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## **VIA EMAIL and ELECTRONIC UPLOAD**

Planning and Land Use Management Committee  
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Honorable Mayor and Council Members  
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**Re: Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)**

Dear Planning and Land Use Management Committee Members & Honorable Mayor and City Councilmembers:

This firm represents the Federation of Hillside and Canyon Associations ("Hillside Federation") and Runyon Canyon Coalition ("RCC") with regard to the proposed development project at 3003 Runyon Canyon Road ("Project"). This letter responds to Applicant's February 1, 2025 Letter ("Letter") and offers supplemental appeal justifications before the Planning and Land Use Management Committee ("PLUM") and the City Council ("Council") showing that the requested entitlements for the Project cannot be approved in light of the Project's violations of the state laws and local rules and regulations, including but not limited to the "State Minimum Fire Safe Regulations" codified at Cal. Code Regs. tit. 14 § 1270.00 et seq., California Environmental Quality Act ("CEQA"), State Planning and Zoning Law, the City's General Plan, Hollywood Community Plan, Mulholland Specific Plan, the Baseline Hillside Ordinance, the City's Charter, and many zoning regulations intended to mitigate fire-safety, density, seismic and other hazards and impacts.

**I. THE APPLICANT’S JUSTIFICATIONS ARE LEGALLY UNAVAILING**

Far from supporting the Project approvals, the Applicant’s Letter underscores the reasons why the Project should not be approved, and its EIR should not be certified.

**A. The Letter Confirms that the Project and Its Sought Variances and Exceptions from Applicable Regulations Are Not Based on Any Practical Hardship, as Required by Law, But Rather by the Applicant’s “Dream” to Develop the Project Site Upon Purchasing It with Full Notice of Development Constraints (A Self-Imposed Hardship)**

First, the Letter concedes that the Applicant obtained the Project site *with the intent of developing it* and with full notice of the development constraints in light of the surrounding park, ridgeline, zoning and historical resource. The Letter states: “The Valencia Family has **owned and lived** on the Property for **more than ten years**, and has **dreamed** of constructing a sustainable organic home that is integrated into the native landscape. They **applied** for **entitlements** in **2016** and have worked tirelessly for **nine years** to **redesign** the project to respond to comments from the neighbors and the Mulholland Design Review Board (“DRB”).” (Letter, p. 1, *emph. added.*) As such, the Applicant applied for entitlements nine years ago, just after they gained ownership of the Project Site. It follows that the Applicant purchased the place with an intent to develop it and with full disclosures of the existing zoning regulations and constraints.

But the zoning code and fire regulations should not be bent or changed simply to accommodate a family’s “dreams.” Instead, a practical hardship must be shown. And there is **none** shown here. That the applicable regulations should not be bent is all the more so here, where granting variances to the Valencia Family may endanger the surrounding rare biological sensitive and historical resources and people’s homes and lives. To be sure, the Project site is zoned to have only *one* single-family dwelling, whereas Valencia Family seeks to build a *second* one. As described in more details in RCC’s recent February 4, 2025 Supplemental Appeal Justification letter (which the Hillside Federation and the RCC incorporate by reference herein), there is absolutely no valid legal reason to justify a variance and to support the findings of practical hardship required therefore. To the extent that any hardship exists, it is self-imposed.

**B. The Applicant’s Focus on the Merits of the Project Is Unavailing and Legally Irrelevant.**

Second, the Applicant’s Letter goes at lengths describing and praising the proposed Project for its design and detailing the Valencia Family’s efforts to meet with the community and accommodate the design proposals by various agencies. However, the alleged merits or *designs* of the Project are absolutely irrelevant here, where the Project remains non-compliant with all the applicable regulations, including the state fire regulations, the RE40-1-H zoning restrictions, General plan designation of “Minimum Residential,” Baseline Hillside Ordinance as to slope density, grading amounts, and restriction on having a second dwelling or even a small Accessory Dwelling Unit with a kitchen, and fire safety regulations.

The Applicant seeks a variance for purportedly an additional kitchen and in reality for a second dwelling unit on the Project site, whereas such a second dwelling unit is plainly prohibited by the applicable zoning and General Plan policies. The Applicant also seeks an exception (akin to a variance) to be able to build next to a ridgeline, put more retaining walls, and grade more than allowed under the Plan and the Baseline Hillside Ordinance. In addition, the Applicant seeks to make other changes that have not been duly disclosed in the Project’s EIR, such as widening of the driveway, potential connection between the two houses, more retaining walls than disclosed (see Supplemental Appeal Justifications). But the Applicant cannot justify departures from so many applicable development standards by pointing to the design or merits of the Project. The development standards and zoning regulations are there for a reason and are not intended to be changed at the whim or dream of proponents. In the words of the Court in an analogous project:

“[D]ata focusing on the *qualities* of the property and Project for which the variance is sought, the *desirability* of the proposed development, the *attractiveness* of its design, the *benefits* to the community, or the *economic difficulties* of developing the property in conformance with the zoning regulations, *lack legal significance* and are simply *irrelevant* to the controlling issue of whether strict application of zoning rules would prevent the would-be developer from utilizing his or her property to the same extent as other property owners in the same zoning district.”

(*Orinda Association v. Board of Supervisors of Contra Costa* (1986) 182 Cal.App.3d 1145, 1166, *emph. added* [“*Orinda*”].)

In sum, the Applicant’s focus on the merits or designs of the Project is misplaced.

**C. The Applicant’s Preparation of an EIR or Claims of Its Adequacy Are Unavailing Where the Project Is Manifestly Non-Conforming and Where the EIR Is Based on Illegal Objectives, Among Other Flaws.**

Third, the Applicant’s Letter states that the Applicant has “prepared a full EIR to evaluate any potential impact, and prepared numerous additional studies on biology, habitat, noise, and wildlife.” (Letter, p. 1.) Simply put, the Applicant believes that just because they prepared an EIR, they are entitled to proceed with a Project as they wish, despite the fact that the Project continues to violate the City’s and state’s mandatory regulations. Not so. As the Court in *Orinda* stated in an analogous situation:

We now turn to the appeal by Friends and BAHA in the companion case. In contrast to the litigation addressed thus far, this appeal is concerned not with the Project in general or as a whole, but quite specifically with the fate of the Theatre and Bank Building. Appellants Friends and BAHA raise numerous issues with respect to the removal of the Theatre and Bank Building, including the **adequacy of the EIR’s evaluation of Project alternatives and mitigation measures**, the **adequacy of the EIR’s response to public comments and proposals**, the adequacy of the Board’s

findings, and whether a supplemental EIR was required by the developer’s redesign of the Project. Once again, in view of our finding in the Association’s case that the Project itself is invalid **because** of its **violation** of the **Zoning Ordinance** and the Board’s **failure** to **support** and **justify** its **approval** of the Project in light of this **noncompliance** with **applicable land-use regulations**, we need not address these questions.

(*Orinda Ass’n v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1170, *emph. added*.)

In addition, as detailed in RCC’s Supplemental Appeal Justifications, the Project’s EIR is fatally inadequate for various reasons, including its inaccurate project description, legally inadequate alternatives, flawed baseline assumptions, illegal Project objectives, and omissions, all of which are reviewed *de novo* without deference to the agency. (See, *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1392 [EIR omissions are reviewed *de novo*]; *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 468 [non-compliance with CEQA’s procedural mandates is reviewed *de novo*]; *Smith v. County of Santa Barbara* (1992) 7 Cal.App.4th 770, 776 [An issue is reviewed *de novo* where the “evidence is susceptible of only one reasonable inference.”]; *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 522 [EIR failures preclude CEQA’s informational goals].)

It is because of these foundational flaws in the EIR that the EIR’s impact analysis and studies, and the Applicant’s claims of their adequacy, are unsupported.

Stated differently, a manifestly illegal project does not become legal simply by preparing an EIR for it and by concluding that the Project will have no impacts. CEQA does not allow violations of regulations. (Pub. Res. Code § 21002.1(c), allowing economic and other considerations to override the Project’s impacts “if the project is otherwise permissible under applicable laws.”) Also, as our highest Court has repeatedly pointed out, CEQA analysis cannot be justified or deemed accurate if it fails to account for applicable regulations:

But, however technically accurate the City’s analysis might otherwise be, it fell short by failing to account for the Coastal Act’s ESHA protections. “The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account.” (Cit. omit.) The subject of ESHA on Banning Ranch was raised early and often by City residents and Coastal Commission staff. The City owed them a reasoned response.

(*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 941.)

Here, too, the issues of the Project’s non-conformance with the zoning and state fire regulations, as well as the Project’s imminent threat to the nearby sensitive biological resources

of the Santa Monica Mountains, mountain lions, and other sensitive species, are undisputed and have been raised by the public and other public agencies. The City failed to provide any reasoned response to such concerns beyond obfuscating and conflating the issues and attempting to find an easy fix to accommodate the Applicant’s “dreams” and circumvent such regulations through, *inter alia*, re-labeling a 2,018 sf dwelling home as an Accessory Living Quarters but with a kitchen. As also detailed in RCC’s Supplemental Appeal Justifications, the City failed to provide a reasoned and consistent response as to whether the Accessory Living Quarters will or will not have a second kitchen.

In sum, the Applicant’s attempts to hide behind the prepared EIR are unavailing where, as here, the EIR is flawed and the Project violates various applicable rules and regulations.

**D. The Applicant Repeatedly Understates the Mass and Scale of the Project by Excluding Areas from the Floor Area and Omitting Some Project Details.**

Fourth, the Applicant – and the City – repeatedly provide an inaccurate Project description by claiming that the Project is only 5,700 sf. house and that the 3,000 sf. basement is “excluded from the residential floor area calculation.” (Letter, p. 2.) The Applicant also states: “the Project’s total floor area is significantly less than the maximum floor area permitted for the 4.5 acre Property in the RE40-1-H zone.” (Letter, p. 4.) However, *nowhere* does the Applicant mention what is actually the *maximum floor area* permitted for the 4.5 acres in the Project area. And, for a reason.

The Project, along with the existing house and all the proposed design in the new building, is proposed on a very steep hillside and is subject to the slope density formula. Moreover, the Project’s residential floor area must include the basement and other attached structures. As confirmed by the City’s own Ordinance No. 184802, the floor area ratio (“FAR”) of a basement in this case must be counted towards the Project’s FAR, since the Project is in the hillside area. (**Exhibit A**<sup>1</sup>, p. 4 [The City excludes only the following: “For Lots located in the Hillside Area, any Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60 percent of the perimeter length of the exterior Basement walls”]; see also **Exhibit B**<sup>2</sup> [Supplemental Correction Sheet for the Baseline Hillside Ordinance [“Basement areas shall be included in the RFA calculations when the Elevation of the upper surface of the floor or roof above the Basement exceeds 3 ft. in height at any point above the finished or natural Grade, whichever is lower, for more than 60% of the perimeter length of the exterior Basement walls.”]])

In addition, “detached accessory buildings which exceed 200 sq. ft. shall be included in RFA calculations. The total combined area exempted of all detached accessory buildings on the lot shall not exceed 400 SF.” (**Exhibit B**, p. 2.) Thus, the 200 sf garage of the new single family

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<sup>1</sup> See, [https://clkrep.lacity.org/online/docs/2016/16-1460\\_ORD\\_184802\\_3-13-17.pdf](https://clkrep.lacity.org/online/docs/2016/16-1460_ORD_184802_3-13-17.pdf)

<sup>2</sup> See, [https://ladbs.org/docs/default-source/forms/plan-check-2023/pc.str.corr.lst.107a-2020-\(rev.-12-30-2022\).pdf?sfvrsn=b67cc153\\_5](https://ladbs.org/docs/default-source/forms/plan-check-2023/pc.str.corr.lst.107a-2020-(rev.-12-30-2022).pdf?sfvrsn=b67cc153_5)

residence must be counted along with other detached buildings on the Project site which exceed 400 sf.

It follows that the Project’s FAR must include the 5,700 sf house, the 3,000 sf basement, the 600 sf. garage, as well as the existing 2,018 sf. house, with its own 5-car garage. Notably, under the Baseline Hillside Ordinance. (**Exhibit C**, p. [Baseline Hillside Ordinance].) Thus, per the Baseline Hillside Ordinance, the Project site – with its steep slope bands of 60-99.99% - may accommodate only 0.15 percent of the RE40-zoned lot, as shown in the screenshot from BHO:

## 2. Maximum Residential Floor Area. [§ 12.21 C.10.(b) of the LAMC]

The maximum Residential Floor Area contained in all Buildings and Accessory Buildings shall not exceed the sum of the square footage of each Slope Band multiplied by the corresponding Floor Area Ratio (FAR) for the zone of the Lot, as outlined in Table 2. This formula can be found in Table 3, where “A” is the area of the Lot within each Slope Band, “FAR” is the FAR of the corresponding Slope Band, and “RFA” is the sum of the Residential Floor Area of each Slope Band.

Table 2 Single-Family Zone Hillside Area Residential Floor Area Ratios (FAR)								
Slope Bands (%)	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
0 – 14.99	0.50	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Table 3 Hillside Area Maximum Residential Floor Area Formula					
Slope Bands (%)	Area (sq-ft)		FAR		Residential Floor Area
0 – 14.99	A <sup>1</sup>	X	FAR <sup>1</sup>	=	RFA <sup>1</sup>
15 – 29.99	A <sup>2</sup>	X	FAR <sup>2</sup>	=	RFA <sup>2</sup>
30 – 44.99	A <sup>3</sup>	X	FAR <sup>3</sup>	=	RFA <sup>3</sup>
45 – 59.99	A <sup>4</sup>	X	FAR <sup>4</sup>	=	RFA <sup>4</sup>
60 – 99.99	A <sup>5</sup>	X	FAR <sup>5</sup>	=	RFA <sup>5</sup>
100 +	A <sup>6</sup>	X	FAR <sup>6</sup>	=	RFA <sup>6</sup>
Maximum Residential Floor Area				=	Sum of RFA <sup>1</sup> through RFA <sup>6</sup>

(**Exhibit C**, pp. 7-8/pdf pp. 11-12 [Baseline Hillside Ordinance].)

As such, the Applicant fails to show how the Project complies with the Baseline Hillside Ordinance and instead claims in the abstract that the Project’s mass and scale are much less than what is permitted.

Critically, however, the Applicant’s attempts to understate the Project’s size are also unavailing since the impacts of the Project for purposes of CEQA are largely dependent on the *environmental context* where it occurs, which, in this case, is the surrounding environment of a park, ridgeline, Santa Monica Mountains, historical resource, and special biological resources that are put at risk by the Project. In addition, the Project is proposed within an earthquake fault, landslide and high fire severity zone, which conditions may further exacerbate the Project’s impacts to the surrounding sensitive environment and people. “*Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project.*” The EIR must ... permit the significant effects of the project to be considered in the full environmental context.” (Guidelines §15125(c), italics added.)

In the words of courts,

“The significance of an environmental impact is not based on its size but is instead “‘measured in light of the context where it occurs.’” (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1026, 172 Cal.Rptr.3d 134; see also CEQA Guidelines, § 15064, subd. (b) [“An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting”].)

(*Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2017) 11 Cal.App.5th 596, 608–611.)

In sum, the Applicant’s attempts to understate the Project’s mass and scale are unavailing since they are based on omissions and they improperly ignore the full environmental context the Project is proposed in.

**E. The Applicant’s Claims that the Project Is Exempt from Fire Regulations Are Unsupported and Inconsistent with Legal Authority on Point or Rules of Statutory Interpretation.**

Fifth, to withstand the appeal and avoid compliance with the state’s fire safety regulations, codified at Cal. Code Regs. tit. 14 § 1270.00 et seq, the Applicant offers several internally inconsistent claims essentially suggesting that the Project is exempt from such regulations altogether. Not so.

The Applicant first claims that the “City found that the phrase ‘shall be constructed’ means that it applies to construction of new roads, and not retrofitting existing roads.” (Letter, p. 8.) The Applicant’s reliance on this interpretation is unsupported. First, interpretation of these state regulations is subject to the same rules of statutory interpretation and is reviewed *de novo*. (*People ex rel. Lockyer v. Shamrock Foods Co.* (2000) 24 Cal.4th 415, 432.) The City’s noted statutory interpretation is erroneous and must be avoided as it ignores the intent of the fire safety regulations and leads to absurdity and mischief. (*Kalnel Gardens, LLC v. City of Los Angeles* (2016) 3 Cal.App.5th 927, 937–938.) The City’s interpretation leads to mischief since it essentially allows any street to incrementally accommodate new homes without having to be widened or otherwise improved only because the street was pre-existing. This result cannot be

reconciled with the intent of the state regulations to protect the people and environment from fire hazards and ensure adequate traffic circulation and emergency access in case of fire disasters.

In 2019, the County of Monterey made the same argument – saying the regulations did not apply to existing roads. The Attorney General’s office sent a letter to the County completely refuting this narrow construction of the state regulations. The AG letter states:

Finally, we note that exempting the Project from the SRA regulations simply because Paraiso Springs Road is a pre-existing road would **undermine the intent of the SRA regulations**. SRA regulations are **meant** to ensure that “[t]he future design and construction of structures, subdivisions and developments in the SRA shall provide for **basic emergency access** ....” (Cal. Code Regs., tit. 14, § 1270.01(b).)

...

It is the **construction of a new project** that **triggers the application** of the **SRA** regulations; the fact that the Project is being constructed at the **end** of an **existing road does not negate** the triggering **effect** of the **new construction**. A contrary interpretation would incentivize development without adequate evacuation routes and emergency access in the SRA rather than prevent it.

(**Exhibit E**<sup>3</sup>, pp. 2-3, emph. added [Oct. 25, 2019 Attorney General’s Comment on the Paraiso Springs Resort Project]; see also **Exhibit F**<sup>4</sup> [Attorney General’s March 20, 2019 comment on the same project – Need to comply with roadway width and other requirements in State Responsibility Areas – predates application of requirements to LRAs]; **Exhibit G**<sup>5</sup> [Attorney General – Best Practices for Analyzing and Mitigating Wildfire Impact of Development Projects Under CEQA].)

Critically, the Applicant’s interpretation of the regulations is inconsistent with the overall scheme and intent of the fire safety regulation and rules of statutory interpretation. Specifically, 2022 California Fire Code, Title 24, Part 9, Section 4908.1 mandates compliance in LRA’s with the SRA Fire Safe Development Regulations as specified in California Code of Regulations (“CCR”) Title 14, Division 1.5, Chapter 7, Subchapter 2, stating:

4908.1 General.

Pursuant to **PRC 4290 all residential**, commercial and industrial building construction within state responsibility areas approved after January 1,

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<sup>3</sup> See **Exhibit E**, attached available at:  
<https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/comments-paraiso-final-eir.pdf>

<sup>4</sup> See available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/comments-paraiso-springs-resort-feir.pdf>

<sup>5</sup> See available at <https://oag.ca.gov/system/files/attachments/press-docs/Wildfire%20guidance%20final%20%283%29.pdf>

1991, and within lands classified and designated as an LRA **Very High Fire Hazard Severity Zone**, as defined in subdivision (i) of Section 51177 of the Government Code after July 1, 2021, **shall comply** with the **SRA Fire Safe Development Regulations** as specified in Title 14, Division 1.5, Chapter 7, Subchapter 2.

(Emphasis added)

Also, Article 2 of the Regulations, Sections 1273 et seq., addresses Ingress and Egress. The intent of this portion of the Regulations is to require that: “Roads, and Driveways, whether public or private, **unless exempted under 14 CCR §1270.03(d)** shall provide for safe access for emergency Wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulations during a Wildfire emergency consistent with 14 CCR §§1273 through 1273.09.” (Emph. added.) In turn, the referenced Section 1270.03(d) only exempts roads used solely for agriculture, mining, or the management of timberland or harvesting of forest products. The exemption, therefore, does not apply to the Project. As such, the Regulations do not exempt projects located on existing non-compliant roads.

The Applicant next claims: “Because Runyon Canyon Road is an existing deemed approved private street, the new regulations do not apply.” (Letter, p. 8.) What the Applicant is missing, however, is that Runyon Canyon Road is not an *approved* street, but rather a “deemed approved” one. The distinction is not without a difference. Specifically, upon review of the Exhibit 2 provided by the Applicant, the street was deemed approved solely based on the condition that no building is erected on the Project site with a kitchen.

Notably, as recited in the Applicant’s Exhibit 2, the Municipal Code section 18.00C about deemed approved streets in 1993 provided:

... when a developed residential lot or building site has its access driveway located within a private road easement and the dwelling and access driveway existed prior to September 6, 1961, said private road easement shall be deemed to have been approved in accordance with the provisions of this article and may be continued. Further, on such a lot or building site, **additions and alterations may be erected on said lot if no additional dwelling units or guest rooms are created.**

(Letter, Exhibit 2, p. 1, emph. added.)

And the deemed approval is clearly conditioned on the removal of the *kitchen* from an accessory structure:

“c. Therefore, requirements for a **deemed approved** private street have been established and additions or alterations may be made to the dwelling on this site. Further, a **new dwelling** may be constructed on the site but the

Certificate of Occupancy may **not** be issued **before** the existing dwelling is **converted** to an accessory structure **through removal** of the **kitchen**.”

(Emph. added.)

Here, the Project plainly proposed to build a new residence *with a kitchen* and did not propose to remove the kitchen from the existing home during the administrative process. Instead, while the EIR made such ambiguous claims about the removal of just the *stove* from the kitchen, the City later departed from such claims and approved a *variance* accommodating what appears to be the Applicant actual intent of *not* remove the newly-remodeled modern kitchen at all. It is undisputed that the Project does not meet the Municipal Code definition for “deemed approval” of a street, since it clearly attempts to *add* an additional dwelling unit of 5,700 sf plus 3,000 sf basement and 200 sf garage, as presented now.

As such, the Applicant’s reliance on the deemed approval in Exhibit 2 is misplaced since, even if Runyon Canyon Road was a deemed approved street in 1993 based on the contentions of the Applicant at the time, such “deemed approval” is of no relevance now where the *condition* of the kitchen’s removal or not building an additional unit with a kitchen has not been met.

As yet another justification for exempting the Project from the state fire regulations, the Applicant claims that Runyon Canyon Road – despite its very name – is not a road at all. (Letter, p. 10.) Ironically, this argument comes after the Applicant ardently argued that Runyon Canyon Road is a deemed approved *street*. The Applicant claims: “Second, the term “road” is defined in the code as “(y) Road: A public or private vehicular pathway to more than four (4) Residential Units, or to any industrial or commercial Occupancy.” (Cal. Code Regs Tit. 14, § 1270.01(y)). Because Runyon Canyon Road only provides access to two Residential units, it does not qualify as a road for these provisions. Runyon Canyon Road does meet the width requirements for a driveway under the code.” (Letter, p. 10.)

The Applicant’s reliance on the Code definition is misplaced. To wit, California Vehicle Code section 530 defines the “roadway” as: “that portion of a highway improved, designed, or ordinarily used for vehicular travel.” And the Vehicle Code section 360 defines “highway” as “a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.” In addition, the Vehicle Code section 40802 provides the characteristics of a private road as having the width of not more than 40 feet, not being more than one-half of a mile of uninterrupted length, and not having more than one traffic lane in each direction.

Regardless, even if the applicant is correct that this is not a “road” under the State Minimum Fire Safe Regulations, it is still a “driveway. This term is defined as follows:

(i) Driveway: A vehicular pathway that serves no more than four (4) Residential Units and any number of non-commercial or non-industrial Utility or Miscellaneous Group U Buildings on each parcel. A Driveway shall not serve commercial or industrial uses at any size or scale.

(Cal. Code Regs Tit. 14, § 1270.01(i), see **Exhibit D** [Code of Fire Regulations].)

The City’s own Staff Report seems to admit this. The City’s Staff report provides: “The site is currently accessed via a Private Driveway that itself is accessed from the existing North Runyon Canyon Road which is a paved fire road that is closed to motor vehicle access.” (Feb 6, 2025 Staff Report, p. 3.) So, the fire safety regulations do apply to the Project since it is located on a state regulations pertaining to driveways.

Among other things, Runyon Canyon Road is a little over 3000 feet long and does not provide turnarounds every 400 feet that meet the minimum specifications. Also, the two gates on Runyon Canyon Road are not two feet *wider* than the width of the traffic lane.

Thus, 14 CCR Section 1273.01 [Width] provides:

- (a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by Local Jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.
- (b) All One-way Roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including Shoulders. The Local Jurisdiction may approve One-way Roads.
  - (1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) Residential Units.
  - (2) In no case shall a One-way Road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each One-way Road.
- (c) **All driveways** shall be constructed to provide a **minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance,** and unobstructed vertical clearance of **thirteen feet, six inches (13' 6")**.

(Emph. added.)<sup>6</sup>

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<sup>6</sup> See, <https://www.law.cornell.edu/regulations/california/14-CCR-1273.01>

Similarly, 14 CCR section 1273.05 [Turnarounds] provides:

- (a) Turnarounds are required on Driveways and Dead-end Roads.
- (b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.
- (c) **Driveways exceeding 150 feet in length, but less than 800 feet in length**, shall provide a turnout near the midpoint of the Driveway. Where the driveway exceeds 800 feet, **turnouts** shall be provided no more than **400 feet apart**.
- (d) A turnaround shall be provided on Driveways over 300 feet in length and shall be within fifty (50) feet of the building.
- (d) Each Dead-end Road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.
- (e) Figure A. Turnarounds on roads with two ten-foot traffic lanes.

Figure A/Image 1 is a visual representation of paragraph (b).

[Click here to view image](#)

(f) Figure B. Turnarounds on driveways with one ten-foot traffic lane.  
Figure B/Image 2 is a visual representation of paragraph (b).

[Click here to view image](#)

(Cal. Code Regs. tit. 14 § 1273.05, emph. added.)<sup>7</sup>

Similarly, 14 CCR section 1273.06 [Turnouts] provides:

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<sup>7</sup> See available at: [https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-15-department-of-forestry-and-fire-protection/chapter-7-fire-protection/subchapter-2-state-minimum-fire-safe-regulations/article-2-ingress-and-egress/section-127305-turnarounds#:~:text=Section%201273.05%20%2D%20Turnarounds%20\(a,\)%20and%201273.05\(f\).](https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-15-department-of-forestry-and-fire-protection/chapter-7-fire-protection/subchapter-2-state-minimum-fire-safe-regulations/article-2-ingress-and-egress/section-127305-turnarounds#:~:text=Section%201273.05%20%2D%20Turnarounds%20(a,)%20and%201273.05(f).)

“**Turnouts** shall be a minimum of **twelve (12) feet wide** and **thirty (30) feet long** with a **minimum twenty-five (25) foot taper** on each end.”

(Cal. Code Regs. tit. 14 § 1273.06.)<sup>8</sup>

And, for the width of gates, 14 CCR section 1273.09 [Gate Entrances] provides:

(a) **Gate entrances** shall be at least **two (2) feet wider than the width of the traffic lane(s)** serving that gate and a **minimum width of fourteen (14) feet unobstructed horizontal clearance** and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

(b) All gates providing access from a Road to a Driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that Road.

(c) Where a One-way Road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.

(d) Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

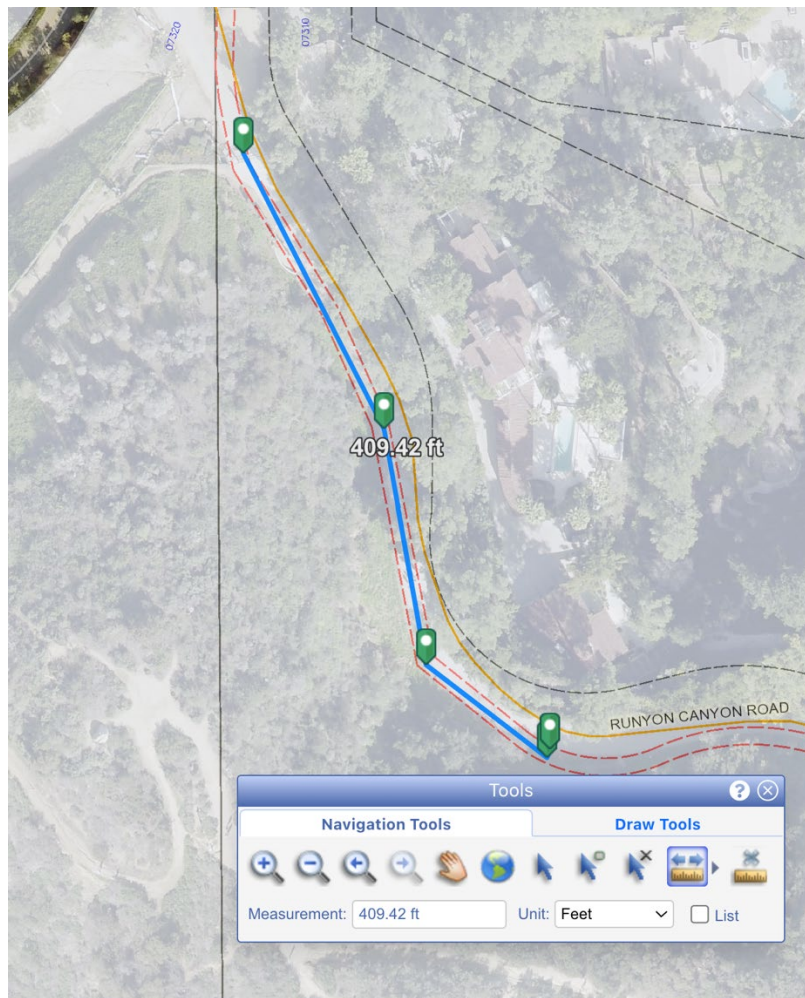
(Emph. added.)

Because Runyon Canyon Road is more than 800 feet long, it must provide turnouts every 400 feet pursuant to 14 CCR section 1273.05 (c). Those turnouts must meet the minimum specification sets forth at 14 CCR section 1273.06. Specifically, “**Turnouts** shall be a minimum of **twelve (12) feet wide** and **thirty (30) feet long** with a **minimum twenty-five (25) foot taper** on each end.”

Runyon Canyon Road does not have a turnout within the first 400 feet. An ariel map showing the first 400 feet where no turnout exists is shown below.

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<sup>8</sup> See available at: <https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-15-department-of-forestry-and-fire-protection/chapter-7-fire-protection/subchapter-2-state-minimum-fire-safe-regulations/article-2-ingress-and-egress/section-127306-turnouts>



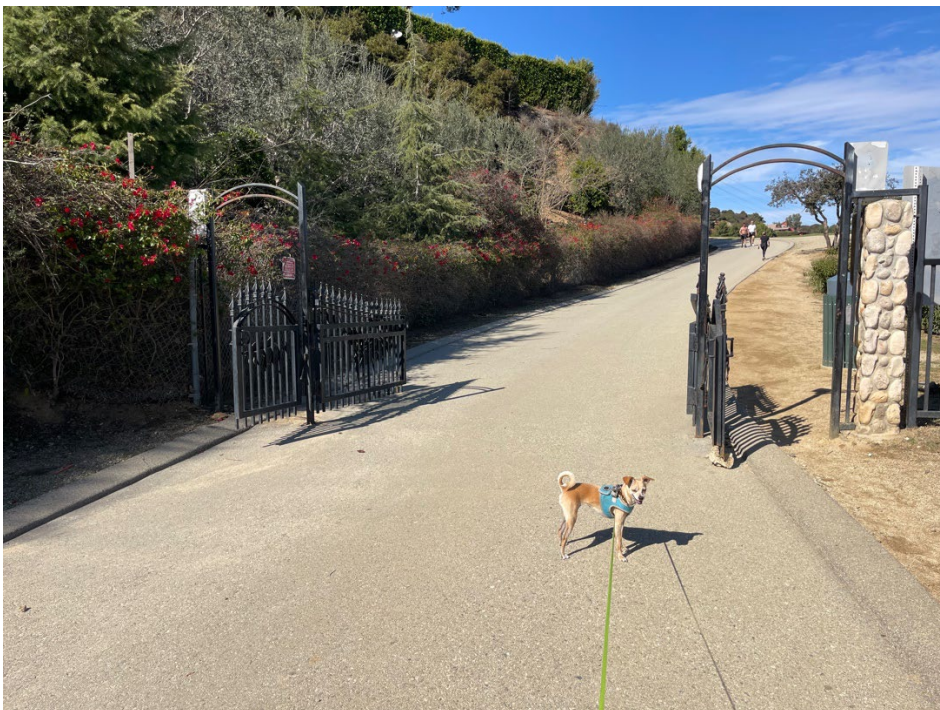
There is also no substantial evidence in the record that any of the other turnouts on Runyon Canyon Road meet the specifications set forth at 14 CCR section 1273.06

Moreover, the two gates that have been installed on Runyon Canyon Road (one at the north entrance near Mulholland Drive and the other just beyond the boundary of 3003 Runyon Canyon Road) do not meet the requirements for gates set forth at 14 CCR section 1273.09(a).

