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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

JOHN C. BEDROSIAN, an
individual; JUDITH BEDROSIAN,
an individual; BEATRIZ
HORACEK, an individual; and
JOSEPH HORACEK, an individual,

Plaintiffs,

vs.

MOHAMED HADID, an individual;
JAMES T. ZELLOE, an individual;
901 STRADA LLC, a California
Limited Liability Company; and
DOES 1 through 50, inclusive.,

Defendants.

JOHN C. BEDROSIAN, an
individual; JUDITH BEDROSIAN,
an individual; BEATRIZ
HORACEK, an individual; and
JOSEPH HORACEK, an individual

Petitioners,

vs.

CITY OF LOS ANGELES,

Respondent.

COMPLAINT FOR:

- (1) PRIVATE NUISANCE
- (2) PUBLIC NUISANCE
- (3) VIOLATION OF
CALIFORNIA CIVIL CODE
- (4) VIOLATION OF LOS
ANGELES MUNICIPAL
CODE
- (5) INJUNCTIVE RELIEF
- (6) WRIT OF MANDATE

AND VERIFIED PETITION FOR
WRIT OF MANDATE

FILED
Superior Court of California
County of Los Angeles
JUN 07 2018
Sheriff R. Carter, Executive Officer/Clerk
By Tom G. Holmes Deputy

ORIGINAL

CASE MANAGEMENT CONFERENCE

12-4-18

8:30am

Nancy Newman

Date

Sept 8

CIT/CASE: SC129388
LEA/DEF#:

RECEIPT #: SM620189003

DATE PAID: 06/07/18 08:41 AM

PAYMENT: \$435.00 310

RECEIVED:

CHECK: \$435.00

CASH: \$0.00

CHANGE: \$0.00

CARD: \$0.00

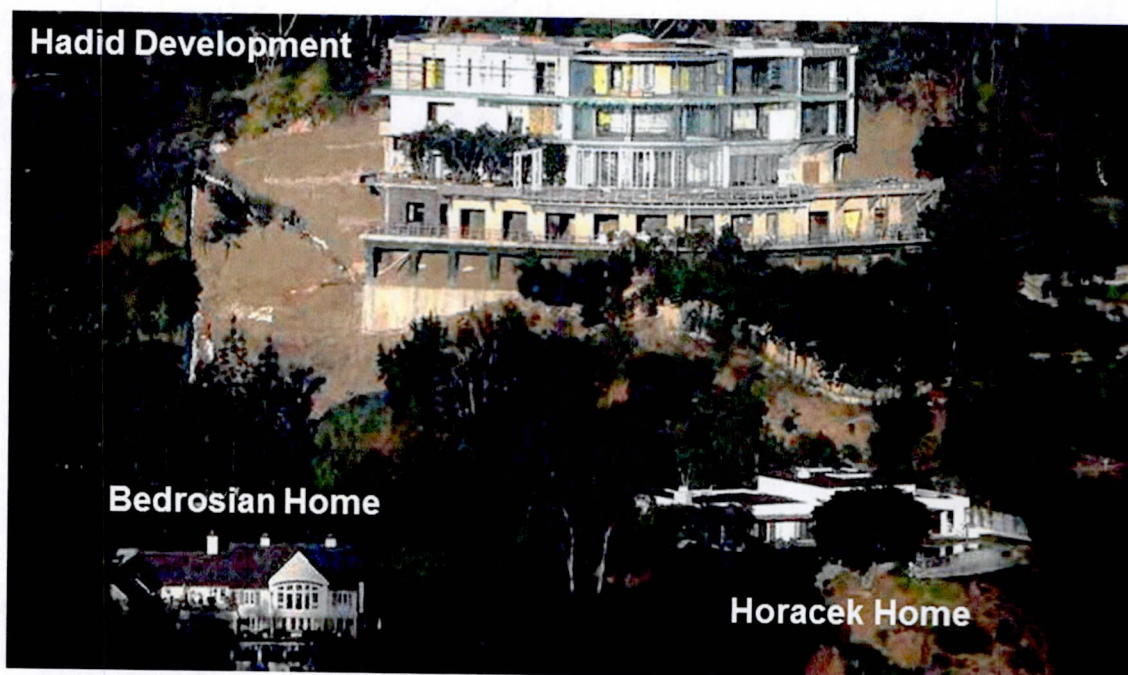
ORIGINAL

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OVERVIEW

1. Defendant Mohamed Hadid illegally carved thousands of cubic yards from a Bel Air hillside. Then he submitted plans to build a two story, code compliant home. However, instead of following those plans, he proceeded over a seven year period to construct a massive concrete structure, essentially a small hotel, without necessary permits, and in brazen defiance of numerous citations and Stop Work orders from the City of Los Angeles. This photo shows Hadid's development and plaintiffs' homes:



2. When Mr. Hadid was criminally prosecuted for the illegal construction, he pleaded no contest. The Sentencing Memorandum filed in the criminal Court on June 23, 2017, by the prosecutor from the office of the Los Angeles City Attorney summed up the situation Mr. Hadid and his co-defendants have created:

"The structure that Defendant HADID has built bears no resemblance to the plans for a 2-story plus basement, 14,000 square foot single family home he submitted to LADBS [LA Dept. of Building & Safety]. Instead, the disproportionate, over-height, 30,000+ square foot structure that he

1 has built on a hill he destabilized, without necessary engineering,
2 without required plans and without necessary inspections, towers over
3 an idyllic residential neighborhood. Instead of the two story single
4 family home, neighbors are faced with a 6 story, colossal structure built
5 without any oversight on a geologically destabilized hillside.

6 Despite four years of continuous regulatory scrutiny by the Los Angeles
7 Department of Building and Safety, and despite repeated orders to
8 'STOP WORK' or take some immediate remedial action to ensure the
9 safety of adjacent homes and neighbors, Defendant HADID continued in
10 defiance and pursued his blatantly illegal construction project."

11 (Sentencing Memorandum: Mohamed Hadid, p. 5-6, Exhibit 1
12 hereto)

13 3. Mr. Hadid received a sentence of 200 hours of community service,
14 monetary fines, and probation.

15 4. But the colossal structure remains atop the unstable hillside.
16 Plaintiffs, who live directly below, are in constant fear of the hillside collapsing.
17 Their home values are crippled, and their privacy and serenity are invaded by the
18 illegal and unsightly structure looming above them.
19

20 5. In September 2014, after Mr. Hadid had violated the first six of
21 eleven Stop Work orders issued by the City, the City revoked the building
22 permits Mr. Hadid had obtained. In April 2015, over three years ago, the City
23 ordered demolition of the illegal construction—which included *entire unpermitted*
24 *stories* of the structure, a 4,000 square foot two-level concrete deck, three large
25 retaining walls, a 9,000 square foot theatre, and a basement—all of which were
26 not authorized by permit or law. The demolition order was unsuccessfully
27 appealed by Hadid and has thus become final. However, the demolition has not
28 occurred, and the City has taken no action to enforce its demolition order.

1 Accordingly, plaintiffs prosecute this action to abate the nuisance that towers
2 over their homes, and to obtain redress for their losses. Plaintiffs seek a Judgment
3 that will:

- 4 • Order Defendants to pay an amount sufficient to remove the illegal
5 structure and restore the hillside to its condition that existed prior to
6 the illegal grading;
- 7 • Appoint a Receiver to take possession of the property and utilize the
8 abatement funds in order to direct the removal and restoration
9 work; and
- 10 • Award compensatory damages to compensate Plaintiffs for their
11 losses, as well as punitive damages against each of the Defendants.

12 Plaintiffs further seek issuance of a writ of mandate to command the City of
13 Los Angeles to enforce its existing demolition order and to abate the nuisance by
14 instituting the necessary actions to remove all unpermitted improvements on the
15 Hadid Property and restoring the hillside to the condition as existed before the
16 illegal grading and construction.

17 THE PARTIES

18 6. Plaintiffs and Petitioners John C. Bedrosian and Judith Bedrosian (the
19 **"Bedrosian Plaintiffs"**) have, at all relevant times, resided in their home located
20 at 10550 Rocca Place, Bel-Air, California 90077 (the **"Bedrosian Property"**), which
21 is downhill from the Hadid Property. The Bedrosian Plaintiffs hold fee title to
22 their home in a family trust, the John C. Bedrosian and Judith D. Bedrosian
23 Revocable Trust dated July 22, 1982.

24 7. Plaintiffs and Petitioners Beatriz Horacek and Joseph Horacek (the
25 **"Horacek Plaintiffs"**) have, at all relevant times, resided in their home located at
26 10510 Rocca Place, Bel-Air, California, 90077 (the **"Horacek Property"**), which is
27 downhill from the Hadid Property. The boundary of the Horacek Property
28 extends onto a portion of the hillside upon which the Hadid Development has

1 been built. The Horacek Plaintiffs hold fee title to their home in a family trust, the
2 Joseph Horacek, III Family Trust DTD 04/08/2013.

3 8. Defendant Mohamed Hadid ("**Mohamed Hadid**") is an individual
4 who has owned 901 Strada Vecchia Road, Los Angeles California 90077 (the
5 "**Hadid Property**") individually and through various limited liability companies,
6 since January 2011. Hadid resides in Los Angeles, California. Hadid has
7 overseen, directed, and is responsible for the construction activities and
8 improvements to the Hadid Property since 2011 (the "**Hadid Development**"). As
9 a matter of his regular business practice, Hadid establishes or causes to be
10 established single purpose limited liability companies, in order to shield himself
11 from personal liability relating to real estate developments.

12 9. Defendant James T. Zelloe ("**Zelloe**") is an attorney licensed to
13 practice in the State of Virginia and the District of Columbia who resides in
14 Virginia. Zelloe has spent more than 25 years working with Hadid and his real
15 estate development entity, the Hadid Design & Development Group. Zelloe
16 acted as a managing member of Defendant 901 Strada LLC from the date of its
17 formation through 2017, and, through 901 Strada LLC, has conducted business in
18 Southern California, including obtaining millions of dollars in financing for the
19 Hadid construction.

20 10. Defendant 901 Strada, LLC ("**901 Strada**") is a California limited
21 liability company organized to do business in Los Angeles County, California on
22 May 14, 2012. 901 Strada is identified on public documents as the current owner
23 of the Hadid Property. At all relevant times, 901 Strada has been controlled by
24 Mohamed Hadid. From the date of its formation through 2017, 901 Strada was
25 also managed by Zelloe. As the managing member of 901 Strada, Zelloe used 901
26 Strada as an instrumentality to carry out, facilitate and implement Mr. Hadid's
27 wishes relating to the Hadid Development.

28 11. Respondent the City of Los Angeles ("**City**"), is and at all times was a

1 charter city organized and existing pursuant to the Charter of the City of Los
2 Angeles and located in the County of Los Angeles, State of California. The City is
3 authorized and obligated, pursuant to California Health and Safety Code Section
4 17980(a) to institute appropriate actions to abate nuisances within its territory.

5 12. There is a unity of interest and ownership between 901 Strada,
6 Zelloe, and Mohamed Hadid such that any individuality and separateness
7 between Mohamed Hadid, 901 Strada and Zelloe has ceased to exist, and they
8 are the alter egos of each other and constitute a single enterprise, with each liable
9 for the acts and omissions of the other as alleged in this Complaint. Mohamed
10 Hadid treated the Hadid Property as his own and held it out as such to the
11 public. Recognition of the separate existence of 901 Strada from Mohamed Hadid
12 and Zelloe would promote injustice, perpetuate fraud and promote an inequitable
13 result in that Zelloe and Mohamed Hadid will not be held liable for their bad
14 faith in creating 901 Strada and utilizing it solely to insulate themselves from
15 liability.

16 13. At all relevant times, 901 Strada and Zelloe acted as the agents of
17 Mohamed Hadid with respect to all activities relating to the Hadid Development,
18 including interactions with the Los Angeles Department of Building and Safety
19 (**"LA Dept. of Building and Safety"**) and the Los Angeles Board of Building and
20 Safety Commissioners (**"LABBSC"**). Zelloe and Mohamed Hadid's contractors
21 and other individuals on site were "general agents" of Mohamed Hadid and 901
22 Strada whose agency was readily apparent. Mohamed Hadid authorized them to
23 act on his behalf in (i) constructing the Hadid Development; (ii) applying for
24 permits; (iii) interacting with LADBS; (iv) continuing work in disregard of LADBS
25 Orders to Comply and "Stop Work" directives; (v) performing acts to mislead the
26 public and conceal unpermitted work; (vi) disregarding legitimate safety
27 concerns of downhill neighbors; (vii) carrying out activities in violation of the
28 LAMC; and/or (viii) obtaining funding for the Hadid Development. Accordingly,

1 in the actions described below related to the Hadid Property and the Hadid
2 Development, defendants Mohamed Hadid, Zelloe, and 901 Strada are
3 **collectively referred to as "Hadid" or "Defendants"** unless expressly stated
4 otherwise.

5 14. This Court has jurisdiction over this action pursuant to Code of Civil
6 Procedure sections 410.10, 1060, 1085, and Article VI, Section 10 of the California
7 Constitution, which grants State Superior Courts "original jurisdiction in all
8 causes except those given by statute to other trial courts."

9 15. Venue is proper in the Superior Court of the County of Los Angeles
10 pursuant to Code of Civil Procedure section 392 and 393 because the Hadid
11 Property is located in Los Angeles County and the causes of action alleged herein
12 arose in Los Angeles County.

13 THE FACTS

14 **I. THE HADID PROPERTY**

15 16. The land that is now the Hadid Property was first developed in or
16 around 1952 as a three bedroom single-family home with a swimming pool. Over
17 the years, owners made improvements to the property but were discouraged
18 from any large scale development on the property due to the instability of the
19 hillside. In 1954, a large slope failure occurred, which was repaired with
20 compacted fill. Another slope failure occurred in 1962, with further repair
21 occurring with compacted fill. And yet another slope failure occurred in 1993,
22 following heavy winter rainfall. The 1993 slope failure was repaired by remedial
23 grading and drainage improvements, including a new garden retaining wall.

24 17. Plaintiffs' homes are downhill, directly below and to the west from
25 the Hadid Property, and are susceptible to landslides, mudslides, slope
26 disturbances, water runoff, and falling debris from the hillside above.

27 18. On or around January 24, 2011, Mohamed Hadid acquired the Hadid
28

1 Property from Geoffrey C. Lands. At that time, the Hadid Property was the site
2 of a three-bedroom, 3,297 sq. ft. Spanish contemporary home that was
3 approximately 15 feet tall. Mohamed Hadid purchased the property with the
4 intention of razing the existing residence, reshaping the hillside, and constructing
5 a mega-mansion that would fetch him a profit of tens of millions of dollars.

6 19. On February 4, 2011, less than two weeks after Mohamed Hadid
7 obtained the title to the property, LA Dept. Building & Safety issued Mohamed
8 Hadid a permit to backfill the existing swimming pool. Instead of backfilling the
9 swimming pool however, in or around February 2011, Hadid brought large earth
10 moving equipment to the property and oversaw large-scale unpermitted grading
11 operations that reshaped the hillside to a perilous condition. It was the beginning
12 of a seven-year saga in which Hadid consistently ignored and contravened the
13 City's permits, orders and instructions.

14 20. Since the January 2011 purchase, Mohamed Hadid and Zelloe have
15 transferred ownership of the Hadid Property between their corporate entities as
16 follows:

- 17 • May 4, 2011: Mohamed Hadid sells the property to Bel Air Highlands
18 LLC. California Secretary of State corporate records indicate Mohamed
19 Hadid was the sole managing member of Bel Air Highlands LLC.
- 20 • July 20, 2011: Bel Air Highlands LLC sells the property to SynTra WVA
21 LLC, a domestic limited liability company registered in Virginia.
22 Documents from the Commonwealth of Virginia State Corporation
23 Commission indicate that defendant Hadid was the sole manager of
24 SynTra WVA LLC delegated with the right and power to manage the
25 company's business and affairs. The same documents list defendant
26 Zelloe as the agent for service on behalf of SynTra WVA LLC.

- 1 • June 8, 2012: The property is sold by SynTra WVA LLC to 901 Strada
2 LLC, a California limited liability company. The deed was signed by
3 Zelloe as the managing member of 901 Strada LLC. California Secretary
4 of State corporate records list Zelloe as the sole member of 901 Strada
5 LLC. The Operating Agreement of the LLC lists Zelloe as the
6 “managing Member.”

7 **II. HADID BUILDS AN ILLEGAL PROJECT IN DISREGARD OF**
8 **MULTIPLE CITATIONS**

9
10 21. Between February 2011 and August 2015, the LA Dept. of Building &
11 Safety issued 11 citations (typically labeled “Order to Comply”) pertaining to the
12 Hadid Development, each one detailing violations of the Los Angeles Municipal
13 Code (“LAMC”). Many of these Orders to Comply, set forth in detail below,
14 required the cessation of “all work” at the Hadid Property, and contained a
15 “Penalty Warning” (which informs the violator that they may be subject to
16 monetary sanctions and/or misdemeanor charges).

17 22. Defendants’ ongoing disregard for the City’s Orders ultimately led
18 the Los Angeles City Attorney to file criminal charges against Mohamed Hadid,
19 901 Strada, and Zelloe in 2015. (*People v. James Zelloe, 901 Strada LLC, and*
20 *Mohamed Hadid*, Los Angeles Sup. Ct. No. 5PY03637)

21 1. **First Order to Comply: Illegal Demolition of a Single**
22 **Family Residence and Illegal Grading.**

23 23. In February 2011, the LA Dept. of Building & Safety determined that
24 Hadid began demolition work of the existing single family residence on the
25 Hadid Property without obtaining the necessary permits. On February 24, 2011,
26 the LA Dept. of Building & Safety issued an Order to Comply (“Order No. 1,”
27 Exhibit 2 hereto) instructing that Hadid **stop all work** being performed on the
28 Hadid Property without the required permits, including the demolition work.

1 The LA Dept. of Building & Safety also cited Hadid for grading without a permit
2 and he was ordered to obtain the required permits and approvals before
3 continuing. Order No. 1 also included a "penalty warning" informing Hadid
4 that his violations of the LAMC were misdemeanors punishable by a fine and/or
5 up to six (6) months of imprisonment.

6 24. Despite Order No. 1's mandate to stop all work, construction on the
7 Hadid Property continued unabated. The continued construction included illegal
8 grading operations, which disturbed Plaintiffs and the surrounding community,
9 construction of a new roadway, and construction of a new illegal building pad for
10 the Hadid Development that redistributed thousands of cubic yard of dirt around
11 the Hadid Property.

12 **2. Second Order to Comply: Illegal Grading, Road Cut,**
13 **and Unsupported Vertical Cut Work.**

14 25. Following an inspection of the site on March 8, 2011, Hadid was cited
15 again on March 9, 2011, for illegal grading, road cut, and unsupported vertical cut
16 work ("Order No. 2," Exhibit 3 hereto). Order No. 2, required Hadid to "[s]top all
17 work immediately upon receipt of this notice."

18 26. Hadid was further ordered to: (i) not commence or perform any
19 grading or export any earth material on the site without a permit; (ii) discontinue
20 the removal or destruction of vegetative ground cover; (iii) install temporary
21 erosion control devices on the site; (iv) submit soil and engineering geology
22 reports; (v) submit plans and calculations to obtain the required grading permits;
23 (vi) submit plans and specifications that show the present and proposed contours
24 of the land, location of grading, retaining walls, stability and safety; (vii) restore
25 the vegetative ground cover. Finally, all work at the Hadid Development was to
26 be discontinued until an inspection was requested and performed.

