.m.
 (except holidays)

Planning Counter
 First Floor,
 6251 Van Nuys Boulevard
 Van Nuys, CA 91411
 Hours: Monday thru Friday
 7:30 a.m.-5:00 p.m.
 (except holidays)

- e. Must be filed within the time period set forth on the front of this report.
- f. No hearing notice posting is required for City Council appeals hearings.

EFFECTUATION OF THE ACTION:

1. Conditional Use:

- a. Pursuant to Municipal Code Section 12.24-E, the subject authorization must be utilized within one year after the effective date of the grant.
- b. If the subject authorization is not utilized, or if construction or installation of physical improvements has not begun and diligently been carried on to completion, within the one year period, this grant shall become void. Further, any privilege or use authorized by the subject grant shall be deemed to have lapsed.

2. Time Extension: A request for permit utilization time extension:

- a. Must be filed at a public counter of the Planning Department, and
- b. the extension application must be accepted prior to the expiration of the time to utilize the grant or other authorization.
- c. The extension application must be accompanied by the appropriate fee payment and substantial evidence that unavoidable delay has prevented or will prevent the applicant from taking advantage of the grant or authorization within the specified time limits.
- d. WARNING: IF more than one permit is involved, be sure you secure an extension of time for each separate permit, as may be required by law. Often permits have different time limits and extension allowances.

REVOCAATION/PROSECUTION WARNING:

The applicant's attention is called to the fact that this grant is not a permit or license 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 the applicant or applicant's successor in

interest may be prosecuted or the grant may be revoked. 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 such person or corporation regarding the conditions of this authorization. If any portion of the authorization is utilized, the other conditions and requirements of the grant will become operative and must be strictly observed.

REFERENCED EXHIBITS:

Exhibit No. B-1: Conditions of Approval (attached).

Exhibit No. A-1: Applicant's plot plan (reduced version attached) (file copy only).

CONDITIONS OF APPROVAL

1. That a revised, detailed plot plan showing with dimensions the exterior boundaries of the property involved, the adjoining streets, parking spaces, driveways, enclosing fixtures, bumper guards and wheel stops, types of surfacing, landscaping, sprinkler systems and other improvements be submitted to and approved by a Zoning Administrator prior to issuance of any building permits or certificate of occupancy for the use of the property herein authorized.
2. 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.
3. All graffiti on the site shall be removed or painted over within 24 hours of its occurrence.
4. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
5. All of the terms and conditions of extant Z.A. Case No. 21786 shall remain in effect as if restated herein except for any modifications or amplifications as authorized herein.
6. Prior to the issuance of building permits in connection with the grant herein, plot plan approval shall be obtained from the Fire Department. Such approval shall consider, but not be limited to, the gasoline storage tank located on the subject property and its use and maintenance or abandonment pursuant to applicable provisions of the Municipal Code.
7. In order to provide for reexamination of the matter in the light of any changed conditions in the neighborhood, the authority herein granted shall be valid for a period of 10 years from the effective date hereof, and null and void thereafter.