The gate at the north entrance of Runyon Canyon Road is 16 feet wide. Runyon Canyon Road is approximately 16 feet as well. The gate is NOT two feet wider than that the traffic lane. Therefore, it does not comply with 14 CCR section 1273.09(a). A picture of this gate is shown below:



The other gate that has been installed on Runyon Canyon Road (just beyond 3003 Runyon Canyon Road) suffers the same defect. A picture of this gate showing that it is not *wider* than the traffic lane is shown below. Further, this gate does not have a “**minimum width of fourteen (14) feet unobstructed horizontal clearance.**” 14 CCR section 1273.09(a).



Lastly, the Applicant claims that Runyon Canyon Road is exempted from the Code as being “projects with parcel maps prior to 1991.” (Letter, p. 10.) However, only those improvements that were *specifically authorized* via those parcels maps are exempted – not NEW structures that were not contemplated in the original parcel map. There is an Attorney general Opinion from 1993 that directly addresses this issue. Addressing fire safety regulations and their statutory interpretation in 1993, the Attorney General noted: “A blanket exemption for all construction and development activity related to a parcel covered by an approved tentative or parcel map (provided the final map for the tentative map is approved within the time prescribed by the local ordinance) would violate these principles of statutory construction.” (**Exhibit L**, p. 4 [1993 Attorney General Opinion].)

In sum, the Applicant’s attempts to exempt the Project or Runyon Canyon Road from the State Minimum Fire Safe Regulations is unsupported.

### **1. The Staff Report issued by the City is Flawed.**

The Staff Report published by the City argues that the State Minimum Fire Safe Regulations only apply to existing roads. As explained above, the California Attorney General has specifically concluded otherwise. The City MUST adhere to the new regulations. Nevertheless, the Staff Report states as follows:

“However, other sections of Title 14, Section 1270 may apply to the proposed project and will be reviewed for compliance, as applicable, with the appropriate City Department. In correspondence received from the City of Los Angeles’ Fire Department Bureau of Fire Prevention and Public Safety, the Fire Department found that the project could comply with standard conditions, and did not find any potential issues for the project related to Title 14, Section 1270 compliance. No additional issues or violations were communicated to the Planning Department to denote non-compliance with the CCR Title 14 State Minimum Fire Regulations.”

However, the letter referenced in the Staff Report from LAFD is from 2017 – eight years ago. LAFD did not “find any potential issues related to Title 14, Section 1270 compliance” because the regulations were not applicable to the City of Los Angeles until 2022. Moreover, the statement in the Staff Report that the “the Fire Department found that the project could comply with standard conditions” is incorrect. The Fire Department merely listed their “standard conditions” (which predated the application of the State Minimum Fire Safe Regulations). And most important, the Project does not even meet those standard conditions. One of the conditions is as follows:

Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

**The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.**

Runyon Canyon Road is a “**private roadway for general access use**” for 3003 Runyon Canyon Road and it is NOT more than 20 feet. The Hillside Referral Form for the property provides definitive evidence of this fact. See **Exhibit M**.

The fact that LAFD has not been asked to re-review this Project to determine compliance with new regulations now in effect is deeply concerning, especially in light of the recent fire within Runyon Canyon Park that sparked a mandatory, chaotic evacuation of thousands of people.

It should be noted that the failure to assess the Project’s compliance with the new State Minimum Fire Safe Regulations is also a fatal flaw for the EIR – which now has a mandatory “Wildlife” chapter. A project that does not comply with state minimum standards necessarily has a significant effect on the environment. No analysis of the impacts is complete without reviewing the Project for compliance with these standards.

The Applicant submitted a last-minute letter on February 9, 2025 (which we were not aware of until late on February 10, 2025) arguing that the Project “meets or exceeds the City and State’s fire-safety regulations.” The Applicant submitted a letter from a retired fire chief, Michael Dyer. However, if you carefully review the letter from Mr. Dyer you will see there are only two sentences regarding the properties’ access for fire vehicles. The report states as follows:

(d) **Access to Property for Fire Vehicles.** There is an existing 20 foot wide driveway from Runyon Canyon Road to the existing house, carport, and proposed new residence. The driveway has a legal hammerhead turnaround that is 60 feet in length located 164 feet from Runyon Canyon Road.

The analysis is fatally flawed because it only reviewed the width of the driveway from the existing and proposed home to Runyon Canyon Road. That is not the issue in dispute. The issue is whether or not Runyon Canyon Road itself meets the State Minimum Fire Safe Regulations and it does NOT.

**F. The Project Entitlements Are Plainly Contrary to the Applicable Zoning and Safety Regulations, and the Applicant’s Efforts of Community Outreach or Approvals by Some Individuals Are Irrelevant.**

In support of the numerous variances and exceptions sought by the Project and the manifest attempt to circumvent the applicable zoning regulations prohibiting a second dwelling unit on the RE40-1-H zone and requiring a certain road width, the Applicant claims: “The Owner originally provided various options for the *new residence* to the Mulholland DRB, including locating the residence (i) on top of the ridge, (ii) closer to the bottom of the hill (more than 50 feet from the ridgeline) or (iii) under the ridgeline.” (Letter, p. 15, *emph. added.*) But the Applicant fails to explain why a *new residence* has been proposed in a zoning allowing only *one residence*, to begin with. The Applicant fails to realize that a *new residence* could not have been lawfully proposed on the Project site based on its zoning.

Moreover, the Applicant fails to explain why the existing 2,018 sf. house could not have been simply expanded to accommodate the family’s needs, if any. Neither does the Applicant explain why much smaller accessory living quarters could not be built on the Project site. In other words, the Applicant again starts from a wholly improper premise and baseline assumption that the Project Site’s zoning allows a second “new residence,” which it does not. As such, the Applicant’s claims that the approved entitlements are warranted are unavailing.

**G. The Applicant’s Comparisons of Other Project Approvals Are Unavailing and Its New Flip-Flop Offer of Removing the Kitchen from the Existing House Is Both Not Credible and Not a Ground to Allow a Second Dwelling Residence.**

Lastly, in support of its manifest attempt to bypass numerous critical, mandatory, and safety regulations, the Applicant claims that the City has previously approved similar or larger projects. The claim is unavailing for two reasons.

First, even if the City erred and approved similar projects, those approvals do not justify an approval of a manifestly non-conforming Project now.

Second, the Applicant’s claimed comparables manifestly differ from the Project in many ways. For example, the Applicant claims:

On April 21, 2023, the South Valley APC approved construction of a new, 9,999 square foot, three-story, 52-foot high, **single-family** dwelling with a 4,487 square foot basement, 701 square foot garage, and multiple covered patios with two pools on a 65,860 square foot (1.48 acre site) lot at **13375 Mulholland Drive**.

(Letter, p. 17.)

As evident from the ZIMAS parcel report and Letter of Determination of the 13375 Mulholland Drive project (**Exhibits H** [ZIMAS Parcel report] and **Exhibit I** [Letter of Determination of the 13375 Mulholland Drive Project]), the Project Site does not involve a historic resource, is not surrounded by a park, is not proposed beneath a ridgeline, in an area where mountain lions and other special biological resources are present, and within an earthquake fault. Neither did the 13375 Mulholland Drive project propose a *second new residence*, in addition to an existing single family dwelling and off of a substandard Runyon Canyon Road which fails state fire regulations, or seek multiple variances and exceptions akin to what the Project seeks. Also, the size of the 13375 Mulholland Drive project is not any larger than what is being proposed by the Project if *all* of the residential floor area of the Project is accurately counted.

Similarly, for its second comparable, the Applicant states:

On February 6, 2020, the South Valley APC approved construction of a **3,296** square foot **addition** to an **existing** two-story, 22-foot high, 9,480 square foot single family residence with an 821 square foot garage at **2859 Coldwater Canyon Drive**. (APCSV-2016-4960-SPE-ZAA-ZADDRB-SPP-MSP). This project also includes an existing 907-square-foot accessory living quarter, pool, tennis court and retaining wall. The structure totals 13,719 square feet of residential floor area. It is located downslope and visible from Mulholland Drive on top of a prominent ridge and is within 200 feet of public parkland. In contrast, the proposed Project is not visible from Mulholland Drive, is located underneath and not on top of a ridge, and is only 5,700 square feet of residential floor area. The City approved a CEQA exemption.

(Letter, p. 17, *emph. added.*)

Here, too, the referenced Coldwater Canyon Drive project is not a comparable since it does not involve a *new residence* but only *adds* to the existing house. In fact, the Coldwater Canyon Drive project is not even zoned as Minimum Residential RE40-1H like the Project is, but rather zoned as RE20-1-HCR. Moreover, as the ZIMAS parcel report and the Letter of Determination of the Coldwater Canyon Drive project show, the Coldwater Canyon project did not involve a historic resource, was not proposed in the middle of a park, on a substandard narrow street, or seek numerous variances and exceptions as the Project seeks. (**Exhibit J** [ZIMAS Parcel Report] and **Exhibit K** [Letter of Determination re 2859 Coldwater Canyon Project].)

Last but not least, despite its flip-flop changes of the Project description from *removing the stove* (during the EIR preparation phase) to *keeping the stove and the kitchen* (upon approvals), now the Applicant claims it would be willing to remove the kitchen from the existing house and assures that the existing 2,018 square feet house will not be rented to others or used as a party place. The Applicant’s new claim of willingness to remove the kitchen should not be trusted as it wholly inconsistent with what the Applicant has been claiming during the entire CEQA and Project approval process.

Moreover, the City’s own Zoning Code Manual and Commentary provides the definition of “kitchen facilities” as excluded from accessory living quarters, as follows:

*Any portion of an accessory living quarters arranged for or conducive to the preparation or cooking of food, by the inclusion of one or more of the following items shall be considered as "kitchen facilities".*

- A. Natural gas outlet. (Except when located in a separate room that does not contain items C through I below).
- B. 220 AC electrical outlet. (Unless located as A above).
- C. Double sink.
- D. Bar sink exceeding one square foot.
- E. Hot water line to any bar sink.

- F. Refrigerator exceeding 10 cubic feet (or a place designed for it).
- G. Garbage disposal.
- H. Dishwasher (or space designed for it).
- I. Any device designed for cooking or heating of food.
- J. Total counter space exceeding 10 square feet.

(Zoning Code Manual, p. 3/pdf p. 17.)

It is, therefore, highly unlikely that the Project Applicant will be removing *all* of the above-listed kitchen facilities especially from a kitchen which, in the Applicant’s own words, is a “modern kitchen.” (Letter, p. 3.)

Neither should the City Council approve the Project of constructing a whole *new second residence* on the Project Site, which zoning allows only *one* residence, and leave the existing fully functional 2,018 residence for the public to police and verify whether, at all times, the Applicant fully complies with its now-inconsistent claims of removing the kitchen or stove, or its assurances of not renting the existing home to others or not organizing parties in the existing house. The public should be asked to further police and ensure that the Applicant does not reinstall the kitchen in the existing home or use it for food preparation at any time, even if the kitchen gets removed now.

In sum, the Applicant’s claims that the Project is akin to what has been approved by the City before or that the kitchen can now be removed from the existing dwelling home are unavailing, non-credible, and unsupported and should not be relied upon to approve the construction of a *second new residence* on the Project Site.

## **II. CONCLUSION.**

The Applicant failed to show that the Project complies with applicable regulations and that it warrants the sought variances or exceptions. The Project violates the state and local laws and regulations, including State Minimum Fire Safe Regulations, because Runyon Canyon Road is substandard and the Project site does not allow even a 1,200 sf ADU, let alone a second new dwelling unit. This Project is also subject to more restrictive regulations because it is located in a VHFHSZ, hillside, earthquake, landslide zone and biologically sensitive area, in the middle of the park and on a substandard road used by both residents and the public and park visitors. For all of these reasons and those identified in our prior Appeal Justifications and Supplemental Justifications, we respectfully request that the City grant this appeal and revoke all the Project approvals, environmental determinations, and entitlement findings as being legally flawed and factually unsupported.

//

Thank you for your consideration of this matter. I may be contacted at [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com) if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie T. Hall', with a stylized, cursive script.

Jamie T. Hall

Encls.:

- Exhibit A** – City of LA Ordinance No. 184802
- Exhibit B** – Supplemental Correction Sheet for the Baseline Hillside Ordinance (BHO)
- Exhibit C** – Baseline Hillside Ordinance, A Comprehensive Guide
- Exhibit D** – State Minimum Fire Safe Regulations - Board of Forestry and Fire Protection
- Exhibit E** – October 25, 2019 Attorney General Comment Letter
- Exhibit F** – March 20, 2019 Attorney General Comment Letter
- Exhibit G** – Attorney General’s Issued “*Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act*”
- Exhibit H** – ZIMAS parcel report re 13375 W. Mulholland Drive
- Exhibit I** – April 25, 2023 Letter of Determination re 13375 W. Mulholland Drive Project
- Exhibit J** – ZIMAS parcel report re 2859 N. Coldwater Canyon Dr.
- Exhibit K** – February 6, 2020 Letter of Determination re 2859 N. Coldwater Canyon Dr. Project
- Exhibit L** – Attorney General’s 1993 Opinion
- Exhibit M** – Hillside Referral Form for 3003 N Runyon Canyon Road

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

# EXHIBIT A

ORDINANCE NO. 184802

An ordinance amending Sections 12.03, 12.04, 12.07, 12.07.01, 12.07.1, 12.08, 12.21, 12.21.1, 12.23, 12.28, 12.32, and 13.19 of the Los Angeles Municipal Code and adding Sections 12.21.6 and 13.20 to the Los Angeles Municipal Code to establish new regulations for all single-family residential zoned properties including RA, RE, RS, and R1, and to establish variations of the R1 Zone and also a Rear Detached Garage Supplemental Use District that may be applied to regulate garage placement in the RA, RE, RS, and R1 Zones.

**WHEREAS**, in 2008, in response to the proliferation of out-of-scale development in neighborhoods throughout the City of Los Angeles, the City Council approved the Baseline Mansionization Ordinance (BMO) (Ordinance No. 179,883), which established height and floor area ratio (FAR) limitations on developments in single-family residential zoned lots, not including those located in a Hillside Area or the Coastal Zone;

**WHEREAS**, in 2011, the City Council approved the Baseline Hillside Ordinance (BHO) (Ordinance No. 181,624) to address the same issue of out-of-scale development in hillside neighborhoods by establishing regulations for projects in the hillside areas, including limitations on residential floor area and the amount of allowable grading based on lot size;

**WHEREAS**, since the City Council's adoption of the BMO and BHO, out-of-scale development continues to occur in single-family neighborhoods throughout the City;

**WHEREAS**, in 2014, the City Council instructed the Department of City Planning to prepare and present an ordinance to amend the BMO and BHO in order to "stabilize the conflict of out-of-scale homes that continue to proliferate in entire neighborhoods;"

**WHEREAS**, in order to address the issue of out-of-scale development while the Department of City Planning developed amendments to the BMO and BHO, the City Council passed two interim control ordinances (ICOs) in March of 2015 to restrict development in five proposed historic preservation overlay zone areas and 15 single-family neighborhoods, including neighborhoods with properties in hillside areas (Ordinances Nos. 183,496 and 183,497), and in June of 2016, the City Council passed a third ICO to restrict development in five additional neighborhoods (Ordinance No. 184,381);

**WHEREAS**, the City Council extended all three ICOs pursuant to Government Code Section 65858, and therefore Ordinances Numbers 183,496 and 184,497 expire on March 25, 2017, and Ordinance Number 184,381 expires on June 29, 2018;

**WHEREAS**, the Department of City Planning has developed amendments to the BMO and BHO to regulate development in single-family zones and has also developed additional amendments to the Los Angeles Municipal Code to establish variations of the

R1 zone and a rear detached garage supplemental use district, in order to halt the proliferation of out-of-scale development; and

**WHEREAS**, once these amendments are adopted by the City Council they will replace the provisions of the three ICOs, except in the Brookside, Sycamore Square, and Miracle Mile neighborhoods, insofar as the Department of City Planning is working on ordinances specific to those neighborhoods that will replace the ICO regulations upon adoption; unless, however, the ICOs expire by operation of law before the new neighborhood-specific ordinances can be adopted.

**NOW, THEREFORE,**

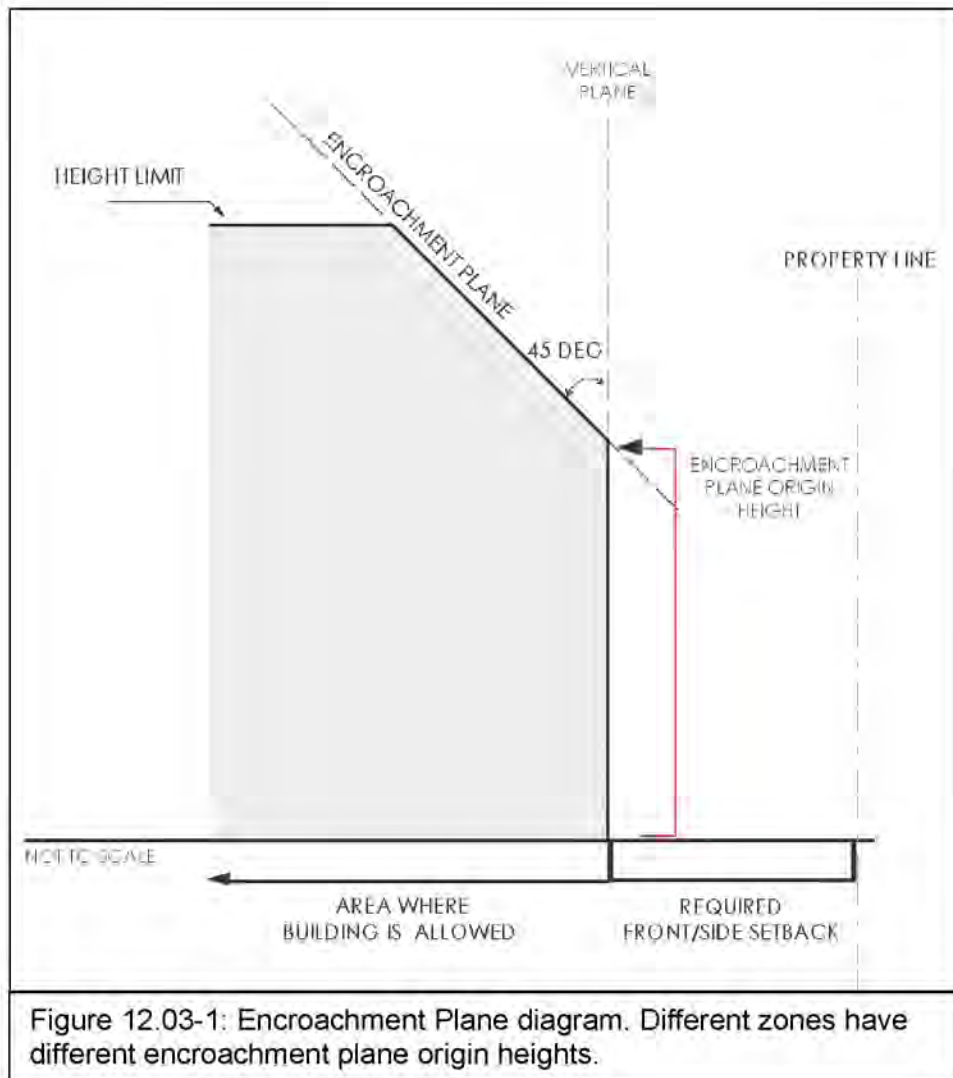
**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding the following definitions, in alphabetical order, to read as follows:

**BASE FLOOR.** That story of a main building, at or above grade, which is not considered a basement, and which has the greatest number of square feet confined within the exterior walls, including the area of the attached covered parking at the same story.

**BASEMENT.** Any level below the First Story of a Building. The ceiling of a Basement shall not be more than four vertical feet higher than the finished floor level of the First Story.

**ENCROACHMENT PLANE.** An invisible inclined plane sloping inward at a forty-five degree angle from the vertical extension of the required front and side yard setbacks that originates at a specified height. A building may not intersect the encroachment plane. The encroachment plane restriction does not apply to roof structures and equipment as allowed by Section 12.21.1 B.3. For the purpose of this definition, height shall be measured from the existing or finished grade, whichever is lower, along the required front and side yard setbacks.



**FLOOR AREA, RESIDENTIAL.** The area in square feet confined within the exterior walls of a residential or non-residential Building on a Lot in an RA, RE, RS, or R1 Zone. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways and elevator shafts shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than 7 feet shall be included in the Residential Floor Area calculation.

Except that the following areas shall not be counted:

1. **Required Covered Parking.**

- (a) The total area of 200 square feet per parking space that is required to be covered, up to a maximum of 400 square feet, shall be exempted from being counted as Residential Floor Area if

all of said parking, whether detached or attached, is located in accordance with the following criteria:

(1) Said parking is located within the rear half of the Lot, or at least 55 feet from a Front Lot Line.

(2) On a Through Lot with no Rear Lot Line, said parking is set back from both Front Lot Lines a distance of at least 40 feet.

(b) If the parking that is required to be covered is not located in accordance with Paragraph (a) above, then only 200 square feet shall be exempted from being counted as Residential Floor Area.

(c) In any event, the required parking area exempted from counting as Residential Floor Area by this exception shall be limited to 400 square feet per Lot.

2. **Detached Accessory Buildings.** Detached Accessory Buildings not exceeding 200 square feet; however, the total combined area exempted of all the Detached Accessory Buildings on a Lot shall not exceed 400 square feet.

3. **Lattice Roof Porches, Patios, and Breezeways.** Porches, patios, and breezeways that have a Lattice Roof, as defined in this section.

4. **Basements.** For Lots not located in the Hillside Area or Coastal Zone, any Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 2 feet in height at any point above the finished or natural Grade, whichever is lower.

For Lots located in the Hillside Area, any Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60 percent of the perimeter length of the exterior Basement walls.

For all Lots, the following shall not disqualify said Basement from this exemption:

(a) A maximum of one (1), 20-foot wide depressed driveway with direct access to the required covered parking spaces; and

(b) A maximum of two (2) light-wells which are not visible from a public right-of-way and do not project more than three feet from the exterior walls of the Basement and no wider than 6 feet.

**FLOOR AREA RATIO, RESIDENTIAL (RFAR).** A ratio establishing the relationship between a property and the amount of development permitted for that property, expressed as a percentage or a ratio of the Lot size (example: "0.45 of the Lot size").

**GRADE, HILLSIDE AREA.** For the purpose of measuring height on an R1, RS, RE, or RA zoned Lot in the Hillside Area, pursuant to Section 12.21 C.10 of this Code, Hillside Area Grade shall be defined as the Elevation, at the perimeter of a Building or Structure, of the finished or natural surface of the ground, whichever is lower, or the finished surface of the ground established in conformance with a grading plan approved pursuant to a recorded tract or parcel map action. Retaining walls shall not raise the effective Elevation of Grade for purposes of measuring Height of a Building or Structure.

**LOT, THROUGH.** A lot having a frontage on two parallel or approximately parallel streets, but not including those lots having frontage on a street and frontage on a navigable public canal or waterway parallel or approximately parallel to said street.

**STORY.** The space in a Building between two vertically adjacent finished floor levels or, for the topmost level of a Building, the space between its finished floor level and the roof directly above it. Finished floor levels within four vertical feet of each other shall be deemed a single Story. Any space that is defined as a Basement is not considered a Story.

**STORY, FIRST.** The lowest Story of a Building where the finished floor level directly above the Story is more than six feet above grade for more than 50 percent of the total perimeter of the Building or is more than 12 feet above grade at any point. If no such Story exists, then the topmost Story of a Building shall be deemed the First Story.

Sec. 2. Subsection C of Section 12.04 of the Los Angeles Municipal Code is amended to read as follows:

**C.** In order to more adequately regulate and restrict the height and floor area of buildings and structures, each lot shall include a height district designation, except for lots in the HI Hybrid Industrial Live/Work Zone, where the height and floor area of buildings and structures shall be regulated by Section 12.04.06, and except for lots in the R1V, R1F, R1R One-Family Variation Zones, where the height and Residential Floor Area of buildings and structures shall be regulated by Sections 12.08 C.5(b)-(d). Height district designations shall be numbered from 1 to 4, CRA 1 to 4, EZ 1 to 4 and CSA 1 to 4, and shall regulate the height or floor area of buildings and structures as

provided in Sections 12.21.1, 12.21.2, 12.21.3, 12.21.4 and 12.21.5. The height districts and their boundaries are shown on the Zoning Map by a combination of zone symbols and height district number markings, e.g., R2-1, C2-2, M1-3, C1-CRA1, MS-EZ2, C2-CSA3, etc. Where a lot is located in more than one height district, the applicable zone symbol designations shall be separated by a slash mark, e.g., R2-CRA/CSA, C2-EZI/CRA2, etc. The symbol "HD" preceding height district number markings, when shown on the Zoning Map or used in a zoning ordinance, is an abbreviation for the words "height district" and refers to height districts. The height districts for the "CW" Zone are the height districts shown in Section 6 of the Central City West Specific Plan. The height districts for the "ADP" Zone are the height districts shown in Section 7 of the Alameda District Specific Plan. The height districts for the "LASED" Zone are the height districts shown in Section 10 of the Los Angeles Sports and Entertainment District Specific Plan. The height districts for the "USC-1A", "USC-1B", "USC-2" and "USC-3" Zones are the height districts shown in Section 7 of the University of Southern California University Park Campus Specific Plan. The height districts for the "PVSP" Zone are the Subareas shown in Section 5 of the Ponte Vista at San Pedro Specific Plan.

Sec. 3. Subsection D of Section 12.04 of the Los Angeles Municipal Code is amended to read as follows:

"O"	Oil Drilling District
"S"	Animal Slaughtering District
"G"	Surface Mining District
"RPD"	Residential Planning Development District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District
"RFA"	Residential Floor Area District
"NSO"	Neighborhood Stabilization Overlay District
"CPIO"	Community Plan Implementation Overlay District
"HS"	Hillside Standards Overlay District
"MPR"	Modified Parking Requirement District
"RIO"	River Improvement Overlay District
"CUGU"	Clean Up Green Up Overlay District
"RG"	Rear Detached Garage District

The "**Zoning Map**" is amended to indicate these districts and the boundaries of each district.

Land classified in an "O" Oil Drilling District, "S" Animal Slaughtering District, "G" Surface Mining District, "RPD" Residential Planned Development District, "K"

Equinekeeping District, "CA" Commercial and Artcraft District, "POD" Pedestrian Oriented District, "CDO" Community Design Overlay District, "MU" Mixed Use District, "FH" Fence Height District, "SN" Sign District, "RFA" Residential Floor Area District, "NSO" Neighborhood Stabilization Overlay District, "CPIO" Community Plan Implementation Overlay District, "RIO" River Improvement Overlay District, "CUGU" Clean Up Green Up Overlay District, or "RG" Rear Detached Garage District" is also classified in one or more zones, and land classified in the "P" Automobile Parking Zone may also be classified in an "A" or "R" Zone.

These classifications are indicated on the "**Zoning Map**" with a combination of symbols, e.g., **R2-2-O**, **C2-4-S**, **M1-3-G**, **M1-1-P** and **R2-O**, **C2-G**, etc., where height districts have not been established.

Sec. 4. Subdivision 5 of Subsection C of Section 12.07 of the Los Angeles Municipal Code is amended to read as follows:

5. **Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum Residential Floor Area shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum Residential Floor Area contained in all buildings and accessory buildings shall not exceed 25 percent of the lot area when the lot is less than 20,000 square feet. For lots 20,000 square feet or greater, the maximum Residential Floor Area shall not exceed 20 percent of the lot area, or 5,000 square feet, whichever is greater.

An additional 20 percent of the maximum Residential Floor Area for that lot shall be allowed if any of the methods listed below are utilized. Only one 20 percent bonus per property is allowed.

(a) The total Residential Floor Area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

(b) The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width, shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest

distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth.

Sec. 5. Subdivision 6 of Subsection C of Section 12.07 of the Los Angeles Municipal Code is amended to read as follows:

6. **Verification of Existing Residential Floor Area.** For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing Residential Floor Area shall be determined based on the building records or the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that Residential Floor Area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 6. Subdivision 5 of Subsection C of Section 12.07.01 of the Los Angeles Municipal Code is amended to read as follows:

5. **Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum Residential Floor Area shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum Residential Floor Area contained in all buildings and accessory buildings shall be as follows: In the RE9 and RE11 Zones, the maximum Residential Floor Area shall be 40 percent of the lot area when the lot is less than 15,000 square feet. For lots 15,000 square feet or greater in the RE9 and RE11 Zones, the maximum Residential Floor Area shall be 35 percent of the lot area or 6,000 square feet, whichever is greater. For lots in the RE15, RE20 and RE40 Zones, the maximum Residential Floor Area shall be 35 percent of the lot area.

An additional 20 percent of the maximum Residential Floor Area for that lot shall be allowed if any of the methods listed below are utilized. Only one 20 percent bonus per property is allowed.

(a) The total Residential Floor Area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

(b) The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth.

Sec. 7. Subdivision 6 of Subsection C of Section 12.07.01 of the Los Angeles Municipal Code is amended to read as follows:

**6. Verification of Existing Residential Floor Area.** For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing Residential Floor Area shall be determined based on the building records or the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that Residential Floor Area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent

of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 8. Subdivision 5 of Subsection C of Section 12.07.1 of the Los Angeles Municipal Code is amended to read as follows:

5. **Maximum Residential Floor Area.** For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum Residential Floor Area contained in all buildings and accessory buildings shall not exceed 45 percent of the lot area when the lot is less than 9,000 square feet. For Lots 9,000 square feet or greater, the Residential Floor Area shall not exceed 40 percent of the lot area or 4,050 square feet, whichever is greater.

An additional 20 percent of the maximum Residential Floor Area for that lot shall be allowed if any of the methods listed below are utilized. Only one 20 percent bonus per property is allowed.

(a) The total Residential Floor Area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

(b) The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth.

Sec. 9. Subdivision 6 of Subsection C of Section 12.07.1 of the Los Angeles Municipal Code is amended to read as follows:

6. **Verification of Existing Residential Floor Area.** For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing Residential Floor Area shall be determined based on the building records

or the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that Residential Floor Area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

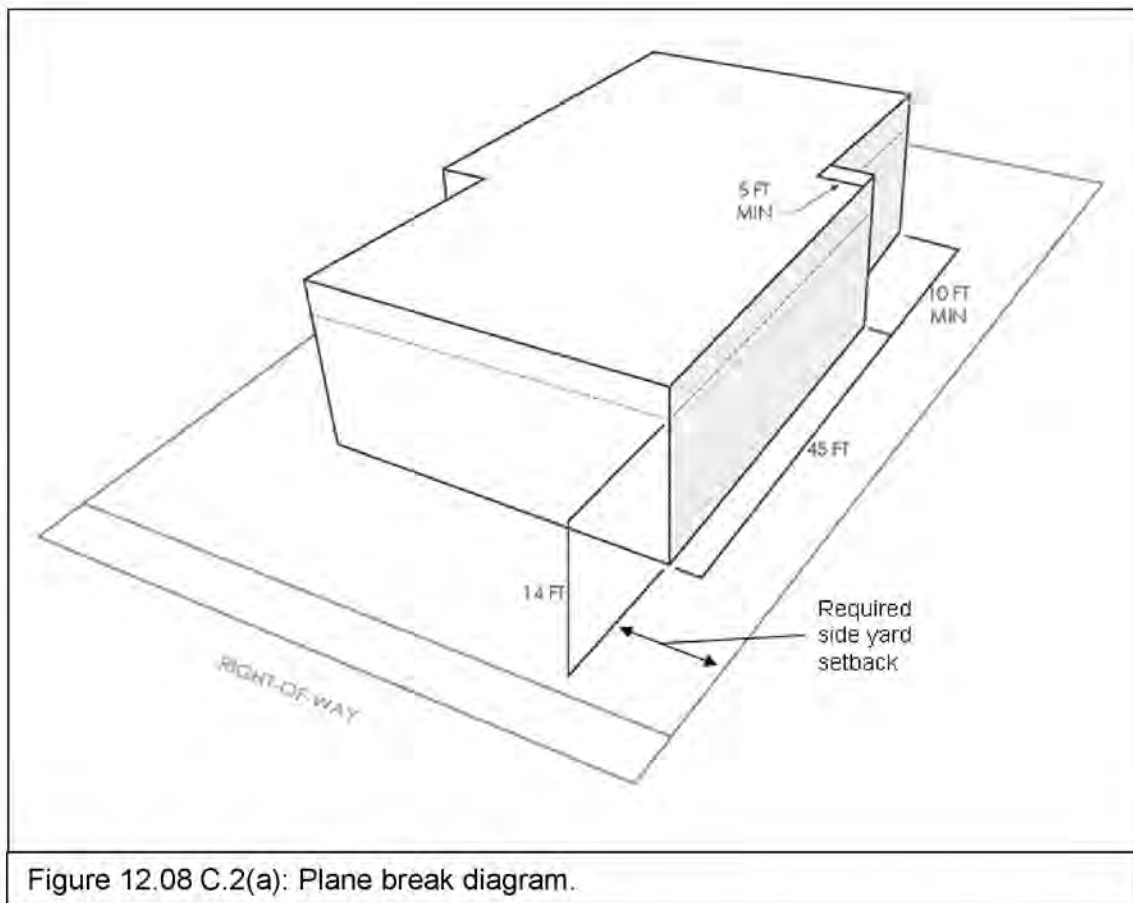
For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 10. Subdivision 2 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is amended to read as follows:

**2. Side Yards.**

(a) For a main building not more than two stories in height, there shall be a side yard on each side of the building of not less than 5 feet, except that where the lot is less than 50 feet in width, the side yard may be reduced to 10 percent of the width of the lot, but in no event to less than 3 feet in width. For a building more than two stories in height, 1 foot shall be added to the width of each yard for each additional story above the second story.