27 27. Hadid disregarded the stop work order and continued illegal
28 grading operations. Further, although Hadid subsequently submitted the

1 requested permit applications, building plans, and soils and geological reports,
2 the submissions misrepresented the conditions on the Hadid Property. The
3 submissions failed to account for the fact that Hadid had previously altered the
4 natural grade elevations of the Hadid Property to create the illusion of a valid
5 basis for permits authorizing construction of a structure in excess of the legally
6 permissible height restriction.

7 **3. Third Order to Comply: Illegal Grading, Failure to**
8 **Follow the Requirements of the Soils/Geological**
9 **Reports.**

10 28. On September 10, 2012, the LA Dept. of Building & Safety issued its
11 third citation when an inspection revealed that Hadid had failed to follow the
12 requirements of the soil/geologic reports by creating non-conforming vertical cuts
13 along the southern property line, which removed lateral support from adjacent
14 properties. ("Order No. 3," Exhibit 4 hereto.)¹

15 29. Hadid was ordered to: stop all work except work required to restore
16 lateral support to the adjacent property under the guidance of a soils/geotechnical
17 engineer of record, trim back all vertical cuts exceeding 5'0" to a grade not
18 exceeding 1:1, provide shoring to stabilize the unsupported excavation, and either
19 implement recommendations of the approved soils/geotechnical reports in the
20 approved plans or submit new plans.

21 **4. Fourth Order to Comply: Continued Illegal Work.**

22 30. On October 31, 2012, the LA Dept. of Building & Safety issued its
23 fourth citation for continued illegal work on the Hadid Property ("Order No. 4,"
24 Exhibit 5 hereto). Order No. 4 required cessation of all work except work
25

26
27 ¹ The Order was addressed to the Virginia-based entity SYNTRA WVA, LLC, which was the owner of
28 record of the Hadid Property during this period.

1 required to restore lateral support to the adjacent property to the south under the
2 guidance of a soils/geotechnical engineer of record, trim back all vertical cuts
3 exceeding 5'0" to a grade not exceeding 1:1, provide shoring to stabilize the
4 unsupported excavation along the south property line, either implement
5 recommendations of the approved soils/geotechnical reports in the approved
6 plans or submit new plans, submit erosion control plans and after their approval
7 install temporary erosion control devices in accordance with plans. Further,
8 Defendants were ordered not to resume work until inspections were requested
9 and performed.

10 31. Despite the "Stop Work" directive of Order No. 4, workers continued
11 to engage in prohibited building activities.

12 **5. Fifth Order to Comply: Creation of Unsafe Condition.**

13 32. After an inspection on March 11, 2014, revealed unsecured open
14 excavations, stock piling of spoils and retaining walls constructed of unapproved
15 materials on slopes, on March 19, 2014, the LA Dept. of Building & Safety issued
16 its fifth citation ("Order No. 5," Exhibit 6 hereto). By this time, Defendants'
17 unpermitted and illegal construction activities compromised the health and safety
18 of the adjacent property owners, including Plaintiffs. Order to Comply No. 5
19 states that the site condition observed by the LA Dept. of Building & Safety
20 investigators on March 11, 2014, *"affects the protection of life and limb in*
21 *addition to the safety and stability of adjacent properties and must be*
22 *corrected[.]"*

23 33. Order No. 5 required cessation of all further construction of
24 unapproved gravity type retaining walls, grading, stock piling of materials and
25 debris on the adjacent properties, except that work which is required to remove
26 materials and secure the area for safety and stability. Order No. 5 also required
27 Hadid to:
28

- Obtain the services of a registered land use surveyor to verify the current activities do not encroach on adjacent properties;
- Remove all gravity type retaining walls off all slopes and grade to a slope as recommended in department approval letter dated February 7, 2012;
- Remove all excess excavation spoils off slopes as to prevent runoff onto adjacent property; and
- Not to resume work until approval from the department is obtained through an inspection.

34. Despite the "stop work" order, unpermitted work continued at the Hadid Development. Following Order No. 5, more than 1,000 cubic yards of soil was exported from the hillside above Plaintiffs' properties, the natural descending slopes were disturbed by construction activities, and loose foundation soil was placed over the descending slopes, creating a landslide risk.

6. Sixth Order to Comply: Notice of Permit Revocation and Stop Work Order; Hadid Appeal Denied.

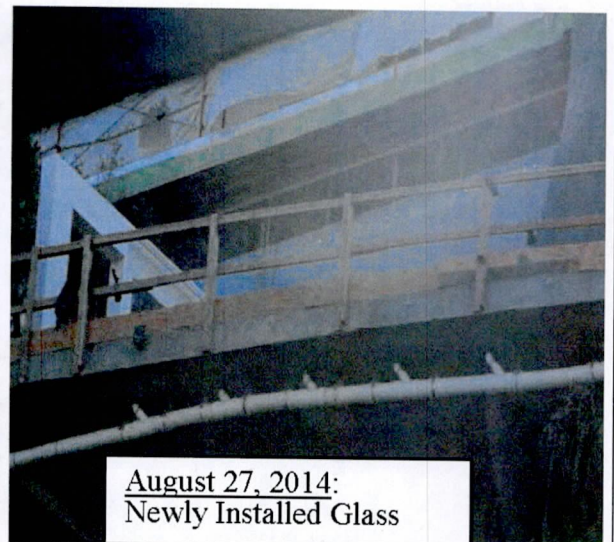
35. On July 14, 2014, the LA Dept. of Building & Safety sent its letter titled NOTICE TO STOP ALL CONSTRUCTION AND NOTICE OF INTENT TO REVOKE BUILDING PERMITS ("Revocation Letter," Exhibit 7 hereto). The Revocation Letter detailed in full the LA Dept. of Building & Safety's determination that "the permits were issued in error" because: (a) the height of the dwelling exceeds the height limit permitted under LAMC Section 12.21.1; (b) and the as-built construction does not reflect the approved construction as shown on the approved set of plans.

36. On July 15, 2014, the day after issuing the Revocation Letter, the LA Dept. of Building & Safety issued its sixth citation because inspection of the Hadid Development found discrepancies and inconsistencies at the site and in the plans submitted by Hadid. ("Order No. 6," Exhibit 8 hereto) For example,

1 according to the City, topography lines on the approved set of plans submitted by
2 Hadid did not match the City of Los Angeles' historical records; the pool deck
3 structure was constructed to physically connect to the single family dwelling but
4 the approved plans required a 10' separation between the structures; and two
5 unauthorized cantilevered decks were added to the pool deck structure.

6 37. Order No. required Defendants to "STOP ALL WORK," return to
7 plan check to verify as built conditions conform with the city approved plans, and
8 "[m]ake all work conform to the Code and the City approved plans or demolish
9 and remove any unapproved work as determined AFTER a full plan check
10 review of existing and current conditions." Prior to commencing any additional
11 work, Defendants were required to call for an inspection to verify compliance
12 with Order No. 6.

13 38. Unpermitted work continued on the Hadid Development after
14 issuance of the Sixth Order. The work — done behind tarps that were
15 strategically placed to conceal workers' activities from neighbors and inspectors
16 — included the operation of powered construction equipment inside and outside
17 the Hadid Development, the cutting of stone facade material for placement on
18 building exteriors, the installation of new windows and sliding glass doors, and
19 the placement of new rebar material.



1 **7. Revocation of All Building Permits.**

2 39. On September 9, 2014, the LA Dept. of Building & Safety **officially**
3 **revoked Defendants' permits** by delivery of a letter (Exhibit 9 hereto) titled
4 "REVOCATION OF BUILDING PERMIT NUMBERS 11010-10000-007788, 11020-
5 10000-01575, 11030-10000-01653, 11020-10000-00742, AND 11047-10000-00339 FOR
6 THE PROPERTY LOCATED AT 901 N. STRADA VECCHIA RD."

7 40. Hadid appealed the permit revocation to the LA Dept. of Building &
8 Safety, which appeal was denied on September 24, 2014. The permits have not
9 subsequently been reinstated.

10 **8. Seventh Order to Comply: Slope Failure, Creation of**
11 **Unstable Conditions.**

12 41. While Hadid was appealing revocation of the permits, the Hadid
13 Property suffered a slope failure on the northwest slope. The LA Dept. of
14 Building & Safety inspected the site on December 17, 2014, and the following day
15 issued its Order No. 7, (Exhibit 10 hereto) which concluded that the slope failure
16 **"affects the stability of yours and the adjacent properties and must be**
17 **corrected..."**.

18 42. Order No. 7 required Hadid to: (1) remove the retaining wall(s),
19 trees, and soil off the unstable slope; (2) submit a report by a soil engineer and
20 engineering geologist setting forth corrective measures to restore the site to its
21 original contours and elevations; (3) submit corrective grading plans; (4) obtain
22 the permits necessary to restore the site to a safe and stable condition; and (5)
23 diligently work to restore the site to a safe and stable condition.

24 **9. Eighth Order to Comply: Inadequate Erosion Control.**

25 43. On December 31, 2014, the LA Dept. of Building and Safety issued its
26 eighth citation due to Hadid's failure to adequately install temporary erosion
27 control devices ("Order No. 8," Exhibit 11 hereto). Pursuant to Order No. 8,
28 Hadid was required to submit updated erosion control plans and install the

1 temporary erosion control devices in accordance with the approved plan on or
2 before January 5, 2015.

3 44. Defendants did not comply with Order No. 8, and instead placed a
4 substantial number of sandbags along the slope apparently to limit the potential
5 impact of rain on the slope.

6 **10. Ninth Order to Comply: Extensive Unapproved**

7 **Construction "Affects the Protection of Life and Limb."**

8 45. On April 8, 2015, after an inspection two days earlier had revealed
9 that retaining walls of unapproved materials were constructed along the west
10 side of the property, the LA Dept. of Building & Safety issued its ninth citation
11 ("Order No. 9," Exhibit 12 hereto). Order No. 9 states that the unapproved
12 retaining walls created a condition on the property that **"affects the protection of**
13 **life and limb in addition to the safety and stability of adjacent properties and**
14 **must be corrected..."**

15 46. Order No. 9 required Defendants to: (1) stop work on all further
16 construction of unapproved gravity type retaining walls and not to resume work
17 until appropriate permits are obtained; and (2) submit copies of a Geological/Soils
18 report by a registered geotechnical engineer and engineering geologist to address
19 the unauthorized vertical cuts in the property, remove the unapproved retaining
20 walls, and restore the slopes.

21 **11. Tenth Order to Comply: Order to Demolish Unapproved**
22 **Construction.**

23 47. On April 8, 2015, the LA Dept. of Building & Safety issued a
24 supplemental Order to Comply ("Order No. 10," Exhibit 13 hereto) due to
25 Defendants' failure to comply with the prior Stop Work Orders and revocation of
26 permits.

27 48. Between July 2014 and April 2015, the Dept. of Building & Safety had
28 documented dozens of inspections of the property. Despite the City's

1 monitoring of the property, Hadid had continued to engage in illegal, ongoing
2 construction activities. As stated in Order No. 10, a Dept. of Building & Safety
3 inspection of the Hadid Property on April 6, 2015, identified the following
4 unapproved work performed after the revocation of all construction permits:

- 5 1. An approximately 50' x 20' concrete slab placed in the driveway.
- 6 2. Conduit and electrical wiring completed in kitchen area.
- 7 3. Heating and air ducting completed in kitchen area.
- 8 4. Ceiling and soffits in kitchen area.
- 9 5. Portion of ceiling finished in basement level at bottom of stairs.
- 10 6. Door installed on basement floor leading to room created in north corner of
11 building.
- 12 7. Steel stud partition in garage creating office and storage space.
- 13 8. Finish cabinetry installed in second floor family room at northwest corner
14 of building.

15 49. In addition to the illegal construction activities performed *after* the
16 LA Dept. of Building & Safety revoked Defendants' permits and Ordered
17 Defendants to stop work, Order No. 10 also identified the following
18 **"unapproved, unpermitted"** structures that had been constructed at the site:

- 19 1. Two levels of approximately 20' x 200' irregular shaped concrete decks
20 added below the pool deck structure;
- 21 2. An accessory pool deck connected to the main dwelling structure;
- 22 3. An entire story created below the basement level;
- 23 4. Two approximate 10' high x 40' linear feet and 10' high x 30' linear feet of
24 retaining walls at the north east side of property connected to the building.
- 25 5. Approximately 12' high x 40' linear foot retaining wall attached to the
26 building at southwest corner of the building which blocks access to the
27 required covered parking.
- 28 6. Approximately 75' x 125' irregular shaped basement addition at east of

1 building under the motor court for an unauthorized theater.

2 7. Approximately 8' x 25' two story addition added to first and second floor at
3 southwest corner of the building.

4 8. Approximately 23' x 14' basement addition to northeast corner of
5 basement.

6 9. Stairway at entry extended to roof level.

7 10. Stairway adjacent to elevator shaft extended to roof level.

8 50. Order No. 10 restated the "Stop All Work" order that had been
9 issued repeatedly in the past, required Hadid to "expose all work that was
10 covered without the required inspections and approvals," and to submit plans to
11 the City covering all of the unauthorized work. Hadid was ordered to comply
12 with the City's Orders by April 22, 2015.

13 51. Finally, Order No. 10 required Hadid to "**demolish and remove all**
14 **unauthorized, unapproved construction and restore the site to its approved**
15 **state**" unless proper permits were obtained within two weeks, i.e., by April 22,
16 2015.

17 52. Hadid filed administrative appeals of Orders to Comply Nos. 9 and
18 10 to the Los Angeles Board of Building and Safety Commissioners and sought an
19 extension of time to comply with the requirements of Order to Comply Nos. 9
20 and 10 in the event his appeal was rejected.

21 53. LABBSC unanimously rejected the appeal and denied, with
22 prejudice, the request for an extension of time to comply with two Orders to
23 Comply. According to LABBSC, an extension was not warranted because "**The**
24 **request does not meet the spirit and intent of the Code inasmuch as this is a**
25 **self-imposed hardship, due to the fact that all the work in question was done**
26 **outside the bounds of the permit and approved plans.**" (Board Decision, June
27 10, 2015, p. 2, Exhibit 16 hereto; boldface added.) Therefore, pursuant to Order
28 No. 10, Hadid was required to "demolish and remove all unauthorized,

unapproved construction and restore the site to its approved state.”

12. Eleventh Order to Comply: Inadequate Erosion Control.

54. After an August 18, 2015 inspection of the site revealed that Hadid had failed to install temporary erosion control devices on the property, the following day the LA Dept. of Building & Safety issued its eleventh citation (“Order No. 11,” Exhibit 14 hereto). Order No. 11 required Hadid to submit erosion control plans to the appropriate departments and to install the temporary erosion control devices in accordance with the plans.

55. Defendants did not comply with Order No. 11.

III. THE CRIMINAL SENTENCE AGAINST HADID

56. After eleven Orders to Comply, the City filed criminal charges. Exhibit 15 hereto is the Amended Misdemeanor Complaint filed on December 9, 2015 by the City Attorney against Defendants Mohamed Hadid, 901 Strada LLC, and James Zelloe based on the unpermitted, illegal construction of the Hadid Development undertaken in violation of the Municipal Code and in disregard for the Orders issued by the LA Dept. of Building & Safety.

57. Mohamed Hadid entered a plea of *nolo contendere* to all three criminal counts charged in the Amended Misdemeanor Complaint. As part of the plea negotiations, the City Attorney agreed to dismiss Zelloe and 901 Strada, the latter because the City Attorney concluded that 901 Strada was merely an alter ego for Hadid, and the former due to an agreement to recognize Mohamed Hadid as the sole managing member of 901 Strada at the time of the plea negotiations.

58. The prosecutor’s Sentencing Memorandum submitted to the criminal Court on May 30, 2017 by the prosecutor summarized the impact of Hadid’s illegal construction “. . . the disproportionate, over-height, 30,000+ square foot

1 structure that he has built on a hill he destabilized, without necessary
2 engineering, without required plans and without necessary inspections, towers
3 over an idyllic residential neighborhood.” (Exhibit 1 hereto, p. 5-6.)

4 59. On July 20, 2017, the Criminal Court held a Probation and Sentencing
5 Hearing for Mohamed Hadid after which the Court issued a sentence imposing
6 200 hours of community service, monetary fines, and probation on Mr. Hadid.
7 Despite the criminal conviction, terms of his probation, and lack of valid permits,
8 Hadid and his agents and/or employees have continued efforts to construct and
9 complete the Hadid Development, without regard for Plaintiffs’ safety.

10 60. On October 12, 2017, Plaintiffs observed workers at the northeast
11 portion of the hillside of the Hadid Property, and notified the LA Dept. of
12 Building & Safety of work.

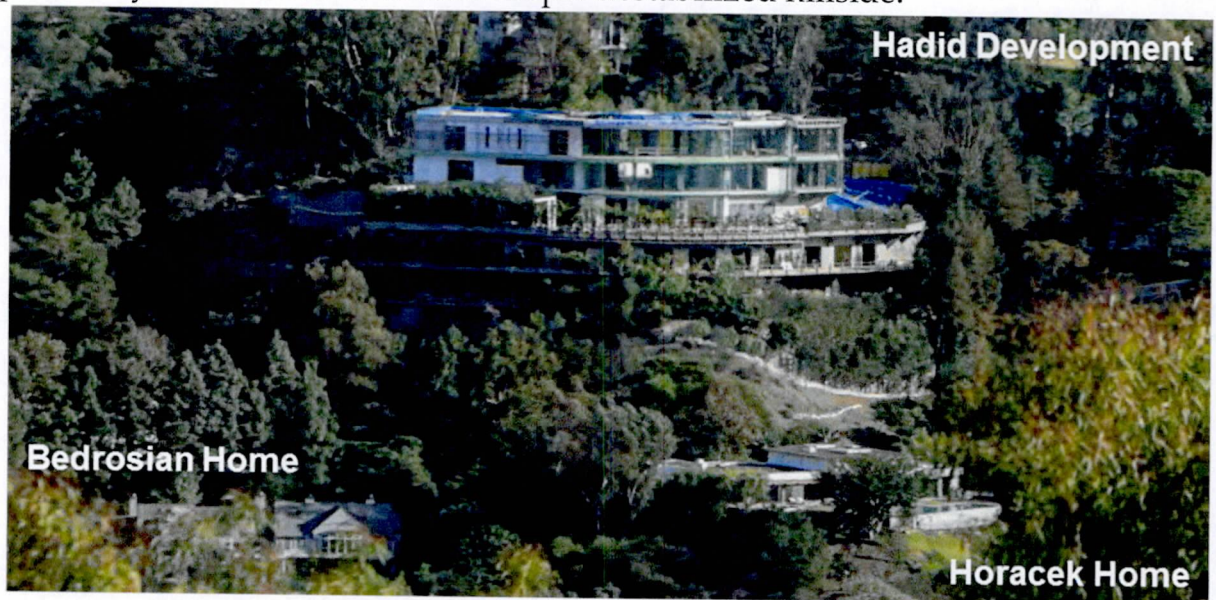


1 61. On October 25, 2017, Plaintiffs informed the LA Dept. of Building &
2 Safety that they had observed people working inside of the Hadid Development
3 immediately above the Horacek Plaintiffs' house, and that loud noises from
4 power tools were audible in addition to sounds that suggested rebar was being
5 installed therein.

6 62. On October 27, 2017, Plaintiffs observed Mohamed Hadid at the
7 Hadid Development, as well as heavy equipment.

8 63. On February 21, 2018, Plaintiffs' attorneys met with representatives
9 from the City Attorney's office and requested that the City Attorney take steps to
10 cause demolition of the illegal development to abate the nuisance. The City
11 Attorney has refused to act to cause demolition of the illegal development to
12 protect the Plaintiffs' property.

13 64. Today, despite the criminal ruling, and the affirmance of the LA
14 Dept. of Building & Safety's permit revocation, the Hadid Development remains
15 in the same over-height, beyond-code, illegal form that prompted the permit
16 revocation and criminal proceedings. The Hadid Development continues to loom
17 perilously over Plaintiffs' homes atop a destabilized hillside.



1 **FIRST CAUSE OF ACTION**

2 **(Private Nuisance Against Defendants Mohamed Hadid, 901 Strada, LLC,**
3 **and Zelloe)**

4 65. Plaintiffs reallege and incorporate by reference each and every
5 allegation contained in paragraphs 1 through 64 of this Complaint as if set forth
6 in full herein.

7 66. Defendants have substantially interfered with Plaintiffs' use and
8 enjoyment of their homes by erecting, maintaining, and refusing to demolish the
9 massive, over-height, illegal, and offensive Hadid Development.

10 67. Defendants' construction of the Hadid Development and
11 destabilization of the Hadid Property, have created a nuisance in violation of
12 Sections 3479 and 3481 of the California Civil Code.

13 68. Defendants, through their bad acts, created conditions that are
14 harmful to Plaintiffs' health, indecent and offensive to the senses, obstruct the free
15 use of Plaintiffs' property, and subject Plaintiffs to unreasonable dangerous
16 conditions. Examples of such conditions include:

17 (a) The Hadid Development was erected on the west-facing slope
18 of the east wall of Stone Canyon, which is on the southern flank of
19 the Santa Monica Mountains. Slope gradients there vary from nearly
20 horizontal at the top building pad to a slope ratio of nearly 1:1 on the
21 descending slope directly above Plaintiffs' respective homes. The
22 area is a seismically active region subject to moderate-to-strong
23 ground shaking by an earthquake. In addition to ground shaking,
24 potential hazards from earthquakes in the vicinity of the Hadid
25 Property include fault rupture and structural tilting/shifting, also
26 known as seismically-induced settlement. Defendants' construction
27 of the Hadid Development on the west-facing slope creates an unsafe
28 condition on the slope directly above Plaintiffs' respective properties.

1 Each of the Defendants is aware of these facts and was aware of these
2 facts at all relevant times during construction of the Hadid
3 Development.

4 (b) Prior to Hadid's acquisition, the property only experienced
5 three documented slope failures in the previous 57 years. Since
6 Hadid's acquisition and construction, there have been multiple and
7 much more frequent slope failures.

8 (c) The Hadid Construction increased the amount of artificial fill
9 soil present at the property. Artificial fill soil was added: (1) because
10 of shifting soils and insufficient soil density to support structures
11 erected at the property, (2) to create a building pad designed to
12 deceive the LA Dept. of Building & Safety inspectors, and (3) to
13 address previous slope failures. The use of artificial fill soil is not
14 sufficient to support and stabilize the hillside directly above
15 Plaintiffs' respective properties.

16 (d) In March 2014 due to Defendants dumping soil over the
17 descending slope during construction instead of collecting and
18 transporting the excavated soil offsite, the loose, uncompacted fill
19 soil became saturated from heavy rains, and flowed down onto
20 Plaintiffs' respective properties.

21 (e) The slope of the Hadid Property failed again on April 23, 2014,
22 causing a landslide, which resulted in excessive debris piling onto
23 the Horacek Plaintiffs' driveway. Following the April 2014 slope
24 failure, the LA Dept. of Building & Safety mandated placement of
25 plastic sheeting and sandbags on the slope while a permanent slope
26 stability solution was developed. Now, four years later, Defendants
27 have still not developed a reasonable or effective slope stability
28 solution.

(f) On or about December 1, 2014, Hadid installed, or caused to be installed, "open drains" on the property, which led drainage to flow down the hillside further eroding and destabilizing the hillside. These open drains resulted in another mudslide on December 17, 2014 that partially blocked the Horacek Plaintiffs' driveway access. Despite the December 17, 2014 landslide, drainage pipes from the Hadid Property continued to release drainage onto Rocca Place on and after December 22, 2017.

69. Plaintiffs have had, and whenever they are home, continue to have, distress and restless nights as a result of the Hadid Development, which Plaintiffs fear will come toppling down onto their land and their persons at any time due to the destabilized hillside. This fear of impending doom, bodily harm, and potential death has even caused the Horacek Plaintiffs, who live closer to the Hadid Development than the Bedrosian Plaintiffs, to move from their home during the rainy season, when mudslides are most probable.

70. The Hadid Development is approximately seventy (70) feet in height and 30,000 square feet, even though the LAMC only permits a maximum height of 30 feet and a maximum floor area of approximately 14,000 square feet if Defendants are able to avail themselves of one of the residential floor area bonuses allowed by the LAMC. In addition to the natural slope destabilization issues based on the inherent location of the property, by erecting the Hadid Development far in excess of the maximum height and square footage allowable under the LAMC Defendants have caused unnatural stress on and compromised the slopes above Plaintiffs' homes.

71. The Hadid Development was surreptitiously built to include three stories underneath the two stories approved by the LA Dept. of Building & Safety (depicted below), as well as a huge unpermitted IMAX theater concealed behind a hidden door, all without appropriate geologic studies or structural engineering

1 evaluations. The result of this unauthorized, excessive construction has been
2 increased weight and further destabilization of the hillside above Plaintiffs'
3 homes.



18 72. Hadid and his agents and employees have, without approval or
19 permits from the LA Dept. of Building & Safety, constructed multiple massive
20 retaining walls on the Hadid Property in excess of the maximum two walls
21 allowed by the LAMC. Further, at least one of the walls illegally crosses
22 property lines and exceeds the maximum height permitted under the LAMC.
23 The construction of these additional massive walls has increased pressure on
24 and further destabilized the hillside above their homes.

25 73. The Hadid Development impairs the tranquility of its hillside
26 environs, which attracted Plaintiffs to purchase their homes in the first place.
27 Plaintiffs, the media, and members of the community have all expressed public
28

1 discontent with the appearance of the Hadid Development, which looks more like
2 a distasteful, fictional spaceship than a home.

3 74. Defendants' construction activities have also been greatly offensive
4 to the Plaintiffs inasmuch as they have (i) included obnoxiously loud work at
5 early and late hours and on weekends, within unpermitted time frames; (ii)
6 involved illegal drainage activities and insufficient erosion control, that causes
7 debris to flow onto neighboring realty; (iii) destabilized a hillside that partially
8 underlies the Horacek Plaintiffs' property, thereby forcing the Horacek Plaintiffs
9 to incur repair costs that would not have otherwise been incurred; (iv) used
10 mercilessly bright construction lights at late hours, which have shined onto and
11 into Plaintiffs' respective homes when they have attempted to rest or sleep; and
12 (v) led Defendants to erect shoddy fencing and pepper the hillside with unsightly
13 sandbags in an apparent attempt to minimize their liability for a full-scale slope
14 failure that could cause the Hadid Development to topple onto Plaintiffs'
15 properties.

16 75. Further, by their actions detailed above, Defendants have flouted the
17 rules and laws by which everyone in Los Angeles must comply, causing further
18 offense to Plaintiffs and all other members of the public who have complied and
19 do comply with such rules, regulations, and laws.

20 76. The Hadid Development fits squarely within the definitions of
21 "nuisance" and "hazardous building," as those terms are defined by section
22 91.8902 of the LAMC, which declares a "nuisance" to include "[a]ny premises,
23 building, structure or portion thereof containing numerous code violations or one
24 or more imminent life hazards."² Further, if the Hadid Development is not
25 removed it will remain a continuing nuisance that substantially interferes with
26

27 ² Section 91.8902 defines "hazardous building" to include, among other things, any "building, structure, or
28 portion thereof which has any or all of the hereinafter described defects: . . . [w]henver a building or
structure has become a nuisance."

1 Plaintiffs' use and enjoyment of their respective properties.

2 77. Plaintiffs are no longer able to peaceably enjoy their property and,
3 because of the Hadid Development, Plaintiffs' homes have been significantly
4 devalued. The construction of the Hadid Development has also caused Plaintiffs
5 to incur significant costs, both monetarily and time-wise, as they have retained
6 geologists, attorneys, civil engineers, real estate professionals, and other
7 consultants, and spent countless hours documenting each successive abusive,
8 non-compliant construction practice at the Hadid Property and then bringing
9 each violation to the attention of the LA Dept. of Building & Safety and other City
10 officials.

11 78. Defendants' conduct in establishing a private nuisance is the result of
12 intentional, reckless, negligent, and/or ultra-hazardous activities undertaken by
13 Defendants in conscious disregard for the rights and safety of Plaintiffs. Unless
14 restrained and enjoined by this Court, and unless the nuisance is abated,
15 Defendants will continue to unfairly and unjustly disturb Plaintiffs' quiet and
16 beneficial use, possession, and enjoyment of their homes and properties.

17 79. Through this First Cause of Action for Private Nuisance, Plaintiffs
18 seek a money judgment in an amount sufficient to fund the complete removal of
19 all improvements on the Hadid Property and a full restoration of the hillside to its
20 January 2011 condition. Plaintiffs also seek the appointment of a receiver to
21 oversee the work necessary to abate the nuisance.

22 80. In addition to funding the abatement costs and appointment of a
23 Receiver, Plaintiffs seek compensatory damages in an amount to be proven at
24 trial for annoyance and discomfort resulting from the nuisance, devaluation of
25 their homes from the period of time that the nuisance was constructed until it is
26 abated, and all costs incurred by Plaintiffs as a direct result of the nuisance.

27 81. In creating this nuisance, Defendants are guilty of oppression, fraud,
28 and malice, warranting an award of punitive damages under California Civil

1 Code Section 3294 by, among other things, (i) misrepresenting the legal status of
2 the property in soils and geology reports in order to obtain the construction
3 permits authorizing certain initial construction activities; (ii) submitting false
4 plans and permit applications for a two-story dwelling with appropriate square
5 footage, when in fact Defendants had or were aware of a second true set of plans
6 to construct a massive, unpermitted five-story dwelling with the largest in-
7 dwelling IMAX theater in the world; and (iii) engaging in deceptive tactics to
8 conceal illegal and unpermitted construction at the Hadid Development from the
9 LA Dept. of Building & Safety inspectors and the public through the use of tarps,
10 plants, and secret walls. Defendants also engaged in oppressive and despicable
11 conduct by ignoring 11 LA Dept. of Building & Safety Orders to Comply, a permit
12 revocation, the restrictions of the LAMC, LAZC, LABC, and appropriate Hillside
13 Ordinance, and repeated requests to have geologists confer and enact a slope
14 stabilization plan that would protect Plaintiffs.

15 **SECOND CAUSE OF ACTION**

16 **(Public Nuisance Against Defendants Hadid, 901 Strada LLC and James** 17 **Zelloe)**

18 82. Plaintiffs reallege and incorporate by reference each and every
19 allegation contained in paragraphs 1 through 81 of this Complaint as if set forth
20 in full herein.

21 83. The Hadid Development, and Defendants' construction of the Hadid
22 Development, have created a public nuisance as defined by Section 3480 of the
23 California Civil Code.

24 84. Because the Hadid Development contains numerous code violations
25 and imminent life hazards, it is a Nuisance as that term is defined by section
26 91.8902 of the LAMC.

27 85. The Hadid Development also satisfies the definition of "hazardous
28

1 building," set forth in section 91.8902 of the LAMC, which includes any structure
2 which (i) is, or has at least some component that is, "manifestly unsafe for the
3 purpose for which it is used"; (ii) "has been constructed, or which now exists or is
4 maintained in violation of any specific requirements or prohibition applicable to
5 such building or structure . . . of the building regulations of this city . . . or of any
6 law or ordinance of this state or city relating to the condition, location, or
7 structure of buildings"; and/or (iii) is or has "become a nuisance."

8 86. By building the Hadid Development to a height that is more than
9 double the maximum permissible 30 ft. height under the LAMC, and constructing
10 it with such a large footprint in excess of 30,000 square feet, Defendants have
11 created a condition that causes immense unnatural pressure on the ground below
12 the structure. This compromises the hillside, threatening the health and safety of
13 all residents who live downhill from the Hadid Development, as well as all
14 persons who travel on roads downhill from the Hadid Development.

15 87. On May 25, 2017, the Bel-Air Association, a California Nonprofit
16 Mutual Benefit Corporation that represents and is constituted by owners and
17 renters of real property situated in the Bel-Air neighborhood of Los Angeles,
18 California, concluded that:

19 "...Mr. Hadid has shown zero concern for his neighbors, our
20 community... [he] illegally graded the subject site for years . . .
21 construct[ed] an illegal retaining wall . . . undermin[ed] the stability
22 of an entire hillside and plac[ed] those living or traveling in that area
23 directly into harm's way. . . . His actions have placed an entire Bel-
24 Air community into harms-way, while costing Los Angeles tax
25 payers millions, and devaluing the property of all those around him.
26 . . ."

27 88. On June 23, 2017, the Los Angeles City Attorney submitted more
28 than 60 letters and emails from Los Angeles residents and Bel Air community
members expressing their opinion that the Hadid Development is indecent and

1 offensive to the senses and has substantially interfered with their comfortable use
2 and enjoyment of their respective properties and community.

3 89. Unless restrained and enjoined by this Court, and unless the public
4 nuisance that Defendants created by destabilizing the hillside on the Hadid
5 Property and erecting the massive, distasteful Hadid Development is abated,
6 Defendants' activities will continue to cause damage or annoyance to Plaintiffs,
7 the Bel-Air community, and other members of the public.

8 90. Through this Second Cause of Action for Public Nuisance, to prevent
9 further damages and irreparable injury to Plaintiffs and the community, Plaintiffs
10 seek a monetary judgment in an amount sufficient to fund the abatement of the
11 nuisance and the appointment of a Receiver to oversee the work necessary to
12 abate the nuisance.

13 91. In addition to funding the abatement costs and appointment of a
14 Receiver, Plaintiffs seek compensatory damages in an amount to be proven at
15 trial for annoyance and discomfort resulting from the nuisance, devaluation of
16 their homes from the period of time that the nuisance was constructed until it is
17 abated, and all costs incurred by Plaintiffs as a direct result of the nuisance.

18 92. In creating this nuisance, each Defendant acted with oppression,
19 fraud, and/or malice, warranting an award of punitive damages under California
20 Civil Code Section 3294. Each Defendant: (i) intentionally and fraudulently
21 misrepresented the legal status of the Property in soils and geology reports in
22 order to obtain the construction permits authorizing certain initial construction
23 activities; (ii) misleadingly submitted plans and permit applications to the City
24 for the approval of a two-story dwelling with dimensions and square footage that
25 would be considered reasonable under the applicable regulations, when in fact
26 Defendants had a second set of plans, concealed from the City, which Defendants
27 intended to use to construct a massive, unpermitted five-story dwelling with the
28 largest in-dwelling IMAX theater in the world; (iii) intentionally engaged in

1 deceptive tactics to conceal illegal and unpermitted construction at the Hadid
2 Development from the LA Dept. of Building & Safety inspectors and the public
3 through the use of tarps, plants, and secret walls. Defendants also engaged in
4 oppressive and despicable conduct by ignoring 11 LA Dept. of Building & Safety
5 Orders to Comply, a Permit Revocation, the restrictions of the LAMC, LAZC,
6 LABC, and appropriate Hillside Ordinance, and repeated requests to have
7 geologists confer and enact a slope stabilization plan that would protect Plaintiffs.

8 **THIRD CAUSE OF ACTION**

9 **(Violation of Civil Code: Deprivation of Lateral Support Against** 10 **Defendants Mohamed Hadid, 901 Strada LLC and James Zelloe)**

11 93. Plaintiffs reallege and incorporate by reference each and every
12 allegation contained in paragraphs 1 through 92 of this Complaint as if set forth
13 in full herein.

14 94. Under the common law and California Civil Code section 832, every
15 landowner has the right to the lateral and subjacent support which their land
16 receives from the adjoining land. Moreover, pursuant to Civil Code section 1708,
17 "every person is bound, without contract, to abstain from injuring the person or
18 property of another or infringing upon any of his or her rights."

19 95. In constructing the Hadid Development, Defendants failed to use
20 ordinary care and skill required to sustain Plaintiffs' adjoining land and failed to
21 take reasonable precautions to ensure that no damages would be done to
22 Plaintiffs' properties. Defendants' construction of the Hadid development has
23 deprived Plaintiffs' properties of the necessary lateral and subjacent support to
24 sustain Plaintiffs' properties.

25 96. The LA Dept. of Building & Safety issued 11 Orders to Comply with
26 the LAMC and its previous directives and even revoked the permits for the
27 Hadid Development, but Defendants persisted with their unapproved and
28 unlawful activities including unlawful excavations. These unlawful excavations

1 included excavations contrary to the approved soils and geological expert reports.

2 97. Defendants' intentional conduct has proximately caused Plaintiffs to
3 suffer damages in an amount believed to exceed the jurisdictional minimum of
4 this Court, and which Plaintiffs intend to prove at trial. Such damages include,
5 but are not limited to, diminution in the value of Plaintiffs' properties, and costs
6 to remove soil and debris encroaching onto Plaintiffs' properties.

7 98. In violating provisions of the Civil Code and the LA Dept. of
8 Building & Safety Orders, Defendants were aware of probable harm to Plaintiffs
9 that would result from those violations, and nevertheless acted willfully and with
10 full knowledge of the consequences of their actions and of the likely harm
11 Plaintiffs would suffer, failing to take reasonable steps to avoid or even mitigate
12 such harm.

13 99. In wrongfully depriving Plaintiffs' properties of their lateral and
14 subjacent support, each Defendant acted with oppression, fraud, and/or malice,
15 warranting an award of punitive damages under California Civil Code Section
16 3294.

17 **FOURTH CAUSE OF ACTION**

18 **(Violation of Los Angeles Municipal Code Against Defendants Mohamed**
19 **Hadid, 901 Strada and James Zelloe)**

20 100. Plaintiffs reallege and incorporate by reference each and every
21 allegation contained in paragraphs 1 through 99 of this Complaint as if set forth
22 in full herein.

23 101. Pursuant to Section 36900(a) of the California Government Code,
24 violations of the LAMC may be redressed by civil action.

25 102. Additionally, common law in California authorizes any private
26 person who suffers identifiable harm by reason of a violation of a municipal
27 zoning law to file a civil action against the responsible parties and to pursue
28 compensatory damages and injunctive relief.

1 103. In building a residential structure upon a hillside in Bel Air,
2 California, located in the County of Los Angeles, Defendants were obligated to
3 comply with the LAMC and were similarly subject to all orders and directives
4 from the LA Dept. of Building & Safety concerning the LAMC.

5 104. Since acquiring the Hadid Property in January 2011, Defendants
6 violated the following numerous sections of the LAMC, including but not limited
7 to:

- 8 • LAMC § 12.01 C.10(f)'s limits of the total amount of grading permissible
9 on a property.
- 10 • LAMC § 12.21 C.8's prohibition of the construction and maintenance of
11 more than two vertical or approximately vertical retaining walls on a
12 property.
- 13 • LAMC § 12.21.1's limitation of the maximum height of buildings.
- 14 • LAMC § 91.103.1's prohibition of construction not in compliance with
15 the LAMC.
- 16 • LAMC § 91.103.3's requirement of compliance with orders issued
17 pursuant to any provision of the LAMC.
- 18 • LAMC § 91.103.4's prohibition of the communication of false statements
19 to the LA Dept. of Building & Safety.
- 20 • LAMC § 91.106.1.1's prohibition of construction and demolition without
21 a valid permit.
- 22 • LAMC § 91.106.3.2.6's prohibition of deviations from the LA Dept. of
23 Building & Safety's specific plan approvals.
- 24 • LAMC § 91.108.4's prohibition of work done beyond the point indicated
25 in each successive inspection.
- 26 • LAMC § 91.3307.1's mandate of the protection of adjoining property
27
- 28 • LAMC § 91.3307.1's mandate of the protection of adjoining property

1 from damage from construction and excavation activity.