All portions of a building that have a side wall exceeding 14 feet in height and a continuous length greater than 45 feet shall have an offset/plane break that is a minimum depth of five feet beyond the required yard and a minimum length of 10 feet. For the purpose of this Subdivision, height shall be measured from the existing or finished grade, whichever is lower, at each point along the perimeter of the building.



(b) In lieu of the additional one-foot side yard for each story above the second story as required above, for new construction of a main building or a ground floor addition to the main building on a lot not located in a Hillside Area or Coastal Zone, one-foot shall be added to each required side yard for each increment of ten feet or fraction thereof above the first 18 feet.

(c) Side yard requirements in specific plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over this subdivision. This subdivision shall apply in these areas, however, when there are no such side yard requirements.

(d) Any occupied rooftop deck shall be set back at least three feet from the minimum required side yard. This provision shall not apply to any rooftop deck located on the street side of a Corner Lot.

Sec. 11. Subdivision 5 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is amended to read as follows:

5. **Maximum Residential Floor Area and Massing.**

(a) **R1.** For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A 1 of this Code.

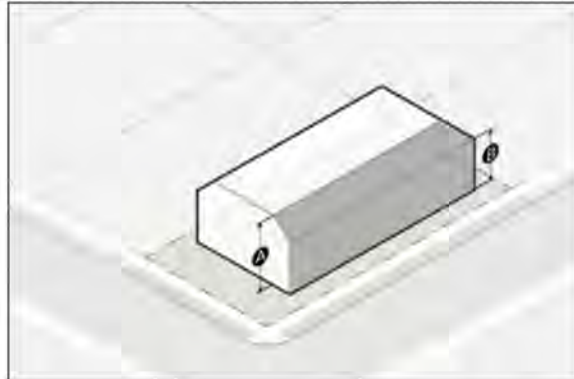
For lots outside of a Hillside Area or Coastal Zone, the maximum Residential Floor Area contained in all buildings and accessory buildings shall not exceed 45 percent of the lot area (a Residential Floor Area ratio of 0.45).

The encroachment plane shall originate from a point that is 20 feet in height from the existing or finished grade, whichever is lower, along the required front and side yard setbacks.

(b) **R1V, Variable-Mass.** These zones are intended to address issues of neighborhood character and to facilitate the compatibility of new construction, additions, and alterations in single-family neighborhoods having an existing variety of building forms. The intent of this variation is to allow flexibility in the location of massing within a maximum building envelope that respects the scale of other houses in the vicinity.

The maximum Residential Floor Area contained in all buildings on a lot shall not exceed the specified Residential Floor Area ratio for the corresponding zone per size of the lot as listed in Table 12.08 C.5(b). The maximum lot coverage, maximum Height of Building, and maximum height at which the encroachment plane begins shall not exceed the amounts specified for each zone in Table 12.08 C.5(b).

Table 12.08 C.5(b)

**R1 VARIABLE-MASS VARIATION ZONES DEVELOPMENT STANDARDS**

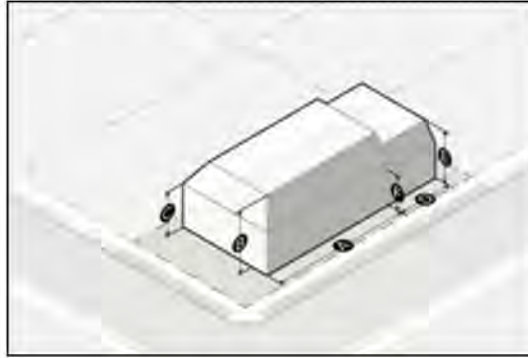
Lot Size and Residential Floor Area Ratio		R1V1	R1V2	R1V3	R1V4	Max Lot Coverage
	Up to 6,000 SF	.65	.55	.45	.40	50%
	6,001 to 7,000 SF	.63	.53	.43	.38	48%
	7,001 to 8,000 SF	.61	.51	.41	.36	46%
	8,001 to 9,000 SF	.59	.49	.39	.34	44%
	9,001 to 10,000 SF	.57	.47	.37	.32	42%
	Over 10,000 SF	.55	.45	.35	.30	40%
Mass						
(A)	Height of Building (max)	30'	30'	28'	20'	
(B)	Encroachment Plane Origin Height	22'	22'	20'	14'	
	Angle of Encroachment Plane	45°	45°	45°	45°	

(c) **R1F, Front-Mass.** These zones are intended to address issues of neighborhood character and to facilitate the compatibility of new construction, additions and alterations in single-family neighborhoods where the predominate building form includes a two-story mass at the front of the lot and a one-story mass at the rear of the lot. The intent of this variation is to allow taller massing at the front of the lot and mandate shorter massing at the rear of the lot that respects the scale and form of other houses in the vicinity.

The maximum Residential Floor Area contained in all buildings shall not exceed the specified Residential Floor Area ratio for the corresponding zone per size of the lot as listed in Table 12.08 C.5(c). The maximum lot coverage, the maximum height of the front and rear masses, and the maximum height at which the encroachment plane begins for the front and rear masses shall not exceed the amounts specified for each zone in Table 12.08 C.5(c).

Table 12.08 C.5(c)

## R1 FRONT-MASS VARIATION ZONES DEVELOPMENT STANDARDS



Lot Size and Residential Floor Area Ratio		R1F1	R1F2	R1F3	R1F4	Max Lot Coverage
	Up to 6,000 SF	.65	.55	.45	.40	50%
	6,001 to 7,000 SF	.63	.53	.43	.38	48%
	7,001 to 8,000 SF	.61	.51	.41	.36	46%
	8,001 to 9,000 SF	.59	.49	.39	.34	44%
	9,001 to 10,000 SF	.57	.47	.37	.32	42%
	Over 10,000 SF	.55	.45	.35	.30	40%
Front Mass						
(A)	Front envelope depth, from front yard setback (min)	-	-	-	-	
(B)	Height of Mass (max)	30'	30'	28'	26'	
(C)	Encroachment Plane Origin Height	22'	22'	20'	18'	
	Angle of Encroachment Plane	45°	45°	45°	45°	
Rear Mass						
(D)	Rear envelope depth, from rear yard setback (min)	25'	25'	25'	25'	
(E)	Height of Mass (max)	24'	24'	20'	18'	
(F)	Encroachment Plane Origin Height	16'	16'	14'	14'	
	Angle of Encroachment Plane	45°	45°	45°	45°	

(d) **R1R, Rear-Mass.** These zones are intended to address issues of neighborhood character and to facilitate the compatibility of new construction, additions and alterations in single-family neighborhoods where the predominate building form includes a one-story mass at the front of the lot and a two-story mass at the rear of the lot. The intent of

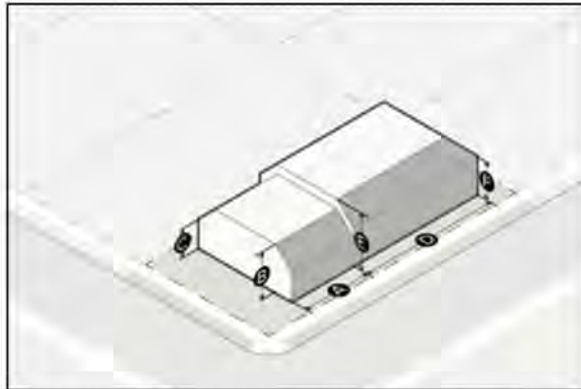
this variation is to mandate shorter massing at the front of the lot and allow taller massing at the rear of the lot that respects the scale and form of other houses in the vicinity.

The maximum Residential Floor Area contained in all buildings shall not exceed the specified Residential Floor Area ratio for the corresponding zone per size of the lot as listed in Table 12.08 C.5(d). The maximum lot coverage, the maximum height of the front and rear masses, and the maximum height at which the encroachment plane begins for the front and rear masses shall not exceed the amounts specified for each zone in Table 12.08 C.5(d).

(1) Exceptions.

- (i) Lots that are 90 feet or less in depth shall not be subject to two different massing requirements. Said lots shall be exempt from the Front Mass development standards listed in Table 12.08 C.5(d), and instead the Rear Mass massing requirements specified in Table 12.08 C.5(d) shall apply to the entire building.

Table 12.08 C.5(d)

**R1 REAR-MASS VARIATION ZONES DEVELOPMENT STANDARDS**

Lot Size and Residential Floor Area Ratio		R1R1	R1R2	R1R3	R1R4	Max Lot Coverage
	Up to 6,000 SF	.65	.55	.45	.40	50%
	6,001 to 7,000 SF	.63	.53	.43	.38	48%
	7,001 to 8,000 SF	.61	.51	.41	.36	46%
	8,001 to 9,000 SF	.59	.49	.39	.34	44%
	9,001 to 10,000 SF	.57	.47	.37	.32	42%
	Over 10,000 SF	.55	.45	.35	.30	40%
<b>Front Mass</b>						
(A)	Front envelope depth, from front yard setback (min)	30'	30'	30'	30'	
(B)	Height of Mass (max)	24'	24'	20'	18'	
(C)	Encroachment Plane Origin Height	16'	16'	12'	12'	
	Angle of Encroachment Plane	45°	45°	45°	45°	
<b>Rear Mass</b>						
(D)	Rear envelope depth, from rear yard setback (min)	-	-	-	-	
(E)	Height of Mass (max)	30'	30'	28'	26'	
(F)	Encroachment Plane Origin Height	22'	22'	20'	18'	
	Angle of Encroachment Plane	45°	45°	45°	45°	

(e) **R1H, Hillside Area.** These zones are intended to address issues of neighborhood character and to facilitate the compatibility of new construction, additions and alterations to one-family houses in Hillside Areas having an existing variety of building forms. The intent of this variation is to allow flexibility in the location of massing within a maximum building envelope that respects the scale of other houses in the vicinity. A

lot designated an R1H Zone shall comply with all of the R1 Hillside Area Development Standards pursuant to Section 12.21 C.10, except that R1H lots shall be subject to the Residential Floor Area ratios in Table 12.21 C.10-2b of their corresponding zone.

Sec. 12. Subdivision 6 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is amended to read:

6. **Verification of Existing Residential Floor Area.** For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing Residential Floor Area shall be determined based on the building records or the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that Residential Floor Area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 13. New Subdivision 7 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is added to read:

7. **Definitions and Standards.** For the purposes of this Subsection the following definitions and standards shall apply:

a. **Height of Mass, Front or Rear.** The height of the front mass is the vertical distance above Grade measured to the highest point of the roof, structure, or parapet wall, whichever is highest of the front mass. The height of the rear mass is the vertical distance above Grade measured to the highest point of the roof, structure, or parapet wall, whichever is highest of the rear mass. Retaining walls shall not be used for the purpose of raising the effective elevation of the finished grade for purposes of measuring the height of either mass.

However, whenever the highest point of elevation of the adjoining sidewalk or ground surface within a 5-foot horizontal distance measured from the exterior wall of a building exceeds grade level by more than 20 feet, a building or structure may exceed the maximum front or rear mass height in number of feet prescribed in this section by not more than 12 feet. However, such additional height shall not be permitted to the extent that such additional height causes any portion of the building or structure to exceed a front or rear mass height in number of feet as prescribed by this section as measured from the highest point of the front or rear mass roof structure or parapet wall to the elevation of the ground surface which is vertically below this point of measurement.

b. **Lot Coverage is the area of a parcel covered by any structures** extending more than six feet above grade. However, 400 square feet of required covered parking that is detached and located within the rear half of the lot shall be exempt from lot coverage calculations.

Sec. 14. Paragraph (f) of Subdivision 5 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(f) **Driveway Width.** Every access driveway shall be at least 9 feet in width in the A, RE, RS, R1, RU, RZ, R2, RMP and RW Zones, and 10 feet in width in the RD, R3, RAS3, R4, RAS4, R5, P, PB, C and M Zones; provided, however, every access driveway serving a parking area or garage having a capacity of more than 25 automobiles or trucks shall be at least 19 feet in width, or in lieu thereof, there shall be two access driveways, each of which is at least 10 feet in width; provided, further, however, that an access driveway serving an apartment house erected in the R2 Zone shall be at least 10 feet in width.

Except that in the R1 Zone, when not designated as a Hillside Area on the Department of City Planning Hillside Area Map, driveway width at the front property line shall not exceed 25 percent of the lot width or the width of any currently existing driveway, whichever is greater; provided, however, that nothing in this paragraph shall be deemed to require a driveway less than 9 feet in width at the front property line.

Sec. 15. The first Paragraph of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

10. **Single-Family Zone Hillside Area Development Standards.** Except as allowed by Section 12.24 F and 14.00 A of this Code, for any Lot zoned R1, RS, RE or RA and designated Hillside Area on the Department of City Planning Hillside Area Map, no Building or Structure nor the addition or Major Remodel-Hillside of any Building or Structure shall be erected or maintained

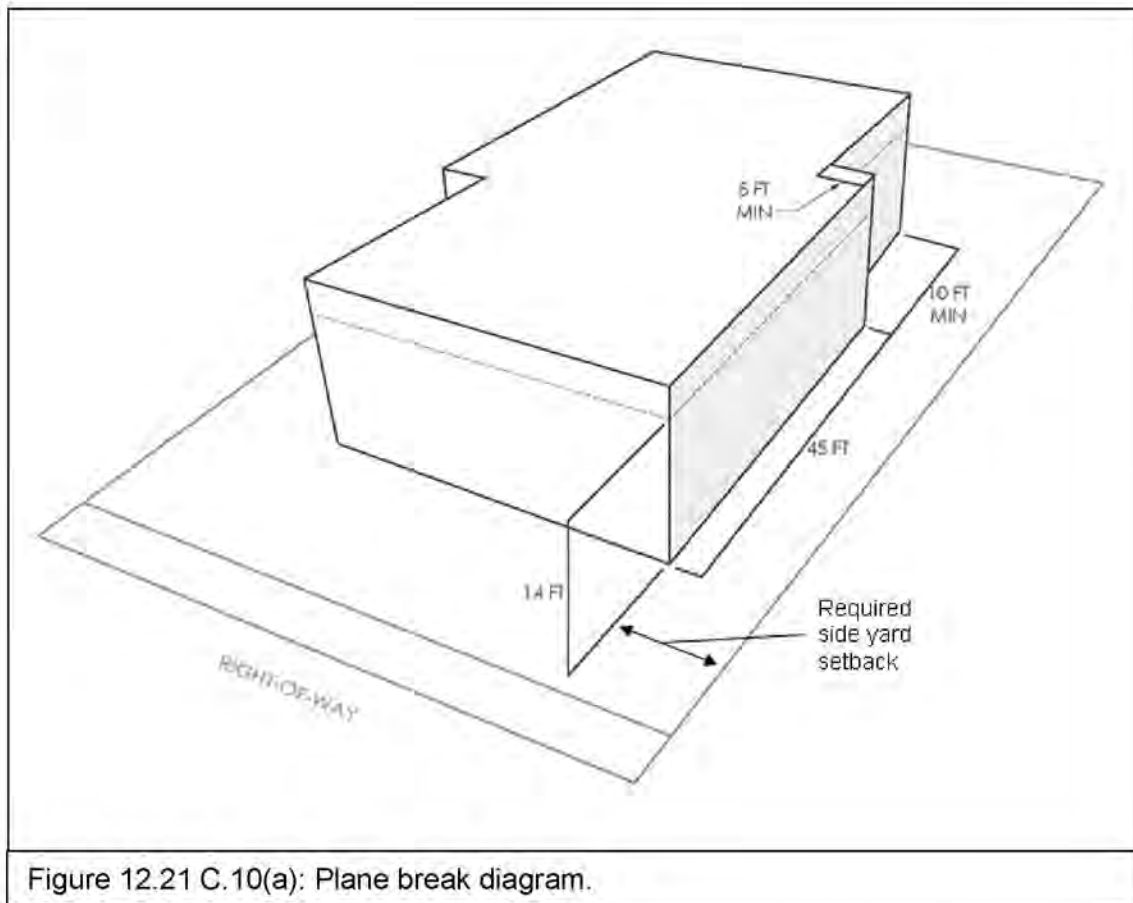
unless the following development standards are provided and maintained in connection with the Building, Structure, addition or remodel:

Sec. 16. Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(a) **Setback Requirements.** No Building or Structure shall be erected, enlarged or undergo a Major Remodel-Hillside unless the setbacks as outlined in Table 12.21 C.10-1 are provided and maintained in connection with the Building, Structure, or enlargement.

Table 12.21 C.10-1 Single-Family Zone Hillside Area Setback Requirements								
	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
Front Yard								
Not less than:	20% of Lot Depth							
Need not exceed:	20 ft	25 ft						
Side Yard								
Not less than:	5 ft	7 ft	10% of Lot Width, but not less than 5 ft	10 ft				
Need not exceed:	n/a				10 ft	n/a		
The required Side Yard may be reduced to 10% of the Lot Width, but in no event to less than 3 ft, where the Lot is less than the following widths:	50 ft	70 ft	n/a				70 ft*	
For Buildings or Structures with a height greater than 18 feet:	One additional foot shall be added to each required Side Yard for each increment of 10 feet or fraction thereof above the first 18 feet.							
For Buildings or Structures that have a side wall exceeding 14 feet in height and a continuous length greater than 45 feet:	An offset/ plane break shall be added that is a minimum depth of five feet beyond the required yard and a minimum							

	length of 10 feet. For the purpose of this Subdivision, height shall be measured from the existing or finished grade, whichever is lower, at each point along the perimeter of the building.	
<b>Rear Yard</b>		
<b>Not less than:</b>	15 ft	20 ft
		25% of Lot Depth
<b>Need not exceed:</b>	n/a	25 ft
ft – feet n/a – the provision is not applicable Lot Depth – as defined in Section <a href="#">12.03</a> of this Code Lot Width – as defined in Section <a href="#">12.03</a> of this Code		
<b>Notes:</b> * Only applicable for Lots which are of record prior to July 1, 1966.		



Notwithstanding the required yards, or setbacks, outlined in Table 12.21 C.10-1 above, or those exceptions found in Section 12.22 of this Code, the following provisions shall apply:

Sec. 17. Sub-subparagraph (iv) of Subparagraph (1) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(iv) Nothing contained in this Subparagraph (1) shall, however, be deemed to require Front Yards which exceed 40 feet in depth or allow Front Yards that are less than 5 feet in depth.

Sec. 18. Subparagraph (3) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(3) **Front Yard Setbacks on Key Lots.** On Key Lots, the minimum Front Yard may be the average of the required Front Yard for the adjoining Interior Lot and the required Side Yard along the Street side of a Reversed Corner Lot. But such minimum Front Yard may apply for a distance of not more than 85 feet from the

rear Lot line of the Reversed Corner Lot, beyond which point the Front Yard specified in Table 12.21 C.10-1 or Subparagraph (1) of this Paragraph (a) shall apply. Where existing Buildings on either or both of said adjoining Lots are located nearer to the front or side Lot lines than the Yard required by this Paragraph (a), the Yards established by such existing Buildings may be used in computing the required Front Yard for a Key Lot, but may not be less than 5 feet in depth.

Sec. 19. Sub-subparagraph (i) Subparagraph (10) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(i) **Garages in Front Yards.** A detached Private Garage may be located on the required Front Yard of a Lot where the Elevation of the ground at a point 50 feet from the front Lot line of a Lot and midway between the side Lot lines differs 10 feet or more from the curb level, provided every portion of the garage Building is at least 5 feet from the front Lot line. Where the wall of such garage is two-thirds below natural or finished Grade of the Lot, whichever is lower, said wall may extend to the adjacent side Lot line; in all other cases, said garage shall not be nearer to the side Lot line than the width of the Side Yard required for a main Building of the same height.

Sec. 20. Sub-subparagraph (ii) of Subparagraph (10) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(ii) **Elevated Stairways, Porches, Platforms, Landing Places, or Balconies.** Balconies with 10 feet or more of vertical clearance beneath them may project or extend no more than 30 inches into a Front Yard. Notwithstanding any other provisions of this Code, on Lots fronting onto a Substandard Hillside Limited Street, elevated stairways, porches, platforms and landing places shall not project or extend into the Front Yard.

Sec. 21. Subparagraphs (7), (8), (9), (10), (11) and (12) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code are renumbered as Subparagraphs (8), (9), (10), (11), (12) and (13), respectively.

Sec. 22. Subparagraph (7) of Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is added to read as follows:

(7) **Occupied Rooftop Deck Setback.** In the R1 Zone, any occupied rooftop deck shall be set back at least 3 feet from the minimum required side yard. This provision shall not apply to any rooftop deck located on the street side of a Corner Lot.

Sec. 23. Paragraph (b) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code are amended to read as follows:

(b) **Maximum Residential Floor Area.** The maximum Residential Floor Area contained in all Buildings and Accessory Buildings shall not exceed the sum of the square footage of each Slope Band multiplied by the corresponding Residential Floor Area Ratio (RFAR) for the zone of the Lot, as outlined in Table 12.21 C.10-2a and Table 12.21 C.10-2b. This formula can be found in Table 12.21 C.10-2c, where "A" is the area of the Lot within each Slope Band, "RFAR" is the RFAR of the corresponding Slope Band, and "RFA" is the sum of the Residential Floor Area of each Slope Band.

Table 12.21 C.10-2a Single-Family Zone Hillside Area Residential Floor Area Ratios (RFAR)								
Slope Bands (%)	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
0 – 14.99	0.45	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Table 12.21 C.10-2b Single-Family Zone Hillside Area Residential Floor Area Ratios (RFAR)				
Slope Bands (%)	R1H1	R1H2	R1H3	R1H4
0 – 14.99	0.65	0.55	0.45	0.40
15 – 29.99	0.60	0.50	0.45	0.35
30 – 44.99	0.55	0.45	0.40	0.30
45 – 59.99	0.50	0.40	0.35	0.25
60 – 99.99	0.45	0.35	0.30	0.20
100 +	0.00	0.00	0.00	0.00

Table 12.21 C.10-2c Hillside Area Maximum Residential Floor Area Formula					
Slope Bands (%)	Area (sq-ft)		RFAR		Residential Floor Area
0 – 14.99	A <sup>1</sup>	X	RFAR <sup>1</sup>	=	RFA <sup>1</sup>
15 – 29.99	A <sup>2</sup>	X	RFAR <sup>2</sup>	=	RFA <sup>2</sup>
30 – 44.99	A <sup>3</sup>	X	RFAR <sup>3</sup>	=	RFA <sup>3</sup>
45 – 59.99	A <sup>4</sup>	X	RFAR <sup>4</sup>	=	RFA <sup>4</sup>
60 – 99.99	A <sup>5</sup>	X	RFAR <sup>5</sup>	=	RFA <sup>5</sup>
100 +	A <sup>6</sup>	X	RFAR <sup>6</sup>	=	RFA <sup>6</sup>
Maximum Residential Floor Area				=	Sum of RFA <sup>1</sup> through RFA <sup>6</sup>

(1) **Slope Analysis Map.** As part of an application for a permit to the Department of Building and Safety, or for a Discretionary Approval as defined in Section 16.05 B of this Code to the Department of City Planning, the applicant shall submit a Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped and signed by a registered civil engineer or licensed land surveyor, to verify the total area (in square feet) of the portions of a property within each Slope Band identified in Table 12.21 C.10-2a. The Director of Planning, or his/her designee, shall verify that the Slope Analysis Map has been prepared by a registered civil engineer or licensed land surveyor. In addition, the Director of Planning, or his/her designee shall approve the calculated Maximum Residential Floor Area for the Lot by the registered civil engineer or licensed land surveyor using the Slope Analysis Map prior to applying for a permit from the Department of Building and Safety.

The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with 2-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the Slope analysis, and shall attest to the fact that the Slope analysis has been accurately calculated.

The Slope Analysis Map shall clearly delineate/identify the Slope Bands (i.e., with contrasting colors or hatching), and shall include a tabulation of the total area in square-feet within each Slope Band, as well as the RFAR and Residential Floor Area value of each corresponding Slope Band as shown on Table 12.21 C.10-2b.

The Slope Analysis Map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose.

(2) **Guaranteed Minimum Residential Floor Area.**

Notwithstanding the above, the maximum Residential Floor Area for all Buildings and Accessory Buildings on any Lot may be at least the percentage of the Lot size as outlined in Table 12.21 C.10-3 below or 800 square feet, whichever is greater.

Table 12.21 C.10-3 Guaranteed Minimum Residential Floor Area	
Zone	Percentage of Lot Size
R1	25%
RS	23%
RE9	20%
RE11	20%
RE15	18%
RE20	18%
RE40	18%
RA	13%

The guaranteed minimum for the original zone as stated in the paragraph above may apply to any Lot in place of the maximum Residential Floor Area calculation in Tables 12.21 C.10-2a and 12.21 C.10-2b. In addition, in the event that a Lot has an area that is less than 50 percent of the minimum Lot size for its Zone, was made nonconforming in Lot size as a result of an adopted zone change or code amendment changing the minimum Lot size, and met the minimum Lot size requirements of the original zone, the guaranteed minimum for the original zone as stated in this Subparagraph shall apply.

(3) **Residential Floor Area Bonus for RA, RE and RS**

**Zones.** An additional 20 percent of the maximum Residential Floor Area as determined by Table 12.21 C.10-2 of this Paragraph (b), or an additional 30 percent for Lots where the guaranteed minimum outlined in Subparagraph (2) of this Paragraph (b) is utilized, for that Lot shall be allowed if any of the options listed below is utilized. Only one bonus per property is allowed.

- (i) **Proportional Stories Option.** The total Residential Floor Area of each Story other than the Base Floor in a multi-Story Building does not exceed 75 percent of the Base Floor Area. This option shall only apply to flat Building pads where the Slope of the Building pad area prior to any Grading, as measured from the highest and lowest Elevation points of the existing Grade within five horizontal

feet of the exterior walls of the proposed Building or Structure, is less than 15 percent; or

(ii) **Front Facade Stepback Option.** The cumulative length of the exterior walls which are not a part of a garage facing the Front Lot Line, equal to a minimum of 25% of the Building width, shall be stepped-back a distance of at least 20% of the Building depth from a plane parallel to the Lot width established at the point of the Building closest to the Front Lot line. When the Front Lot line is not straight, a line connecting the points where the Side Lot lines and the Front Lot line intersect shall be used to establish the plane parallel to the front Lot width. When Through Lots have, or are required to provide, two Front Yard setbacks, the step-back shall be provided along both Front Lot Lines. When referred by the Department of Building and Safety due to unusual Building and/or Lot configuration, the Director of Planning or his/her designee shall determine that the proposed project complies with this provision and qualifies for a Residential Floor Area bonus.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the Front Lot Line at 45 degrees or less shall be considered to be facing the Front Lot Line. The Building width shall be the greatest distance between the exterior walls of the Building measured parallel to the Lot width. The Building depth shall be the greatest distance between the exterior walls of the Building measured parallel to the Lot depth.

This option shall only apply to Structures which are no within 35 feet of the Frontage along an improved Street and on a "flat" Building pad where the Slope of the Building pad prior to any Grading, as measured from the highest point of the existing Grade within five horizontal feet of the exterior wall of the proposed Building or Structure to the lowest point of the existing natural Grade within five horizontal feet, is less than 15%; or

(iii) **Cumulative Side Yard Setbacks Option.** The combined width of Side Yards shall be at least 25% of the total Lot Width, as defined in Section 12.03 of this Code, but in no event shall a single Side Yard setback be less than 10% of the Lot Width or the minimum required by Paragraph (a) of this Subdivision, whichever is greater. One (1) foot shall be added to each required Side Yard for each

increment of 10 feet or fraction thereof of height above the first 18 feet of height. The width of a required Side Yard setback shall be maintained for the entire length of a Side Yard and cannot alternate from one Side Yard to the other; or

(iv) **18-Foot Envelope Height Option.** For properties which are not in the “1SS” Single-Story Height District, the maximum envelope height, measured pursuant to Subparagraph (1) of Paragraph (d) of this Subdivision 10, shall be no more than 18 feet; or

(v) **Multiple Buildings Option.** In addition to the Lot coverage requirements in Paragraph (e) of this Subdivision, any one Building and Structure extending more than 6 feet above Hillside Area Grade, as defined in Section 12.03 of this Code, shall cover no more than 20% of the area of a Lot. Such Buildings or Structures may only be connected by one breezeway, fully enclosed walkway, elevator, or combination thereof of not more than 5 feet in width; or

(vi) **Minimal Grading Option.** For properties where at least 60% of the Lot is comprised of Slopes which are 30% or greater, as determined by a Slope Analysis Map prepared in accordance with Subparagraph (1) of this Paragraph (b), the total amount of any Grading on the site [including exempted Grading, as outlined in Paragraph (f) of this Subdivision (10)] does not exceed the numeric value of 10% of the total Lot size in cubic yards or 1,000 cubic yards, whichever is less (example: a project involving 500 cubic-yards of Grading on a 5,000 square-foot Lot will be eligible for this bonus option).

(4) **Zoning Administrator’s Authority.**

(i) **10% Adjustments.** The Zoning Administrator has the authority to grant adjustments from the requirements of this Paragraph (b) of not more than 10%, pursuant to the authority and procedures established in Subsection A of Section 12.28 of this Code.

(ii) **Residential Floor Area Added to Lots with Existing Buildings Built Prior to August 1, 2010.** The Zoning Administrator has the authority to approve construction that adds Residential Floor Area, in excess of

the maximum Residential Floor Area provided in Paragraph (b) of this Section, to a lot that includes a main Building that existed prior to August 1, 2010, and for which permits were previously obtained, pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Code, provided:

a. the total cumulative Residential Floor Area of all such additions does not exceed 1,000 square feet; and

b. the resulting Building does not exceed the height of the original Building or the height permitted in Paragraph (d) of this Subdivision 10 below, whichever is greater; and

c. at least two off-street covered parking spaces are provided.

Sec. 24. Paragraph (c) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(c) **Verification of Existing Residential Floor Area.** For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after August 1, 2010, or remodels of Buildings built prior to August 1, 2010, the existing Residential Floor Area shall be determined based on the building records or the Building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that Residential Floor Area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the Structures on the Lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the Structures on the Lot prepared by a licensed architect or engineer.

For the purposes of implementing this Paragraph (c), a remodel shall mean the alteration of an existing Building or Structure, provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 25. Sub-subparagraph (i) of Subparagraph (1) of Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

- (i) **Maximum Envelope Height.** Envelope height (otherwise known as vertical height or “plumb line” height) shall be the vertical distance from the Hillside Area Grade to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the adjacent Hillside Area Grade at the exterior walls of a Building or Structure. At no point shall any given section of any part of the proposed Building or Structure exceed the maximum envelope height.

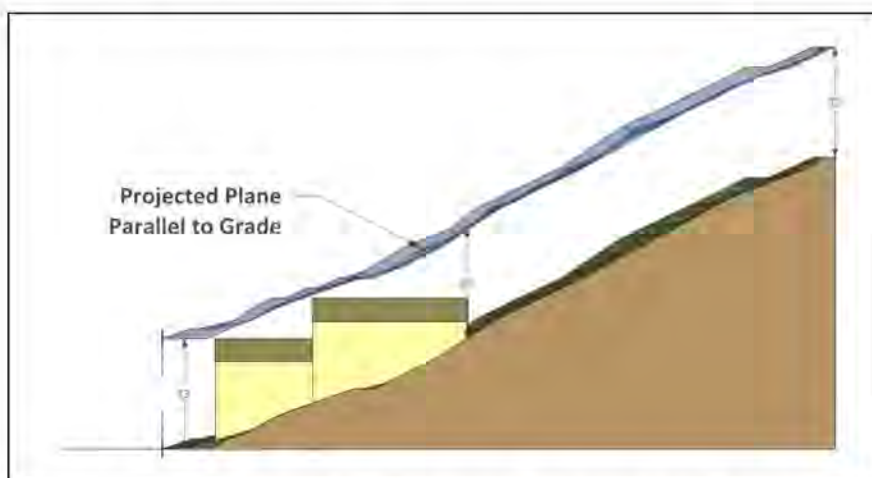


Figure 12.21 C.10(d)(1)(i): Maximum Envelope Height diagram.