- 2
- 3 • LAMC § 91.7005.3's prohibition of the removal of vegetative ground
- 4 cover on a hillside without a permit.
- 5 • LAMC § 91.7006.7.5's requirements of haul route approval for the
- 6 import and export of more than one thousand (1,000) cubic yards of soil.
- 7 • LAMC § 91.7007's prohibition of excavation that causes rocks, soil, or
- 8 debris to enter onto adjoining property.
- 9 • LAMC § 91.7010.2's prohibition of excavation on slopes greater than
- 10 50%.
- 11 • LAMC § 91.8105's mandate that all structures or portions of structures
- 12 constructed without a permit either be made to conform to the LAMC or
- 13 be demolished.
- 14 • LAMC § 96.02's prohibition of work without a permit that disturbs the
- 15 public.
- 16

17 105. Plaintiffs, as residents of Los Angeles and owners of real property
18 located directly downhill and adjacent to the Hadid Property are members of the
19 community for whose particular welfare the aforementioned sections of the
20 LAMC were enacted and are intended to protect.

21 106. LA Dept. of Building & Safety issued 11 Orders to Comply with the
22 LAMC and its previous directives and even revoked the permits for the Hadid
23 Property, but Defendants persisted with their unapproved and unlawful
24 activities.

25 107. Defendants' violations of the LAMC and related LA Dept. of
26 Building & Safety Orders have proximately caused Plaintiffs to suffer damages in
27 an amount believed to exceed the jurisdictional minimum of this Court, and
28 which Plaintiffs intend to prove at trial. Such damages include, but are not

1 limited to, expenses Plaintiffs incurred (including legal fees) in trying to abate the
2 nuisance caused by the Hadid Development and to avoid its danger, as well as
3 diminution in the value of Plaintiffs' properties.

4 108. Plaintiffs are informed and believe, and based thereon allege, that in
5 violating provisions of the LAMC and related LA Dept. of Building & Safety
6 Orders to Comply and Permit Revocation, each of the Defendants acted with a
7 willful disregard of the rights and safety of Plaintiffs and with oppression, fraud,
8 and/or malice, warranting an award of punitive damages under California Civil
9 Code Section 3294.

10 **FIFTH CAUSE OF ACTION**

11 **(Injunctive Relief Against Defendants Mohamed Hadid, 901 Strada LLC** 12 **and Zelloe)**

13 109. Plaintiffs reallege and incorporate by reference each and every
14 allegation contained in paragraphs 1 through 108 of this Complaint as if set forth
15 in full herein.

16 110. Plaintiffs request injunctive relief whereby the Court would:

- 17 • Compel Defendants to fund the complete removal of all
18 improvements on the Hadid Property and the full restoration
19 of the hillside on the Hadid Property to its January 2011
20 conditions; and
- 21 • Appoint a Receiver, pursuant to California Code of Civil
22 Procedure section 564, to receive the abatement funds and take
23 possession of the Hadid Property in order to direct and
24 oversee the removal and restoration of the Hadid Property to
25 abate the nuisance caused by the Hadid Construction.

26 111. There is precedent for Plaintiffs' request for the Court to appoint a
27 Receiver to bring the property into compliance with the LAMC, LACA, LABC,
28 Orders to comply, and California Civil Code. *See City of Crescent City v. Reddy*, 9

1 Cal.App.5th 458, 465–66 (2017); *City of Santa Monica v. Gonzalez* 43 Cal.4th 905,
2 919-920 (2008); *City & County of San Francisco v. Daley*, 16 Cal.App.4th 734 (1993).

3 **SIXTH CAUSE OF ACTION**

4 **(For Issuance of an Alternative Writ of Mandate –**
5 **Code of Civil Procedure §1085 Against Respondent City of Los Angeles)**

6 112. Petitioners reallege and incorporate by reference each and every
7 allegation contained in paragraphs 1 through 111 of this Complaint.

8 113. On April 8, 2015, the LA Dept. of Building & Safety issued two
9 Orders to Comply:

- 10 • Order No. 9 (Exhibit 12 hereto), declaring that the illegal retaining
11 walls and construction on the slope at the Hadid project “affects the
12 protection of life and limb,” and
13 • Order No. 10 (Exhibit 13 hereto), labelled a “Supplemental” Order,
14 which stated that if no permits or approvals were obtained by April
15 22, 2015, for the unauthorized structures, Hadid must “**demolish and**
16 **remove all unauthorized, unapproved construction and restore the**
17 **site to its approved state.**”

18 114. Hadid appealed both of the above Orders to the Los Angeles Board
19 of Building and Safety Commissioners, and also sought a two year extension of
20 time in order to attempt to obtain after-the-fact permits for the development. In
21 its ruling issued on June 10, 2015, the Board rejected the appeal, “with prejudice,”
22 finding that the LA Dept. of Building & Safety “DID NOT ERR OR ABUSE ITS
23 DISCRETION” in issuing the two Orders. Further, the Board also denied Hadid’s
24 request for a two year time extension and adopted the following Finding with
25 respect to Hadid’s request:

26 “The request does not meet the spirit and intent of the Code
27 inasmuch as this is a self-imposed hardship, due to the fact that all of
28 the work in question was done outside the bounds of the permit and

1 approved plans.” (Board Decision, June 12, 2015, p. 2; Exhibit 16
2 hereto.)

3 115. The Orders declaring that the Hadid Development poses a safety
4 risk and requiring demolition are final. None of the Orders referenced herein are
5 subject to any further administrative appeal, nor, due to the passage of time, are
6 they subject to legal challenge. The Hadid Property, and all buildings
7 constructed or maintained by Defendants on the Hadid Property, constitute a
8 nuisance. The improvements on the Hadid Property were constructed and
9 maintained in violation of the City of Los Angeles Zoning Code, Municipal Code
10 and Building Code; additionally, the hillside and grading of the property has
11 been altered in a way that is a threat to, and substantially endangers, the health
12 and safety of Plaintiffs and the public.

13 116. The City has not taken action to enforce its Order requiring
14 demolition of the illegal structures or restoration of the hillside. As an
15 enforcement agency, the City and its Department of Building and Safety are
16 required to institute appropriate actions or proceedings to abate nuisances caused
17 by buildings constructed or maintained, or upon the lot on which the buildings
18 are situated, in the City of Los Angeles. California Health and Safety Code
19 section 17980(a) provides:

20
21 “If a building is constructed, altered, converted, or maintained in
22 violation of any provision of, or in violation of any order or notice
23 that gives a reasonable time to correct that violation issued by an
24 enforcement agency pursuant to this part, the building standards
25 published in the California Building Standards Code, or other rules
26 and regulations adopted pursuant to this part, or if a nuisance exists
27 in a building or upon the lot on which it is situated, *the enforcement*
28 *agency shall*, after 30 days’ notice to abate the nuisance or violation .

1 ... *institute appropriate action or proceeding to prevent, restrain,*
2 *correct, or abate the violation or nuisance."*

3 117. The California Health and Safety Code authorizes the City to seek
4 the appointment of a receiver with broad powers "to take full and complete
5 control of the" Hadid Property to abate the nuisance. (Health & Safety Code
6 §17980.7). The Code also empowers the City, through a receiver, to borrow funds
7 to pay for repairs necessary to correct the conditions and to secure that debt
8 through a lien on the property. (Health & Safety Code §17980.7(4)(G)).

9 118. To date, the City has failed to institute appropriate actions or
10 proceedings to abate the nuisance conditions that exists on the Hadid Property.
11 The City is required under L.A.M.C. section 91.8903.3, *et. seq.*, to institute
12 proceedings to cause the demolition of the Hadid Development in compliance
13 with the L.A. Dept. of Building and Safety's final determinations, including the
14 April 8, 2015 Orders (Exhibits 12 and 13 hereto).

15 119. The Los Angeles Municipal Code also provides for nuisance
16 abatement. On June 23, 2017, Los Angeles City Councilmember Paul Koretz
17 delivered a letter to the General Manager of the LA Dept. of Building & Safety
18 explaining:

19 "There is one path forward here and that is to designate 901 Strada
20 Vecchia a nuisance and compel the owner to abate the hazardous
21 conditions currently existing at the site through demolition of the
22 project. There is no question that the project constitutes a hazardous
23 building. Pursuant to LAMC Section 91.8901.8 [sic], LADBS [LA
24 Dept. of Building & Safety] is authorized to abate a hazardous
25 building by ordering its demolition. If the owner fails to follow
26 through, the Code further authorizes LADBS to have the work done
27 and recover all costs of the correction and/or demolition work from
28

1 the property owner, plus an additional surcharge to cover the City's
2 costs in soliciting and supervising the work.

3 * * *

4 The project presents a real and immediate risk to neighboring
5 properties and there are available steps to remedy this situation
6 before significant property damage – or worse, significant physical
7 harm – is caused by the site's dangerous condition.

8 * * *

9 I urge you to declare this property a nuisance, recognize that the
10 structure at 901 Strada Vecchia constitutes a hazardous building, and
11 immediately move to resolve the issues at the site through
12 demolition of the structure." (Councilmember Paul Koretz Letter,
13 Exhibit 17 hereto.)

14 120. A writ of mandate should issue to require the City to institute
15 appropriate actions to abate the nuisance by removing all unauthorized
16 improvements on the Hadid Property and restoring the hillside on the property
17 to its January 2011 condition.

18 121. Plaintiffs have no other plain or speedy remedy at law, and therefore
19 seek an alternative writ of mandate from the Court to resolve the dispute.

20 **REQUEST FOR RELIEF**

21 WHEREFORE, Plaintiffs seek judgment in favor of Plaintiffs and against
22 Defendants, and each of them, as follows:

23 1. For injunctive relief mandating the safe demolition and removal of
24 all improvements on the Hadid Property and mandating the full restoration of
25 the hillside that sits between the Hadid Property and the Plaintiffs' respective
26 properties to the condition that existed in January 2011 when Hadid purchased
27 the property. To the extent that is not possible, the hillside should be restored to
28

1 the safest, reasonable condition allowed as determined by independent engineers
2 and environmental experts;

3 2. For a judgment compelling Defendants to pay an amount sufficient
4 to abate the nuisance on the Hadid Property;

5 3. For the appointment of a receiver, pursuant to Code of Civil
6 Procedure section 564 to receive the abatement funds and take possession of the
7 Hadid Property to carry the Court's Order to abate the nuisance into effect.

8 4. For compensatory damages in an amount to be proven at trial;

9 5. For Plaintiffs' costs of suit herein;

10 6. For reasonable attorneys' fees incurred by Plaintiffs herein as
11 permitted by law, including reasonable attorneys' fees under Section 1021.5 of the
12 California Civil Procedure Code

13 7. For punitive and exemplary damages in an amount to be proven at
14 trial pursuant to California Civil Code Section 3294;

15 8. For a writ of mandate to require the City to institute appropriate
16 actions to abate the nuisance by removing all improvements on the Hadid
17 Property and restoring the hillside on the property to its January 2011 condition.

18 9. For such other and further relief as the Court deems just and proper.
19

20 Dated: June 6, 2018

MANATT, PHELPS & PHILLIPS, LLP

21
22 By: 

23 George M. Soneff
24 *Attorneys for Plaintiffs/Petitioners*
25 JOHN C. BEDROSIAN, JUDITH
26 BEDROSIAN, JOSEPH HORACEK AND
27 BEATRIZ HORACEK
28

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EXHIBIT



EXHIBIT 1

1 MICHAEL N. FEUER, City Attorney, SBN 111529
2 TINA HESS, Sr. Assistant City Attorney, SBN 143900
3 DON COCEK, Deputy City Attorney, SBN 132570
4 OFFICE OF THE LOS ANGELES CITY ATTORNEY
5 CRIMINAL BRANCH, CODE ENFORCEMENT SECTION
6 200 North Spring Street, 23rd Floor
7 Los Angeles, California 90012-4131
8 Telephone (213) 978-1870 / Facsimile (213) 978-1910

[NO FEE - Govt. Code § 6103]

FILED
Superior Court of California
County of Los Angeles

JUN 23 2017

Attorneys for Plaintiff, the People of the State of California

Sherrin J. ... Executive Officer/Clerk
By Therese Zavala, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA,

12 Plaintiff,

13 vs.

14 JAMES THOMAS ZELLOE, 901 STRADA
15 LLC, and MOHAMED ANWAR HADID

16 Defendants.
17

Case No.: 5PY03637

SENTENCING MEMORANDUM:
MOHAMED HADID

DATE: June 27, 2017
TIME: 8:30 a.m.
DEPT.: 113

18
19 TO THE HONORABLE ERIC P. HARMON, JUDGE:

20 PLEASE TAKE NOTICE that the People respectfully submit this Sentencing
21 Memorandum in support of its sentencing recommendation regarding the above captioned
22 matter.

23 DATE: June 23, 2017

Respectfully submitted,

24 MICHAEL N. FEUER, City Attorney
25 TINA HESS, Sr. Assistant City Attorney
26 DON COCEK, Deputy City Attorney

27 By: Tina Hess

TINA HESS
Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

ORIGINAL

1 The People file this Memorandum in support of its Proposed Sentencing Recommendation filed
2 concurrently herewith.

3 I.

4 INTRODUCTION

5 The People respectfully request that this Court consider the five year history of legal non-
6 compliance demonstrated by Defendant HADID as would have been established at trial. Defendants
7 have been charged with violations of the Los Angeles Municipal Code ("LAMC") enacted to ensure
8 compliance with the State's Building Codes and to ensure the safety and integrity of communities and
9 neighborhoods in the City of Los Angeles. The Defendants have constructed a structure that, as it exists,
10 bears little, if any, resemblance to the plans submitted to and approved by the Los Angeles Department
11 of Building and Safety ("LADBS") for a single family home.
12

13 It is essential that this Court appreciate the scale and magnitude of Defendant HADID's project,
14 in terms of the project's non-conforming height and size, its unapproved design and uninspected
15 construction, and most importantly, in terms of its threat to the surrounding neighbors.
16

17 II.

18 PROJECT CONSTRUCTION HISTORY

19 The Defendants' project commenced long before the involvement of LADBS. In fact, but for the
20 neighbors' observations and reports, LADBS may never have known about the unlawful nature of the
21 project or its potentially catastrophic deficiencies.
22

23 Defendant HADID acquired 901 Strada Vecchia on January 28, 2011. After several transfers
24 involving entities for which Defendants HADID and ZELLOE were managing partners (Bel Air
25 Highlands, LLC; SynTra WVA, LLC), the property is ultimately came to be owned by 901 Strada LLC.
26
27
28

1 LADBS' efforts at ensuring that Defendant HADID complied with the requirements of the
2 LAMC begin shortly thereafter. The following reflects an abbreviated synopsis of Code enforcement
3 efforts concerning the Strada Vecchia project:
4

5 **February 24, 2011:** LADBS issued Order to Comply, #A-2709150, to Defendant HADID for
6 demolishing the existing single family residence. The Order directed HADID to stop all work and
7 obtain required building permits. The Order included a PENALTY WARNING: "Any person who
8 violated or causes or permits another person to violate and provision of the Los Angeles Municipal Code
is guilty of a misdemeanor which is punishable by a fine of not more than \$1000 and/or six (6) months
imprisonment for each violation. Section 11 (m) LAMC." (Exhibit 1.)

9 **March 9, 2011:** LADBS issued an Order to Comply, #BGO901-02STRADAVECCHUAO, for
10 unauthorized grading, road cut, vertical cuts without required plans, permits and approvals. The Order
11 directed HADID to stop work, install erosion control devices, submit soils investigation report, submit
12 geology report, submit grading plans, submit plans and specifications..., amount of cut and fill, restore
vegetative ground cover. It also directed "Do not resume work until inspection has been requested and
performed...." The Order included the PENALTY WARNING. (Exhibit 2.)

13 **February 7, 2012:** LADBS issued a Geology and Soils Report Approval Letter, including 61
14 requirements relating to grading, excavation, etc.... It should be noted that this letter was issued based
15 on calculations and topographical charts submitted by the Defendant that were later
determined to be erroneous. (Exhibit 3.)

16 **April 5, 2012:** Defendant HADID applied for a Building Permit, #11010-10000-00788. The description
17 of work: NEW 2-STORY SFD W/HABITABLE BASEMENT & 6-CAR GARAGE.... (Exhibit 4.)

18 **September 10, 2012:** LADBS issued Order to Comply, #BO091012-954, directing DEFENDANTS to
19 stop all on the excavation.... The Order included the PENALTY WARNING. (Exhibit 5.)

20 **October 31, 2012:** LADBS issued Defendants an Order to Comply, BO102112-954, directing owners to
21 stop all work on excavation and submit erosion control plans. The Order included the PENALTY
WARNING. (Exhibit 6.)

22 **January 31, 2013:** LADBS issued Defendants a Geology and Soils Report Approval Letter
23 admonishing the owners to comply with the February 7, 2012 Approval Letter. (Exhibit 7.)

24 **March 19, 2014:** LADBS issued Defendants an Order to Comply, #Bo031914-954, directing
25 Defendants to STOP WORK on all unapproved retaining walls, obtain registered land surveyor and
26 survey property, obtain the written consent from adjacent property owner...if excavation or fill requires
27 entry onto adjacent property for any reason, remove all gravity type retaining walls off slopes...under
the guidance of the geotechnical engineer of record, ... "do not resume work until approval from the
department has been obtained thru an inspection...." The Order included the PENALTY WARNING.
28 (Exhibit 8.)

1 July 14, 2014: LADBS letter to Defendants, 'NOTICE TO STOP ALL CONSTRUCTION AND
2 NOTICE OF INTENT TO REVOKE BUILDING PERMITS ... FOR THE PROPERTY LOCATED AT
3 901 N. STRADA VECCHIA RD". The letter states: "Since the issuance of this permit, LADBS has
4 determined that the permits were issued in error as per the following facts: The height of this single
5 family dwelling exceeds the height limit as permitted by the LAMC... The survey map that was part of
6 the approved set of plans showed as built elevations in lieu of the required natural grade elevations of
7 the site. The contours shown on the survey map were substantially higher than the natural grade. This
8 has resulted in the building height that is higher than permitted by LAMC Section 12.21." "You are
9 hereby ordered to immediately stop all construction work approved under Building Permits No. ..."
10 (Exhibit 9.)

11 July 15, 2014: LADBS issued Order to Comply to Defendants, #JN07152014.1, ordering Defendants to
12 STOP ALL WORK. "An inspection of this site on July 10, 2014 revealed several discrepancies with the
13 City approved plans for permits No.... The discrepancies at the site include but are not limited to:
14 Topographical lines on approved set of plans do not match the City of Los Angeles Engineering
15 Bureau's historical records; Pool deck structure is physical connected to the Single Family Dwelling, a
16 10' separation is required as per the approved plans; and, 2 cantilevered decks have been added under
17 the approved cantilevered deck of the pool deck structure." The Order included the PENALTY
18 WARNING. (Exhibit 10.)

19 July 18, 2014: LADBS issued another Geology and Soils Report Correction letter, LOG #84324.,
20 advising Defendants that Geology Report submitted by Defendants on May 21, 2014 "lack sufficient
21 information to determine the stability or safety of the proposed development...Revise the Building Plans
22 to meet the requirements of the Hillside Retaining Wall Ordinance or obtain a variance from the
23 Planning Department. (Exhibit 11.)

24 July 25, 2014: LADBS Plan Check issued corrections to Defendants' amended plans. (Exhibit 12.)

25 September 9, 2014: LADBS issued letter to Defendants, REVOCATION OF BUILDING PERMIT
26 NUMBERS...FOR THE PROPERTY LOCATED AT 901 STRADA VECCHIA RD. (Exhibit 13.)

27 December 18, 2014: LADBS issued Order to Comply: CLASS II SLOPE FAILURE. "Therefore
28 mentioned slide has unearthed the slope supporting the non-code approved wood retaining walls around
the trees in addition to soil and mud runoff down the slope and onto the private drive on Rocca Place.
This failure affects the stability of yours and the adjacent properties and must be corrected in
conformance with the Los Angeles Municipal Code...." The Order directed Defendants to remove
wood retaining walls, submit a report prepared by a Soil Engineer and an Engineering Geologist address
conditions, sequence of construction and corrective measures to restore site to its original contours and
elevations." The Order included the PENALTY WARNING. (Exhibit 14.)

December 31, 2014: LADBS issued an Order to Comply to the Defendants, #BO123114-854, directing
Defendants to submit erosion control plans to the Department of Public Works and, after approval,
install temporary erosion control devices. The Order included the PENALTY WARNING. (Exhibit
15.)

1 April 8, 2015: LADBS Issued Order to Comply, Supplemental with prior Order to Stop All work and
2 Notice of Intent to Revoke permits. This order details extensive work that had been completed after the
3 issuance of the previous Stop Work Orders; details of unapproved and unpermitted work including 2
4 200' concrete decks, more than 100' unapproved retaining walls, an accessory pool deck structure, a 75'
5 X 125' basement addition, a two story 8' X 25' addition, and much more. The Order also details
6 multiple unapproved changes to the approved plans, including modifications to and additions of
7 stairwells and fireplaces, additional interior partitions, the removal of walls, new exterior doors,
8 increased height of each floor, and more. Defendants were again order to Stop all work, submit plans
9 and obtain permits and approvals, expose all work that has been covered without the required
10 inspections. The Order included the PENALTY WARNING. (Exhibit 16.)

11 April 8, 2015: LADBS issued another Order to Comply Stop Work to the Defendants, requiring
12 Defendants to submit a geological report..."to address unauthorized vertical cuts created to construct
13 entire basement story addition...." "Do not resume work until permits have been obtained...." The
14 Order included the PENALTY WARNING. (Exhibit 17.)

15 April 20, 2015: Defendants filed "Request for Modification of Building Ordinances" requesting a
16 determination that LADBS erred and/or abused its discretion in issuing April 8, 2015 Order to Comply
17 or alternatively to request additional time to comply with the Order. (Exhibit 18.)

18 June 10, 2015: The Board of Building and Safety Commissioners denied the Defendants appeal, finding
19 that LADBS did not err or abuse its discretion in its April 8, 2015 Order to Comply. The Board also
20 denied with prejudice Defendants request for an extension of time. The Board made the following
21 finding: "The request does not meet the spirit and intent of the Code inasmuch as this is a self-
22 imposed hardship, due to the fact that all the work in question was done outside the bounds of the
23 permit and approved plans." (Exhibit 19.)

24 August 19, 2015: LADBS issued Order to Comply to Defendants requiring that they submit erosion
25 control plans to the LADBS. (Exhibit 20.)

26 III.

27 DEFENDANT HADID'S CONDUCT WARRANTS PROBATION CONDITIONS 28 TO SECURE COMPLIANCE WITH LAMC

The structure that Defendant HADID has built bears no resemblance to the plans for a 2-story
plus basement, 14,000 square foot single family home he submitted to LADBS. Instead, the illegal,
over-sized, over-height, 30,000+ square foot structure that he has built on a hill he destabilized, without
necessary engineering, without required plans and without necessary inspections towers over an idyllic
residential neighborhood. Instead of the two story single family home, neighbors are faced with 6 story,
colossal structure built without any oversight on geologically destabilized hillside.

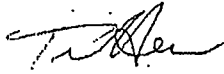
1 Despite four years of continuous regulatory scrutiny by the Los Angeles Department of Building
2 and Safety, and despite repeated orders to "STOP WORK" or take some immediate remedial action to
3 ensure the safety of adjacent homes and neighbors, Defendant HADID continued in defiance and
4 pursued his blatantly, illegal construction project. Despite repeated written admonishments by the
5 LADBS that failure to comply with its Orders could result in criminal prosecution, Defendant HADID
6 now asks this Court to impose the most minimum of sanctions.

8 Justice, and this community, demand that this court exercise its discretion in sanctioning
9 Defendant HADID appropriately for his five years long illegal course of conduct. And further, the
10 People request that this Court exercise its authority to protect this community in light of Defendant
11 Hadid's complete and utter disregard of the City's grading requirements, particularly in light of the
12 chronicled history of landslides in this area, which has resulted in the destabilization of the hillside
13 posing a potentially dangerous condition for neighbors.

15 Based on the foregoing and further argument which may be presented, the People respectfully
16 request that this Court imposed conditions of probation as delineated in the People's Proposed
17 Sentencing Order filed concurrently.

20 DATE: June 23, 2017

22 Respectfully submitted,
MICHAEL N. FEUER, City Attorney
TINA HESS, Sr. Assistant City Attorney
DON COCEK, Deputy City Attorney

25 By 
TINA HESS
Sr. Assistant City Attorney

27 Attorneys for Plaintiff
28 PEOPLE OF THE STATE OF CALIFORNIA

**See individual exhibits
as separate pdfs
or
full pleading doc with all exhibits
included in single pdf**

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles. I am over the age of 18 and not a party to the within action; my business address is: Office of the City Attorney, 200 North Main Street, 500 City Hall East, Los Angeles, California 90012.

On June 23, 2017 I served a copy of the following document(s) described as:
SENTENCING MEMORANDUM: MOHAMED HADID in the interested party(ies) in this action as follows:

SEE ATTACHED SERVICE LIST

☐ **BY MAIL:** By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above and placing each for collection and mailing on that date following ordinary business practices. I am "readily familiar" with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in Los Angeles, California, in a sealed envelope with postage fully prepaid.

☐ **BY PERSONAL SERVICE:** I personally delivered the documents to the attorneys listed on the attached service list at the Van Nuys Courthouse, Department 113, located at 14400 Erwin Street, Van Nuys, California 91401.

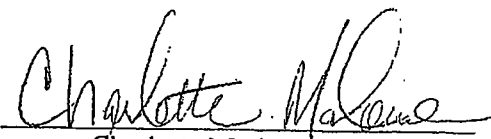
☒ **BY OVERNIGHT DELIVERY:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed as above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury, under the laws of the United States of America that the foregoing is true and correct.

Executed on June 23, 2017 at Los Angeles, California.


Charlotte Marlowe

SERVICE LIST
ATTACHMENT TO PROOF OF SERVICE

*The People of the State of California v. James Thomas Zelloe,
901 Strada LLC, and Mohamed Hadid*

CASE NO.: 5PY03637

Donald M. Re, Esq. A Professional Law Corporation 624 South Grand Avenue, 22 nd Floor Los Angeles, CA 90017 Email: donaldrmre@yahoo.com	James W. Spertus, Esq. Spertus, Landes & Umhofer, LLP 1990 South Bundy Drive, Suite 705 Los Angeles, CA 90025 Email: jim@spertuslaw.com
Mona C. SooHoo, Esq. A Professional Law Corporation 624 South Grand Avenue, 22 nd Floor Los Angeles, CA 90017 Email: msoohoo@earthlink.net	Robert L. Shapiro, Esq. Glaser Weil 10250 Constellation Blvd., 19 th Floor Los Angeles, CA 90067 Email: rs@glaserweil.com

EXHIBIT

2

1/26/19

**BOARD OF
BUILDING AND SAFETY
COMMISSIONERS**

MARSHA L. BROWN
PRESIDENT

VAN AMBATIELOS
VICE-PRESIDENT

VICTOR H. CUEVAS

HELENA JUBANY

ELENORE A. WILLIAMS

**CITY OF LOS ANGELES
CALIFORNIA**



ANTONIO R. VILLARAIGOSA
MAYOR

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

ROBERT R. "Bud" OVROM
GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E.
EXECUTIVE OFFICER

ORDER TO COMPLY AND NOTICE OF FEE

HADID MOHAMMED
630 NIMES RD,
LOS ANGELES, CA 90077

LPK

FEB 27 2011

CASE #: 406520
ORDER #: A-2709150
EFFECTIVE DATE: February 24, 2011
COMPLIANCE DATE: February 24, 2011

OWNER OF

SITE ADDRESS: 901 N STRADA VECCHIA ROAD

ASSESSORS PARCEL NO.: 4370-022-014

ZONE: RE20; Min. Lot 20,000 Sq. Ft.

THIS ORDER REQUIRES IMMEDIATE ACTION.

An inspection has revealed that the property (Site Address) listed above is in violation of the Los Angeles Municipal Code (L.A.M.C.) sections listed below. You are hereby ordered to correct the violation(s) and contact the inspector listed in the signature block at the end of this document for a compliance inspection by the compliance date listed above.

FURTHER, YOU ARE ORDERED TO PAY THE CODE VIOLATION INSPECTION FEE (C.V.I.F) OF \$ 336.00 WHICH WILL BE BILLED TO YOU SEPARATELY. Section 98.0421 L.A.M.C.

NOTE: FAILURE TO PAY THE C.V.I.F. WITHIN 30 DAYS OF THE INVOICE DATE OF THE BILL NOTED ABOVE WILL RESULT IN A LATE CHARGE OF TWO (2) TIMES THE C.V.I.F. PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF \$1,176.00.

Any person who fails to pay the fee, late charge and collection fee, shall also pay interest. Interest shall be calculated at the rate of one percent per month.

The inspection has revealed that the property is in violation of the Los Angeles Municipal Code as follows:

VIOLATION(S):

1. **Stop all Work. Construction work is being performed without the required permits. DEMOLISHION OF A SINGLE FAMILY RESIDENCE.**

You are therefore ordered to: 1) Stop all work being performed without the required permit(s).
2) Obtain all required permits and approvals prior to commencing any work.

Code Section(s) in Violation: 91.104.2.4, 91.106.1.1, 93.0310A, 94.102.2.3 and 95.108.5 of the L.A.M.C.

Location: 901 Strada Vecchia Rd.

2. **A permit is required for the work performed. DEMOLISHION OF A SINGLE FAMILY RESIDENCE.**

You are therefore ordered to: Obtain all required building permits.

Code Section(s) in Violation: 91.106.1.1, 91.103.1, 12.21A.1.(a) of the L.A.M.C.

Location: Residence at 901 Strada Vecchia Rd.



CODE ENFORCEMENT BUREAU

For routine City business and non-emergency services: Call 3-1-1

www.ladbs.org

3. Grading was performed without first obtaining a permit.

You are therefore ordered to: Obtain all required grading permits and approvals.

Code Section(s) in Violation: 91.106.1.2, 91.103.1, 12.21A.1.(a) of the L.A.M.C.

Location: 901 Strada Vecchia Rd.

NON-COMPLIANCE FEE WARNING:

In addition to the C.V.I.F. noted above, a proposed noncompliance fee in the amount of \$550.00 may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or request for slight modification is filed within 15 days of the compliance date.

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

NOTE: FAILURE TO PAY THE NON-COMPLIANCE FEE WITHIN 30 DAYS AFTER THE DATE OF MAILING THE INVOICE, MAY RESULT IN A LATE CHARGE OF TWO (2) TIMES THE NON-COMPLIANCE FEE PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF \$1,925.00.

Any person who fails to pay the non-compliance fee, late charge and collection fee shall also pay interest. Interest shall be calculated at the rate of one percent per month.

PENALTY WARNING:

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

INVESTIGATION FEE REQUIRED:

Whenever any work has been commenced without authorization by a permit or application for inspection, and which violates provisions of Articles 1 through 8 of Chapter IX of the Los Angeles Municipal Code (L.A.M.C.), and if no order has been issued by the department or a court of law requiring said work to proceed, a special investigation fee which shall be double the amount charged for an application for inspection, license or permit fee, but not less than \$400.00, shall be collected on each permit, license or application for inspection. Section 98.0402 (a) L.A.M.C.

APPEAL PROCEDURES:

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

If you have any questions or require any additional information please feel free to contact me at (213)252-3048.

Office hours are 7:00 a.m. to 3:30 p.m. Monday through Thursday.

Inspector: _____

Date: February 16, 2011

Jack Mattillo
JACK MATTILLO
3550 WILSHIRE BLVD. SUITE 1800
LOS ANGELES, CA 90010
(213)252-3048

[Signature]
REVIEWED BY

**CODE ENFORCEMENT BUREAU**

For routine City business and non-emergency services: Call 3-1-1
www.ladbs.org

EXHIBIT

3

Mar 17 11 10:17a

Bel-Air Association

Fax

310-475-6994

p.1

Mar 17 2011 10:11am P001/002

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

ROBERT R. "BOB"
GENERAL MANAGER
RAYMOND S. CHAN, C.E.,
EXECUTIVE OFFICER

March 9, 2011

Mohamed Hadid
630 N. Nimes Rd.
L.A., CA 90077

Order #:BGO0901-02STRADAVECCHUAO
APN#:4370-022-014

ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Rd.

Compliance Date: May 9, 2011

An inspection of the site referenced above on March 8, 2011 revealed that unauthorized grading, road cut and an unsupported vertical cut work has commenced at the southwest facing descending slope of the property without the required plans, permits and approvals by this Department. Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before May 9, 2011

1. Stop all work immediately upon receipt of this notice. 91.104.2.4 L.A.M.C.
2. No person shall commence or perform any grading, and no person shall import or export any earth materials to or from any grading site, without first having obtained a permit therefor from the Department. 91.106.1.2 L.A.M.C.
3. Discontinue the removal or destruction of the vegetative ground cover on the watershed in a designated hillside area and not pursuant to work authorized under a valid grading permit. 91.7005.3 L.A.M.C.
4. As required by sections 91.7007.1 and 96.02 of the Los Angeles Municipal Code temporary erosion control devices are required to be installed by October 1 and maintained through April 15. You are therefore further ordered to install the temporary erosion control devices acceptable to the department on or before March 11, 2011 96.02; 91.103.1; 91.104.2.4; 91.108.6; & 91.7007.1, L.A.M.C.
5. Submit a soils investigation report prepared by a California licensed Geotechnical Engineer to the Department of Building and Safety for review and approval. 91.7006.3.1 L.A.M.C.
6. Submit a engineering geology report prepared by a California licensed Geologist to the Department of Building and Safety for review and approval. 91.7006.3.2 L.A.M.C.

Page 1 of 2

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Page 2

7. Within 60 days of the date of this notice submit plans and calculations to obtain the required Grading permit for Site Grading and Retaining Wall Backfill for the unsupported vertical excavations that were created as a result of non permitted grading activity.

91.106.3, 91.7006.1, 91.7006.2, L.A.M.C.

8. Plans and specifications submitted to the department shall include a contour map showing the present and proposed contours of the land, the location of the grading, the location of top and toe of all cuts and fills, the location of all "daylight" lines; the amount of cut and fill, the details and location of any proposed drainage and diversion structures, retaining walls, cribbing and surface protection or to restore the excavated portion to a condition of stability and safety.

91.106.3.2; 91.7006.1 L.A.M.C.

9. Restore the vegetative ground cover, shrubs and/or trees removed from the slope in a designated hillside area without first having secured the required permit for lawful grading.

91.7005.3 L.A.M.C.

10. Do not resume work until inspection has been requested and performed by the authorized representative of the department.

91.108.3; 91.108.9.1 L.A.M.C.

11. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Superintendent of Building.

91.108.4 L.A.M.C.

12. Pay the required Investigation Fee for the work commenced without a permit

L.A.M.C. 98.0402

WARNING: A citation requiring your appearance in court may be issued if compliance is not obtained with this order. This may result in a fine up to \$1000.00 and/or six months in jail.

L.A.M.C. 11.00 (m) & 98.0408 (a)

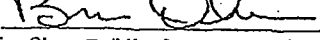
No person shall fail, refuse or neglect to comply with all orders issued by the department pursuant to the provisions of this division. Any person violating this subsection shall be guilty of a misdemeanor which shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both. The Department shall collect investigation fees.

LAMC 91.7005.8.1; 11.00 (m) & 91.107.5.1

This Order is issued pursuant to the provisions of LAMC 91.7005.7. If this substandard condition is not eliminated within the specified time limit, this Department will record a "Certificate of Substandard Property" with the Office of the County Recorder.

Appeals to this order may be made pursuant to Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

If you fail to comply with this order within 15 days of the due date of compliance or of any extension of time granted by the Department, you then may be subject to a noncompliance fee. LAMC 98.0411(a)

Brian Olson 
Inspector Brian Olson Building Inspector, Grading Section
11620 Wilshire Bl, #1100
Los Angeles, Ca 90026
(310) 914-3936

Date: 3/16/2011

Received: 

Date: 3/16/2011

EXHIBIT

4

1011005201253168

BOARD OF
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MAYOR

DEPARTMENT OF
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201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

ROBERT R. "BUD" OVROM
GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E.
EXECUTIVE OFFICER

INSPECTION BUREAU

ISSUE DATE: September 10, 2012

SYNTRA WVA LLC
11350 Random Hills Rd. #700
Fairfax, VA. 22030
USA

ORDER NO: BO091012-954
APN: 4370022014

ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: September 17, 2012

An inspection of the property at the above job address on August 17, 2012 revealed that the requirements of the soils/geologic reports by Calwest Geotechnical and approved by Department approval letter dated February 7, 2012 log# 73916-02 were not being followed. Corrections were issued for violations at time of inspection and given to contractor on site.

Non-conforming vertical cuts along the southern property line have been made thus removing lateral support from adjacent properties that are unshored and in violation of Sections.

91.3301.2.3.1, 91.106.3.3.2 and 91.7010.2 L.A.M.C.

Follow up inspections made on August 24, 2012 & September 4, 2012 revealed violations still existed.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before September 17, 2012

1) Stop all work on the excavation at the above job address except that work which will be required to restore lateral support to the adjacent property to the south under the guidance of the soils/geotechnical engineer of record.

91.104.2.4; 91.3301, 91.7005.8.1 L.A.M.C.

2) Trim back all vertical cuts exceeding 5'-0" to a grade not exceeding 1:1 as required in department approval letter and provide shoring to stabilize the unsupported excavation along south property line.

91.3301. 91.3301.2.3.2 L.A.M.C.

APPROVED
9/11/12

3) Implement recommendations of approved soils/geotechnical reports and approved plans or Submit revised recommendations relating to conditions differing from the department's approval letter to the Grading Department for review. 91.106.3.2.6, 91.106.3.3.2, 91.108.10 L.A.M.C.

DESCRIPTION OF VIOLATION AND L.A.M.C. SECTION(S)

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

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

Non-Compliance Fee Warning:

In addition to the C.V.I.F. noted above, a proposed Non-Compliance fee of \$1000.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$2500.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60th day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

Investigation Fee Warning:

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

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

Penalty Warning:

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

1011005201253168

Appeal Procedures:

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

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

Inspector: Brian Olson



Date: 9/10/2012

Grading Division

11620 Wilshire Bl. #1100

Los Angeles, CA. 90025

310-914-3936

1011005201255158

CITY OF LOS ANGELES

DEPARTMENT OF
BUILDING AND SAFETYGRADING
INSPECTION

Syntra WVA, LLC C/O James T. Zelloe

11350 Random Hills Rd. # 700

Fairfax, VA. 22030

ORDER TO

COMPLY

NON-COMPLIANCE FEE

NOTICE

Job Address: 901 N. Strada Vecchia Rd.