Sec. 26. Sub-subparagraphs (ii) and (iii) of Subparagraph (1) of Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code are added to read as follows:

- (ii) **Encroachment Plane.** In the R1 Zone, the encroachment plane shall originate from a point that is 20 feet in height from the existing or finished grade, whichever is lower, along the required front and side yard setbacks.

- (iii) A topographic map shall be submitted as a separate plan sheet or as part of the site plan identifying the perimeter of the exterior walls, or any other information which the Department of Building and Safety deems necessary to determine compliance with this Paragraph.

Sec. 27. Subparagraph (5) of Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(5) **Lots Fronting on Substandard Hillside Limited Streets.** For any Lot fronting onto a Substandard Hillside Limited Street, as defined in Section 12.03, no portion of a Building or Structure within 20 feet of the Front Lot Line shall exceed 24 feet in height. The 24-foot maximum Building and Structure height shall be measured from the Elevation at the centerline or midpoint of the Street on which the Lot fronts.

Sec. 28. Subparagraph (6) of Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(6) **Unenclosed/Uncovered Cantilevered Balconies.** Unenclosed/uncovered cantilevered balconies and “visually permeable railing” (no more than 42 inches in height), may project no more than 5 horizontal feet beyond the maximum envelope height, as limited and measured in Subparagraph (1) of this Paragraph (d).

For the purposes of this Subparagraph (6), “visually permeable railing” means railing constructed of material that is transparent, such as glass or plastic panels, or wrought iron or other solid material which is 80 percent open to light and air.

Sec. 29. Paragraph (f) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(f) **Grading.** Notwithstanding any other provisions of this Code, total Grading (Cut and Fill) on a Lot shall be limited as outlined below. No Grading permits shall be issued until a Building permit is approved.

(1) **Maximum Grading Quantities.** The cumulative quantity of Grading, or the total combined value of both Cut and Fill or incremental Cut and Fill, for any one property shall be limited to a base maximum of 1,000 cubic yards plus the numeric value equal to 10% of the total Lot size in cubic yards. Example: a 5,000 square-foot Lot would have a maximum Grading amount of 1,500 cubic yards (1,000 cubic yards for the base amount + 500 cubic yards for the 10% calculation).

However, the cumulative quantity of Grading shall not exceed the maximum “by-right” Grading quantities outlined by Zone in Table 12.21 C.10-6 below.

Table 12.21 C.10-6 Maximum "By-Right" Grading Quantities	
Zone	Maximum Grading (cubic yards)
R1	1,000
RS	2,200
RE9	2,400
RE11	2,800
RE15	3,200
RE20	4,000
RE40	6,600
RA	3,600

(2) **Import/Export Limits.** Earth import and export activities may take place only between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. The maximum quantity of earth import or export shall be limited to the following quantities:

(i) **Lots Fronting on Standard Hillside Limited Streets or Larger.** For a property which fronts onto a Standard Hillside Limited Street or larger, as defined in Section 12.03 of this Code, the maximum quantity of earth import and export combined shall be no more than the maximum "by-right" grading quantities as listed in Table 12.21 C.10-6 above.

(ii) **Lots Fronting on Substandard Hillside Limited Streets.** For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, the maximum quantity of earth import and export combined shall be no more than 75 percent of the maximum "by-right" grading quantities as listed in Table 12.21 C.10-6 above.

(iii) **Exempted On-Site Grading Activity.** Earth quantities which originate from, or will be utilized for any exempted Grading activity listed in Subparagraph (3) of this Paragraph (f) shall be exempted from the maximum import and export quantities set forth in this Paragraph (f). A plan indicating the destination and/or source (i.e., exempted Grading activity or non-exempted Grading activity) of any import and/or export shall be submitted as part of a Grading permit application.

(3) **Exemptions.** The Grading activities outlined in the sub-subparagraphs below shall be exempt from the Grading and/or earth transport limitations established in Subparagraphs (1) and (2)

of this Paragraph (f). However, any excavation from an exempted activity being used as Fill, outside of a 5-foot perimeter from the exempted Grading activities, for any other on-site purpose shall be counted towards the limits established in Subparagraph (1) of this Paragraph (f).

(i) Cut and/or Fill for deepened foundation systems (such as caissons and piles), water storage tanks, required stormwater retention improvements, and required animal keeping site development that do not involve the construction of any freestanding retaining walls.

(ii) Cut and/or Fill, up to 500 cubic yards, for driveways to the required parking or fire department turnaround closest to the accessible Street for which a Lot has ingress/egress rights.

(iii) Remedial Grading as defined in Section 12.03 of this Code as recommended in a Geotechnical Investigation Report, prepared in accordance with Sections 91.7006.2, 91.7006.3 and 91.7006.4 of this Code, and approved by the Department of Building and Safety - Grading Division.

(iv) Fill resulting from Cut underneath the footprint of the main Building, not to exceed 50 percent of said Cut.

(4) **Zoning Administrator's Authority.** A Zoning Administrator may grant the following deviations from the requirements of Subparagraphs (1) and (2) of this Paragraph (f), pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Code.

(i) Grading in excess of the maximum "by-right" Grading quantities listed in Subparagraph (1) of this Paragraph (f), but in no event shall the quantities exceed the true value of 1,000 cubic yards plus the numeric value equal to 10% of the total Lot size in cubic yards.

(ii) For a property which fronts onto a Standard Hillside Limited Street or larger, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import and export combined greater than the maximum "by-right" grading quantities as listed in Table 12.21 C.10-6, up to the amount calculated pursuant to Subparagraph (1) of this Paragraph (f).

For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import and export combined greater than 75 percent of the maximum “by-right” grading quantities as listed in Table 12.21 C.10-6, up to the amount calculated pursuant to Subparagraph (1) of this Paragraph (f).

(5) **New Graded Slopes.** All new Graded Slopes shall be no steeper than 2:1 (horizontal:vertical), except when the Department of Building and Safety – Grading Division has determined that Slopes may exceed 2:1 pursuant to Section 91.105 of this Code.

(6) **Grading Activity on 100% Slopes.** Notwithstanding the Grading, Excavations and Fills provisions in Chapter IX of this Code (the Los Angeles Building Code), when any Grading activity is proposed on any slope of 100 percent or greater, as identified on the Slope Analysis Map, the Department of Building and Safety – Grading Division shall require the Geotechnical Investigation Report (also referred to as a soils and/or geological report) to include the most stringent level of geotechnical analysis and reporting feasible, and in sufficient detail to substantiate and support the design and construction methods being proposed.

A Deputy Grading Inspector, also referred to as a Registered (Licensed) Deputy Inspector, paid for by the owner, will be required to be on site when said Grading activity is being conducted in order to ensure that all work is being done in accordance with the recommendations of the Geotechnical Report, the approved plans, and/or the applicable Grading requirements of the Los Angeles Building Code for applicable Grading or foundation earthwork in Hillside Areas.

(7) **Grading Plan Check Criteria.** Grading plans and reports shall be submitted for approval with Building plans, and shall include those items required by Section 91.7006 of this Code.

Sec. 30. Subparagraph (2), Paragraph (g) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(2) **Additional Required Spaces.** For a main Building and any Accessory Building located on a Lot which fronts on a Substandard Hillside Limited Street, excluding Floor Area devoted to required parking, which exceed a combined Residential Floor Area of 2,400 square feet, there shall be one additional parking

space provided for each additional increment of 1,000 square feet or fraction thereof of Floor Area for a maximum of five total on-site spaces. These additional required parking spaces are not required to be covered. Notwithstanding the provisions of Subparagraph (1) of this Paragraph (g), when a Lot fronts onto a Substandard Hillside Limited Street, the additional parking spaces may be located within the required Front Yard.

Sec. 31. Subparagraph (2) of Paragraph (I) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(2) **Residential Floor Area Added to Lots with Existing Buildings Built Prior to August 1, 2010.** Any construction that adds Residential Floor Area, in excess of the maximum Residential Floor Area provided in Paragraph (b) of this Section, to a lot that includes a main Building that existed prior to August 1, 2010, and for which permits were previously obtained, provided that:

(i) the total cumulative Residential Floor Area of all such additions does not exceed 500 square feet (excluded from calculations of this 500 square foot limitations is Floor Area devoted to required covered parking); and

(ii) the resulting Building complies with the requirements of Paragraphs (a) (Setback Requirements), (d) (Height Limits) and (f) (Grading) of this Subdivision 10.

Sec. 32. Subparagraph (6) of Paragraph (I) of Subdivision 10 of Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

(6) **Large Active Remedial Grading Projects.** Properties with active Remedial Grading Permits for 100,000 cubic yards or more which have been issued by the Department of Building and Safety-Grading Division before July 1, 2010, are exempt from Paragraphs (b) (Maximum Residential Floor Area), (d) (Height Limits) and (f) (Grading) of this Subdivision. Such properties shall remain subject to the provisions of Subdivision 17 of Subsection A of Section 12.21 of this Code, and all other zoning and Building regulations applicable at the time Building Permits are issued. This exception shall expire 85 months after July 1, 2010.

Sec. 33. The first unnumbered paragraph of Section 12.21.1 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 12.21.1. HEIGHT OF BUILDING OR STRUCTURES.**

No building or structure shall be erected or enlarged which exceeds the total floor area, the number of stories or the height limits hereinafter specified for the district in which the building or structure is located. Provided, however, that with respect to height, buildings and structures located within the boundaries of the Century City North and Century City South Specific Plans shall comply solely with the requirements of the respective specific plan and the requirements of Section 12.21.2 of this Code; that buildings and structures located within Community Redevelopment Plan Areas shall comply with the requirements of Section 12.21.3 of this Code; that buildings and structures located within Enterprise Zones shall comply with the requirements of Section 12.21.4 of this Code; that buildings and structures located within Centers Study Areas designated on Maps Numbered 1 through 29 referred to in Section 12.21.5 of this Code, shall comply with the requirements of Section 12.21.5 of this Code; and that buildings and structures located in the R1V, R1F, and R1R One-Family Zone Variations shall comply with the requirements of Section 12.21.6 of this Code. Such designations are consistent with the purposes, intent and provisions of the General Plan.

Sec. 34. Section 12.21.6 is added to the Los Angeles Municipal Code to read:

**SEC. 12.21.6 HEIGHT OF BUILDINGS OR STRUCTURES IN ALL R1V, R1F, and R1R ONE-FAMILY ZONE VARIATIONS.**

Lots zoned R1V, R1F and R1R shall comply with all height limitations in 12.08 C.5(b)-(d).

Sec. 35. Subsection A of Section 12.23 of the Los Angeles Municipal Code is amended to read as follows:

**A. Buildings with Nonconforming Area, Height, Encroachment Plane, Yards or Lot Coverage Regulations.**

1. **Buildings Nonconforming as to Area or Yard Regulations.** A building, nonconforming as to area or yard regulations, may be repaired, altered, or internally remodeled, provided at least 50 percent of the perimeter length of the existing nonconforming portion of the exterior walls of the building are retained. It may be expanded in floor area provided the expansion conforms to the requirements of this Code, subject to the following provisions:

(a) a building, nonconforming only as to yard regulations, may be added to or enlarged in any manner provided:

(i) any addition or enlargement that is located in the required yard that is nonconforming does not encroach into any portion of that required yard to a greater extent than the existing nonconforming building encroaches; and

(ii) in no event shall any addition or enlargement reduce the width of a side yard or the depth of a front or rear yard to less than 50 percent of that required by the current yard regulations of the zone and other applicable current land use regulations; and

(iii) the total of all additions or enlargements, made since the building became nonconforming as to yard regulations, which encroach into any required yard, shall not exceed in height or length the height or length of that portion of the adjoining nonconforming building that extends into the same required yard.

(iv) Notwithstanding Sub-subparagraphs (i), (ii) and (iii) of this Sub-paragraph, a building nonconforming as to the Yard regulations on properties zoned RA, RE, RS and R1, not including properties in the Coastal Zone which are not located in a Hillside Area as defined in Section 12.03 of this Code, shall not be added to or enlarged in any manner unless the addition or enlargement conforms to all the current regulations of the zone and other applicable current land use regulations, except as may be approved or permitted pursuant to a discretionary approval as that term is defined in Section 16.05 B of this Code.

(b) A residential building, nonconforming as to the area regulations (density), in the OS, A, R, P, PB, C or PF Zones, may be enlarged, provided that the enlargement does not create any additional dwelling units or guest rooms.

(c) Notwithstanding Paragraphs (a) and (b) above and Subdivision 2 of this Subsection, a building, nonconforming as to the Residential Floor Area regulations on properties zoned RA, RE, RS and R1, not including properties in the Coastal Zone which are not located in a Hillside Area, as defined in Section 12.03 of this Code, shall not be added to or enlarged in any manner unless the addition or enlargement conforms to all the current regulations of the zone and other applicable current land use regulations, except as permitted by Section 12.21 C.10(I) and except as may be approved or permitted pursuant to a discretionary approval, as that term is defined in Section 16.05 B. of this Code. However, alterations, other than additions or enlargements to existing buildings, may be made provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

**2. Buildings Nonconforming as to Height or Encroachment**

**Plane.** A building, nonconforming only as to height or encroachment plane regulations, may not be added to or enlarged in any manner, unless the additions or enlargements conform to all the current regulations of the zone and other applicable current land use regulations, provided that the total aggregate floor area included in all the separate additions or enlargements shall not exceed 50 percent of the floor area of the ground floor of the building or structure.

**3. Buildings Nonconforming as to Lot Coverage.**

A building, nonconforming as to the Lot Coverage regulations on properties zoned RA, RE, RS, and R1, shall not be added to or enlarged in any manner unless the addition or enlargement conforms to all the current regulations of the zone and other applicable current land use regulations, except as may be approved or permitted pursuant to a discretionary approval, as that term is defined in Section 16.05 B. of this Code. However, alterations, other than additions or enlargements to existing buildings, may be made provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

**4. Moving Nonconforming Buildings.**

A nonconforming building or structure may not be moved, in whole or in part, to any other location on the lot unless every portion of the building or structure that is moved is made to conform to all the current regulations of the zone and other applicable current land use regulations, except as otherwise permitted by Section 12.22 C.13. of this Code.

**5 Restoration of Damaged Nonconforming Buildings.**

(a) A nonconforming building or structure, which is damaged or partially destroyed by any fire, flood, wind, earthquake or other calamity or the public enemy, may be restored and the occupancy or use of the building, structure or part of the building or structure, which existed at the time of the damage or destruction, may be continued or resumed, provided that the total cost of restoration does not exceed 75 percent of the replacement value of the building or structure at the time of the damage or destruction. A permit for restoration shall be obtained within a period of two years from the date of the damage or destruction. Except as set forth in Paragraph (b) below, if the damage or destruction exceeds 75 percent of the replacement value of the nonconforming building or structure at the time of the damage or destruction, no repairs or restoration shall be made unless every portion of the building or structure is made to conform to all regulations for new buildings in the zone in which it is located, and other applicable current land use regulations.

(b) If the damage or destruction of a nonconforming single-family or two-family dwelling, multiple dwelling or apartment house in the OS, A, R, P, PB, C, M or PF Zones exceeds 75 percent of its replacement

value at the time of the damage or destruction, the building or structure may be reconstructed provided:

- (i) that each side yard is no less than one-half the required side yard for new buildings in the zone in which it is located, or in other applicable current land use regulations, but in no event less than three feet; and
- (ii) that the front and rear yards are at least one-half the required front and rear yards for new buildings in the zone in which it is located, or in other applicable current land use regulations; and
- (iii) that neither the footing, nor the building or structure projects into any area planned for widening or extension of existing or future streets as determined by the Advisory Agency upon the recommendation of the City Engineer; and
- (iv) that the height shall not exceed the allowable height for new buildings or structures in the zone in which it is located, or in other applicable current land use regulations; and
- (v) that a building permit for the reconstruction be obtained within two years of the damage or destruction from fire, flood, wind, earthquake, or other calamity or the public enemy.

**6. Replacement of Earthquake Hazardous Buildings.**

Notwithstanding any other provision of this article to the contrary, a building nonconforming as to height, number of stories, lot area, loading space or parking, which is demolished as a result of enforcement of the Earthquake Hazard Reduction Ordinance (Article 1, Chapter IX of this Code), may be reconstructed with the same nonconforming height, number of stories, lot area, loading space or parking as the original building, provided, however, that reconstruction shall be commenced within two years of obtaining a permit for demolition and completed within two years of obtaining a permit for reconstruction. Provided further, that neither the footing, nor any portion of the replacement building may encroach into any area planned for widening or extension of existing or future streets as determined by the Advisory Agency upon the recommendation of the City Engineer.

Additionally, a building nonconforming as to use or yards, which is demolished as a result of enforcement of the Earthquake Hazard Reduction Ordinance, may be reconstructed with the same nonconforming use or yards provided that the approval of a Zoning Administrator is obtained pursuant to Section 12.24 X.16. of this Code.

Sec. 36. Paragraph (d) of Subdivision 2 of Subsection C of Section 12.28 of the Los Angeles Municipal Code is amended to read as follows:

(d) For R1, RS, RE and RA Zoned properties the Zoning Administrator must conduct a public hearing for any Adjustment or Slight Modification requests.

Sec. 37. Subdivision 2 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to add a new "RG" Rear Detached Garage Supplemental Use District:

2. **Districts.** In order to carry out the provisions of this article, the following districts are established:

"O"	Oil Drilling District
"S"	Animal Slaughtering District
"G"	Surface Mining District
"RPD"	Residential Planning Development District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District
"RFA"	Residential Floor Area District
"NSO"	Neighborhood Stabilization Overlay District
"CPIO"	Community Plan Implementation Overlay District
"HS"	Hillside Standards Overlay District
"MPR"	Modified Parking Requirement District
"RIO"	River Improvement Overlay District
"CUGU"	Clean Up Green Up Overlay District
"RG"	Rear Detached Garage District

Sec. 38. The table of contents preceding Section 13.00 of the Los Angeles Municipal Code is amended to read as follows:

Section

- 13.01 "O" Oil Drilling Districts.
- 13.02 "S" Animal Slaughtering Districts.
- 13.03 "G" Surface Mining Operations Districts.
- 13.04 "RPD" Residential Planned Development Districts.
- 13.05 "K" Equinekeeping Districts.
- 13.06 Commercial and Artcraft Districts.
- 13.07 Pedestrian Oriented District.
- 13.08 "CDO" Community Design Overlay District.
- 13.09 Mixed Use District.
- 13.10 Fence Heights District.
- 13.11 "SN" Sign District.
- 13.12 "NSO" Neighborhood Stabilization Overlay District.
- 13.13 "RFA" Residential Floor Area District.
- 13.14 "CPIO" Community Plan Implementation Overlay District.
- 13.15 Modified Parking Requirement (MPR) District.
- 13.16 "HS" Hillside Standards Overlay District.
- 13.17 "RIO" River Improvement Overlay District.
- 13.18 "CUGU" Clean Up Green Up Overlay District.
- 13.19 "RG" Rear Detached Garage District.
- 13.20 Violation.

Sec. 39. Section 13.19 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 13.19. "RG" SINGLE-FAMILY ZONE REAR DETACHED GARAGE DISTRICT.**

**A. Purpose.** The regulations set forth in this Section are to facilitate the compatible placement of garages on lots in single-family residential zones where the predominant building form includes a main building with a rear detached garage. These

regulations mandate that the covered parking requirement for single-family zoned properties within the district be satisfied by a private garage and not by any open air building or carport. The regulations for this district also mandate that the garage be detached and placed within the rear half of the lot. For purposes of this section, “garage” is defined as a building enclosed by walls with a door or doors that meet the requirements of Section 12.21 A.4(a).

**B. Applicability.** A district established pursuant to this section shall be a grouping of lots zoned RA, RE, RS, or R1 not located in a Hillside Area or Coastal Zone.

**C. Limitations.** All lots within a district shall be subject to the following conditions:

1. The covered parking requirement of the Code shall be satisfied by a private garage and not by any open air building or carport.

2. Garages required in Subdivision 1:

(a) shall be located within the rear half of the lot, or at least 55 feet from a Front Lot Line;

(b) shall be detached from the main building of the lot; and

(c) shall comply with Section 12.21 C.5 of this Code.

3. Exceptions to Subdivision 2 of this Subsection.

(a) Lots 3,000 square feet or less, shall not be subject to paragraphs (a) and (b) in Subdivision 2 of this Subsection.

(b) Notwithstanding, Section 12.21 C.5(k), Through Lots with no Rear Lot Line shall set back the garage from both Front Lot Lines a distance of at least 40 feet and shall not be subject to paragraph (a) in Subdivision 2 of this Subsection.

(c) Through Lots with no Rear Lot Line and a lot depth less than 100 feet shall be exempt from Paragraph (a) of Subdivision 2 of this Subsection.

Sec. 40. Section 13.20 is added to the Los Angeles Municipal Code to read:

**SEC. 13.20. VIOLATION.** The violation of any condition imposed by a Zoning Administrator, Director of Planning, the Area Planning Commission, City Planning

Commission or City Council in approving the site requirements, methods of operation, development plans or other actions taken pursuant to the authority contained in this article shall constitute a violation of this Code.

Sec. 41. Projects requiring a discretionary entitlement from the Department of City Planning shall be not be subject to the provisions of this ordinance so long as an application for the complete entitlement is filed and a fee paid prior to the date on which this ordinance becomes effective. Any such project shall be subject to the regulations that were in effect on the date on which the application was filed.

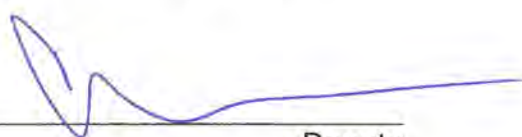
Sec. 42. **URGENCY CLAUSE.** The City finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: The proliferation of towering, box-like structures in single-family residential neighborhoods Citywide poses a current and immediate threat to the public welfare, including degradation of neighborhood character, loss of neighbors' privacy, curtailment of development potential, and negative impacts to aesthetics and general quality of life; that allowing the Interim Control Ordinances of March 25, 2015, to expire without adopting permanent regulations imposing limitations on development would cause the issuance of building permits under the current Citywide regulations for single-family homes to resume; and that the continued development of single-family zoned properties under the current Citywide regulations, or the resumption of the issuance of building permits under the current Citywide regulations, will result in that threat to the public welfare. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 43. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 44. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of MAR 1 2017.

HOLLY L. WOLCOTT, City Clerk


By  Deputy

Approved MAR 10 2017

  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
ADRIENNE S. KHORASANEE  
Deputy City Attorney

Date March 1, 2017

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it be adopted

March 1, 2017

See attached report.

  
Vincent P. Bertoni, AICP  
Director of Planning

File No. CF 14-0656, CF-16-1460

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

## **EXHIBIT B**

# SUPPLEMENTAL CORRECTION SHEET FOR THE BASELINE HILLSIDE ORDINANCE (BHO)

(Ordinance No. 184,802 Effective  
01/01/2023)

Plan Review Date: \_\_\_\_\_

Plan Check #: \_\_\_\_\_ Permit Application Number: \_\_\_\_\_

Job Address: \_\_\_\_\_

Plan Check Engineer: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Your feedback is important, please visit our website to complete a Customer Survey at: [www.ladbs.org/LADBSWeb/customer-survey.jsf](http://www.ladbs.org/LADBSWeb/customer-survey.jsf).

If you have any questions or need clarification on any plan check matters, please contact your plan check engineer and/or his or her supervisor.

This is a supplemental correction sheet. Please see the attached master correction sheet.

Italicized numbers refer to Code Sections of the 2023 Edition of the Los Angeles Residential Code or the current Zoning Code.

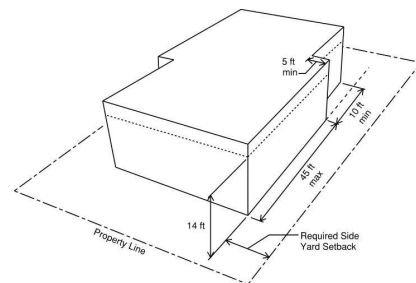
These corrections apply to new construction, additions, and major remodels to any Building or Structure on a lot in the R1, RS, RE, or RA Zones and in a designated Hillside Zoning Area (12.21C.10.):

## PART I: SETBACK REQUIREMENTS

### A. FRONT YARD SETBACK

1. Provide and dimension the required Front Yard setback.  
*12.21C.10(a)(1) & 12.21C.10(a)(2)*
  - a. The Front Yard setback shall not be less than the prevailing setback (40' max, 5' min). See Information Bulletin P/ZC 2002-015 for additional information.
  - b. Where a prevailing Front Yard setback cannot be established, provide ( ) ft. as required in the ( ) zone per Table 12.21C.10-1 or ☐ 5 ft. minimum for lots fronting a Substandard Hillside Limited Street
2. All portions of the required Front Yard not used for necessary driveways and walkways, including decorative walkways, shall be used for planting and shall not be paved.  
*12.21C.10(a)(5)*
3. On lots fronting onto a Substandard Hillside Limited Street, elevated stairways, porches, platforms and landing places shall not project or extend into the Front Yard.  
*12.21C.10(a)(11)(ii)*
4. Balconies projecting 30" maximum into the required Front Yard require a minimum of 10 ft. of vertical clearance beneath them.  
*12.21C.10(a)(11)(ii)*
5. A detached Private Garage may be located on the required Front Yard of a Lot where the Elevation of the ground at a point 50 feet from the front Lot line of a Lot and midway between the side Lot lines differs 10 feet or more from the curb level, provided every portion of the garage Building is at least 5 feet from the front Lot line. Said garage shall not be nearer to the side Lot line than the width of the Side Yard required for a main Building of the same height.  
*12.21C.10(a)(11)(i)*

1. Provide and dimension on plan: ( ) Side Yard and ( ) Rear Yard for the ( ) zone per Table 12.21C.10-1. Any basement containing habitable rooms shall be considered a story.  
*12.21C.10(a)(8)*
2. For a lot located in the Coastal Zone, provide and dimension on plan: ( ) Side Yard and ( ) Rear Yard as required for the ( ) zone. *12.21C.10(a)(9)*
3. In the R1 zone, where the Building or Structure has a side wall that exceeds a height of 14 ft. and has a length of 45 ft. or more, provide an offset/plane break that has a minimum depth of 5 ft., beyond the required Side Yard setback, for a minimum length of 10 ft. (Table 12.21C.10- 1). See below for Example Figure 12.21 C.10(a).
4. In the R1 zone, any occupied rooftop deck shall be set back at least 3 ft. from the minimum required Side Yard setback. This does not apply to any rooftop deck located on the street side of a corner lot.  
*12.21C.10(a)(7)*



**Figure 12.21 C.10(a): Plane break diagram**

### B. SIDE/REAR YARD SETBACKS

## PART II: RESIDENTIAL FLOOR AREA (RFA), LOT COVERAGE, AND HEIGHT

### A. MAXIMUM RESIDENTIAL FLOOR AREA (RFA)

1. Provide the original City Planning approved Slope Analysis Survey and Slope Band Analysis Maximum Residential Floor Area Verification Form. Attach both to the final permitted set of plans. A second copy is required for final permitting.

12.21C.10(b)(1)

- a. *Note: No Slope Analysis is required if:*

- i. *The project complies with the "Guaranteed Minimum Residential Floor Area per LAMC Section 12.21C.10(b)(2); or*
- ii. *The addition complies with exception (2) of Section 12.21C.10 (I).*

2. Provide a summary of the total site RFA. Clearly indicate the RFA per structure and any exemptions used. See RFA definition in LAMC 12.03

- a. Provide key plans of all buildings, clearly identifying all areas considered when calculating the existing and proposed RFA
- b. Provide complete cross sections specifying the heights of all rooms and attics. Rooms with a ceiling height greater than 14' shall be counted twice in the RFA. Portions of attics with a ceiling height of more than 7 ft. shall be included in the RFA. Provide floor plans and clearly identify areas which exceed the above thresholds (with hatching and dimensions)
- c. Detached accessory buildings which exceed 200 sq. ft. shall be included in RFA calculations.  
*The total combined area exempted of all detached accessory buildings on the lot shall not exceed 400 SF.*
- d. Porches, patios, and breezeways with a solid roof shall be included in the RFA calculations. Porches, patios, and breezeways with a lattice roof shall not be included in the RFA.
- e. Basement areas shall be included in the RFA calculations when the Elevation of the upper surface of the floor or roof above the Basement exceeds 3 ft. in height at any point above the finished or natural Grade, whichever is lower, for more than 60% of the perimeter length of the exterior Basement walls.

3. Maximum Residential Floor Area on any lot may be the percentage of the lot size per Table 12.21C.10-3 or 800 sq. ft., whichever is greater.

12.21C.10(b)(2)

4. Clearly identify which RFA bonus was used. This bonus only applies to the RA, RE, and RS zones. Only one bonus increase per property is allowed.

12.21C.10(b)(3)

- a. Proportional Stories Option – floor area of each story other than the Base Floor does not exceed 75% of the Base Floor area. Only allowed on lots where the building pad is less than 15% prior to any Grading.
- b. Front Façade Step Back Option – cumulative length (min. 25% bldg. width) of exterior walls, which are not a part of a garage, facing the Front lot line stepped back minimum 20% of building depth. Only allowed for structures which are no more than 35 ft. from the frontage along an improved street and on lots where the building pad is less than 15% prior to any Grading.

- c. Cumulative Side Yard Setbacks Option – combined Side Yard widths shall be min. 25% of lot width, but in no event shall a single Side Yard setback be less than 10% of the lot width or the minimum required Side Yard for the Zone, whichever is greater. The width of the required Side Yard setback shall be maintained for the entire length of a Side Yard.
- d. 18-Foot Envelope Height Option – Maximum 18 ft. envelope height for structures not in the "1SS" Single-Story Height District.
- e. Multiple Structures Option – Maximum 20% lot coverage for any one structure over 6 ft. above grade.
- f. Minimum Grading Option – for properties where a minimum of 60% of the lot is comprised of Slopes which are 30% or steeper, the total amount of any Grading (*including exempted grading*) in cubic yards does not exceed the numerical amount of the lesser of:
  - i. 10% of the lot area (\_\_\_\_\_), or
  - ii. 1,000 cubic yards.

5. The total proposed RFA of (\_\_\_\_\_) exceeds the maximum allowed by the following option:

12.21C.10(b)(3)

- a. Minimum Guaranteed RFA = (\_\_\_\_\_)
- Total RFA with 20% Bonus = (\_\_\_\_\_)
- b. City Planning Approved RFA = (\_\_\_\_\_)
- Total RFA with 20% Bonus = (\_\_\_\_\_)

### B. VERIFICATION OF EXISTING RFA

1. Provide the following on plans:
  - a. Total existing RFA
  - b. Total maximum RFA approved by City Planning
  - c. Additional RFA
  - d. Total allowable RFA with bonus
  - e. Total proposed RFA with itemized exemptions
2. For additions with a cumulative RFA of less than 1,000 sq. ft. constructed after August 1, 2010, or remodels of Buildings built before August 1, 2010, the existing RFA shall be determined based on building records or the building square footage shown on the most recent Los Angeles County Tax Assessor's Records. RFA may also be calculated as defined in LAMC 12.03 when a complete set of fully dimensioned plans prepared by a licensed architect or engineer is submitted.

12.21C.10(c)

3. Provide a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer to determine the RFA for additions 1,000 sq. ft. or larger and alterations where more than 50% of contiguous exterior walls or roof are not retained.

12.21C.10(c)

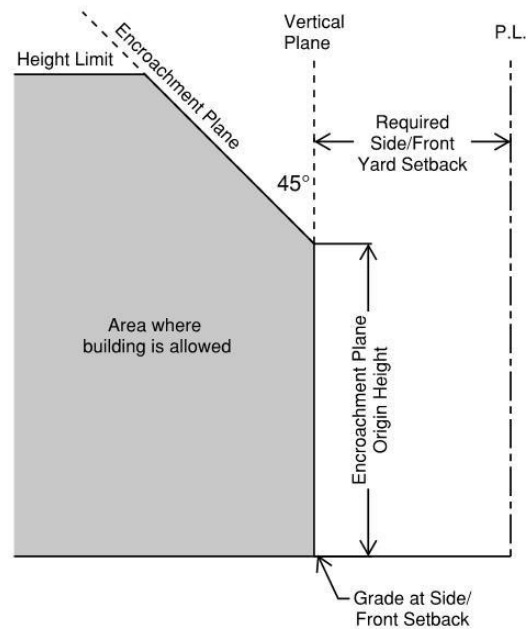
### C. LOT COVERAGE

1. Lot coverage shall not exceed ☐ (40%) / ☐ (45%) for structures higher than 6 ft. above natural ground level for (☐ standard / ☐ substandard) lot.