Your attention is directed to Order to Comply, #BO091012-954 dated September 10, 2012 which was issued by the Grading Division. The date for compliance is September 14, 2012

On September 28, 2012 the order will be forwarded to the Investigations Division for legal enforcement and to the Financial Services Section for collection processing. The assessment of the noncompliance fee does not stop the Department from proceeding with legal enforcement of any order nor from collection of any other fee(s) specified elsewhere in the Los Angeles Municipal Code. Payment of the noncompliance fee does not exempt any cited owner from compliance with the provisions of the Los Angeles Building Code nor from any penalty prescribed by law.

If you fail to comply with that order within 15 days of September 17, 2012 or any extension granted by the Department prior to that date, you may then be subject to a Non-Compliance Fee. L.A.M.C Section 98.0411

If a non compliance fee is imposed, an invoice will be sent to you. If the fee is not paid within 30 days after the mailing date of the invoice, the Department shall impose a late charge equal to two times the non-compliance fee and a collection fee equal to 50 percent of the original non-compliance fee. Any person who fails to pay the assessed non-compliance fee, late charge, or collection fee shall also pay interest from the 60th day after the date of mailing the notice of non-compliance until the date of payment.

You are hereby notified of your appeal rights pursuant to L.A.M.C. SEC. 98.0403.2. Please contact the Inspector indicated below to obtain specific information regarding your appeal rights.

Grading Inspector Brian Olson
Direct: (310) 914-3936
Fax: (310) 914-3865

Date 9/10/2012

1011005201255158

EXHIBIT

5

1/26/18

VAN AMBATIELOS
VICTOR H. CUEVAS
SEPAND SAMZADEH

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

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

ROBERT R. "BUD" OVROM
GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E.
EXECUTIVE OFFICER

INSPECTION BUREAU

ISSUE DATE: October 31, 2012

901 STRADA LLC
C/O James T. Zelloe
910 King ST.
Alexandria, VA. 22314-3019
USA

ORDER NO: BO103112-954
APN: 4370022014

ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: November 7, 2012

This Order to Comply supersedes previous Order to Comply number BGO0901STRADAVECCHUAO Dated March 7, 2012.

An inspection of the property at the above job address on **August 17, 2012** revealed that the requirements of the soils/geologic reports by Calwest Geotechnical and approved by Department approval letter dated **February 7, 2012 log# 73916-02** were not being followed. Correction notice # 15255780 was issued for violations at time of inspection on **August 20, 2012** and given to contractor on site.

Non-conforming vertical cuts along the southern property line have been made thus removing lateral support from adjacent properties that are un shored and in violation of Sections. 91.3301.2.3.1, 91.106.3.3.2 and 91.7010.2 L.A.M.C.

Follow up inspections made on August 23, 2012, September 4, 13 & 28/ 2012 revealed violations still existed.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before **November 7, 2012**

1) Stop all work on the excavation at the above job address except that work which will be required to restore lateral support to the adjacent property to the south under the guidance of the soils/geotechnical engineer of record. 91.104.2.4; 91.3301, 91.7005.8.1 L.A.M.C.

2) Trim back all vertical cuts exceeding 5'-0" to a grade not exceeding 1:1 as required in department approval letter and provide shoring to stabilize the unsupported excavation along the south property line. 91.3301.91.3301.2.3.2 L.A.M.C.

3) Implement recommendations of approved soils/geotechnical reports and approved plans or Submit revised recommendations relating to conditions differing from the department's approval letter to the Grading Department for review. 91.106.3.2.6, 91.106.3.3.2, 91.108.10 L.A.M.C.

4) Submit erosion control plans to the Department of Building and Safety or the Department of Public Works, Bureau of Engineering and after approval install the temporary erosion control devices in accordance with the approved plans. 91.101.3, 91.7005.8, 91.7007.1 L.A.M.C.

5) Do not resume work until inspection has been requested and performed by the authorized representative of the department. 91.108.3; 91.108.9.1 L.A.M.C.

DESCRIPTION OF VIOLATION AND L.A.M.C. SECTION(S)

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

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

Non-Compliance Fee Warning:

In addition to the C.V.I.F. noted above, a proposed Non-Compliance fee of \$1000.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$2500.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60th day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

Investigation Fee Warning:

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

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

Penalty Warning:

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).


Substandard Warning:

Failure to comply with the above by the specified date will result in a "Certificate of Substandard Condition" being recorded with the Office of the County Recorder in accordance with Section 91.7005.7 L.A.M.C. and instituting action to revoke the Certificate of Occupancy for the building under provisions in Section 91.109.6 L.A.M.C.

Appeal Procedures:

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

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

Inspector: Brian Olson 
Grading Division
11620 Wilshire Bl. #1100
Los Angeles, CA. 90025
310-914-3936

Date: 10/31/2012

1011005201253168

CITY OF LOS ANGELES

DEPARTMENT OF
BUILDING AND SAFETY



GRADING
INSPECTION

Syntra WVA, LLC C/O James T. Zelloe

11350 Random Hills Rd. # 700

Fairfax, VA. 22030



Job Address: 901 N. Strada Vecchia Rd.

Your attention is directed to Order to Comply, #BO091012-954 dated September 10, 2012 which was issued by the Grading Division. The date for compliance is September 14, 2012

On September 28, 2012 the order will be forwarded to the Investigations Division for legal enforcement and to the Financial Services Section for collection processing. The assessment of the noncompliance fee does not stop the Department from proceeding with legal enforcement of any order nor from collection of any other fee(s) specified elsewhere in the Los Angeles Municipal Code. Payment of the noncompliance fee does not exempt any cited owner from compliance with the provisions of the Los Angeles Building Code nor from any penalty prescribed by law.

If you fail to comply with that order within 15 days of September 17, 2012 or any extension granted by the Department prior to that date, you may then be subject to a Non-Compliance Fee, L.A.M.C Section 98.0411

If a non compliance fee is imposed, an invoice will be sent to you. If the fee is not paid within 30 days after the mailing date of the invoice, the Department shall impose a late charge equal to two times the non-compliance fee and a collection fee equal to 50 percent of the original non-compliance fee. Any person who fails to pay the assessed non-compliance fee, late charge, or collection fee shall also pay interest from the 60th day after the date of mailing the notice of non-compliance until the date of payment.

You are hereby notified of your appeal rights pursuant to L.A.M.C. SEC. 98.0403.2. Please contact the Inspector indicated below to obtain specific information regarding your appeal rights.

Grading Inspector Brian Olson
Direct (310) 914-3936
Fax: (310) 914-3865

Date 9/10/2012

[Signature]

EXHIBIT

6

100-100000

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

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PRESIDENT

VAN AMBATIELOS
VICE-PRESIDENT

E. FELICIA BRANNON
VICTOR H. CUEVAS
GEORGE HOVAGUIMIAN

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

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

RAYMOND S. CHAN, C.E., S.E.
SUPERINTENDENT OF BUILDING
INTERIM GENERAL MANAGER

INSPECTION BUREAU

ISSUE DATE: March 19, 2014

901 STRADA LLC
C/O James T. Zelloe
910 King St.
Alexandria, VA 22314-3019

ORDER NO: BO031914-954
APN: 4370022014

ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: April 19, 2014

An inspection of the site referenced above on March 11, 2014 and revealed unsecured open excavations, stock piling of soils and retaining walls constructed of unapproved materials on slopes. In addition grading, excavating and the stock piling of materials and debris on the adjacent properties without the required written consent from the owner. The afore mentioned conditions affects the protection of life and limb in addition to the safety and stability of adjacent properties and must be corrected in conformance with the Los Angeles Municipal Code, (LAMC), as described herein.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before April 19, 2014

1) You are hereby ordered to STOP WORK on all further construction of unapproved gravity type retaining walls. Grading, stock piling of materials and debris on the adjacent properties, except that work which will be required to remove materials, debris from the adjacent properties and secure the area to a point of safety and stability.

91.104.2.4 LAMC

Page 1 of 3

S.V.

Page 2 of 3.

2) Obtain the services of a registered land surveyor to stake all property corners, provide reference points at site and prepare a survey map of the property to verify that current grading activity and wall construction does not encroach on adjacent properties. Survey shall also contain reference points that clearly shows location of wall under construction along drive and east property line.

91.108.8 L.A.M.C.

3) Obtain the written consent from the adjacent property owner or the owner's authorized representative if excavation or fill requires entry onto adjacent property for any reason. The signature on such written consent shall be notarized and shall file a copy of said consent with the department. In the event contours on adjacent properties are permanently changed, structures or drainage devices are added or modified, and/or the work done requires a grading permit under Section 106.1.2, a separate permit shall be required for each such affected adjoining property in addition to the consent letter. Furthermore, the adjacent owner shall acknowledge his/her consent on plans showing such work.

91.7006.6 L.A.M.C.

4) Remove all gravity type retaining walls off slopes and grade to a slope as recommended in department approval letter dated February 7, 2012 log# 73916-02 under the guidance of the geotechnical engineer of record, or Submit three(3) copies of a foundation investigation report by a registered geotechnical engineer and engineering geologist to the Grading Division for review and approval and, Obtain all required permits to construct wall(s) in accordance with the Los Angeles Municipal Code.

91.7006.1, 91.7006.3.2, 91.106.1.1, 91.106.1.2 L.A.M.C.

5) Remove all excess excavation spoils off slopes as to prevent runoff onto adjacent properties.

91.7007, 91.7007.1, 91.3306.9, 91.3307 LAMC

6) Do not resume work until approval from the department has been obtained thru an inspection that has been performed and granted by the authorized representative of the department.

91.108.1, 91.108.5, 91.108.4, L.A.M.C.

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

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

Non-Compliance Fee Warning:

A proposed Non-Compliance fee of \$1386.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee for a total of \$4851.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60th day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

S.V.

Page 3 of 3

Investigation Fee Warning:

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

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

Penalty Warning:

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

This Order is issued pursuant to the provisions of LAMC 91.7005.7. If this substandard condition is not eliminated within the specified time limit, this Department will record a "Certificate of Substandard Property" with the Office of the County Recorder.

Appeals to this order may be made pursuant to Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

Appeal Procedures:

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

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

Inspector: Brian Olson



Date: 3/19/2014

Grading Division
11620 Wilshire Blvd. Suite 1100
Los Angeles, Ca. 90025
310-914-3936

Received _____ Date _____

S.V.

EXHIBIT

7

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
INTERIM PRESIDENT

E. FELICIA BRANNON
JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
JAVIER NUNEZ

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

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

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

July 14, 2014

901 Strada LLC
c/o James Zelloe
910 King St.
Alexandria, VA 22314

Syntra Wva LLC
11350 Random Hills Rd., No. 700
Fairfax, VA 22030

**NOTICE TO STOP ALL CONSTRUCTION AND NOTICE OF INTENT TO
REVOKE BUILDING PERMITS NO. 11010-10000-00788, 11020-10000-01575,
11030-10000-01653, 11020-10000-00742, AND 11047-10000-00339 FOR THE
PROPERTY LOCATED AT 901 N. STRADA VECCHIA RD**

On April 5, 2012, the Department of Building and Safety (LADBS) issued Building Permits No. 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339 for the construction of a single family home with accessory retaining walls, swimming pool, detached deck and related grading work for the property located at 901 N. Strada Vecchia Rd.

Since the issuance of this permit, LADBS has determined that the permits were issued in error as per the following facts:

- The Height of the single family dwelling exceeds the height limit as permitted by the Los Angeles Municipal Code (LAMC) Section 12.21.1. The survey map that was part of the approved set of plans showed as built elevations in lieu of required natural grade elevations of the site. The contours shown on the survey map were substantially higher than the natural grade. This has resulted in the building height that is higher than permitted by LAMC Section 12.21.1.
- As per the inspection records, as built construction does not reflect the approved construction shown on the approved set of plans.

July 14, 2014

Page 2

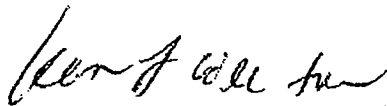
**NOTICE TO STOP ALL CONSTRUCTION AND NOTICE OF INTENT TO
REVOKE BUILDING PERMITS NO. 11010-10000-00788, 11020-10000-01575,
11030-10000-01653, 11020-10000-00742, AND 11047-10000-00339 FOR THE
PROPERTY LOCATED AT 901 N. STRADA VECCHIA RD**

Therefore, it is the intent of the Los Angeles Department of Building and Safety to revoke the above-mentioned permits. The authority to revoke permits is contained in Los Angeles Municipal Code, Section 98.0601, which reads:

"The Department shall have the authority to revoke any permit, slight modification or determination whenever such action was granted in error or in violation of other provisions of the code and conditions are such that the action should not have been allowed."

Hereby, you are ordered to immediately stop all construction work approved under Building Permits No. 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339.

You have until July 30, 2014 to call Mr. Peter Kim of my staff at (213) 482-0454 to address this matter and provide reasons why these permits should not be revoked; otherwise, Building Permits No. 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339 will be revoked on July 30, 2014.



Colin Kumabe, Chief
Metro Plan Check Division
Engineering Bureau

c: Ifa Kashefi, Engineering Bureau Chief, LADBS
Bob Steibach, Inspection Bureau Chief, LADBS
Ken Gill, LADBS
Peter Kim, LADBS
Larry Galstian, LADBS
Jeff Napier, LADBS

EXHIBIT

8

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

MARSHA L. BROWN
PRESIDENT

VAN AMBATIELOS
VICE-PRESIDENT

VICTOR H. CUEVAS
HELENA JUBANY
ELENORE A. WILLIAMS

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

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

ROBERT R. "BUD" OVROM
GENERAL MANAGER

RAYMOND S. CHAN, C.E., S.E.
EXECUTIVE OFFICER

July 15, 2014

901 Strada Vecchia LLC
C/O James Zelloe
910 King St.
Alexandria, VA 22314

ORDER# JN07152014.1
APN# 4370022014

ORDER TO COMPLY

ADDRESS: 901 Strada Vecchia Rd.

COMPLIANCE DATE: August 15, 2014

An inspection of this site on July 10, 2014 revealed several discrepancies with the City approved plans for permits, 11010-10000-00788, 11020-10000-00742 and 11047-10000-00339. The discrepancies at the site include but are not limited to:

- Topography lines on the approved set of plans do not match the City of Los Angeles Engineering Bureau's historical records.
- Pool Deck structure/building is physically connected to the Single Family Dwelling; a 10' separation is required between buildings as per the approved plans.
- 2 cantilevered decks have been added under the approved cantilevered deck of the Pool Deck structure.

***See Notice to Stop All Construction and Notice of Intent to Revoke Letter issued July 15, 2014**

Therefore, you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before **August 15, 2014**.

1. STOP ALL WORK as of **July 15, 2014**. Section 91.104.2.4 of the L.A.M.C
2. Return to plan check to verify as built conditions are in conformance with the City approved plans. Sections 91.106.3, 91.103.1 and 12.21A.1.a of the L.A.M.C
3. Make all work conform to Code and according to the City approved plans or demolish and remove any unapproved work as determined AFTER a full plan check review of existing and current conditions. Sections 91.8105, 91.103.1, 91.103.4 and 12.21A.1.a of the L.A.M.C.

- Warning: A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. 11.00 (m) & 98.0408 (a)**

No person shall fail, refuse or neglect with all orders issued by the Department pursuant to this division. Any person violating this subsection shall be guilty of a misdemeanor which shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both. In addition, the Department shall collect investigative fees. **LAMC 11.00(m) & 91.103.3 & 91.107.51**

Appeals to this order may be pursuant to Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

A proposed noncompliance fee may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or slight modification is filed within 15 days after the compliance date. **LAMC98.0411(a)**

John

Jeff Napier
Principal Inspector/Inspection Division
11620 W Wilshire Bl. #1100
Los Angeles, Ca. 90025
310-914-3904

EXHIBIT

9

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
INTERIM PRESIDENT

E. FELICIA BRANNON
JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
JAVIER NUNEZ

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

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

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

September 9, 2014

901 Strada LLC
c/o James Zelloe
910 King St
Alexandria, VA 22314

Syntra Wva LLC
11350 Random Hills Rd NO 700
Fairfax, VA 22030

REVOCATION OF BUILDING PERMIT NUMBERS 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, AND 11047-10000-00339 FOR THE PROPERTY LOCATED AT 901 N. STRADA VECCHIA RD

On April 5, 2012, the Department of Building and Safety (LADBS) issued Building Permit Numbers 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339 for the construction of a single family home with accessory retaining walls, swimming pool, detached deck and related grading work for the property located at 901 N. Strada Vecchia Rd.

On July 14, LADBS issued a notice to stop of all work and notice of intent to revoke permits letter for the above mentioned permits (attached). In the letter, LADBS asked you to submit the reasons explaining why the building permits should not be revoked. Since then, your submitted information to LADBS is not sufficient to keep the permits valid.

Therefore, LADBS has revoked Building Permit Numbers 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, and 11047-10000-00339. The authority to revoke permits is contained in Los Angeles Municipal Code, Section 98.0601, which reads:

"The Department shall have the authority to revoke any permit, slight modification or determination whenever such action was granted in error or in violation of other provisions of the code and conditions are such that the action should not have been allowed."

September 9, 2014

Page 2

REVOCATION OF BUILDING PERMIT NUMBERS 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742, AND 11047-10000-00339 FOR THE PROPERTY LOCATED AT 901 N. STRADA VECCHIA RD

The determination of LADBS to revoke permits is appealable, in writing, to the Board of Building and Safety Commissioners and/or to the Department of City Planning. You may contact the Commission Office at (213) 482-0466 for further information. If you have questions, please call Peter Kim of my Staff at (213) 482-0454.



Ifa Kashefi, S. E., Ph. D.
Engineering Bureau Chief

c: Bob Steinbach, Inspection Bureau Chief, LADBS
Colin Kumabe, LADBS
Ken Gill, LADBS
Peter Kim, LADBS
Larry Galstian, LADBS
Jeff Napier, LADBS

EXHIBIT

11

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
PRESIDENT

E. FELICIA BRANNON
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
JAVIER NUNEZ

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

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

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

INSPECTION BUREAU

ISSUE DATE: December 18, 2014

901 Strada, LLC C/O James T. Zelloe
11350 Random Hills Rd. Suite 700
Fairfax, VA. 22030
USA

ORDER NO: BO1219014-954
APN: 4370-022-014

ORDER TO COMPLY
CLASS II SLOPE FAILURE

Violation Address: 901 Strada Vecchia

Compliance Date: January 19, 2015

An inspection of the site referenced above on December 17, 2014 reveals that a slope failure has occurred on the northwest descending slope your property. Therefore mentioned slide has unearthed the slope supporting the non-code approved type wood retaining walls around the trees in addition to soil and mud runoff down the slope and onto private drive on Rocca Place.

This failure affects the stability of yours and the adjacent properties and must be corrected in conformance with the Los Angeles Municipal Code, (LAMC), as described herein.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before January 19, 2015

1. You are hereby directed to remove the unsupported wood retaining walls, trees and the surrounding soil off the slope. 91.2304.11.7, 91.7005.7 LAMC
2. Submit to this department three copies of a report, prepared by a Soil Engineer, and an Engineering Geologist, licensed by the State of California, addressing conditions, sequence of construction and corrective measures to restore the site to its original contours and elevations. 91.7006.2, 91.7006.3.1, 91.7006.3.2 LAMC

Page 1 of 3

S.V.