12.21C.10(e)

## D. HEIGHT LIMITS

1. The building exceeds the ( ) ft. Maximum Envelope Height per Table 12.21C.10-4. Envelope height shall be the vertical distance from the Hillside Area Grade (as defined in LAMC 12.03) to a projected plane at the roof structure or parapet wall located directly above and parallel to Grade. 12.21C.10(d)(1)
2. Maximum one story allowed in a Single-Story Height District, "1SS." 12.21C.10(d)(4)
3. Maximum height, within 20 ft. of the front lot line, shall not exceed 24 ft. measured from the elevation at the centerline or midpoint of the street on which the lot fronts. 12.21C.10(d)(5)
4. Unenclosed/uncovered cantilevered balconies and "visually permeable railing" (42" or less) shall not exceed a maximum projection of 5 horizontal ft. beyond the Maximum Envelope Height.(12.21C.10(d)(1); 12.21C.10(d)(6))
5. Show that all Buildings and Structures in the R1 zone do not exceed the Encroachment Plane Height with an Encroachment Plane Origin Height of 20 ft. and Encroachment Plane angle of 45° measured from existing or finished grade whichever is lower. See Figure 12.03-1 to the right.
6. Projecting roof structures exceed the maximum height ( ) projection and setback ( ) per Table 12.21C.10-5.



**Figure 12.03-1: Encroachment Plane diagram**

## PART III: MISCELLANEOUS REQUIREMENTS

### A.GRADING LIMITS

1. Grading quantities for the sum of Cut and Fill shall not exceed 1000 cubic yards plus 10% of the total lot size in cubic yards or ( ) cubic yards per Table 12.21C.10-6. 12.21C.10(f)(1)
2. The import and export combined quantity shall not exceed the "by-right" limit as listed in Table 12.21 C.10-6 for lots fronting on a Standard Hillside Limited Street. 12.21C.10(f)(2)(i)
3. The import and export combined quantity shall not exceed 75% of the "by-right" limit as listed in Table 12.21 C.10-6 for lots fronting on a Substandard Hillside Limited Street. 12.21C.10(f)(2)(i)
4. Note on plans: Earth import and export activities may take place only between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.
5. Provide earthwork calculations clearly showing cut, fill, export and import quantities including bulking and swelling factors (in cubic yards) for exempted and non-exempted grading activities. 12.21C.10(f)(2) & (3)
6. Provide a geotechnical investigation Report (Soil and/or Geological report) for grading activity on any slope 100% or greater. 12.21C.10(f)(6)

### B. OFF-STREET PARKING REQUIREMENTS

1. Provide ( ) one additional off-street parking spaces for every 1000 square feet over 2400 square feet combined RFA in addition to the two required by the code for substandard limited streets. For a maximum of five total on site spaces. 12.21C.10(g)(2)
2. Tandem parking shall not be more than two cars in depth. 12.21C.10(g)(4)

### C. FIRE SPRINKLER REQUIREMENTS

1. Provide an approved automatic fire sprinkler system on any lot fronting a Substandard Hillside Limited Street or located either more than 2 miles from a fire station housing a Los Angeles City Fire Department Truck Company or more than 1 ½ miles from a fire station housing a Los Angeles Fire Department Engine Company with scope as listed below: 12.21C.10(h)
  - a. New buildings or structures
  - b. Addition to an existing One-Family Dwelling or Accessory Building that increases Residential Floor Area by 50% or more of the existing floor area.
  - c. Major Remodel when the aggregate value within one-year period exceeds 50% of the replacement cost of the Dwelling or Accessory Building.
2. The sprinkler systems required shall be sufficient to cover the entire Dwelling or Building, 12.21C.10(h)(3)

### D. STREET ACCESS/SEWER

1. Show street dedication per Bureau of Engineering on plot plan. 12.21C.10(i)(1)
2. Obtain City Planning approval per 12.24X28 for new construction or addition to dwelling if lot:
  - a. Fronts on a Substandard Hillside Limited Street with a roadway width less than 20 ft. 12.21C.10(i)(2)
  - b. Does not have a vehicular access route equal to or more than 20 ft. from the driveway providing access to main residence to the boundary of the Hillside Area. 12.21C.10(i)(3)

## E. NONCONFORMING/EXEMPTIONS

1. Additions or enlargements are not allowed on a lot that is nonconforming as to the maximum RFA.  
*12.23A.1(c)*
2. Alterations, other than additions or enlargements, may be made on a lot that is nonconforming as to the maximum RFA provided that at least 50% of the perimeter length of the contiguous exterior walls and 50% of the roof are retained. Indicate on plans which walls and portions of the roof will remain to maintain nonconforming rights.  
*12.23A.1(c)*
3. Provide copies of existing building permits and certificates of occupancy to show compliance to the following exemptions:
  - a. The cumulative area of all additions since 8/1/2010 does not exceed 500 sq. ft. of RFA and the building complies with setback, height, and grading requirements of 12.21C.10.
  - b. Remodel which does not add square footage and the aggregate value of all alterations within a one-year period does not exceed 50% of the replacement cost of the main building
4. A building, nonconforming only as to height or encroachment plane regulations, may not be added to or enlarged in any manner, unless the additions or enlargements conform to all the current regulations of the zone and other applicable current land use regulations, provided that the total aggregate floor area included in all the separate additions or enlargements shall not exceed 50 percent of the floor area of the ground floor of the building or structure.

*12.23A.2*

## F. ACCESSORY DWELLING UNITS

No ADU is permitted on any lot that is located in both a VHFHSZ and a Hillside Area as defined by the Hillside Area Map, unless it meets one of the following exceptions:

*12.22A.33 (c)4*

- i. The ADU is located within the boundaries of either the Northeast Los Angeles Community Plan Area or the Silver Lake - Echo Park - Elysian Valley Community Plan Area
- ii. The ADU complies with all of the following requirements:
  - a. The ADU is protected throughout with an approved automatic fire sprinkler system
  - b. One off-street parking space is provided for the ADU
  - c. The ADU is located on a lot fronting on a street that is improved with a roadway width of 20 feet or more in unobstructed width, as measured along the entire frontage of the subject property, after any associated dedication and improvement. In the event the ADU is located on a Through Lot or a Corner Lot, the lot must front on at least one street that is improved with a roadway width of 20 feet or more in unobstructed width after any associated dedication and improvement

## G. HCR – HILLSIDE CONSTRUCTION REGULATION DISTRICT

1. The total cumulative quantity of Grading, or the total combined value of both import and export of earth, or incremental Cut and Fill for Import and Export of earth shall not exceed the limits pursuant to Section 12.21C.10 and shall not exceed 6,000 cubic yards.  
*13.20D.1*
2. For a lot which fronts onto a Substandard Hillside Limited Street, the total cumulative quantity of Import and Export of earth combined, shall be no more than 75% of the "by-right" maximum pursuant to Section 12.21C.10 and shall not exceed 6,000 cubic yards.  
*13.20D.2*
3. Provide Sections 13.20D 3 thru 6 as notes on the plans
4. The construction, erection, addition to, enlargement of or reconfiguration of any one-family dwelling and/or its accessory structure(s) on a lot that has a cumulative Residential Floor Area of **17,500 sq. ft.** or larger is subject to City Planning Site Plan Review procedures.  
*13.20D.7*

**PART IV: TABLES & ADDITIONAL CORRECTIONS****Table 12.21 C.10-4****Maximum Height of Structures (in feet)**

<b>Height Districts</b>	<b>R1</b>	<b>RS</b>	<b>RE9</b>	<b>RE11</b>	<b>RE15</b>	<b>RE20</b>	<b>RE40</b>	<b>RA</b>
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When the roof of the uppermost Story of a Building or Structure or portion thereof has a Slope of 25% or greater, the maximum height for said portion of Building or Structure thereof shall be as follows:

<b>1, 1L, &amp; 1VL</b>	33	33	33	36	36	36	36	36
<b>1XL</b>	30	30	30	30	30	30	30	30
<b>1SS</b>	22	22	22	22	22	22	22	22

When the roof of the uppermost Story of a Building or Structure or portion thereof has a Slope of less than 25%, the maximum height for said portion of Building or Structure thereof shall be as follows:

<b>1, 1L, &amp; 1VL</b>	28	28	28	30	30	30	30	30
<b>1XL</b>	28	28	28	30	30	30	30	30
<b>1SS</b>	18	18	18	18	18	18	18	18

**ADDITIONAL CORRECTIONS:**



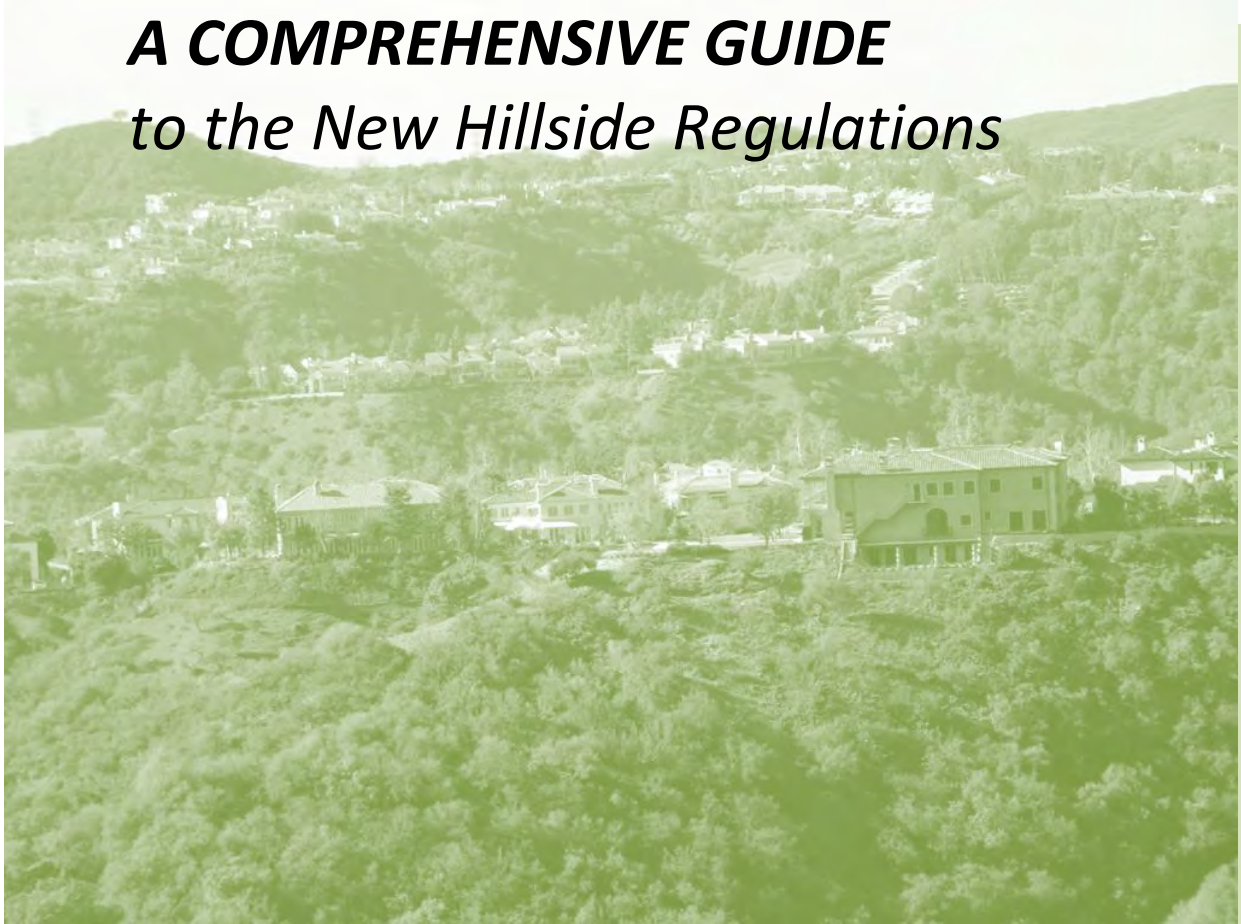

# Channel Law Group, LLP

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Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

## **EXHIBIT C**

**Baseline Hillside Ordinance**  
***A COMPREHENSIVE GUIDE***  
***to the New Hillside Regulations***



May 9, 2011



**First Release** – Monday, May 9, 2011

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# BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE

Prepared by the City of Los Angeles – Department of City Planning

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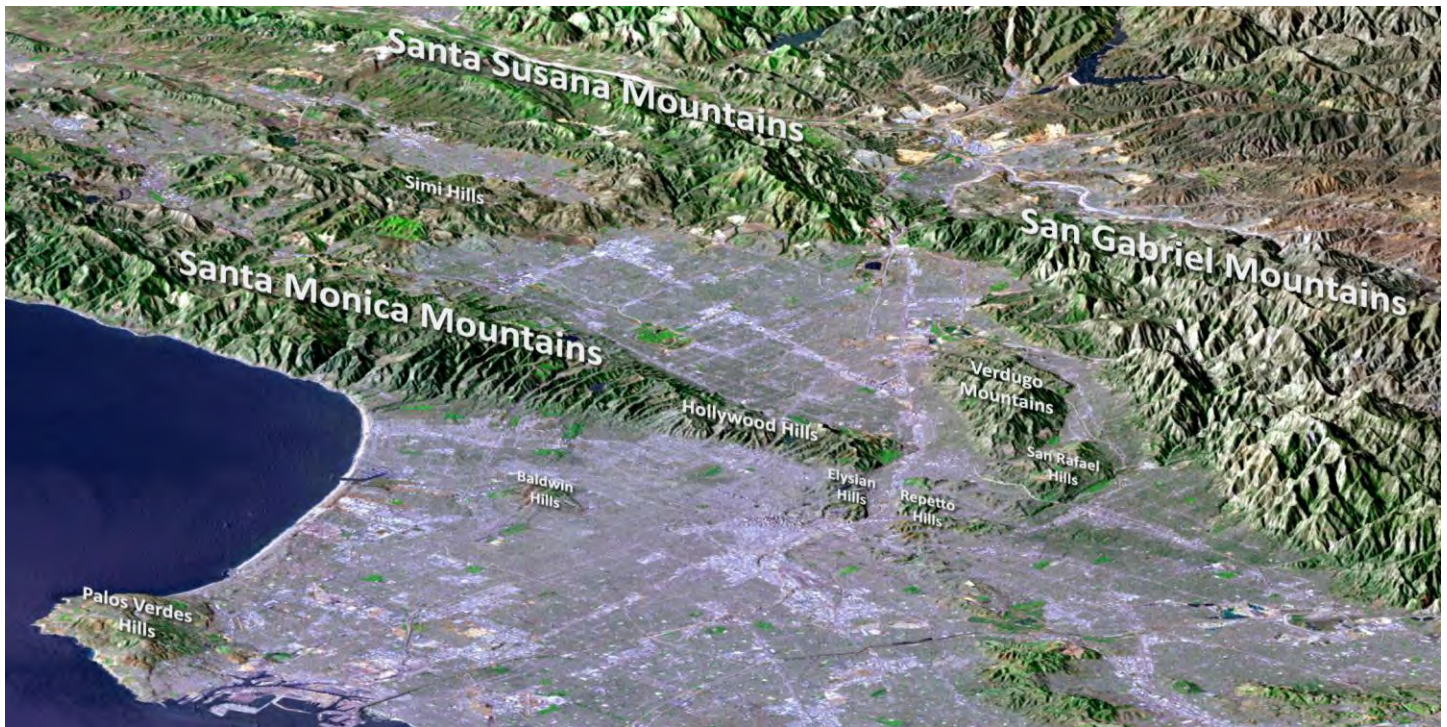
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# **BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE**

*Prepared by the City of Los Angeles – Department of City Planning*

## **INTRODUCTION:**

There are many factors that make the City of Los Angeles both unique and special to its residents. Among its natural resources, such as our beautiful beaches and great weather, the region's hillsides and mountains are one of its most prominent features. As you can see in the image below, there are very few areas in the Los Angeles region that are not defined by some sort of sloping terrain. Drawn by the natural beauty and spectacular panoramic views they provide, many of our most iconic neighborhoods have been built in our City's hillside areas. The Baseline Hillside Ordinance was adopted in order to establish new regulations that protect these hillsides and the many communities that have sprung up among them.



This document is intended to be a comprehensive guide to the new Single-Family Residential hillside regulations of the Zoning Code established by the Baseline Hillside Ordinance (BHO). In it, you will find the various sections of the code that pertain the most commonly used and reference residential development and use standards grouped by topic and simplified whenever possible.

Although steps were taken in the preparation of this information to ensure that all provisions were included, the language has been modified below to be more accessible and easier to understand. It is recommended that the user continue to reference Chapter 1 (*General Provisions and Zoning*), Article 2 (*Specific Planning-Zoning Comprehensive Zoning Plan*), Section 12.21 (*General Provisions*), Subsection C of the Los Angeles Municipal Code (LAMC) for the adopted code language. This document has been drafted with the intent to be the primary source for clarifications and interpretations regarding the City's hillside regulations, and is intended to be updated periodically to include this information as it becomes available.

## DOES BHO APPLY TO MY PROPERTY?

The Baseline Hillside Ordinance applies to all properties which are zoned R1, RS, RE(9, 11, 15, 20, and 40), and RA and are designated as Hillside Area on the Department of City Planning Hillside Area Map, as defined in Section 12.03 of the LAMC.

The easiest way to verify whether the new hillside regulations apply is to use our Zoning Information and Map Access System (ZIMAS) by going to <http://zimas.lacity.org/> and typing in the property address and clicking on “Planning and Zoning” Information. If the property is zoned Single-Family (see list above) and the “Hillside Area (Zoning Code)” field says “Yes”, then the new regulations apply. Planning staff has also identified the properties for which the new regulations apply with a Zoning Information file number “ZI-2415 Baseline Hillside -Ord 181624, eff 5/9/11”.

Planning and Zoning	
Special Notes	None
Zoning	R1-1
Zoning Information (ZI)	<b>ZI-2415 Baseline Hillside - Ord 181624, eff 5/9/11</b>
General Plan Land Use	Low Residential
General Plan Footnotes	Yes
Hillside Area (Zoning Code)	Yes
Specific Plan Area	Mulholland Scenic Parkway (Quiet Corridor)
Historic Preservation Review	No
POD - Pedestrian Oriented District	None
CCO - Community Design Overlay	None
NSO - Neighborhood Stabilization Overlay	No
Streetscape	No
Sign District	No
Adaptive Reuse Incentive Area	None
Baseline Mansionization Ordinance	No
CRA - Community Redevelopment Agency	None
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No

### Clarification:

Lots with a “H” Hillside or Mountainous Area suffix on their zoning (example: RE11-1-H), more commonly referred to as an “H-Zone” or H-Designation”, do not necessarily have a Hillside Area designation as defined in Section 12.03 of the LAMC. As such, the “H” suffix will not determine whether the Baseline Hillside Ordinance applies to the subject lot.

# HILLSIDE DEVELOPMENT STANDARDS

The following are the single-family hillside development standards as established by the Baseline Hillside Ordinance (Ordinance No. 181,624; Effective Date May 9, 2011). Below you will find a comprehensive guide to the following hillside provisions:

- |  |                                    |
|--|------------------------------------|
| 1. Setback Requirements                            | 7. Off-Street Parking Requirements |
| 2. Maximum Residential Floor Area                  | 8. Fire Protection                 |
| 3. Verification of Existing Residential Floor Area | 9. Street Access                   |
| 4. Height Limits                                   | 10. Sewer Connection               |
| 5. Lot Coverage                                    | 11. Hillside Neighborhood Overlay  |
| 6. Grading   | 12. Exceptions                     |

New structures or additions to existing structures will not be permitted unless they comply with these development standards, or have been granted an approval to deviate from these regulations. Existing structures which have been built with permits prior to May 9, 2011, and which do not comply with these hillside regulations will be allowed to be maintained, repaired or remodeled pursuant to the “nonconforming” provision in [Section \(§\) 12.23 of the LAMC](#).

## 1. Setback Requirements. [[§ 12.21 C.10.\(a\) of the LAMC](#)]

[Table 1](#) below outlines the standard setback requirements for any new building, structure, or enlargement.

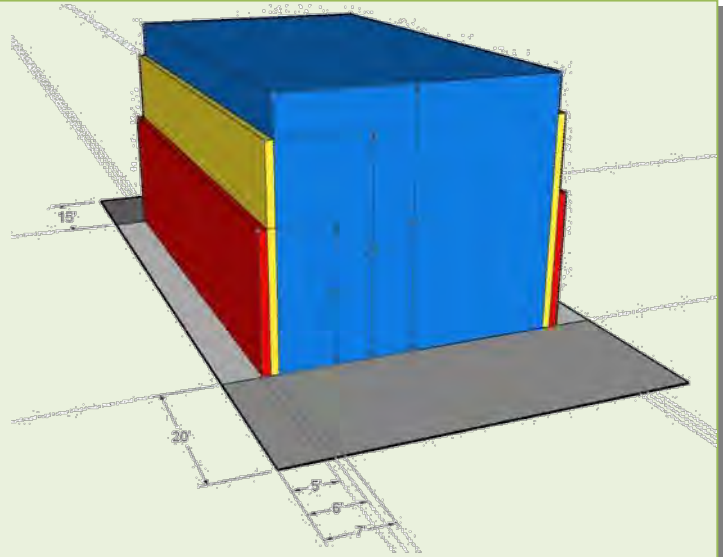
Table 1 Single-Family Zone Hillside Area Setback Requirements								
	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
Front Yard								
Not less than:	20% of LD							
Need not exceed:	20 ft	25 ft						
Side Yard								
Not less than:	5 ft	7ft	10% of LW, but not < 5 ft	10 ft				
Need not exceed:	n/a				10 ft	n/a		
The required side yard may be reduced to 10% of the Lot Width, but in no event to less than 3 ft, where the lot is less than the following widths:	50 ft	70 ft	n/a			70 ft*		
For buildings or structures with a height larger than 18 feet:	One additional foot shall be added to each required side yard for each increment of 10 feet or fraction thereof above the first 18 feet. [See <a href="#">Figure 1</a> below]							
Rear Yard								
Not less than:	15 ft	20 ft	25% of lot depth					
Need not exceed:	n/a		25 ft					
ft – feet n/a – the provision is not applicable								
LD – Lot Depth (see Definitions section) LW – Lot Width (see Definitions section)								
Notes:								
* Only applicable for lots which are of record prior to July 1, 1966.								

**Figure 1 – Additional Side Yard Setback, R1 Example**

In this example, we use a flat R1-zoned lot to illustrate this provision. The minimum side yard setback for the R1 Zone is 5 feet.

- If the height of the building is less than or equal to 18 feet, the required side yard setback is 5 feet.
- If the height of the building is greater than 18 feet and less than or equal to 28 feet, the required side yard setback is 6 feet.
- If the height of the building is greater than 28 feet and less than or equal to 33 feet, the required side yard setback is 7 feet.

The same principal will apply for the minimum side yard setback requirement for the other Zones.



**Clarifications**

*The height for the purposes of this provision is the highest Envelope Height, or worst case scenario (typically shown on a section drawing), as defined in the Height section.*

*This additional side yard setback applies to the entire structure. Simply stepping back the building within each height interval (like a “wedding cake”) will not comply.*

**Special Setback Requirements**

The following are special setback requirements that supersede the standard setback requirements outlined in Table 1 above. Exceptions to these setback provisions may also be found in Section 12.22 of the LAMC.

**a. Prevailing Front Yard Setbacks. [§ 12.21 C.10.(a)(1) of the LAMC]**

- (1) Where there are two or more developed Lots which have Front Yards that vary in depth by not more than 10 feet, and such Lots comprise 40% or more of the Frontage, then the minimum Front Yard depth shall be the average depth of the Front Yards of such Lots. [*Frontage is defined in the Definitions section of this document.*]
- (2) Where there are two or more possible combinations of developed Lots comprising 40% or more of the Frontage, and these Lots have Front Yards that vary in depth by not more than 10 feet, then the minimum Front Yard depth shall be the average depth of the Front Yards of that combination which has the shallowest average depth.
- (3) In determining the required Front Yard, the following shall not be taken into account: Buildings located on key Lots, entirely on the rear half of Lots, or on Lots in the “C” or “M” Zones.
- (4) Nothing contained in this subparagraph (1) shall, however, be deemed to require Front Yards which exceed 40 feet in depth.

**Determining Prevailing Front Yard Setback**

For more information on how to determine the Prevailing Front Yard Setback, please refer to the Department of Building and Safety Information Bulletin No. P/ZC 2002-015. This document can be found by going to the following link:

[http://www.ladbs.org/LADBSWeb/LADBS\\_Forms/InformationBulletins/IB-P-ZC2002-015PrevailingSetback.pdf](http://www.ladbs.org/LADBSWeb/LADBS_Forms/InformationBulletins/IB-P-ZC2002-015PrevailingSetback.pdf)

The Department of Building & Safety has developed a very useful “Prevailing Setback Calculator” tool to help in the process of determining the prevailing setback; this can be found by going to the following link:

<http://www.permitla.org/PS/index.cfm>

**b. Front Yards on Lots Fronting on Substandard Hillside Limited Street. [§ 12.21 C.10.(a)(2) of the LAMC]**

For any Lot that fronts on a **Substandard Hillside Limited Street**, the minimum Front Yard setback is five feet. However, the prevailing Front Yard setback, as outlined in [Paragraph a](#) above, will supersede this provision if it is greater than five feet.

**Figure 2 – Substandard Hillside Limited Street**

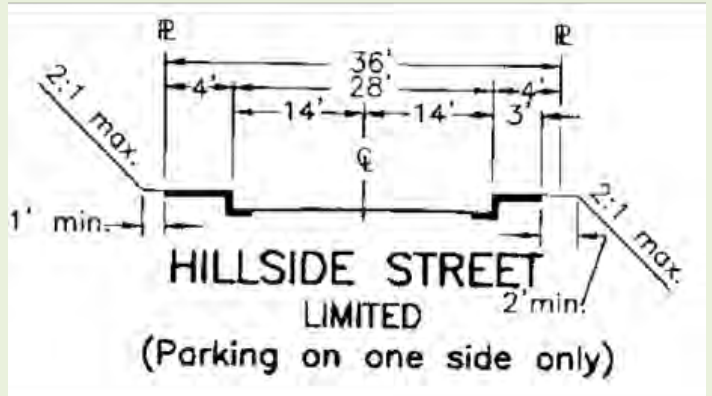
**Definition**

**SUBSTANDARD HILLSIDE LIMITED STREET** is a street (public or private) with a width less than 36 feet and paved to a roadway width of less than 28 feet.

**Official Determination**

The Bureau of Engineering (BOE) is responsible for determining whether a lot fronts onto a Substandard Hillside Limited Street. The Department of Building & Safety (LADBS) will give you a **Hillside Referral Form** for BOE staff to fill out; this form is also attached to this document in [Appendix B](#) – Commonly Used Hillside Forms.

**Standard Hillside Limited Street**



Source: Bureau of Engineering, Standard Street Dimensions (Standard Plan S-470-0)

In order to obtain this determination please go to the BOE public counter at the locations below:

**Central District Office**

201 N. Figueroa Street  
Los Angeles, CA 90012-2601  
3rd floor counter  
(213)482-7030  
7th floor counter  
(213)482-7474

**Valley District Office**

Braude Building  
6262 Van Nuys Blvd., Suite 251  
Van Nuys, CA 91401-2615  
(818)374-5090

**West Los Angeles District Office**

1828 Sawtelle Blvd., 3rd floor  
Los Angeles, CA 90025-5516  
(310)575-8384

**c. Front Yard Setbacks on Key Lots\*. [§ 12.21 C.10.(a)(3) of the LAMC]**

On Key Lots\*, the minimum Front Yard **may** be the average of the required Front Yard for the adjoining Interior Lot\* and the required Side Yard along the Street side of a Reversed Corner Lot\*. But such minimum Front Yard may apply for a distance of not more than 85 feet from the rear Lot line of the Reversed Corner Lot\*, beyond which point the Front Yard specified in [Table 1](#) or [Paragraph a](#) above shall apply. Where existing Buildings on either or both of said adjoining Lots are located nearer to the front or side Lot lines than the Yard required by [Table 1](#) or [Paragraph a](#), the Yards established by such existing buildings may be used in computing the required Front Yard for a Key Lot.

*\*See Definitions Section for Lot Type definitions.*

**d. Front Yards on Through Lots\*. [§ 12.21 C.10.(a)(4) of the LAMC]**

A Front Yard setback, as required by this [Table 1](#) or [Paragraph a](#), must be provided at each end of a Through Lot\* for the zone in which each Street Frontage is located.

However, only one Front Yard needs to be provided on those Through Lots which abut on a primary, Major or Secondary Highway, as such highways are shown on the "Highways and Freeways Element of the General Plan", when the rights to vehicular ingress and egress from such Through Lots to the highways have been abandoned or prohibited by a tract restriction. Where only one Front Yard is required on a Through Lot, as provided herein, the Rear Yard shall be located on the portion of such Lot adjacent to the highway.

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Where a Through Lot is less than 150 feet in depth or is developed as a single Building site, and the two required Front Yards are provided, no Rear Yard is required.

*\*See Definitions Section for Lot Type definitions.*

**e. Front Yard Paving. [§ 12.21 C.10.(a)(5) of the LAMC]**

All portions of the required Front Yard not used for necessary driveways and walkways, including decorative walkways, shall be used for planting, and shall not otherwise be paved.

**f. Front Yard on Lots Existing Prior to June 1, 1946. [§ 12.21 C.10.(a)(6) of the LAMC]**

This provision shall apply to any Lot of less than one acre which was of record or held in separate ownership on June 1, 1946, or was subsequently created either by the recording of a division of land map or otherwise in accordance with the applicable zoning regulations. On any such Lot, the originally required Front Yard shall be provided and maintained in addition to any new Front Yard required by any subsequent rearrangement of the Lot lines by sale or division (without recording a subdivision map) creating a new Lot fronting on a different Street than that on which the original Lot fronted.

*Please refer to the Department of Building and Safety Zoning Manual for more details:  
[http://ladbs.org/LADBSWeb/LADBS\\_Forms/Zoning/zoning\\_manual.pdf](http://ladbs.org/LADBSWeb/LADBS_Forms/Zoning/zoning_manual.pdf)*

**g. Side and Rear Yards for Basements. [§ 12.21 C.10.(a)(7) of the LAMC]**

In determining the required Side and Rear Yards of a Building, any Basement containing Habitable Rooms shall be considered a Story.

**h. Yards in the Coastal Zone. [§ 12.21 C.10.(a)(8) of the LAMC]**

The following setback requirements shall apply to lots located in a Coastal Zone:

- (1) On a lot in the RE9 or RE11 Zone, there shall be a side yard on each side of a main building of not less than 5 feet, except that, where the lot is less than 50 feet in width, the side yard may be reduced to 10% of the width of the lot, but in no event less than 3 feet.
- (2) In lieu of the additional side yard requirement specified in [Table 1](#) or [Paragraph a](#) above, for a building more than two-stories in height on lots in the R1, RS, or RE Zone, one foot shall be added to the width of each required side yard for each additional story above the second story.
- (3) On a lot in the RA Zone, where a side yard is less than 10 feet in width, and the building erected on the lot is three or more stories in height, one foot shall be added to such side yard.

**i. Side Yards in Specific Plans, Historic Preservation Overlay Zones or in Subdivision Approvals. [§ 12.21 C.10.(a)(9) of the LAMC]**

Side Yard requirements in Specific Plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over requirements of [Section 12.21 C.10 of the LAMC](#) (*the regulations outlined in this document*). Otherwise, [Section 12.21 C.10 of the LAMC](#) shall apply (*to put it more simply - when those overlays are silent, the Baseline Hillside Ordinance will apply*).

**j. Encroachments Into Required Yards. [§ 12.21 C.10.(a)(10) of the LAMC]**

Every required Front, Side and Rear Yard shall be open and unobstructed from the ground to the sky except for the following:

- (1) **Garages in Front Yards.** A Private Garage may be located on the required Front Yard of a Lot where the Elevation of the ground at a point 50 feet from the Front Lot Line of a Lot and midway between the Side Lot Lines differs 10 feet or more from the curb level, provided every portion of the garage Building is at least 5

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feet from the Front Lot Line. Where the wall of such garage is two-thirds below natural or finished Grade of the Lot, whichever is lower, said wall may extend to the adjacent Side Lot Line; in all other cases, said garage shall not be nearer to the Side Lot Line than the width of the Side Yard required for a main Building of the same height.

(2) **Open, Unenclosed Stairways, Porches, Platforms, Landing Places, or Balconies.** Notwithstanding [any other provisions of the LAMC](#), on Lots fronting onto a Substandard Hillside Limited Street, open unenclosed stairways, porches, platforms and landing places not covered by a roof or canopy shall not project or extend into the Front Yard. Balconies with 10 feet or more of vertical clearance beneath them may project or extend no more than 30 inches into a Front Yard.

(3) **Other Exceptions.** All of those exceptions found in [Section 12.21 C.5 \(Location of Accessory Buildings and Tennis or Paddle Tennis Courts\)](#) and in [Section 12.22 \(Exceptions\)](#) of the LAMC.