Page 2 of 3

4. Upon receipt of a report approval letter issued by the Department of Building and Safety, Grading Section, you are further directed to submit corrective grading plans to the Department of Building and Safety, Plan Check Division, within fifteen days. **91.106.3 LAMC**

5. Within fifteen days of approval by the Department of Building and Safety Plan Check Division, obtain the permits necessary to restore the site to a safe and stable condition. Diligently pursue the work to completion. **91.106.1, 91.106.2 LAMC**

4. Call for all the required inspections **91.108.1, 91.108.5, 91.1. LAMC**

Non-Compliance Fee Warning:

A proposed Non-Compliance in the amount of \$ 2,779.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$ 9726.50 Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60th day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

Penalty Warning:

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

This Order is issued pursuant to the provisions of 91.7005.7. LAMC If this substandard condition is not eliminated within the specified time limit, this Department will record a "Certificate of Substandard Property" with the Office of the County Recorder.

Appeals to this order may be made pursuant to Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

Citation Warning:

Warning: A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. Sections 11.00 (m) & 98.0408 (a)

S.V.

Page 3 of 3

Appeal Procedures:

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

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

Inspector: Brian Olson
Grading Division
11620 Wilshire Bl. #1100
Los Angeles, CA. 90025
310-914-3936

Brian Olson

Date: 12/18/2014

S.V.

EXHIBIT

11

11-20-20

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
PRESIDENT

E. FELICIA BRANNON
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
JAVIER NUNEZ

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

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

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

INSPECTION BUREAU

ISSUE DATE: December 31, 2014

901 STRADA LLC
C/O James T. Zelloe
910 King ST.
Alexandria, VA, 22314-3019
USA

ORDER NO: BO123114-954
APN: 4370022014

ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Road.

Compliance Date: January 5, 2015

An inspection of the property at the above job address on December 17, 2014 revealed that temporary erosion control devices have not been adequately installed as required by sections 91.7007.1 and 96.02 of the Los Angeles Municipal Code; and correction notice # 14DBX032387022 was issued to the effect at the time of inspection.

Temporary erosion control devices are required to be installed by October 1, 2014 and maintained through April 15, 2015.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before January 5, 2015.

- 1) Submit updated erosion control plans to the Department of Public Works, Bureau of Engineering and after approval install the temporary erosion control devices in accordance with the approved plans. 91.101.3, 91.7005.8, 91.7007.1 L.A.M.C.
- 2) You are further ordered to install the temporary erosion control devices in accordance with the approved plans on or before January 5, 2015. 91.101.3, 91.7005.8, 91.7007.1 L.A.M.C.
- 3) Call for inspection when work begins. 91.108.6 L.A.M.C.

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

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

Non-Compliance Fee Warning:

In addition to the C.V.I.F. noted above, a proposed Non-Compliance fee of \$1000.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$2500.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60th day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

Investigation Fee Warning:

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

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

Penalty Warning:

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

Citation Warning:

Warning: A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. Sections 11.00 (m) & 98.0408 (a)

Substandard Warning:

Failure to comply with the above by the specified date will result in a "Certificate of Substandard Condition" being recorded with the Office of the County Recorder in accordance with Section 91.7005.7 L.A.M.C. and instituting action to revoke the Certificate of Occupancy for the building under provisions in Section 91.109.6 L.A.M.C.

Appeal Procedures:

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

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

Inspector: Brian Olson
Grading Division
11620 Wilshire Bl. #1100
Los Angeles, CA. 90025
310-914-3936



Date: 12/31/2014

EXHIBIT

12

EXHIBIT 12

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
PRESIDENT

E. FELICIA BRANNON
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAQUIMIAN
JAVIER NUNEZ

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

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

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

INSPECTION BUREAU

ISSUE DATE: April 08, 2015

First Corporate Solutions, Inc.
C/O David Silverburg
914 S Street
Sacramento, Ca. 95811

ORDER NO: BO040615-954
APN: 4370022014

ORDER TO COMPLY
STOP WORK

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: April 22, 2015

An inspection of the site referenced above on April 6, 2015 revealed that retaining walls of unapproved materials have been constructed along west side of drive and on the westerly descending slopes below the structure at the violation address above. The afore mentioned conditions affects the protection of life and limb in addition to the safety and stability of adjacent properties and must be corrected in conformance with the Los Angeles Municipal Code, (LAMC), as described herein.

This Order to Comply incorporates by reference Order to Comply number BO1219014-954 dated December 18, 2014 and is an addendum thereto except as modified below with respect to compliance dates.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before April 22, 2015

1) You are ordered to STOP WORK on all further construction of unapproved gravity type retaining walls, grading and stock piling of materials as of April 8, 2015. 91.104.2.4 L.A.M.C.

2) Submit three (3) copies of a Geological/Soils report by a registered geotechnical engineer and engineering geologist to the Grading Division for review and approval to address unauthorized vertical cuts created to construct entire basement story addition under house and pool deck and to remove all unapproved gravity type retaining walls off the slopes and restore the slopes. Once reports have been approved, submit plans, obtain all required permits and complete work as recommended in the approved geotechnical reports, approved plans and in accordance with the Los Angeles Municipal Code. 91.7006.1, 91.7006.3.2, 91.106.1.1, 91.106.1.2 L.A.M.C.

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Page 1 of 3

CERTIFIED TO BE A
TRUE COPY

By: *[Signature]*
Department of Bldg. & Safety

Date: 4-30-15

3) Obtain the services of a registered land surveyor to stake all property corners, provide reference points at site and prepare a survey map of the property to verify that grading activity does not encroach on adjacent properties. Survey shall also contain reference points on site that clearly identifies property lines.

91.108.8 L.A.M.C.

4) Do not resume work until permits have been obtained and approval from the department has been obtained thru an inspection that has been performed and granted by the authorized representative of the department.

91.108.1, 91.108.5, 91.108.4, L.A.M.C.

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

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

Non-Compliance Fee Warning:

A proposed Non-Compliance fee of \$1386.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee for a total of \$4851.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60th day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

Investigation Fee Warning:

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

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

CERTIFIED TO BE A
TRUE COPY
By: *[Signature]*
Dept. of Bldg. & Safety
Date: 1-30-17

2015 APR 20 PM 4:29

RECEIVED

901 STRADA VECCHIA FIRST CORPORATE OTC-3-4-8-2015

Page 2 of 3

080310

Penalty Warning:

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine of not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

This Order is issued pursuant to the provisions of LAMC 91.7005.7. If this substandard condition is not eliminated within the specified time limit, this Department will record a "Certificate of Substandard Property" with the Office of the County Recorder.

Appeals to this order may be made pursuant to Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

Citation Warning:

Warning: A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. Sections 11.00 (m) & 98.0408 (a)

Appeal Procedures:

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

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

Inspector: Brian Olson
Grading Division
11620 Wilshire Blvd Suite 1100
Los Angeles, Ca. 90025

Brian Olson

Date: 4/8/2015

Received _____ Date _____

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2015 APR 20 PM 4:29
BUILDING & SAFETY
COMMISSION

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TRUE COPY
By: *[Signature]*
Dept. of Bldg. & Safety
Date: 4-30-15

Page 3 of 3

13

13

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
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CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
231 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

April 8, 2015

901 Strada Vecchia LLC
C/O James Zelloe
910 King St.
Alexandria, VA 22314

ORDER# JN07152014.2
APN# 4370022014

ORDER TO COMPLY SUPPLEMENTAL

VIOLATION ADDRESS: 901 Strada Vecchia Rd.

COMPLIANCE DATE: April 22, 2015

This order is supplemental and in addition to Order to Comply# JN07152014.1 that was issued on July 15, 2014 to stop all work in conjunction with the "Notice of Intent to Revoke" letter that was issued on July 14, 2014.

On September 10, 2014 permit numbers 11010-10000-00788, 11020-10000-01575, 11030-10000-01653, 11020-10000-00742 and 11047-10000-00339 were all revoked.

Section 1

An inspection of this site on April 6, 2015 reveals that the following has been done in violation of the Stop all Work Order# JN07152014.1, including but not limited to:

1. An approximate 50' x 20' concrete slab placed at driveway
2. Conduit and electrical wiring completed in kitchen area.
3. Heating and Air ducting completed in kitchen area.
4. Ceiling and soffits in kitchen area.
5. Portion of ceiling finished in basement level at bottom of stairs.
6. Door installed on basement floor leading to room created in North corner of building.
7. Steel stud partitions in garage creating office and storage space.
8. Finish cabinetry installed in second floor family room at northwest corner of building.

11/06/15

Section 2

In addition to the violation of the Stop Work order, the following unapproved, unpermitted construction was observed on April 6, 2015, including but not limited to:

1. Two levels of approximate 20' x 200' irregular shaped concrete decks were added below the Accessory Pool Deck Structure.
2. The Accessory Pool Deck Structure is connected to the main Dwelling which creates an over height building.
3. Entire story has been created below basement level.
4. Two approximate 10' high x 40 linear feet and 10' high x 30 linear feet of retaining walls at the north east side of property connected to the building.
5. Approximate 12' high x 40' linear foot retaining wall attached to the building at southwest corner of the building which blocks access to the required covered parking.
6. Approximate 75' x 125' irregular shaped basement addition at east of building under the motor court for an unauthorized theater.
7. Approximate 8' x 25' two story addition added to first and second floor at southwest corner of building.
8. Approximate 23' x 14' basement addition to northeast corner of basement.
9. Stairway at entry extended to roof level.
10. Stairway adjacent to elevator shaft extended to roof level.

Section 3

A review of the approved plans and an inspection of the site on April 6, 2015 also revealed multiple changes to the floor plan including but not limited to:

1. Stairwell adjacent to elevator shaft is not configured per approved plans.
2. Stairwell adjacent to entry of building is not configured per approved plans.
3. At basement level in Moroccan room, partition wall added to divide space into two rooms and an opening has been created at vestibule area.
4. Two exterior openings with doors at Moroccan room have been created.
5. Partition walls are removed at mechanical room - 2
6. 12' x 7' high fireplace constructed in vestibule area.
7. Structural opening has been saw cut into garage exterior concrete wall at southwest corner of building.
8. Four fireplace openings created at first floor.
9. Two fireplaces have been omitted at first floor.
10. At second floor bedrooms, partition walls are not per approved plans.
11. The entire kitchen area partition walls on the first floor are not per approved plans.
12. The height of each floor of the main structure has been increased beyond the scope of approved plans.

Therefore, you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before April 22, 2015.

- I. Stop all Work. Section 91.104.2.4 of the L.A.M.C.
- II. Submit plans and obtain all necessary permits and approvals for any and all unauthorized, unapproved construction as listed above. Sections R106, R106.1.1, R106.3.1, R106.3.2, 12.21.A.1.a of the L.A.M.C.
- III. Comply with Order to Comply # BO040615-954, issued on April 8, 2015 by the Grading Division. Section R103.3 of the L.A.M.C.
- IV. Expose all work that has been covered without the required inspections and approvals. Section R104.2.2 L.A.M.C.
- V. Call for all required inspections. Sections R108.5, R108.6 and R108.9 of the L.A.M.C.
- VI. If no permits or approvals are obtained for the unauthorized, unapproved construction as mentioned in this order, then demolish and remove all unauthorized, unapproved construction and restore the site to its approved state. Sections R104.2.1, 98.0403.1, 91.8105, 106.4.4.3 and 12.21.A.1.a of the L.A.M.C.

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

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

No person shall fail, refuse or neglect to comply with all orders issued by the Department pursuant to this division. Any person violating this subsection shall be guilty of a misdemeanor which shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both. In addition, the Department shall collect investigative fees.
LAMC Sections 91.103.3, 91.107.51, & 98.0416.

Appeals to this order may be pursuant to LAMC Section 98.0403.2 of the Los Angeles Municipal Code. Please inquire about procedures.

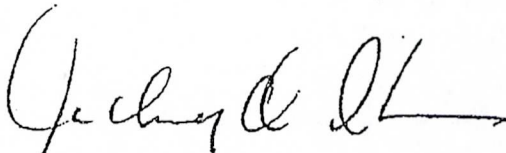
Non-Compliance Fee Warning

In addition to the C.V.I.F. noted above, a proposed noncompliance fee in the amount of \$550.00 may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or slight modification is filed

within 15 days after the compliance date. If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411(a) L.A.M.C.).

Note: Failure to pay the Non-Compliance Fee within 30 days after the date of mailing the invoice may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$1,925.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60th day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(c) L.A.M.C.).

Warning: A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. Sections 11.00 (m) & 98.0408 (a).



Anthony Anderson
Building Mechanical Inspector
11620 W. Wilshire Bl. #1100
Los Angeles, CA 90025
310-914-3862



EXHIBIT

14

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
PRESIDENT

E. FELICIA BRANNON
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
JAVIER NUNEZ

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FISHER STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

INSPECTION BUREAU

ISSUE DATE: August 19, 2015

901 STRADA LLC
C/O James T. Zellee
11350 Random Hills Rd.
Fairfax, VA. 22030
USA

ORDER NO: BO081915-1-954
APN: 4370022014

ORDER TO COMPLY

Violation Address: 901 N. Strada Vecchia Road

Compliance Date: October 1, 2015

An inspection of the property at the above job address on August 18, 2015 reveals that temporary erosion control devices have not been adequately installed as required by sections 91.7007.1 and 96.02 of the Los Angeles Municipal Code. Temporary erosion control devices are required to be installed by October 1, 2015 and maintained through April 15, 2016.

Therefore you are hereby ordered to comply with the following requirements of the Los Angeles Municipal Code (LAMC) and other laws on or before October 1, 2015

1) Submit erosion control plans to the Department of Building and Safety or the Department of Public Works, Bureau of Engineering and after approval install the temporary erosion control devices in accordance with the approved plans. 91.7007.1 L.A.M.C.

Non-Compliance Fee Warning

A proposed Non-Compliance fee of \$1000.00 may be imposed for failure to comply within 15 days after the Compliance Date specified in the Order or unless an appeal or request for slight modification is filed within 15 days of the Compliance Date (Section 98.0411(a) L.A.M.C.).

If an appeal or request for slight modification is not filed within 15 days of the Compliance Date or extensions granted therefrom, the determination of the Department to impose and collect a Non-Compliance Fee shall be final (Section 98.0411 L.A.M.C.).

Page 1 of 2

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TRUE COPY

By: *[Signature]*
Dept. of Bldg. & Safety

Date: 1-30-17

SV-

Note: Failure to pay the Non-Compliance fee within 30 days after the date of mailing the invoice, may result in a late charge of two times the Non-Compliance Fee plus a 50% collection fee, for a total of \$2500.00. Any person who fails to pay the fee, late charge and collection fee, shall also pay interest from the 60th day after the date of mailing of this invoice. Interest shall be calculated at the rate of 1% per month (Section 98.0411(e) L.A.M.C.).

Investigation Fee Warning:

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

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

Penalty Warning:

Any person who violates or causes or permits another person to violate any provision of the L.A.M.C. is guilty of misdemeanor which is punishable by a fine or not more than \$1,000.00 and/or six (6) months imprisonment for each violation (Section 11.00 (m) L.A.M.C.).

Citation Warning:

Warning: A Citation requiring your appearance in court may be issued if compliance is not obtained with this Order. This may result in a fine of up to \$1,000.00 and/or six months in jail. L.A.M.C. Sections 11.00 (m) & 98.0408 (a).

Substandard Warning:

Failure to comply with the above by the specified date will result in a "Certificate of Substandard Condition" being recorded with the Office of the County Recorder in accordance with Section 91.7005.7 L.A.M.C. and instituting action to revoke the Certificate of Occupancy for the building under provisions in Section 91.109.6 L.A.M.C.

Appeal Procedures:

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

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

Inspector: Brian Olson
Grading Division
11620 Wilshire Bl. #1100
Los Angeles, CA: 90025
310-914-3936

Date: 08/19/2015

CERTIFIED TO BE A
TRUE COPY
By: *[Signature]*
Dept. of Bldg. & Safety
Date: 1-30-17

Page 2 of 2

S.V.

100-477-0700 423

EXHIBIT

15

91/90741

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) Plaintiff,)
)
 vs.)
)
)
)
 01 JAMES THOMAS ZELLOE)
 02 901 STRADA LLC)
 03 MOHAMED ANWAR HADID)
)
) Defendant(s).)
)

CASE NO. 5PY03637

AMENDED
MISDEMEANOR COMPLAINT

Date: December 9, 2015
Dept: 101
Time: 8:30 AM

LOS ANGELES
FILED
SHERIFF R. CARTER
BY HARRY R. ALVAREZ, DEPUTY

COMPLAINT SUMMARY

Ct	Charge	TCIS Code	Defendant(s)
1	L12.21A1A	12.21A1(A)/01	JAMES THOMAS ZELLOE 901 STRADA LLC MOHAMED ANWAR HADID
2	L91.8105	91.8105/01	JAMES THOMAS ZELLOE 901 STRADA LLC MOHAMED ANWAR HADID
3	L91.103.3	91.103.3/01	JAMES THOMAS ZELLOE 901 STRADA LLC MOHAMED ANWAR HADID

Comes now the undersigned and states that he is informed and believes, and upon such information and belief declares:

COUNT I

that on or about January 7, 2015 and continuing, at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit: a violation of Subsection A1(a) of Section 12.21 of the Los Angeles Municipal Code was committed by the above-named defendant(s), (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did unlawfully erect, reconstruct, structurally alter, enlarge, move, and maintain a building and structure, and use and design to be used a building, structure, and land for other than was permitted in the zone in which such building, structure, and land was located, without applying for and securing all permits and licenses required by all laws and ordinances.

COUNT II

For a further, separate and second cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges:

that on or about January 7, 2015 and continuing, at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit: a violation of Section 91.8105 of the Los Angeles Municipal Code was committed by the above-named defendant(s), (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, as the owner and person in control of a building, structure and portion thereof constructed without a building permit, did unlawfully fail to make such building conform to provisions of this Code and to demolish and remove such building, and, did fail to make conform to provisions of this Code and discontinue and remove a use and occupancy existing in such building.

COUNT III

For a further, separate and third cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges:

that on or about January 7, 2015 and continuing, at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit: a violation of Section 91.103.3 of the Los Angeles Municipal Code was committed by the above-named defendant(s), (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did unlawfully fail, refuse, and neglect to comply with an order issued by the Department of Building and Safety pursuant to the provisions of this Code.

DATE: December 9, 2015

Issued by
MICHAEL N. FEUER, City Attorney

By 
Don Cocek
Deputy City Attorney

Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

EXHIBIT

16

1406/13

1061124201501448

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS

VAN AMBATIELOS
PRESIDENT

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VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUIMIAN
JAVIER NUNEZ

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

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

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

June 10, 2015

BOARD FILE: 150040
C.D.: 5

Kevin K. McDonnell
Jeffer, Mangeis, Butler and Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

JOB ADDRESS: 901 NORTH STRADA VECCHIA ROAD

On June 2, 2015, the Board of Building and Safety Commissioners considered your appeal regarding the property at the above referenced job address:

BOARD ACTION:

1. Determine that the Department of Building and Safety ("LADBS") DID NOT ERR OR ABUSE ITS DISCRETION in its determination to issue Order to Comply No. JN07152014.2, dated April 08, 2015, and Order to Comply No. BO 040615-954, dated April 08, 2015.
2. DENY the request for an extension of time to comply with LADBS Order to Comply No. JN07152014.2, dated April 08, 2015, and Order to Comply No. BO 040615-954, dated April 08, 2015. Further, the Board's action shall be with PREJUDICE. The Department shall not accept another appeal on this matter.

(Continued on Page 2)

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By [Signature]
Dept. of Bldg. & Safety


Date 1-5-17

Page 2

Job Address: 901 NORTH STRADA VECCHIA ROAD
Board File: 150040

FINDINGS (Adopted):

1. The request does not meet the spirit and intent of the Code inasmuch as this is a self-imposed hardship, due to the fact that all the work in question was done outside the bounds of the permit and approved plans.