**k. Pools, Ponds, or Body of Water in Required Yards. [[§ 12.21 C.10.\(a\)\(11\) of the LAMC](#)]**

No swimming pool, fish pond or other body of water which is designed or used to contain water 18 inches or more in depth shall be permitted in any required Yard Space in which fences over 42 inches in height are prohibited, even though the pool, pond or body of water extends below the adjacent natural ground level.

**l. Zoning Administrator's Authority. [[§ 12.21 C.10.\(a\)\(12\) of the LAMC](#)]**

For Lots fronting on a Substandard Hillside Limited Street, a Zoning Administrator may grant a reduction of the Front Yard Setback requirements of [Paragraph b](#) and Side Yard requirements in [Table 1](#) above, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#); however, in no event shall the Side Yard be less than 4 feet.

## 2. Maximum Residential Floor Area. [[§ 12.21 C.10.\(b\) of the LAMC](#)]

The maximum Residential Floor Area contained in all Buildings and Accessory Buildings shall not exceed the sum of the square footage of each Slope Band multiplied by the corresponding Floor Area Ratio (FAR) for the zone of the Lot, as outlined in [Table 2](#). This formula can be found in [Table 3](#), where “A” is the area of the Lot within each Slope Band, “FAR” is the FAR of the corresponding Slope Band, and “RFA” is the sum of the Residential Floor Area of each Slope Band.

Table 2 Single-Family Zone Hillside Area Residential Floor Area Ratios (FAR)								
Slope Bands (%)	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
0 – 14.99	0.50	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Table 3 Hillside Area Maximum Residential Floor Area Formula					
Slope Bands (%)	Area (sq-ft)		FAR		Residential Floor Area
0 – 14.99	A <sup>1</sup>	X	FAR <sup>1</sup>	=	RFA <sup>1</sup>
15 – 29.99	A <sup>2</sup>	X	FAR <sup>2</sup>	=	RFA <sup>2</sup>
30 – 44.99	A <sup>3</sup>	X	FAR <sup>3</sup>	=	RFA <sup>3</sup>
45 – 59.99	A <sup>4</sup>	X	FAR <sup>4</sup>	=	RFA <sup>4</sup>
60 – 99.99	A <sup>5</sup>	X	FAR <sup>5</sup>	=	RFA <sup>5</sup>
100 +	A <sup>6</sup>	X	FAR <sup>6</sup>	=	RFA <sup>6</sup>
Maximum Residential Floor Area				=	Sum of RFA <sup>1</sup> through RFA <sup>6</sup>

### What Is Residential Floor Area (RFA)?

The area in square feet confined within the exterior walls of a Building or Accessory Building. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways and elevator shafts shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the Floor Area calculation.

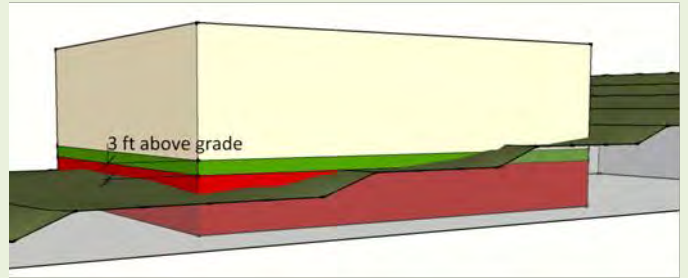
Except that the following areas shall not be counted:

- Required Covered Parking.** The total area of 200 square feet per required covered parking area [space].  
*Taking into account that the Zoning Code currently only requires 2 covered parking spaces, this means that only the first 400 square-feet of garage will be exempted from the Residential Floor Area calculation and that anything over 400 square-feet is counted. This may change in the future or may be different in a specific area through the use of some sort of overlay or special condition.*
- Detached Accessory Buildings.** Detached Accessory Buildings not exceeding 200 square feet; however, the total combined area exempted of all these Accessory Buildings on a Lot shall not exceed 400 square feet.  
*This means that you can have two 200 sq-ft or four 100 sq-ft Accessory Buildings, or whatever combination of area that does not violate either of these two area limits. This does not mean that a 400 sq-ft detached garage will be counted.*
- Covered Porches, Patios, and Breezeways.** The total area of all covered porches, patios, and breezeways up to 5% of the maximum Residential Floor Area for a Lot, but need not be less than 250 square feet, and:
  - Attached porches or patios with a solid roof may be open on only one side if two of the other sides are retaining walls.
  - Breezeways no wider than 5 feet and no longer than 25 feet connecting a garage at the Street level to a Dwelling, either directly or through a stairway or elevator, shall not count as Residential Floor Area and shall not be counted against the aforementioned exemption.
- Lattice Roof Porches, Patios, and Breezeways.** Porches, patios, and breezeways that have an open Lattice Roof, as defined in this Section.
- Over-In-Height Ceilings.** The first 100 square feet of any Story or portion of a Story of the main Building on a Lot with a ceiling height greater than 14 feet shall be counted only once. Except that, for a room or portion of a room which has a floor height below the exterior Grade (or “sunken rooms”), when the ceiling height as measured from the exterior natural or finished Grade, whichever is lower, is not greater than 14 feet it shall only be counted once.  
*The intent of the second part of this exception is to not penalize buildings which are built into a hillside and do not add to the exterior bulk of the structure; the height is taken from the perimeter of the “sunken room”.*

**What Is Residential Floor Area (RFA)? (continued)**

6. **Basements.** A Basement, whether it is habitable or not, when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60% of the perimeter length of the exterior Basement walls.

For all Lots, a maximum of 2 light-wells which are not visible from a public right-of-way and do not project more than 3 feet from the exterior walls of the Basement and no wider than 6 feet shall not disqualify said Basement from this exemption.



*Visible from a public right-of-way means that the light-well is located in the Front Yard; and in the case of Corner, or Reversed Corner Lots it is located in a Side Yard.*

**a. Slope Analysis Map. [§ 12.21 C.10.(b)(1) of the LAMC]**

As part of an application for a permit to the Department of Building and Safety, or for a Discretionary Approval as defined in [Section 16.05 B of the LAMC](#) to the Department of City Planning, the applicant shall submit a Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped, and signed by a registered (in the State of California) civil engineer or licensed land surveyor, to verify the total area (in square feet) of the portions of a property within each Slope Band identified in [Table 2](#).

The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with two-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the Slope analysis, and shall attest to the fact that the Slope analysis has been accurately calculated.

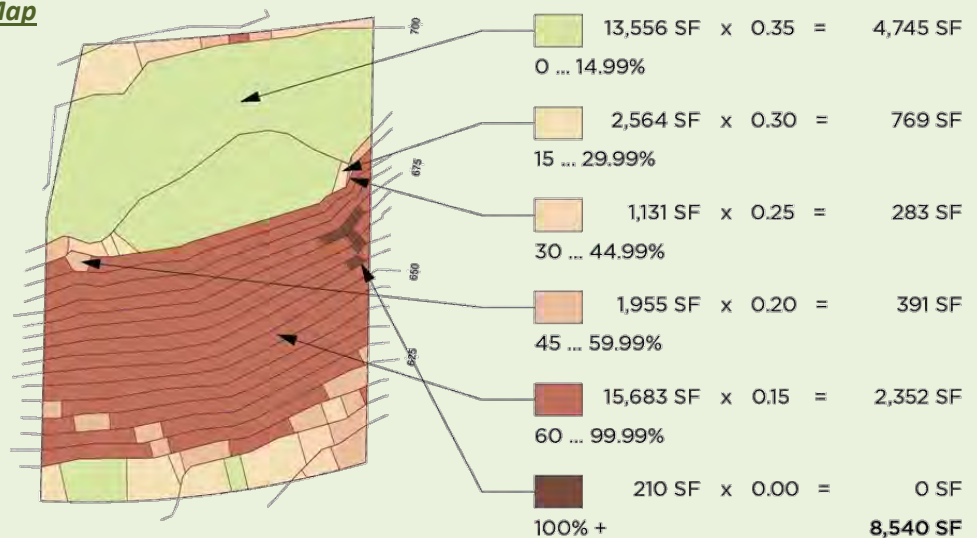
The Slope Analysis Map shall clearly delineate/identify the Slope Bands (i.e. with contrasting colors or hatching), and shall include a tabulation of the total area in square-feet within each Slope Band, as well as the FAR and Residential Floor Area value of each corresponding Slope Band as shown on [Table 3](#).

The Slope Analysis Map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose.

**Example of a Slope Analysis Map**

For more details on how to produce a Slope Analysis Map please refer to [Appendix A – Slope Analysis](#).

Graphic courtesy of:  
**URBAN STUDIO**  
[www.urbanstudioinc.com](http://www.urbanstudioinc.com)



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The Director of Planning, or his/her designee, shall verify that the Slope Analysis Map has been prepared by a registered civil engineer or licensed land surveyor. In addition, the Director of Planning, or his/her designee shall approve the calculated Maximum Residential Floor Area for the Lot by the registered (in the State of California) civil engineer or licensed land surveyor using the Slope Analysis Map prior to applying for a permit from the Department of Building and Safety.

### **Slope Analysis and Residential Floor Area Verification – Planning Public Counters**

To get your Slope Analysis Map and the Maximum Residential Floor Area for a property verified by the Department of City Planning, you will need to get a Slope Analysis and Maximum Residential Floor Area Verification Form (a.k.a. Slope Analysis Form) from the Department of Building & Safety. This form is available at any of the LADBS Public Counters or on their website, and is also attached to this document in Appendix B – Commonly Used Hillside Forms. Please go to either of Planning Public Counters to obtain the proper authorization to submit for Plan Check:

#### ***Downtown Office***

Figueroa Plaza  
201 North Figueroa Street, 4th Floor (Station No. 7)  
Los Angeles, CA 90012  
(213) 482-7077

#### ***Valley Office***

Marvin Braude Constituent Services Center  
6262 Van Nuys Boulevard, Suite 251  
Van Nuys, CA 91401  
(818) 374-5050

To schedule an appointment, please visit our website (<http://planning.lacity.org/>) and click on “Public Counter Locations”, then click on “Make Appointment”, or you can email the Downtown Office directly at [Planning.FigCounter@lacity.org](mailto:Planning.FigCounter@lacity.org).

#### **b. *Guaranteed Minimum Residential Floor Area. [§ 12.21 C.10.(b)(2) of the LAMC]***

Regardless of what the Slope Band calculations give a property, the maximum Residential Floor Area for any Lot may be at least the percentage of the Lot size as outlined in Table 4 below or 1,000 square feet, whichever is greater.

Table 4	
Guaranteed Minimum Residential Floor Area	
Zone	Percentage of Lot Size
<b>R1</b>	25%
<b>RS</b>	23%
<b>RE9</b>	20%
<b>RE11</b>	20%
<b>RE15</b>	18%
<b>RE20</b>	18%
<b>RE40</b>	18%
<b>RA</b>	13%

The guaranteed minimum for the original zone as stated above shall apply to Lots that meet the following criteria (*all three conditions need to apply*):

- have an area that is less than 50% of the minimum Lot size for its Zone;
- were made nonconforming in Lot size as a result of an adopted zone change or code amendment changing the minimum Lot size; **and**
- met the minimum Lot size requirements of the original zone.

#### **Example:**

If a 6,000 sq-ft property currently has an RE20 Zone but used to have an R1 Zone, then that property would be entitled to the guaranteed minimum for the R1 Zone.

**c. Residential Floor Area Bonus. [§ 12.21 C.10.(b)(3) of the LAMC]**

An additional 20% of the maximum Residential Floor Area as determined by [Table 2](#) (*Single-Family Zone Hillside Area Residential Floor Area Ratios*) above, or an additional 30% for Lots where the guaranteed minimum outlined in [Paragraph b](#) (*Guaranteed Minimum Residential Floor Area*) above is utilized, for that Lot shall be allowed if any of the options listed below are utilized. Only one bonus per property is allowed.

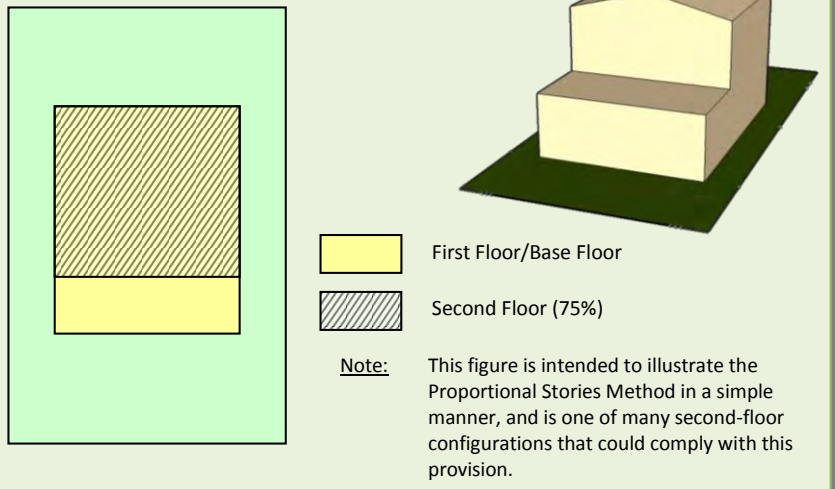
- (1) **Proportional Stories Option.** The total Residential Floor Area of each Story other than the Base Floor in a multi-Story Building does not exceed 75% of the Base Floor Area.

***This option only applies to flat building pads.*** A building pad is flat when the Slope of the building pad area prior to any Grading is less than 15%, as measured from the highest and lowest Elevation points of the existing Grade within 5 horizontal feet of the exterior walls of the proposed Building or Structure.

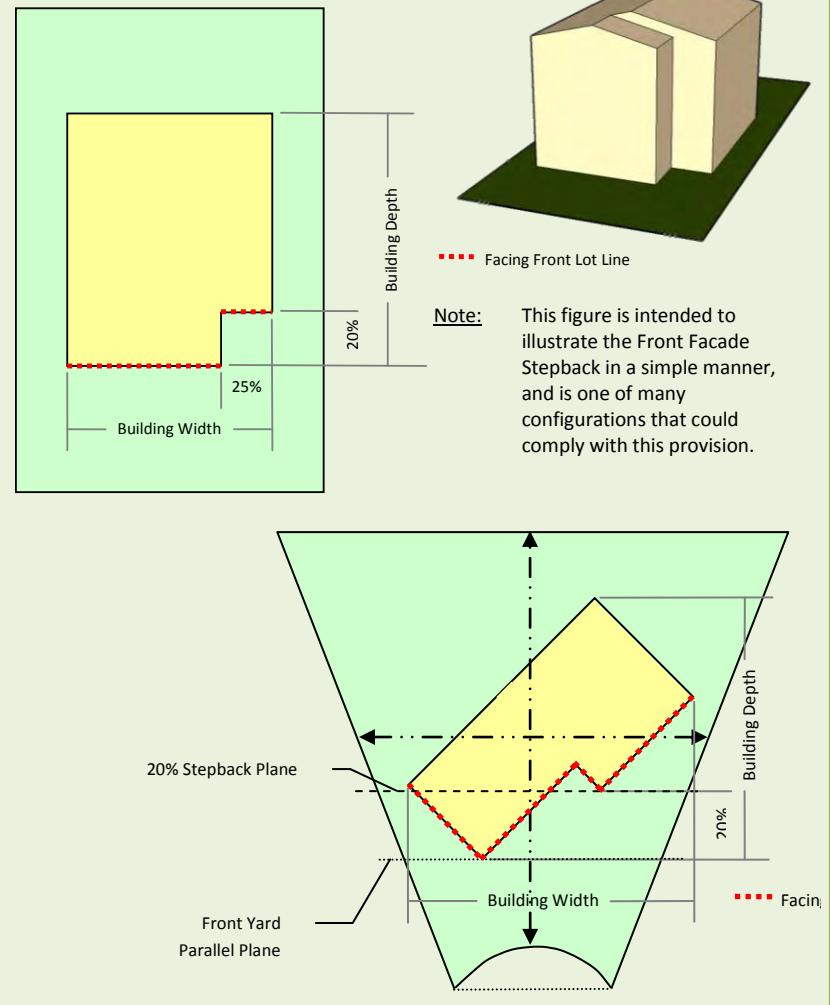
***Clarification:*** The area of porches, patios, and breeze-ways with a solid roof does not count towards the Base Floor Calculation; these spaces are not considered part of the mass of a building.

- (2) **Front Facade Stepback Option.** The cumulative length of the exterior walls which are not a part of a garage facing the Front Lot Line, equal to a minimum of 25% of the Building width, shall be stepped-back a distance of at least 20% of the Building depth from a plane parallel to the Lot width established at the point of the Building closest to the Front Lot line.

**Proportional Stories Option**



**Front Facade Stepback Option**



When the Front Lot line is not straight, a line connecting the points where the Side Lot lines and the Front Lot line intersect shall be used to establish the plane parallel to the front Lot width.

When Through Lots are required to provide two Front Yard setbacks, the step-back shall be provided along both Front Lot Lines.

For the purposes of [this provision](#), all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth.

***This option only applies to Structures which are no more than 35 feet from the Frontage along an improved Street and on a flat building pad.*** A building pad is flat when the Slope of the building pad area prior to any Grading is less than 15%, as measured from the highest and lowest Elevation points of the existing Grade within 5 horizontal feet of the exterior walls of the proposed Building or Structure.

**Clarification:**

The key to figuring out how to comply with this bonus option is to know where the Front Lot Lines are on any particular Lot.

***LOT LINE, FRONT.*** In the case of an interior lot, the line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.

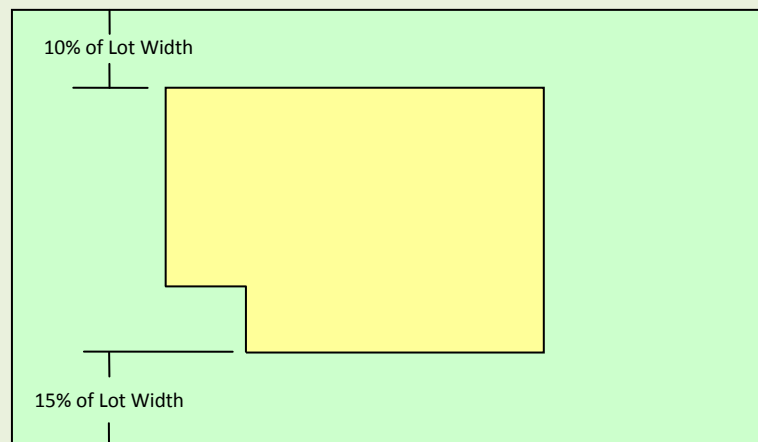
However, for unusual Building and/or Lot configuration, the Department of Building and Safety can refer to the Director of Planning or his/her designee to determine that the proposed project complies with this provision and qualifies for a Residential Floor Area bonus.

**(3) Cumulative Side Yard Setbacks**

**Option.** The combined width of Side Yards shall be at least 25% of the total Lot Width, but in no event shall a single Side Yard setback be less than 10% of the Lot Width or the minimum required by the Zone, whichever is greater. One foot shall be added to each required Side Yard for each increment of 10 feet or fraction thereof of height above the first 18 feet of height.

The width of a required Side Yard setback shall be maintained for the entire length of a Side Yard and cannot alternate from one Side Yard to the other.

**Cumulative Side Yard Setbacks Option**



The figure above is an example of 10% minimum side yard setback, which leaves a minimum of 15% on the other side. It is important to note that this is not the only combination possible.

- (4) 18-Foot Envelope Height Option.** For properties which are not in the “1SS” Single-Story Height District, the maximum envelope height shall be no more than 18 feet, as measured in [Section 4 – Height Limits](#).

- (5) **Multiple Structures Option.** In addition to the Lot Coverage requirements in [Section 5 – Lot Coverage](#), any one Building and Structure extending more than 6 feet above Hillside Area Grade shall cover no more than 20% of the area of a Lot. Such Buildings or Structures may only be connected by one breezeway, fully enclosed walkway, elevator, or combination thereof of not more than 5 feet in width.

- (6) **Minimal Grading Option.** The total amount of any Grading on the site (including exempted Grading, as outlined in [Section 6 – Grading](#), does not exceed the numeric value of 10% of the total Lot size in cubic yards or 1,000 cubic yards, whichever is less.

*Example:* A project involving 500 cubic-yards of Grading on a 5,000 square-foot Lot will be eligible for this bonus option.

***This option only applies to properties where at least 60% of the Lot is comprised of Slopes which are 30% or greater, as determined by a Slope Analysis Map.***

- (7) **Green Building Option.** For a new One-Family Dwelling only, the new construction must satisfy the Tier 1 requirements or higher of the [LA Green Building Code](#), as defined in [Section 99.01.101.1 of the LAMC](#).

**d. Zoning Administrator's Authority. [[§ 12.21 C.10.\(b\)\(4\) of the LAMC](#)]**

- (1) **10% Adjustments.** The Zoning Administrator has the authority to grant adjustments from the requirements of [this Section](#) of not more than 10%, pursuant to the authority and procedures established in [Subsection A of Section 12.28 of this Code](#).
- (2) **Additions to Structures Existing Prior to August 1, 2010.** The Zoning Administrator has the authority to approve any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which permits have been previously obtained which exceed the requirements of [this Section](#), pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#), provided:
- (i) the total cumulative Residential Floor Area of all such additions does not exceed 1,000 square feet; and
  - (ii) the resulting Building does not exceed the height of the original Building or the height permitted in Paragraph (d) of this Subdivision 10 below, whichever is greater; and
  - (iii) at least two off-street covered parking spaces are provided.

**3. Verification of Existing Residential Floor Area. [[§ 12.21 C.10.\(c\) of the LAMC](#)]**

For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after [August 1, 2010](#), or remodels of buildings built prior to [August 1, 2010](#), the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in [Section 12.03 of the LAMC](#) when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in [the paragraph below](#), or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing [this Subdivision](#), a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

#### 4. Height Limits. [§ 12.21 C.10.(d) of the LAMC]

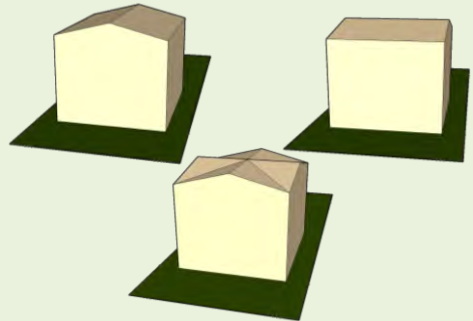
No portion of a Building or Structure shall be erected or enlarged which exceeds the envelope height limits as outlined in [Table 5 – Maximum Height of Structures](#), or as otherwise stated in the paragraphs below. For the provisions below, whenever Grade is mentioned, it shall mean Hillside Area Grade as defined in the Definitions Section of this document (or [Section 12.03 of the LAMC](#)).

Table 5 Maximum Height of Structures (in feet)								
Height Districts	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
When the roof of the uppermost story of a building or structure or portion thereof has a slope of 25% or greater, the maximum height for said portion of building or structure thereof shall be as follows:								
<b>1, 1L, &amp; 1VL</b>	33	33	33	36	36	36	36	36
<b>1XL</b>	30	30	30	30	30	30	30	30
<b>1SS</b>	22	22	22	22	22	22	22	22
When the roof of the uppermost story of a building or structure or portion thereof has a slope of less than 25%, the maximum height for said portion of building or structure thereof shall be as follows:								
<b>1, 1L, &amp; 1VL</b>	28	28	28	30	30	30	30	30
<b>1XL</b>	28	28	28	30	30	30	30	30
<b>1SS</b>	18	18	18	18	18	18	18	18

##### 25% Roof Slope

The 25% roof slope is a Southern California standard which is also commonly referred to as the 3:12 slope. This slope can be expressed as a ratio of 1 foot of vertical rise for every 4 feet of horizontal distance. In order to determine what the minimum height of the standard gabled roof, as measured from the top-plate of the building wall, simply divide the horizontal distance of the wall by 8.

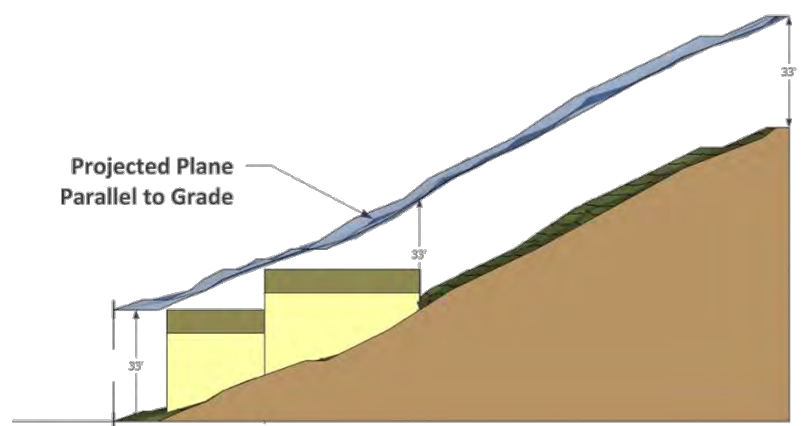
When a roof is made up of a combination of roof slopes, the portions of the structure with a roof slope less than 25% will be considered flat and as a result be required to comply with the lower height.



##### **a. Measurement of Height. [§ 12.21 C.10.(d)(1) of the LAMC]**

Notwithstanding any other provision in [the Code](#), the height limits in [Table 5 – Maximum Height of Structures](#) above shall be measured as set forth below.

- (1) **Maximum Envelope Height.** Envelope height (otherwise known as vertical height or “plumb line” height) shall be the vertical distance from the Grade of the site to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the lowest Grade within 5 horizontal feet of the exterior walls of a Building or Structure.



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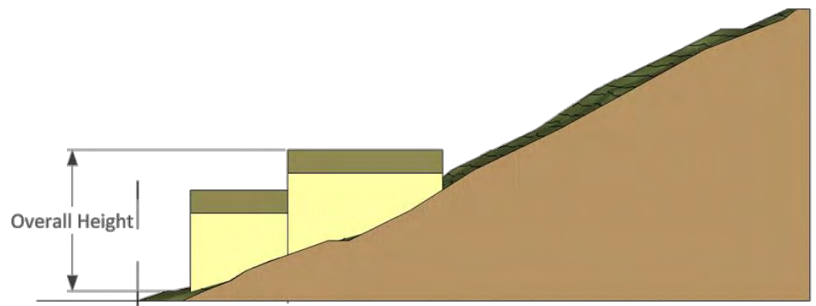
At no point shall any given section of any part of the proposed Building or Structure exceed the maximum envelope height.

A topographic map shall be submitted as a separate plan sheet or as part of the site plan identifying the 5-foot perimeter of the exterior walls, or any other information which the Department of Building and Safety deems necessary to determine compliance with [this provision](#).

**b. Zoning Administrator's Authority. [§ 12.21 C.10.(d)(2) of the LAMC]**

A Zoning Administrator may allow Structures which exceed the maximum envelope height requirements of [Table 5 – Maximum Height of Structures](#); however, the increase in height may not result in a Building or Structure which exceeds an overall height of 45 feet, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#).

The overall height shall be measured from the lowest Elevation point within 5 horizontal feet of the exterior walls of a Building or Structure to the highest Elevation point of the roof Structure or parapet wall.



**c. Prevailing Height. [§ 12.21 C.10.(d)(3) of the LAMC]**

Notwithstanding the height limits in [Table 5 – Maximum Height of Structures](#), when 40% or more of the existing One-Family Dwellings with Frontage on both sides of the block have Building heights exceeding these limits, the maximum envelope height for any Building on that block may be the average height of the Dwellings exceeding these limits.

**d. Lots in a Single-Story Height District. [§ 12.21 C.10.(d)(4) of the LAMC]**

As enabled by [Section 12.21.1 A.1 of the LAMC](#), on Lots in a “SS” Single Story Height District, shown as “1SS” on a Zoning Map, no Building or Structure shall be erected or enlarged which exceeds one Story.

Notwithstanding the provision in [Section 12.21.1 A.8 of the LAMC](#), in determining the number of Stories, any Basement which is exempt from the Residential Floor Area calculation, as outlined in [Section 12.03 of the LAMC](#), shall not be considered a Story.

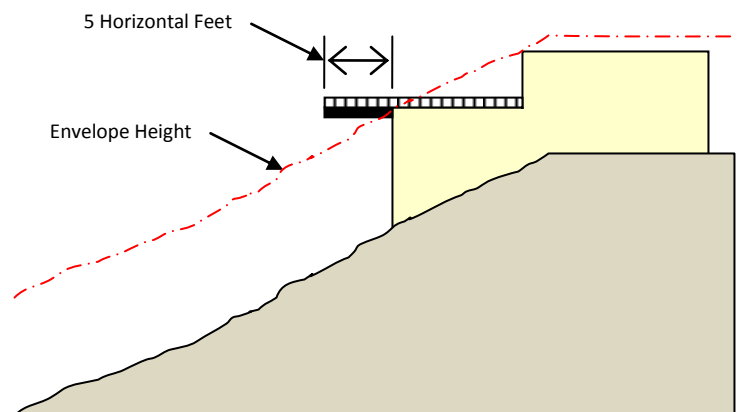
**e. Lots Fronting on Substandard Hillside Limited Streets. [§ 12.21 C.10.(d)(5) of the LAMC]**

For any Lot fronting onto a Substandard Hillside Limited Street and subject to the 5-foot Front Yard setback, no portion of a Building or Structure within 20 feet of the Front Lot Line shall exceed 24 feet in height. The 24 foot maximum Building and Structure height shall be measured from the Elevation at the centerline or midpoint of the Street on which the Lot fronts.

**f. Unenclosed/Uncovered Rooftop Decks and Cantilevered Balconies. [§ 12.21 C.10.(d)(6) of the LAMC]**

Unenclosed/uncovered rooftop decks, cantilevered balconies and “visually permeable railing” (no more than 42 inches in height), may project beyond the maximum envelope height no more than 5 horizontal feet.

For the purposes of [this provision](#), “visually



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permeable railing” means railing constructed of material that is transparent, such as glass or plastic panels, or wrought iron or other solid material which is 80% open to light and air.

**g. Roof Structures. [§ 12.21 C.10.(d)(7) of the LAMC]**

Roof Structures as described in [Table 6 – Projecting Roof Structures](#) below, or similar Structures, may be erected above the height limit specified in [Table 5 – Maximum Height of Structures](#).

Table 6 Projecting Roof Structures		
Roof Structures	Projection Above Height Limit	Setback from Roof Perimeter
Elevator Housing	No more than 5 feet.	Not less than 5 feet.
Tanks		
Ventilating Fans or similar equipment required to operate and maintain the Building.		
Skylights, covering up to 33 1/13% of the roof area upon which the skylight is constructed.		
Towers		
Steeples		
Flagpoles		
Smokestacks		
Wireless Masts		
Water Tanks		
Silos		
Solar Energy Devices		
Chimneys		
Exhaust Ducts/Ventilation Shafts	None.	
Stairway Housing, no larger than 36 square-feet.		
Skylights, covering more than 33 1/3% of the roof area upon which the skylight is constructed.	No more than 30 inches.	

No roof Structure or any other space above the height limit specified in [Table 5 – Maximum Height of Structures](#) shall be allowed for the purpose of providing additional floor space.

**h. Specific Plans, Historic Preservation Overlay Zones or Subdivision Approvals. [§ 12.21 C.10.(d)(8) of the LAMC]**

Height limitations in Specific Plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over the requirements of these regulations and of [Section 12.21 of the LAMC](#). Otherwise, this [Section 12.21 of the LAMC](#) shall apply.

## 5. Lot Coverage. [§ 12.21 C.10.(e) of the LAMC]

Buildings and Structures extending more than 6 feet above natural ground level shall cover no more than 40% of the area of a Lot.

**a. Lot Coverage on Substandard Lots. [§ 12.21 C.10.(e)(1) of the LAMC]**

Notwithstanding [the provision](#) above, for a Lot which is substandard as to width (less than 50 feet) and as to area (less than 5,000 square feet), Buildings and Structures shall cover no more than 45% of the area of a Lot.

**b. Zoning Administrator’s Authority. [§ 12.21 C.10.(e)(2) of the LAMC]**

A Zoning Administrator may grant limited deviations from these requirements, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#).

## 6. Grading. [§ 12.21 C.10.(f) of the LAMC]

Notwithstanding any other provisions of the Municipal Code, total Grading (Cut and Fill) on a Lot shall be limited as outlined below. No Grading Permits shall be issued until a Building Permit is approved.

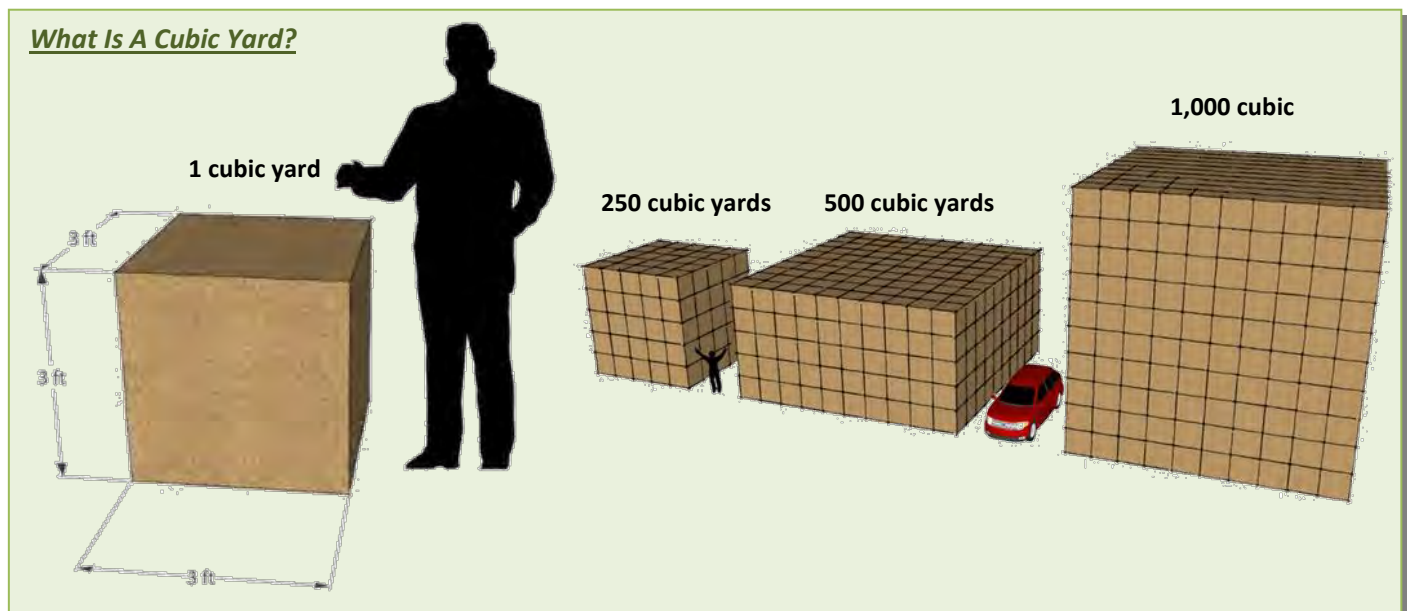
### a. Maximum Grading Quantities. [§ 12.21 C.10.(f)(1) of the LAMC]

The cumulative quantity of Grading, or the total combined value of both Cut and Fill or incremental Cut and Fill, for any one property shall be limited to a base maximum of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards.

*Example: a 5,000 square-foot Lot would have a maximum Grading amount of 750 cubic yards (500 cubic yards for the base amount + 250 cubic yards for the 5% calculation).*

However, the cumulative quantity of Grading shall not exceed the maximum “by-right” Grading quantities outlined by Zone in Table 7 – Maximum “By-Right” Grading Quantities below.

Table 7 Maximum “By-Right” Grading Quantities	
Zone	Maximum Grading (cubic yards)
R1	1,000
RS	1,100
RE9	1,200
RE11	1,400
RE15	1,600
RE20	2,000
RE40	3,300
RA	1,800



### b. Import/Export Limits. [§ 12.21 C.10.(f)(2) of the LAMC]

The maximum quantity of earth import or export shall be limited to the following quantities:

- (1) **Lots Fronting on Standard Hillside Limited Streets or Larger.** For a property which fronts onto a Standard Hillside Limited Street or larger, the maximum quantity of earth import shall be no more than 500 cubic

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yards, *as long as additional on-site Grading (grading outside the footprint of a building)* in conjunction with the amount of import does not exceed the requirements established in [Paragraph a](#) above. The maximum quantity of earth export shall be no more than 1,000 cubic yards.

*Example: If a property has a maximum of 1,000 cubic yards of non-exempted grading, and a cut of 800 cubic yards of exempted grading is used as fill outside the footprint of the house, this provision does will only allow an additional 200 cubic yards (not 500 cubic yards) of import to be used for non-exempt purposes.*

- (2) **Lots Fronting on Substandard Hillside Limited Streets.** For a property which fronts onto a Substandard Hillside Limited Street, the maximum quantity of earth import shall be no more than 375 cubic yards, where additional Grading on-site in conjunction with the amount of import does not exceed the requirements established in [Paragraph a](#) above. The maximum quantity of earth export shall be no more than 750 cubic yards.
- (3) **Exempted On-Site Grading Activity.** Earth quantities which originate from, or will be utilized for any exempted Grading activity listed in [Paragraph c](#) below shall be exempted from the maximum import and export quantities set forth in this [Paragraph b](#). A plan indicating the destination and/or source (i.e. exempted Grading activity or non-exempted Grading activity) of any import and/or export shall be submitted as part of a Grading permit application.

### c. **Exceptions.** [[§ 12.21 C.10.\(f\)\(3\) of the LAMC](#)]

The Grading activities outlined in the sub-subparagraphs below shall be exempt from the Grading and/or earth transport limitations established in [Paragraphs a and b](#) above. However, any excavation from an exempted activity being used as Fill, outside of a 5-foot perimeter from the exempted Grading activities, for any other on-site purpose shall be counted towards the limits established in [Paragraph a](#) above.

- (1) Cut and/or Fill underneath the footprint of a Structure(s) (such as foundations, understructures including Basements or other completely subterranean spaces – *not including pools and sports courts*), as well as for water storage tanks, required stormwater retention improvements, and required animal keeping site development that do not involve the construction of any freestanding retaining walls.
- (2) Cut and/or Fill, up to 500 cubic yards, for driveways to the required parking or fire department turnaround closest to the accessible Street for which a Lot has ingress/egress rights.
- (3) Remedial Grading as defined in [Section 12.03 of the LAMC](#) as recommended in a Geotechnical Investigation Report, prepared in accordance with [Sections 91.7006.2, 91.7006.3, and 91.7006.4 of the LAMC](#), and approved by the Department of Building and Safety - Grading Division.

### d. **Zoning Administrator's Authority.** [[§ 12.21 C.10.\(f\)\(4\) of the LAMC](#)]

A Zoning Administrator may grant the following deviations from the requirements of [Paragraphs a and b](#) above, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#).

- (1) Grading in excess of the maximum “by-right” Grading quantities listed in [Paragraph a](#) above, but in no event shall the quantities exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards.
- (2) For a property which fronts onto a Standard Hillside Limited Street or larger, increase the maximum quantity of earth import greater than 500 cubic yards, and increase the maximum quantity of export greater than 1,000 cubic yards; calculated pursuant to [Paragraph b](#) above.

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For a property which fronts onto a Substandard Hillside Limited Street, increase the maximum quantity of earth import greater than 375 cubic yards, and increase the maximum quantity of earth export greater than 750 cubic yards; calculated pursuant to [Paragraph b](#) above.

**e. New Graded Slopes. [[§ 12.21 C.10.\(f\)\(5\) of the LAMC](#)]**

All new Graded Slopes shall be no steeper than 2:1 (horizontal : vertical), except when the Department of Building and Safety - Grading Division has determined that Slopes may exceed 2:1 pursuant to [Section 91.105 of the LAMC](#).

**f. Grading Activity on 100% Slopes. [[§ 12.21 C.10.\(f\)\(6\) of the LAMC](#)]**

Notwithstanding the Grading, Excavations and Fills provisions in [Chapter IX of the LAMC \(the Los Angeles Building Code\)](#), when any Grading activity is proposed on any slope of 100% or greater, as identified on the Slope Analysis Map, the Department of Building and Safety – Grading Division shall require the Geotechnical Investigation Report (also referred to as a soils and/or geological report) to include the most stringent level of geotechnical analysis and reporting feasible, and in sufficient detail to substantiate and support the design and construction methods being proposed.

A Deputy Grading Inspector, also referred to as a Registered (Licensed) Deputy Inspector, paid for by the owner, will be required to be on site when said Grading activity is being conducted in order to ensure that all work is being done in accordance with the recommendations of the Geotechnical Report, the approved plans, and/or the applicable Grading requirements of the Los Angeles Building Code for applicable Grading or foundation earthwork in Hillside Areas.

**g. Grading Plancheck Criteria. [[§ 12.21 C.10.\(f\)\(7\) of the LAMC](#)]**

Grading plans and reports shall be submitted for approval with Building plans, and shall include those items required by [Section 91.7006 of the LAMC](#).

## **7. Off-Street Parking Requirements. [[§ 12.21 C.10.\(g\) of the LAMC](#)]**

Notwithstanding those exceptions found in [Section 12.22 of the LAMC](#), no Building or Grading permit shall be issued for the construction of any One-Family Dwelling, Accessory Building, or addition thereto, unless the following requirements are met.

**a. Number of Required Covered Spaces. [[§ 12.21 C.10.\(g\)\(1\) of the LAMC](#)]**

There shall be at least two Automobile Parking Spaces on the same Lot with each One-Family Dwelling thereon. These required parking spaces shall be provided within a Private Garage. These required parking spaces shall not be provided or maintained within a required Front Yard, unless otherwise permitted by [Paragraph j – Encroachments Into Required Yards of Section 1 – Setback Requirements of this document](#).

(1) **Exception for Dwelling on Narrow Lot.** Where only one One-Family Dwelling is located on a nonconforming Lot 40 feet or less in width and not abutting an alley, only one Automobile Parking Space need be provided. This exception shall not apply to any Lot which fronts on a Substandard Hillside Limited Street.

**b. Additional Required Spaces. [[§ 12.21 C.10.\(g\)\(2\) of the LAMC](#)]**

For a main Building and any Accessory Building located on a Lot which fronts on a Substandard Hillside Limited Street, excluding Floor Area devoted to required parking, which exceed a combined Residential Floor Area of 2,400 square feet, there shall be one additional parking space provided for each additional increment of 1,000 square feet or fraction thereof of Floor Area for a maximum of 5 total on-site spaces. These additional required parking spaces may be uncovered. Notwithstanding the provisions of [Paragraph a](#) above, when a Lot fronts onto

## **BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE**

a Substandard Hillside Limited Street, the additional parking spaces may be located within the required Front Yard.

(1) **Zoning Administrator's Authority.** A Zoning Administrator may reduce the number of off-street parking spaces required by [Paragraph b](#) above, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#).

**c. *Parking Stall Dimensions.* [[§ 12.21 C.10.\(g\)\(3\) of the LAMC](#)]**

In each parking area or garage devoted to parking for Dwelling uses, all Parking Stalls in excess of one per Dwelling Unit may be designed as Compact Parking Stalls to accommodate parking cars. Every **Standard Parking Stall** provided for Dwelling Units shall be at least 8 feet 6 inches in width and 18 feet in length; every **Compact Parking Stall** shall be at least 7 feet 6 inches in width and 15 feet in length.

**d. *Tandem Parking.* [[§ 12.21 C.10.\(g\)\(4\) of the LAMC](#)]**

Automobile parking may be parked in tandem in a Private Garage or Private Parking Area serving a One-Family Dwelling where the tandem parking is not more than two cars in depth. Each required Parking Stall within a parking area or garage shall be accessible. Tandem parking shall not be allowed in parking areas for recreational vehicles.

**e. *Garage Doors.* [[§ 12.21 C.10.\(g\)\(5\) of the LAMC](#)]**

Any door or doors installed at the automobile entry to a garage serving a One-Family Dwelling where the required parking spaces are located shall be of conventional design constructed so as to permit the simultaneous entry of automobiles in each required parking space without damaging the door or door frame and constructed so as to permit the flow of air through the automobile entry when the door is in the fully closed position.

**f. *Driveway Width.* [[§ 12.21 C.10.\(g\)\(6\) of the LAMC](#)]**

Every access driveway shall be at least 9 feet in width.

**h. *Mechanical Automobile Lifts and Robotic Parking Structures.* [[§ 12.21 C.10.\(g\)\(7\) of the LAMC](#)]**

The stacking of two or more automobiles via a mechanical car lift or computerized parking Structure is permitted. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and vehicular access to the platform meet the requirements of [Paragraphs \(a\), \(b\), and \(i\) of Section 12.21 A.5 of the LAMC](#). The lift equipment or computerized parking Structure shall meet any applicable Building, Mechanical and Electrical Code requirements as approved by the Department of Building and Safety.

## **8. *Fire Protection.* [[§ 12.21 C.10.\(h\) of the LAMC](#)]**

Notwithstanding any other provisions of [the LAMC](#) to the contrary, on a Lot fronting onto a Substandard Hillside Limited Street, or on any Lot located either more than 2 miles from a fire station housing a Los Angeles City Fire Department Truck Company or more than 1½ miles from a fire station housing a Los Angeles Fire Department Engine Company, the following fire protection measures shall be required.

**a. *New Buildings or Structures.* [[§ 12.21 C.10.\(h\)\(1\) of the LAMC](#)]**

Any new construction of a One-Family Dwelling or detached Accessory Building shall be protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code.

## **BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE**

**b. Existing Buildings or Structures. [§ 12.21 C.10.(h)(2) of the LAMC]**

An approved automatic fire sprinkler system in compliance with the Los Angeles Plumbing Code shall be installed:

- (1) whenever an addition to an existing One-Family Dwelling or Accessory Building increases Residential Floor Area by 50% or more of the area of the existing Dwelling or Building; or
- (2) whenever the aggregate value of Major Remodels within a one-year period exceeds 50% of the replacement cost of the Dwelling or Accessory Building.

**c. Fire Sprinkler Coverage. [§ 12.21 C.10.(h)(3) of the LAMC]**

The sprinkler systems required in [this Section](#) shall be sufficient to cover the entire Dwelling or Building, unless otherwise determined by the Department of Building and Safety, and shall be installed in compliance with all applicable Codes.

**d. Exempt Accessory Structures. [§ 12.21 C.10.(h)(4) of the LAMC]**

The provisions of [this Section](#) shall not apply to accessory Structures such as gazebos, pergolas, or storage sheds provided these Structures are not supported by or attached to any portion of a Dwelling or Accessory Building and do not exceed 200 square feet in area.

## **9. Street Access. [§ 12.21 C.10.(i) of the LAMC]**

**a. Street Dedication. [§ 12.21 C.10.(i)(1) of the LAMC]**

For any new construction of, or addition to, a One-Family Dwelling on a Lot fronting on a Substandard Hillside Limited Street, no Building permit or Grading permit shall be issued unless at least one-half of the width of the Street(s) has been dedicated for the full width of the Frontage of the Lot to Standard Hillside Limited Street dimensions or to a lesser width as determined by the City Engineer. The appellate procedures provided in [Section 12.37 I of the LAMC](#) shall be available for relief from this requirement.

**b. Adjacent Minimum Roadway Width. [§ 12.21 C.10.(i)(2) of the LAMC]**

For any new construction of, or addition to a One-Family Dwelling on a Lot fronting on a Substandard Hillside Limited Street that is improved with a roadway width of less than 20 feet, no Building permit or Grading permit shall be issued unless the construction or addition has been approved pursuant to [Section 12.24 X.28 of the LAMC](#).

**c. Minimum Roadway Width (Continuous Paved Roadway). [§ 12.21 C.10.(i)(3) of the LAMC]**

For any new construction of, or addition to, a One-Family Dwelling on a Lot that does not have a vehicular access route from a Street improved with a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area, no Building permit or Grading permit shall be issued unless the construction or addition meets the requirements of this [Section 12.21 C.10 of the LAMC \(the provisions contained in this document\)](#) or has been approved by a Zoning Administrator pursuant to [Section 12.24 X.28 of the LAMC](#).

## **10. Sewer Connection. [§ 12.21 C.10.(j) of the LAMC]**

No Building permit shall be issued for the construction of any new One-Family Dwelling on a Lot located 200 feet or less from a sewer mainline unless a sewer connection is provided to the satisfaction of the City Engineer.

**11. Hillside Neighborhood Overlay. [§ 12.21 C.10.(k) of the LAMC]**

The provisions of [Section 2 – Maximum Residential Floor Area](#), [Section 4 – Height Limits](#), and [Section 6 – Grading](#) of this document may be superseded by a Hillside Neighborhood Overlay adopted pursuant to [Section 13.14 of the LAMC](#).

**12. Exceptions. [§ 12.21 C.10.(l) of the LAMC]**

The provision of this Subdivision shall not apply to:

**a. Tracts With CC&Rs Approved After February 1, 1985. [§ 12.21 C.10.(l)(1) of the LAMC]**

One-Family Dwellings, Accessory Buildings and additions thereto within a subdivision for which a tentative or final tract map was approved by the City of Los Angeles after February 1, 1985, and is still valid, provided that the map resulted in the establishment of covenants, conditions and restrictions governing Building height, yards, open space or Lot coverage, and provided, further, that such covenants, conditions and restrictions were recorded on or after February 1, 1985.

**b. Additions to Dwellings Built Prior to August 1, 2010. [§ 12.21 C.10.(l)(2) of the LAMC]**

Any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which Building permits have been previously obtained, provided that:

- (1) the total cumulative Residential Floor Area of all such additions does not exceed 500 square feet (excluded from calculations of this 500 square foot limitations is Floor Area devoted to required covered parking); and
- (2) the resulting Building complies with the requirements of [Section 1 – Setback Requirements](#), [Section 4 – Height Limits](#), and [Section 6 – Grading](#) of this document.

**c. Hillside Major Remodel. [§ 12.21 C.10.(l)(3) of the LAMC]**

As defined in [Section 12.03 of this Code](#), any remodeling of a main Building on a Lot in the Hillside Area, which does not add square footage and for which the aggregate value of all the alterations within a one-year period does not exceed 50% of the replacement cost of the main Building.

**d. Northeast Los Angeles Hillside Ordinance. [§ 12.21 C.10.(l)(4) of the LAMC]**

Properties subject to the Northeast Los Angeles Hillside Ordinance established by Ordinance No. 180,403, shall be exempted from [Section 2 – Maximum Residential Floor Area](#), [Section 4 – Height Limits](#), and [Section 6 – Grading](#) of this document.

**e. The Oaks Hillside Ordinance. [§ 12.21 C.10.(l)(5) of the LAMC]**

Properties subject to The Oaks Hillside Ordinance established by Ordinance No. 181,136, shall be exempted from [Section 2 – Maximum Residential Floor Area](#), [Section 4 – Height Limits](#), and [Section 5 – Lot Coverage](#) of this document.

**e. Large Active Remedial Grading Projects. [§ 12.21 C.10.(l)(6) of the LAMC]**

Properties with active Remedial Grading permits for 100,000 cubic yards or more which have been issued by the Department of Building and Safety – Grading Division before July 1, 2010, are exempted from [Section 2 – Maximum Residential Floor Area](#), [Section 4 – Height Limits](#), and [Section 6 – Grading](#) of this document. Such properties shall remain subject to the provisions of [Section 12.21 A.17 of the LAMC](#), and [Section 12.21.1 of the LAMC](#), and all other zoning and Building regulations applicable at the time Building Permits are issued. This exception shall expire 60 months after July 1, 2010.

## DEFINITIONS

The following are a selection of definitions from [Section 12.03 of the LAMC](#) that are most commonly used when applying the new hillside regulations.

**ACCESSORY BUILDING.** A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located in the same or a less restrictive zone and on the same lot with the main building or use. The relationship between the more restrictive and the less restrictive zones shall be determined by the sequence of zones set forth in Sec. 12.23 B.1.(c).

**BASE FLOOR.** That story of a main building, at or above grade, which is not considered a basement, and which has the greatest number of square feet confined within the exterior walls, including the area of the attached covered parking at the same story. All levels within four vertical feet of each other shall count as a single story.

**BASEMENT.** Any story below the first story of a building.

**BUILDING.** Any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels or property of any kind.

**COMPACTION.** The densification of a Fill by mechanical means.

**CUT.** A portion of land surface or areas from which earth has been removed or will be removed by excavation.

**ELEVATION.** Vertical distance in feet above sea level.

**FILL.** The depositing of soil, rock or other earth materials by artificial means.

**FLOOR AREA, RESIDENTIAL.** The area in square feet confined within the exterior walls of a Building or Accessory Building on a Lot in an RA, RE, RS, or R1 Zone. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways and elevator shafts shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the Floor Area calculation.

Except that the following areas shall not be counted:

1. **Required Covered Parking.** The total area of 200 square feet per required covered parking area.
2. **Detached Accessory Buildings.** Detached Accessory Buildings not exceeding 200 square feet; however, the total combined area exempted of all these Accessory Buildings on a Lot shall not exceed 400 square feet.
3. **Covered Porches, Patios, and Breezeways.** For Lots not located in the Hillside Area or Coastal Zone, the first 250 square feet of attached porches, patios, and breezeways with a solid roof if they are open on at least two sides.

For Lots located in the Hillside Area, the exempted area shall be limited to 5% of the maximum Residential Floor Area for a Lot, but need not be less than 250 square feet, and:

- a. Attached porches or patios with a solid roof may be open on only one side if two of the other sides are retaining walls.

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- b. Breezeways no wider than 5 feet and no longer than 25 feet connecting a garage at the Street level to a Dwelling, either directly or through a stairway or elevator, shall not count as Residential Floor Area and shall not be counted against the aforementioned exemption.
4. **Lattice Roof Porches, Patios, and Breezeways.** Porches, patios, and breezeways that have an open Lattice Roof, as defined in this Section.
5. **Over-In-Height Ceilings.** The first 100 square feet of any Story or portion of a Story of the main Building on a Lot with a ceiling height greater than 14 feet shall be counted only once. Except that in the Hillside Area, for a room or portion of a room which has a floor height below the exterior Grade (or “sunken rooms”), when the ceiling height as measured from the exterior natural or finished Grade, whichever is lower, is not greater than 14 feet it shall only be counted once.
6. **Basements.** For Lots not located in the Hillside Area or Coastal Zone, a Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 2 feet in height at any point above the finished or natural Grade, whichever is lower.

For Lots located in the Hillside Area, a Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60% of the perimeter length of the exterior Basement walls.

For all Lots, a maximum of 2 light-wells which are not visible from a public right-of-way and do not project more than 3 feet from the exterior walls of the Basement and no wider than 6 feet shall not disqualify said Basement from this exemption.

**FLOOR AREA RATIO (FAR).** A ratio establishing relationship between a property and the amount of development permitted for that property, and is expressed as a percentage or a ratio of the Buildable Area or Lot size (example: “3 times the Buildable Area” or “3:1”).

**FRONTAGE.** All property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**GARAGE, PRIVATE.** An accessory building or portion of a main building designed or used for parking or storage of motor vehicles of the occupants of a residential use.

**GRADE, HILLSIDE AREA.** For the purpose of measuring height on an R1, RS, RE, or RA zoned Lot in the Hillside Area, pursuant to Section 12.21 C.10 of this Code, Hillside Area Grade shall be defined as the Elevation of the finished or natural surface of the ground, whichever is lower, or the finished surface of the ground established in conformance with a grading plan approved pursuant to a recorded tract or parcel map action. Retaining walls shall not raise the effective Elevation of Grade for purposes of measuring Height of a Building or Structure.

**GRADING.** Any Cut or Fill, or combination thereof, or recompaction of soil, rock or other earth materials.

**GRADING, LANDFORM.** A contour grading method which creates artificial Slopes with curves and varying Slope ratios in the horizontal plane designed to simulate the appearance of surrounding natural terrain. The graded Slopes are non-linear in plan view, have varying Slope gradients, and significant transition zones between human-made and natural Slopes resulting in pad configurations that are irregular. The concept of Landform Grading incorporates the created ravine and ridge shapes with protective drainage control systems and integrated landscaping designs.

## **BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE**

**GRADING, REMEDIAL.** For the purposes of Section 12.21 C.10 of this Code, Remedial Grading shall mean grading recommended by a California Licensed Geologist and/or Licensed Engineer prepared in accordance with Sections 91.7006.2, 91.7006.3, and 91.7006.4 of this Code, and approved by the Department of Building and Safety-Grading Division, that is necessary to mitigate a geologic or geotechnical hazard on a site (including for access driveways), including, but not limited to: 1) correction of hazardous soil and earth conditions, when notified by the Department of Building and Safety in accordance with Section 91.7005.7 of this Code, 2) removal and re-compaction of soil for a Building site to remediate expansive, compressible or seismically unstable soils, 3) grading required to provide a minimum factor of safety of 1.5 for stability of slopes, and/or 4) grading to bring existing steep non-conforming graded slopes into conformance with current Code requirements for fill and excavated slope gradients.

**HILLSIDE AREA.** Any land designated as Hillside Area as shown in the shaded portion of the Department of City Planning Hillside Area Map, dated September 23, 2009, attached to Council File No. 09-1390. The map is maintained by the Department of City Planning as part of the Geographic Information Systems database.

**LOT.** A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with the yards, open spaces, lot width and lot area as are required by this chapter and fronting for a distance of at least 20 feet upon a street as defined here, or upon a private street as defined in Article 8 of this chapter. The width of an access-strip portion of a lot shall not be less than 20 feet at any point. In a residential planned development or an approved small lot subdivision a lot need have only the street frontage or access as is provided on the recorded subdivision tract or parcel map for the development.

**LOT, FLAG.** A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than 20 feet in width at any point connecting the main building site area to the frontage street.

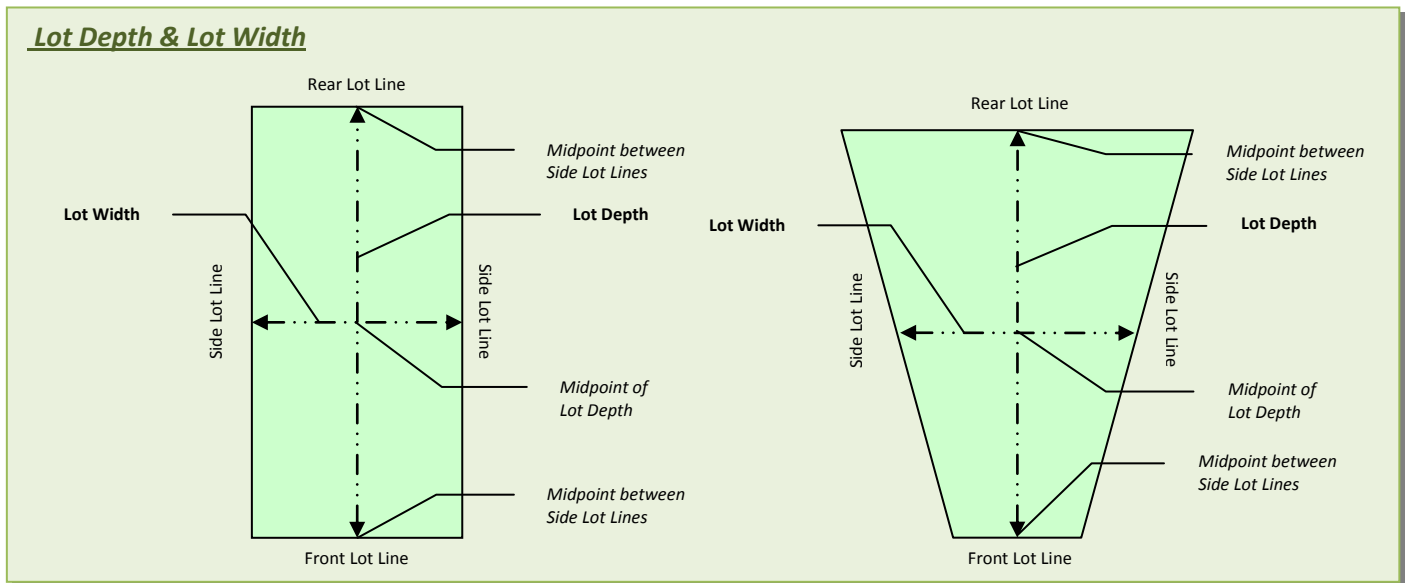
**LOT LINE, FRONT.** In the case of an interior lot, the line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.

**LOT LINE, REAR.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front line.

**LOT LINE, SIDE.** Any lot boundary line not a front lot line or a rear lot line.

**LOT WIDTH.** The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**LOT DEPTH.** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.



**LOT AREA.** The total horizontal area within the lot lines of a lot.

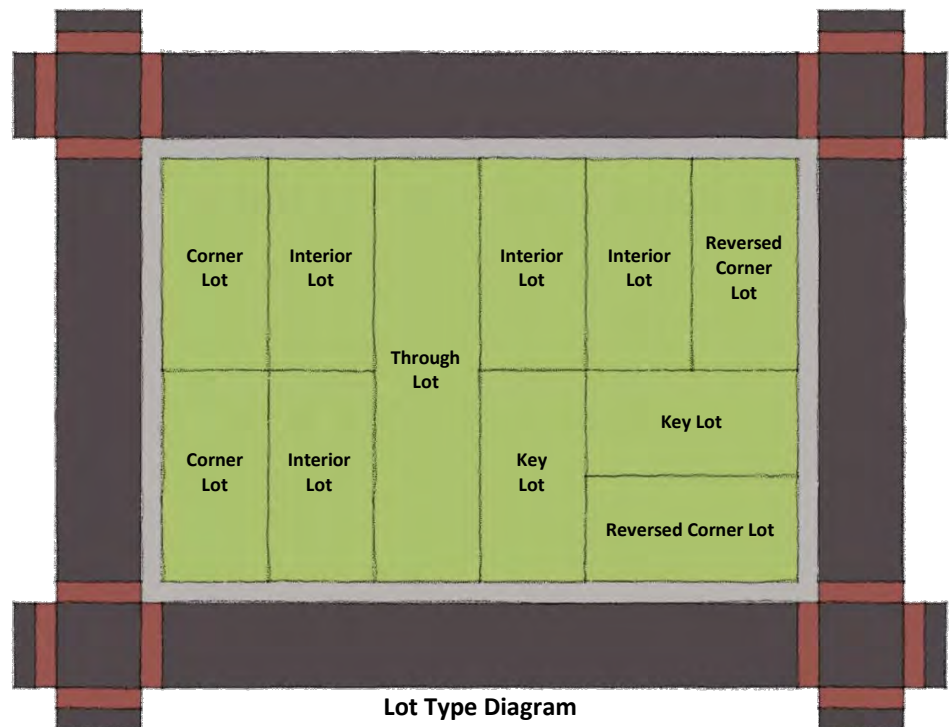
**LOT, CORNER.** A lot situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty five (135) degrees.

**LOT, REVERSED CORNER.** A corner lot the side street line of which is substantially a continuation of the front line of the first lot to its rear.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT, KEY.** The first interior lot to the rear of a reversed corner lot and not separated therefrom by an alley.

**LOT, THROUGH.** A lot having a frontage or two parallel or approximately parallel streets, but not including those lots having frontage on a street and frontage on a navigable public canal or waterway parallel or approximately parallel to said street.



**LOT, DOWNHILL.** A Lot for which the Front Lot Line, or Street which serves as the primary vehicular access point for the required parking, is at a higher Elevation than the Rear Lot Line.

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**LOT, UPHILL.** A Lot for which the Front Lot Line, or Street which serves as the primary vehicular access point for the required parking, is at a lower Elevation than the Rear Lot Line.

**MAJOR REMODEL - HILLSIDE.** Any remodeling of a main building on a lot in the Hillside Area whenever the aggregate value of all alterations within a one-year period exceeds 50 percent of the replacement cost of the main building.

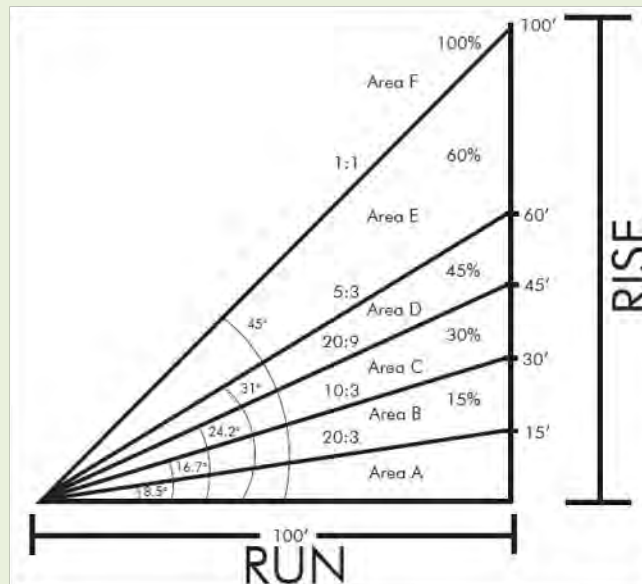
**ROOF, LATTICE.** A roof covering constructed as an Open Egg-Crate Roof or Spaced Roof. An Open Egg-Crate roof is constructed of lattice members so that a sphere of 10 inches minimum in diameter can pass through. All lattice members must have a minimum nominal width of 2 inches. A Spaced Roof is constructed of members running in one direction only with a minimum clear spacing between the members of not less than 4 inches. In addition, beams supporting and placed perpendicular to the members shall be spaced not less than 24 inches on center. All members or beams must have a minimum nominal width of 2 inches.

**SLOPE.** An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance (i.e. 2:1 or 1:1) or as a percentage (i.e. 50% or 100%).