Van Ambatielos, President
BOARD OF BUILDING AND SAFETY COMMISSIONERS

NOT VALID WITHOUT STAMP AND SIGNATURE OF COMMISSIONERS ON

Action By
the BOARD OF BUILDING AND SAFETY
COMMISSIONERS ON

June 2, 2015

CJ:mct
150040.fal

c: Sr. Inspector J. T. Christian
Bel Air Beverly Crest Neighborhood Council
Ann Beisch
Ron Hudson
Cynthia Yorkin
Todd Nelson
Maureen Levinson
Kirk Stambliis
Marcia Hobbs
Gareth Crites
901 Strada, LLC


Schwartz & Janzen, LLP
Alfred T. Wilkes
Kristen Lonner
Fred Rosen
Gina Gribow
Victor Del La Cruz
Beatriz Horacek
Joseph Horacek III
Steve Myers
Dennis Bolin

For further information call the Commission Office at (213) 482-0466.

The decisions of the Board are effective at the close of the meeting unless it is noted otherwise. The Board or the Superintendent may order a reconsideration of all or part of the case on its or his own motion, or on petition of any party. The power to order a reconsideration shall expire five days after the effective date of the decision (Section 98.0312 LAMC). If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied.

Pursuant to Section 245 of Article II of the Charter of the City of Los Angeles, actions taken by this Board become final at the expiration of the next five (5) meeting days of the City Council during which the Council convenes in regular session, unless the City Council acts within that time by two-thirds vote to bring this action before it for consideration.

CERTIFIED TO BE A
TRUE COPY

By 
Dept. of Bldg. & Safety
Date 6-5-17

1061124201501448

City of Los Angeles
REPORT ON APPEAL FROM LADBS DETERMINATION OF SUPERINTENDENT OF BUILDING
REFERRED TO THE BBSC WITHOUT RECOMMENDATION FROM THE COMMISSION STAFF

DEPARTMENT STAFF: J. T. Christian

OWNER:

901 Strada, LLC
11350 Random Hills Road, Suite 700
Fairfax, VA 22030

APPELLANT:

Kevin K. McDonnell
Jeffer, Mangeis, Butler and Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

BOARD FILE: 150040
C.D.: 5 (Councilmember P. Koretz)
PLANNING AREA: Bel Air
OCCUPANCY: R3
TYPE OF CONSTRUCTION: V-B
STORIES: 2
FIRE DISTRICT: VHFHSZ
ZONE: RE-20-1-H
STATUS: --
BUREAU/DIV: INSPECTION
DISTRICT OFFICE: Metro
PRIOR BOARD ACTION: None
ORDER: Yes

JOB ADDRESS: 901 NORTH STRADA VECCHIA ROAD

EXHIBITS:

- EXHIBIT A: LADBS Order to Comply Supplemental No. JN07152014.2, dated April 8, 2015.
- EXHIBIT B: LADBS Order to Comply-Stop Work No. BO 040615-954, dated April 8, 2015.
- EXHIBIT C: LADBS Permits (5) issued April 2012 for 901 N. Strada Vecchia Road.
- EXHIBIT D: LADBS Notice to Stop all Construction and Intent to Revoke, dated July 14, 2014.
- EXHIBIT E: LADBS Order to Comply No. JN07152014.1, dated July 15, 2014.
- EXHIBIT F: LADBS Revocation of Building Permits/Letter, dated September 9, 2014.
- EXHIBIT G: List of LADBS written Orders to Comply issued from 2011 to present.
- EXHIBIT H: List of unapproved construction, referenced from OTC. (Exhibit A)
- EXHIBIT I: Photographs of construction project.

APPENDIX: Appeal package with support documents as submitted by appellant.

CERTIFIED TO BE A
TRUE COPY

By: *[Signature]*
Dept. of Bldg. & Safety

Date: 5-17

4/26/15

Job address: 901 NORTH STRADA VECCHIA ROAD
Board File: 150040

APPEAL:

REQUEST NO. 1

Determine if the Los Angeles Department of Building and Safety (LADBS) erred and/or abused its discretion in its determination to issue Order to Comply No. JN07152014.2, dated April 08, 2015, and Order to Comply No. BO 040615-954, dated April 08, 2015. (Exhibits A and B)

STAFF RECOMMENDATION:

REFERRED TO THE BBSC WITHOUT RECOMMENDATION FROM THE COMMISSION STAFF. THE POSITION OF THE DEPARTMENT WHEN AN APPEAL REGARDING ERROR OR ABUSE OF DISCRETION IS BROUGHT FORTH TO THE BOARD OF COMMISSIONERS, WILL ALWAYS UNEQUIVOCALLY BE THAT IT DID NOT COMMIT AN ERROR NOR ABUSED ITS DISCRETION IN THE ACTION APPEALED, OTHERWISE THAT ACTION WOULD HAVE BEEN CORRECTED AND THE APPEAL WITHDRAWN.

If request NO. 1 is denied:

REQUEST NO. 2

Request an extension of time to comply with the aforementioned Orders.

STAFF RECOMMENDATION:

Denial of the request.

Further, the Commission action shall be with PREJUDICE. LADBS shall not accept another appeal on this matter.

FINDINGS:

1. The request does not meet the spirit and intent of the Code inasmuch as this is a self-imposed hardship, due to the fact that all the work in question was done outside the bounds of the permit and approved plans; this work has not been approved nor is there any indication that it could be approved, further, no inspections have been conducted for this unauthorized work.

THE REPORT SUBMITTED HEREIN IS NOT AN OFFICIAL ACTION OF THE COMMISSION. ACTIONS BECOME OFFICIAL ONCE THE COMMISSION RENDERS A FINAL DECISION IN THE MATTER. DECISIONS ARE VERIFIED VIA SIGNED AND STAMPED COMMISSION ACTION LETTERS.

BACKGROUND:

The subject property was originally developed in 1952 with a single story home. The appellant acquired the property in 2011 with the intent to demolish and redevelop the property with a new structure.

CERTIFIED TO BE A
TRUE COPY

By: *[Signature]*
Dept. of Bldg. & Safety

Date: 1-5-17

1061124201501448

Job address: 901 NORTH STRADA VECCHIA ROAD
Board File: 150040

In April 2012, the Department issued permits for a new two-story, single-family-dwelling (SFD) with habitable basement and a six car garage. Other development permits included a swimming pool, deck, and various retaining walls. (Exhibit C)

Los Angeles Department of Building and Safety (LADBS) inspections began in 2012. During the property's development, LADBS received complaints from neighbors for various alleged violations of the building and zoning codes.

The Department responded by conducting an investigation of the numerous claims. As a result of the investigation, the Department issued a NOTICE TO STOP ALL CONSTRUCTION AND INTENT TO REVOKE BUILDING PERMITS, dated July 14, 2014 (Exhibit D) coupled with ORDER TO COMPLY No. JN07152014.1, dated July 15, 2014. (Exhibit E)

The Department ultimately revoked all building permits associated with the project. (Exhibit F)

DISCUSSION:

Hillside construction can be complex and challenging. In general, multiple inspections are required before a permit is finalized and a Certificate of Occupancy is granted. For this site, LADBS has conducted over 250 inspections and the project is approximately two thirds complete.

From the beginning, numerous corrective actions were necessary to keep the construction process within the bounds of the code. To date, LADBS has issued nine written orders and logged several significant correction notices against the developer for non-conformance to the approved plans and various code violations. A brief summary of these Orders are included in this report. (Exhibit G)

The Department issued an ORDER TO COMPLY (Order) dated July 15, 2014, (Exhibit E) with instructions to stop all work and return to plan check to address elements of construction that were not in conformance with the approved plans. The Department continued to receive complaints through December 2014, which demonstrated that construction had not stopped.

The Department assigned an inspector to make unannounced site visits to monitor the alleged violations of the Stop Work Order. This inspector documented over 60 inspection stops between July 2014 and April 2015, noting that various elements of the project had been completed, despite the Order.

Due to the problematic nature of this property and the severity of the purported zoning and building code violations, LADBS conducted a thorough site inspection on April 6, 2015. In attendance were ten Department managers, as well as the project contractor and developer, Mr. Hadid.

Department staff witnessed, documented, and photographed a multitude of anomalies inconsistent with the approved plans. As a result, two Orders to Comply were issued listing the numerous violations witnessed by Building and Safety personnel. These two Orders are being challenged by the appellant (Exhibits A and B).

The list of unapproved construction, as noted in Exhibit A, has been reproduced for reference. (Exhibit H)

Currently, the project has been suspended and may not go forward until all the items listed in the Orders have been addressed.

Job address: 901 NORTH STRADA VECCHIA ROAD
Board File: 150040

THE APPEAL

Request No. 1

Determine if LADBS erred or abused its discretion in issuing Order to Comply No. JN07152014.2 and Order to Comply No. BO040615-954, issued April 8, 2015. (Exhibits A and B)

Justification for this appeal: The following paragraph is an excerpt from Appendix Attachment "A" of the appeal application provided by the owner's counsel.

"The owner has spent at least a million dollars in good faith reliance on the Permits and inspections. From approximately April 13, 2012 to July 10, 2014, at least 58 grading inspections were performed at the Project Site and from approximately January 16, 2013 to June 25, 2014, at least 98 inspections were performed on the single family home building alone."

Department response:

The statement's implication may refer to "vested rights."

The appellant makes reference to having spent at least a million dollars in permit and building fees. Many inspections have been conducted and substantial work has been completed. Both are factual statements. However, the owner has not invested in his project "in good faith reliance" on the permits issued by the Department. Collectively, if all of the aforementioned statements were true, this could establish vested rights. Because the project has been so deliberately altered from the approved plans, the "in good faith reliance" statement is disputable.

The following paragraph is an excerpt from Appendix Attachment "A" of the appeal application provided by the owner's counsel.

"...Those inspections notwithstanding, DBS issued Stop Work Order No. JN07152014.1, dated July 15, 2014 (the 2014 Order) ordering work stopped and to return to plan check to verify as built conditions are in conformance with the approved plans. The Owner has complied with the 2014 Order and has been in frequent contact with DBS attempting to rectify issues associated with the 2014 Order. Now, DBS alleges unauthorized work has been performed on the Project Site since the 2014 Order was issued. This allegation is in error. The Owner performed limited work to the building and performed certain site work to minimize the potential for damage due to rain storms forecasted (and which occurred) since the 2014 Order was issued, all with the express authorization from DBS."

To avoid confusion, the Orders referenced in this appeal (Exhibits A and B) are supplemental Orders to the originals issued in 2014, which remain in effect.

The appellant states they have complied with the 2014 Order which lists several violations and remedies. Claiming to be "in compliance" with the Order and then stating that they are in communication with the Department to rectify issues contained in the Order, is somewhat contradictory.

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By E. J. J. J.
Dept. of Bldg. & Safety
Date 1-5-17

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Job address: 901 NORTH STRADA VECCHIA ROAD
Board File: 150040

The Order demands compliance on several points.

1. STOP ALL WORK as of July 15, 2014.
2. Return to plan check to verify as-built conditions are in conformance with the approved plans.
3. Make all work conform to Code and the approved plans or demolish and remove any unapproved work etc.

Department response:

The Department has documented and witnessed additional work having been completed on the structure in violation of the 2014 Order.

There has been no re-submittal of plans to the Department to address the as-built conditions or the additional construction witnessed by our staff.

The Department disagrees with the appellant's claim that they are in compliance. This is why it was necessary to issue supplemental Orders on April 15, 2015. (Exhibit A and B)

The appellant states; *"Now, DBS alleges unauthorized work has been performed on the Project Site since the 2014 Order was issued."* This allegation is found in the recent Orders. (Exhibit A and B) Appellant states this allegation is in error and continues to state the owner performed limited work to the building and property to minimize the potential for damage due to rain.

The Department was aware of minor continuances of work, restricted only to reducing potential water damage from weather events. However, after the thorough inspection in April 2015, it was determined that more construction had been completed without inspections and most of this outside the parameters of the plan.

Interior carpentry, creating rooms under floors, electrical wiring and mechanical duct work are not elements typically needed to minimize storm damage.

CONCLUSION:

The project has clearly exceeded the scope of the permit and does not match the approved plans. The Department has acted within its authority to revoke all permits associated with this property until such time as the developer re-submits plans addressing the many changes and additions to the project or removes all unapproved construction and repairs any alterations to the site geology.

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By: *[Signature]*
Dept. of Bldg. & Safety

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Regarding Request No. 2

Should the Board deny request number 1, the owner requests a reasonable extension of time to comply with all issues enumerated in the Orders.

Department Response:

The Department is not in favor of granting time to comply. In the months following the Order to Comply, dated July 2014, substantial work was completed on the project in violation of the Order. The construction is beyond what was approved by permit. No new plans have been re-submitted addressing the alterations or additional square footage.

Attempts have been made by the appellant to re-submit the appropriate plot plans and topography map, however, our engineering staff has determined those to be inaccurate and unusable. There have been no subsequent submittals.

Eight months have passed since the July 2014 Orders were issued. There has not been enough momentum by the developer to indicate that they intend on moving forward in a timely manner. The Department does not believe granting more time to comply with the Orders will result in a different outcome. Therefore, the Department does not recommend granting additional time.

CODE:

91.104.2.4. Authority to stop work.

Whenever any construction work is being done contrary to the provisions of any law or ordinance enforced by the department, the department shall have the authority to issue a written notice to the responsible party to stop work on that portion of the work on which the violation has occurred.

The notice shall state the nature of the violation and no work shall be done on that portion until the violation has been rectified and approval obtained from the department.

106.1. Permits required.

106.1.1. Building permits. No person shall erect, construct, alter, repair, demolish, remove or move any building or structure, ...unless said person has obtained a permit from the department. (excerpt)

106.1.2. Grading permits. No person shall commence or perform any grading, and no person shall import or export any earth materials to or from any grading site, without first having obtained a permit from the Department. No person shall perform any grading within areas designated "hillside" unless a copy of the permit is in the possession of a responsible person and available at the site for display upon request. Any grading project involving more than 100 cubic yards (76.5 m³) of excavation and involving an excavation in excess of 5 feet (1524 mm) in vertical depth at its deepest point measured from the original ground surface shall be done by a State of California licensed contractor who is licensed to perform the work described herein.

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By E. J. [Signature]
Dept. of Bldg. & Safety

Date 1-5-17

Job address: 901 NORTH STRADA VECCHIA ROAD
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SECTION 108 INSPECTION

91.108.1. General. All construction or work for which a permit is required shall be subject to inspection by authorized employees of the department, and certain types of construction shall have continuous inspection by Registered Deputy Inspectors as specified in Section 1704 of, Prior to the issuance of a Certificate of Occupancy as specified in Section 109, a final inspection shall be made by the department of all construction or work for which a permit has been issued.

108.4. Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Superintendent of Building. The Superintendent, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Superintendent of the Building.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

91.108.8. Surveys. In the absence of any designation of the proper location of the lot on which a building is to be erected, for which building a permit has been issued, the department may require the owner to have the lot surveyed and staked by a registered land surveyor or registered civil engineer so that the proper location of the building on the lot may be determined.

CONDITIONS PRECEDENT TO ISSUING A GRADING PERMIT

7006.1 Plans and specifications. Application for a grading permit shall be accompanied by plans and specifications prepared and signed by an individual licensed by the State to prepare such documents. Plans shall be drawn to appropriate scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the plans will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

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By *E. J. ...*
Dept. of Bldg. & Safety

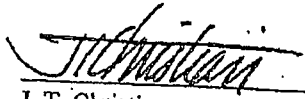
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7006.3.2 Engineering geology report. The engineering geology report required by Section 7006.2 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors. In addition, all soils engineering and engineering geology reports for grading work in hillside areas shall also comply with rules and standards established by the department.

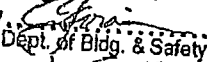
Raymond S. Chan, C.E., S.E.
General Manager

Prepared by: Senior Inspector J. T. Christian
Code Enforcement Bureau


J. T. Christian

Action By
the BOARD OF BUILDING AND SAFETY
COMMISSIONERS on
June 2, 2015

May 21, 2015

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Dept. of Bldg. & Safety
Date 1-5-17

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EXHIBIT A

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By: *Edman*
Dept. of Bldg. & Safety

Date: 1-5-17

EXHIBIT

17

EXHIBIT 17

Committees:

Chair
Personnel & Animal Welfare

Vice Chair
Housing
Transportation

Member
Arts, Parks & River
Energy & Environment

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June 23, 2017

Mr. Frank Bush
General Manager
Department of Building and Safety
City of Los Angeles
201 N. Figueroa Street, Suite 1000
Los Angeles, CA 90012

Re: 901 Strada Vecchia, Bel-Air

Dear Mr. Bush:

I am writing about the now infamous 901 Strada Vecchia project in Bel Air. As you know, we find ourselves continuing to deal with this matter because of countless misrepresentations and misconduct by the developer who currently faces criminal charges for his actions at the property.

The project now looms over the surrounding residential community and presents ongoing risks to neighboring properties. Landslides are an ongoing problem, and of greatest concern is that just before LADBS issued a stop work order on all construction, the developer sought to build a retaining wall at the site which would measure 17 feet in height and extend 385 feet in length "to repair an unsafe or substandard condition." That this massive wall was requested should be of great concern as it points to major slope stability issues that need to be addressed. The developer further pushed thousands of cubic yards of dirt across property lines illegally and did not build according to plans and approved geotechnical reports. No doubt this further destabilized a slope that could not support major development in the first place.

I understand that the developer has submitted plans for a project that would be very similar to what stands there now even though he has already taken actions that would have required discretionary entitlements and CEQA review. In other words, he is attempting to reap reward from his illegal actions. This should not be allowed – issuing any ministerial permit now would just encourage other developers to simply push dirt across property lines illegally rather than apply for a haul route and submit for CEQA review. Allowing the developer to continue playing games by pretending to the judge in his criminal proceeding that he is close to getting permits for his home does a disservice to the community and it should cease. There is no way that this project could ever move forward through the mere issuance of ministerial permits and LADBS should stop indulging that fantasy.

There is one path forward here and that is to designate 901 Strada Vecchia a nuisance and compel the owner to abate the hazardous conditions currently existing at the site through demolition of the project. There is

no question that the project constitutes a hazardous building. Pursuant to LAMC Section 91.8901.8, LADBS is authorized to abate a hazardous building by ordering its wholesale demolition. If the owner fails to follow through, the Code further authorizes LADBS to have the work done and recover all costs of the correction and/or demolition work from the property owner, plus an additional surcharge to cover the City's costs in soliciting and supervising the work.

I urge you to take an active hand to ensure the correction of the project's existing deficiencies as this developer cannot be trusted to comply with the law in doing so. The project presents a real and immediate risk to neighboring properties and there are available steps to remedy this situation before significant property damage – or worse, significant physical harm – is caused by the site's dangerous conditions.

Continuing to allow the developer to pretend that his project might be able to proceed without CEQA review and discretionary entitlements sends disconcerting messages about the enforcement of the Code. We cannot teach developers that it is better to ask for forgiveness than to ask for permission, or the issues at 901 Strada Vecchia will be repeated citywide.

I urge you to declare this property a nuisance, recognize that the structure at 901 Strada Vecchia constitutes a hazardous building, and immediately move to resolve the issues at the site through demolition of the structure. This is essential to safeguard the rule of law in the City of Los Angeles, to ensure compliance with the Code in future projects, and to protect the community of Bel Air.

Sincerely,



PAUL KORETZ
Councilmember, 5th District