**SLOPE BAND.** The area of a property contained within a defined Slope interval as identified in Section 12.21 C.10 of this Code and shown on a Slope Analysis Map prepared by a *registered (in the State of California) civil engineer or* licensed surveyor based on a survey of the natural/existing topography. Slope bands need not necessarily be located in a contiguous manner and can be one or more areas as small or as large as they exist on said property.

### What Are Slope Bands?

Slope Band	Angle (in degrees)	Description
0% - 15%	0° – 8.5°	Flat to Moderate Slope
15% - 30%	8.5° – 16.7°	Strong Slopes (true hillside)
30% - 45%	16.7° – 24.2°	Very Strong Slopes
45% - 60%	24.2° – 31°	Moderately Severe Slopes
60% - 100%	31° – 45°	Severe Slopes
100% or greater	45° or greater	Extreme Slopes



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**STREET, STANDARD HILLSIDE LIMITED.** A street (public or private) with a minimum width of 36 feet and paved to a minimum roadway width of 28 feet, as determined by the Bureau of Engineering.

**STREET, SUBSTANDARD HILLSIDE LIMITED.** A Street which does not meet the minimum requirements of a Standard Hillside Limited Street as defined in Section 12.03 of this Code (public or private) with a width less than 36 feet and paved to a roadway width of less than 28 feet, as determined by the Bureau of Engineering.

### Standard Hillside Limited Street



*Source: Bureau of Engineering, Standard Street Dimensions  
(Standard Plan S-470-0)*

**STRUCTURE.** Anything constructed or erected which is supported directly or indirectly on the earth, but not including any vehicle which conforms to the California State Vehicle Act.

**YARD.** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

**YARD, FRONT.** A yard extending across the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

**YARD, REAR.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.

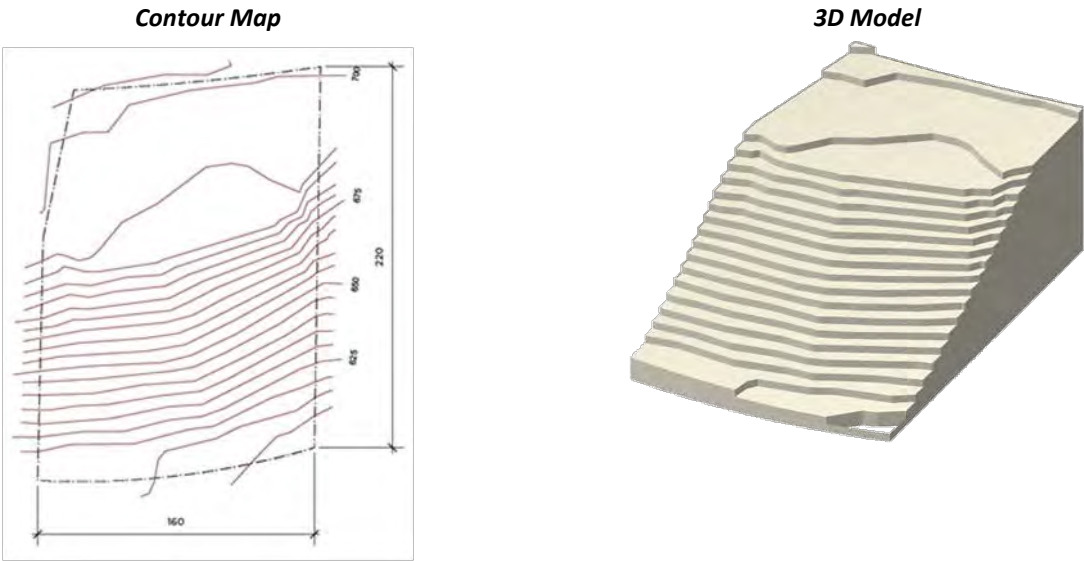
**YARD, SIDE.** A yard more than six (6) inches in width between a main building and the side lot line, extending from the front yard or the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

# Appendix A – Slope Analysis

## What Is A Slope Analysis Map?

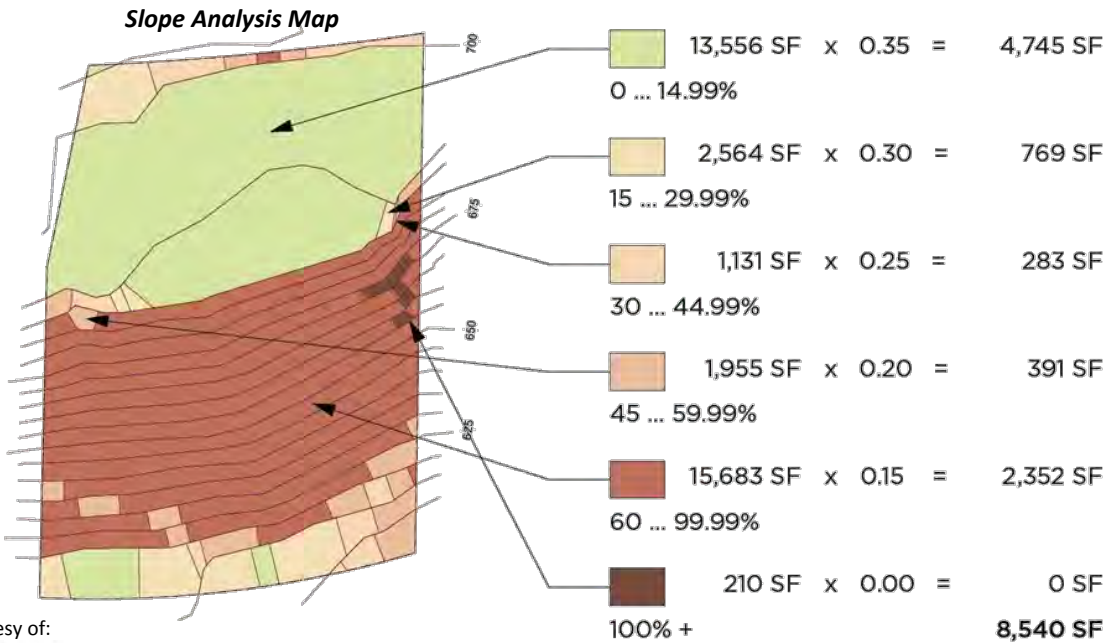
In order to prepare a Slope Analysis Map, a Licensed Surveyor or Civil Engineer will need to prepare a topographical contour map of a property (image on the left below).

A contour map identifies the slopes of a property by establishing height changes (slopes) on a lot using lines which identify specific elevations (from sea level). The 3D Model on the right below gives you an idea of what this information represents.



A Slope Analysis Map measures the closest distance between each line and identifies which Slope Band the area falls into. The result is a patchwork of areas that identifies the slope conditions of a property (see the example below).

This particular property is 35,100 square-feet and is zoned RE20-1-H. Using the Slope Analysis below, the base maximum Residential Floor Area for this property is 8,540 square-feet.



### How to Produce a Slope Analysis Map

There are a variety of ways to develop a slope analysis as there is a myriad of software that can analyze slope quickly. However, CAD- and GIS-based software are the most commonly utilized. There are other programs that are developed solely for slope analysis and would be left up to the discretion of the Licensed Surveyor or Civil Engineer.

#### Geographic Information System (GIS) Software

In order to use GIS, one could follow the following general steps:

1. **Acquire contour lines:** The data of interest may be acquired in various forms.
2. **Create DEM using the contour lines:** A DEM is a raster file that is broken down into a grid with specific elevation data associated with each cell. This file can be rendered in 3D.
3. **Compute slope:** Using the DEM, simply calculate the slope between the contour lines by using the slope tool in GIS. The slope function calculates the maximum rate of change between each cell and its neighbor, for example, the steepest downhill descent for the cell (the maximum change in elevation over the distance between the cell and its eight neighbors). Every cell in the output raster has a slope value. The lower the slope value, the flatter the terrain; the higher the slope value, the steeper the terrain. The output slope raster can be calculated as percent of slope or degree of slope.

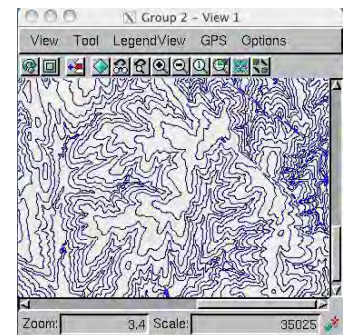
The Slope function is most frequently run on an elevation dataset, as the following diagrams show. Steeper slopes are shaded red on the output slope raster. However, the function can also be used with other types of continuous data, such as population, to identify sharp changes in value.

4. **Calculate area included in each slope band:** GIS also has another tool which can calculate the area within certain slope ranges.

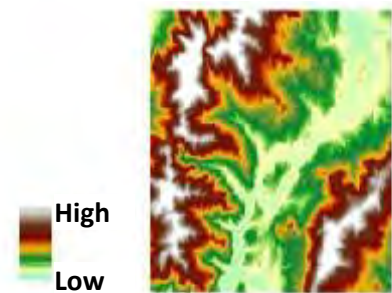
#### AutoCAD

Like GIS, once a 3D surface has been created, AutoCAD has automated tools or software plug-ins that can calculate the steepest slope between contours and the area contained within slope ranges. There is a variety of software available that can convert the 2D contour map into a 3D file that can be then analyzed.

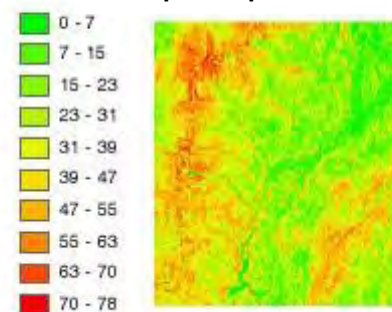
**Topographic Survey**



**Elevation Dataset**



**Output Slope Data Set**



## Appendix B – Commonly Used Hillside Forms

The following pages are the most commonly used hillside forms.

### Slope Analysis and Maximum Residential Floor Area Form (a.k.a. Slope Analysis Form)

To get your Slope Analysis Map and the Maximum Residential Floor Area for a property verified by the Department of City Planning, you will need to get a **Slope Analysis and Maximum Residential Floor Area Verification Form** (a.k.a. Slope Analysis Form) from the Department of Building & Safety. This form is available at any of the LADBS Public Counters or on their website. Please go to either of Planning Public Counters to obtain the proper authorization to submit for Plan Check:

#### **Downtown Office**

Figueroa Plaza  
City Planning Counter (Station No. 7)  
201 North Figueroa Street, 4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

#### **Valley Office**

Marvin Braude Constituent Services Center  
6262 Van Nuys Boulevard, Suite 251  
Van Nuys, CA 91401  
(818) 374-5050

To schedule an appointment, please visit our website (<http://planning.lacity.org/>) and click on “Public Counter Locations”, then click on “Make Appointment”, or you can email the Downtown Office directly at [Planning.FigCounter@lacity.org](mailto:Planning.FigCounter@lacity.org).

### Hillside Referral Form

The Bureau of Engineering (BOE) is responsible for determining whether a lot fronts onto a Substandard Hillside Limited Street. The Department of Building & Safety (LADBS) will give you a **Hillside Referral Form** for BOE staff to fill out.

In order to obtain this determination please go to the BOE public counter at the locations below:

#### **Central District Office**

201 N. Figueroa Street  
Los Angeles, CA 90012-2601  
*3rd floor counter*  
(213)482-7030  
*7th floor counter*  
(213)482-7474

#### **Valley District Office**

Braude Building  
6262 Van Nuys Blvd., Suite 251  
Van Nuys, CA 91401-2615  
(818)374-5090

#### **West Los Angeles District Office**

1828 Sawtelle Blvd., 3rd floor  
Los Angeles, CA 90025-5516  
(310)575-8384

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**Department of Building and Safety / City Planning**

**JOINT REFERRAL FORM**

**Slope Analysis and Maximum Residential Floor area Verification Form**

**Baseline Hillside Ordinance (BHO), Ordinance No. 181624**

**Instructions:**

1. This form is used by the Department of Building and Safety and City Planning to determine a permitted maximum Residential Floor Area for a project (new construction or addition to an existing construction) in R1, RS, RA and RE zones located within the Hillside Area as defined in Section 12.03 of the Code.
2. Proposed construction subject to BHO requirements will be accepted for Plan Check by the Department of Building and Safety, only if they have a completed Slope Analysis Verification Form, signed by City Planning Staff.
3. Complete Section I, II, and III on page 2 and submit this form along with two stamped and signed copies of Slope Analysis map prepared by a State of California registered civil engineer or licensed surveyor that includes the following information to the Department of City Planning at one of the locations listed in Section 4:
  - a. A Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped, and signed by a State of California registered civil engineer or licensed land surveyor. The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with two-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the Slope analysis, and shall attest to the fact that the Slope analysis has been accurately calculated.
  - b. A Slope Analysis Map that clearly delineate/identify the Slope Bands (i.e. with contrasting colors or hatching), and shall include a tabulation of the total area in square-feet within each Slope Band, as well as the FAR and Residential Floor Area value of each corresponding Slope Band as shown on Table 12.21 C.10-2b.
  - c. The Slope Analysis Map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose.
4. City Planning Staff are located at the following locations:

**Downtown Office**

City Planning Counter (Station No. 7)  
201 N. Figueroa St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 482-7077

**Van Nuys Office**

City Planning Counter  
6262 Van Nuys Blvd., Suite 251  
Van Nuys, CA 91401  
(818) 374-5050

# Department of Building and Safety / City Planning

## JOINT REFERRAL FORM

**SECTION I.** Name Applicant(s)/Property Owner(s) \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**SECTION II.** Project Address: \_\_\_\_\_ Assessor Parcel Number: \_\_\_\_\_

Lot: \_\_\_\_\_ Tract: \_\_\_\_\_

Proposed Project Description: (describe in detail, including all proposed work and dimensions)

\_\_\_\_\_

**SECTION III.** Circle the Zone of the project site in Table 1 and complete Worksheet 1.

\*Residential Floor Area shall be calculated as defined in LAMC Section 12.03

Table 1. Single-Family Zone Hillside Area Residential Floor Area Ratios (FAR)								
Slope Bands (%)	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
0 – 14.99	0.5	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Worksheet 1. Hillside Area Maximum Residential Floor Area Formula					
(A)	(B)		(C)		(D)
Slope Bands (%)	Lot Area within each slope band (sq-ft). From survey/ contour map.		FAR from the Zone circled in Table 1		Max. Residential Floor Area* allowed within each slope band
0 – 14.99		X		=	
15 – 29.99		X		=	
30 – 44.99		X		=	
45 – 59.99		X		=	
60 – 99.99		X		=	
100 +		X		=	
Maximum Residential Floor Area =					

Department of Building and Safety / City Planning

JOINT REFERRAL FORM

I \_\_\_\_\_, am the licensed professional surveyor or Registered Civil

(Print Name)

Engineer in the State of California (License # \_\_\_\_\_, Expiration Date : \_\_\_\_\_)

certify that all the above information is correct.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION IV. (To be completed by City Planning Staff)**

City Planning Staff:

Maximum Residential Floor Area: \_\_\_\_\_

**Property Information:**

Lot: \_\_\_\_\_ Tract: \_\_\_\_\_

Assessor Parcel Number: \_\_\_\_\_

Address: \_\_\_\_\_

Staff Name (Please Print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_



DEPARTMENT OF BUILDING AND SAFETY/ DEPARTMENT OF PUBLIC WORKS  
PRELIMINARY REFERRAL FORM FOR HILLSIDE ORDINANCE #168,159 & #174,652

PIN: 150B177-615

**Building and Safety**

Address: \_\_\_\_\_

Applicant: \_\_\_\_\_

District Map: \_\_\_\_\_

Tract: \_\_\_\_\_

Project Description: \_\_\_\_\_

Block: \_\_\_\_\_

Lot: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

**Public Works: "B-Permits Counter"**

**Vehicular Access:** (for exceptions per 12.21A17(i))

1. Is the Continuous Paved Roadway (CPR)\* at least 28ft wide from the driveway apron of the subject lot to the boundary of the Hillside Area? ☐ Yes ☐ No

If "YES", **STOP**, project is exempt from the Hillside Ordinance.

If "NO", answer **ALL** of the following questions:

2. Is the CPR at least 20ft wide, from the driveway apron of the subject lot to the boundary of the Hillside Area? ☐ Yes ☐ No

3. Is the street adjacent to the subject lot at least 20ft wide? ☐ Yes ☐ No

(Note: all streets adjacent to a lot must be considered when the lot has multiple street frontages, such as a corner lot or a through lot.)

\* CPR = begins at the driveway apron and must be continuous and without permanent obstacles to the boundary of the Hillside Area.

If "2" and "3" are Yes: COMPLY WITH HILLSIDE ORD. ZA APPROVAL IS NOT REQ'D

If "2" or "3" are No: REFER TO PLANNING FOR APPROVAL PER 12.24X21

**Street Type:** (for front yards and street improvements, per 12.21A17(a) and (e))

1st Street Name: \_\_\_\_\_ R/W width: \_\_\_\_\_ Roadway width: \_\_\_\_\_

☐ Lot fronts on a standard hillside limited street

☐ Dedication required width: \_\_\_\_\_

Plan Index: \_\_\_\_\_

☐ Lot fronts on a sub standard hillside limited street

☐ Improvement required

Comments: \_\_\_\_\_

2nd Street Name: \_\_\_\_\_ R/W width: \_\_\_\_\_ Roadway width: \_\_\_\_\_

☐ Lot fronts on a standard hillside limited street

☐ Dedication required width: \_\_\_\_\_

Plan Index: \_\_\_\_\_

☐ Lot fronts on a sub standard hillside limited street

☐ Improvement required

Comments: \_\_\_\_\_

**Sewer Connection:**

Lot located less than 200 ft from sewer mainline:

☐ Use existing wye and permit

☐ Obtain new connection and new permit

☐ Use existing wye, obtain new permit

☐ Obtain B-Permit from PW/BOE to construct new mainline

Lot located greater than 200 ft from sewer mainline:

☐ Obtain LADBS approval for on-site sewer

☐ Obtain B-Permit from PW/BOE to construct new mainline

Public Works Employee completing this form:

Sign: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: \_\_\_\_\_ Location: \_\_\_\_\_

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

## **EXHIBIT D**

# State Minimum Fire Safe Regulations

## Board of Forestry and Fire Protection



FOR INFORMATIONAL USE ONLY

View the official California Code of Regulations online at  
[govt.westlaw.com/calregs](http://govt.westlaw.com/calregs)

As of April 1, 2023

California Code of Regulations

Title 14 Natural Resources

Division 1.5 Department of Forestry

Chapter 7 - Fire Protection

Subchapter 2 State Minimum Fire Safe Regulations

Articles 1-5

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## Article 1 Administration

### § 1270.00. Title

Subchapter 2 shall be known as the “State Minimum Fire Safe Regulations,” and shall constitute the minimum Wildfire protection standards of the California Board of Forestry and Fire Protection.

### § 1270.01. Definitions

The following definitions are applicable to Subchapter 2.

- (a) Agriculture: Land used for agricultural purposes as defined in a Local Jurisdiction's zoning ordinances.
- (b) Board: California Board of Forestry and Fire Protection.
- (c) Building: Any Structure used or intended for supporting or sheltering any use or Occupancy, except those classified as Utility and Miscellaneous Group U.
- (d) CAL FIRE: California Department of Forestry and Fire Protection.
- (e) Dead-end Road: A Road that has only one point of vehicular ingress/egress, including cul-de-sacs and Roads that loop back on themselves
- (f) Defensible Space: The area within the perimeter of a parcel, Development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching Wildfire or defense against encroaching Wildfires or escaping Structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or Development, excluding the physical Structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, Road names and Building identification, and fuel modification measures.
- (g) Development: As defined in section 66418.1 of the California Government Code.
- (h) Director: Director of the Department of Forestry and Fire Protection or their designee.
- (i) Driveway: A vehicular pathway that serves no more than four (4) Residential Units and any number of non-commercial or non-industrial Utility or Miscellaneous Group U Buildings on each parcel. A Driveway shall not serve commercial or industrial uses at any size or scale.
- (j) Exception: An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions, such as recorded historical sites, that provides mitigation of the problem.
- (k) Fire Apparatus: A vehicle designed to be used under emergency conditions to transport personnel and equipment or to support emergency response, including but not limited to the suppression of fires.
- (l) Fire Authority: A fire department, agency, division, district, or other governmental body responsible for regulating and/or enforcing minimum fire safety standards in the Local Jurisdiction.
- (m) Fire Hydrant: A valved connection on a water supply or storage system for the purpose of providing water for fire protection and suppression operations.
- (n) Fuel Break: A strategically located area where the volume and arrangement of vegetation has been managed to limit fire intensity, fire severity, rate of spread, crown fire potential, and/or ember production.
- (o) Greenbelts: open space, parks, wildlands, other areas, or a combination thereof, as designated by Local Jurisdictions, which are in, surround, or are adjacent to a city or urbanized area, that may function as Fuel Breaks and where Building construction is restricted or prohibited.
- (p) Greenways: Linear open spaces or corridors that link parks and neighborhoods within a community through natural or manmade trails and paths.

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- (q) Hammerhead/T: A “T” shaped, three-point Turnaround space for Fire Apparatus on a Road or Driveway, being no narrower than the Road or Driveway that serves it.
- (r) Hazardous Land Use: A land use that presents a significantly elevated potential for the ignition, prolonged duration, or increased intensity of a Wildfire due to the presence of flammable materials, liquids, or gasses, or other features that initiate or sustain combustion. Such uses are determined by the Local Jurisdiction and may include, but are not limited to, power-generation and distribution facilities; wood processing or storage sites; flammable gas or liquids processing or storage sites; or shooting ranges.
- (s) Local Jurisdiction: Any county, city/county agency or department, or any locally authorized district that approves or has the authority to regulate Development.
- (t) Municipal-Type Water System: A system having water pipes servicing Fire Hydrants and designed to furnish, over and above domestic consumption, a minimum of 250 gpm (950 L/min) at 20 psi (138 kPa) residual pressure for a two (2) hour duration.
- (u) Occupancy: The purpose for which a Building, or part thereof, is used or intended to be used.
- (v) One-way Road: A Road that provides a minimum of one Traffic Lane width designed for traffic flow in one direction only.
- (w) Residential Unit: Any Building or portion thereof which contains living facilities including provisions for sleeping, eating, cooking and/or sanitation, for one or more persons. Manufactured homes, mobile homes, and factory-built housing are considered Residential Units.
- (x) Ridgeline: The line of intersection of two opposing slope aspects running parallel to the long axis of the highest elevation of land; or an area of higher ground separating two adjacent streams or watersheds.
- (y) Road: A public or private vehicular pathway to more than four (4) Residential Units, or to any industrial or commercial Occupancy.
- (z) Road or Driveway Structures: Bridges, culverts, and other appurtenant Structures which supplement the Traffic Lane or Shoulders.
- (aa) Same Practical Effect: As used in this subchapter, means an Exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:
- (1) access for emergency wildland fire equipment,
  - (2) safe civilian evacuation,
  - (3) signing that avoids delays in emergency equipment response,
  - (4) available and accessible water to effectively attack Wildfire or defend a Structure from Wildfire, and
  - (5) fuel modification sufficient for civilian and fire fighter safety.
- (bb) Shoulder: A vehicular pathway adjacent to the Traffic Lane.
- (cc) State Responsibility Area (SRA): As defined in Public Resources Code sections 4126-4127; and the California Code of Regulations, title 14, division 1.5, chapter 7, article 1, sections 1220-1220.5.
- (dd) Strategic Ridgeline: a Ridgeline identified pursuant to § 1276.02(a) that may support fire suppression activities or where the preservation of the Ridgeline as an Undeveloped Ridgeline would reduce fire risk and improve fire protection.
- (ee) Structure: That which is built or constructed or any piece of work artificially built up or composed of parts joined together in some definite manner.
- (ff) Traffic Lane: The portion of a Road or Driveway that provides a single line of vehicle travel.
- (gg) Turnaround: An area which allows for a safe opposite change of direction for Fire Apparatus at the end of a Road or Driveway.
- (hh) Turnout: A widening in a Road or Driveway to allow vehicles to pass.

- (ii) Undeveloped Ridgeline: A Ridgeline with no Buildings.
- (jj) Utility and Miscellaneous Group U: A Structure of an accessory character or a miscellaneous Structure not classified in any specific Occupancy permitted, constructed, equipped, and maintained to conform to the requirements of Title 24, California Building Standards Code.
- (kk) Vertical Clearance: The minimum specified height of a bridge, overhead projection, or vegetation clearance above the Road or Driveway.
- (ll) Vertical Curve: A curve at a high or low point of a Road that provides a gradual transition between two Road grades or slopes.
- (mm) Very High Fire Hazard Severity Zone (VHFHSZ): As defined in Government Code section 51177(i).
- (nn) Wildfire: Has the same meaning as “forest fire” in Public Resources Code Section 4103.

## § 1270.02. Purpose

- (a) Subchapter 2 has been prepared and adopted for the purpose of establishing state minimum Wildfire protection standards in conjunction with Building, construction, and Development in the State Responsibility Area (SRA) and, after July 1, 2021, the Very High Fire Hazard Severity Zones, as defined in Government Code § 51177(i) (VHFHSZ).
- (b) The future design and construction of Structures, subdivisions and Developments in the SRA and, after July 1, 2021, the VHFHSZ shall provide for basic emergency access and perimeter Wildfire protection measures as specified in the following articles.
- (c) These standards shall provide for emergency access; signing and Building numbering; private water supply reserves for emergency fire use; vegetation modification, Fuel Breaks, Greenbelts, and measures to preserve Undeveloped Ridgelines. Subchapter 2 specifies the minimums for such measures.

## § 1270.03. Scope

- (a) Subchapter 2 shall apply to:
  - (1) the perimeters and access to all residential, commercial, and industrial Building construction within the SRA approved after January 1, 1991, and those approved after July 1, 2021 within the VHFHSZ, except as set forth below in subsection (b).
  - (2) the siting of newly installed commercial modulars, manufactured homes, mobilehomes, and factory-built housing, as defined in Health and Safety Code sections 18001.8, 18007, 18008, and 19971;
  - (3) all tentative and parcel maps or other Developments approved after January 1, 1991; and
  - (4) applications for Building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the Buildings were not imposed as part of the approval of the parcel or tentative map.
- (b) Subchapter 2 does not apply where an application for a Building permit is filed after January 1, 1991 for Building construction on a parcel that was formed from a parcel map or tentative map (if the final map for the tentative map is approved within the time prescribed by the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the Buildings were imposed by the parcel map or final tentative map approved prior to January 1, 1991.
- (c) Affected activities include, but are not limited to:
  - (1) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d);
  - (2) application for a Building permit for new construction not relating to an existing Structure;

- (3) application for a use permit;
- (4) Road construction including construction of a Road that does not currently exist, or extension of an existing Road.
- (d) The standards in Subchapter 2 applicable to Roads shall not apply to Roads used solely for Agriculture; mining; or the management of timberland or harvesting of forest products.

#### § 1270.04. Provisions for Application of these Regulations

This Subchapter shall be applied as follows:

- (a) the Local Jurisdictions shall provide the Director of the California Department of Forestry and Fire Protection (CAL FIRE) or their designee with notice of applications for Building permits, tentative parcel maps, tentative maps, and installation or use permits for construction or Development within the SRA, or if after July, 1 2021, the VHFHSZ.
- (b) the Director or their designee may review and make fire protection recommendations on applicable construction or development permits or maps provided by the Local Jurisdiction.
- (c) the Local Jurisdiction shall ensure that the applicable sections of this Subchapter become a condition of approval of any applicable construction or Development permit or map.

#### § 1270.05. Local Regulations

- (a) Subchapter 2 shall serve as the minimum Wildfire protection standards applied in SRA and VHFHSZ. However, Subchapter 2 does not supersede local regulations which equal or exceed the standards of this Subchapter.
- (b) A local regulation equals or exceeds a minimum standard of this Subchapter only if, at a minimum, the local regulation also fully complies with the corresponding minimum standard in this Subchapter.
- (c) A Local Jurisdiction shall not apply exemptions to Subchapter 2 that are not enumerated in Subchapter 2. Exceptions requested and approved in conformance with § 1270.07 (Exceptions to Standards) may be granted on a case-by-case basis.
- (d) Notwithstanding a local regulation that equals or exceeds the State Minimum Fire Safe Regulations, Building construction shall comply with the State Minimum Fire Safe Regulations.

#### § 1270.06. Inspections

Inspections shall conform to the following requirements:

- (a) Inspections in the SRA shall be made by:
  - (1) the Director, or
  - (2) Local Jurisdictions that have assumed state fire protection responsibility on SRA lands, or
  - (3) Local Jurisdictions where the inspection duties have been formally delegated by the Director to the Local Jurisdictions, pursuant to subsection (b).
- (b) The Director may delegate inspection authority to a Local Jurisdiction subject to all of the following criteria:
  - (1) The Local Jurisdiction represents that they have appropriate resources to perform the delegated inspection authority.
  - (2) The Local Jurisdiction acknowledges that CAL FIRE's authority under subsection (d) shall not be waived or restricted.
  - (3) The Local Jurisdiction consents to the delegation of inspection authority.
  - (4) The Director may revoke the delegation at any time.
  - (5) The delegation of inspection authority, and any subsequent revocation of the delegation, shall be documented in writing, and retained on file at the CAL FIRE Unit headquarters that administers SRA fire protection in the area.
- (c) Inspections in the VHFHSZ shall be made by the Local Jurisdiction.

- (d) Nothing in this section abrogates CAL FIRE's authority to inspect and enforce state forest and fire laws in the SRA even when the inspection duties have been delegated pursuant to this section.
- (e) Reports of violations within the SRA shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in the Local Jurisdiction.
- (f) When inspections are conducted, they shall occur prior to: the issuance of the use permit or certificate of Occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or Building permit.

### § 1270.07. Exceptions to Standards

- (a) Upon request by the applicant, an Exception to standards within this Subchapter may be allowed by the Inspection entity in accordance with 14 CCR § 1270.06 (Inspections) where the Exceptions provide the Same Practical Effect as these regulations towards providing Defensible Space. Exceptions granted by the Local Jurisdiction listed in 14 CCR § 1270.06, shall be made on a case-by-case basis only. Exceptions granted by the Local Jurisdiction listed in 14 CCR § 1270.06 shall be forwarded to the appropriate CAL FIRE unit headquarters that administers SRA fire protection in that Local Jurisdiction, or the county in which the Local Jurisdiction is located and shall be retained on file at the Unit Office.
- (b) Requests for an Exception shall be made in writing to the Local Jurisdiction listed in 14 CCR § 1270.06 by the applicant or the applicant's authorized representative.  
At a minimum, the request shall state the specific section(s) for which an Exception is requested; material facts supporting the contention of the applicant; the details of the Exception proposed; and a map showing the proposed location and siting of the Exception. Local Jurisdictions listed in § 1270.06 (Inspections) may establish additional procedures or requirements for Exception requests.
- (c) Where an Exception is not granted by the inspection entity, the applicant may appeal such denial to the Local Jurisdiction. The Local Jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.
- (d) Before the Local Jurisdiction makes a determination on an appeal, the inspector shall be consulted and shall provide to that Local Jurisdiction documentation outlining the effects of the requested Exception on Wildfire protection.
- (e) If an appeal is granted, the Local Jurisdiction shall make findings that the decision meets the intent of providing Defensible Space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CAL FIRE Unit headquarters that administers SRA fire protection in that Local Jurisdiction.

### § 1270.08. Distance Measurements

All specified or referenced distances are measured along the ground, unless otherwise stated.

## Article 2 Ingress and Egress

### § 1273.00. Intent

Roads, and Driveways, whether public or private, unless exempted under 14 CCR § 1270.03(d), shall provide for safe access for emergency Wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a Wildfire emergency consistent with 14 CCR §§ 1273.00 through 1273.09.

### § 1273.01. Width.

(a) All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article or additional requirements are mandated by Local Jurisdictions or local subdivision requirements. Vertical clearances shall conform to the requirements in California Vehicle Code section 35250.

(b) All One-way Roads shall be constructed to provide a minimum of one twelve (12) foot traffic lane, not including Shoulders. The Local Jurisdiction may approve One-way Roads.

(1) All one-way roads shall, at both ends, connect to a road with two traffic lanes providing for travel in different directions, and shall provide access to an area currently zoned for no more than ten (10) Residential Units.

(2) In no case shall a One-way Road exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each One-way Road.

(c) All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane, fourteen (14) feet unobstructed horizontal clearance, and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

### § 1273.02. Road Surface

(a) Roads shall be designed and maintained to support the imposed load of Fire Apparatus weighing at least 75,000 pounds, and provide an aggregate base.

(b) Road and Driveway Structures shall be designed and maintained to support at least 40,000 pounds.

(c) Project proponent shall provide engineering specifications to support design, if requested by the Local Jurisdiction.

### § 1273.03. Grades

(a) At no point shall the grade for all Roads and Driveways exceed 16 percent.

(b) The grade may exceed 16%, not to exceed 20%, with approval from the Local Jurisdiction and with mitigations to provide for Same Practical Effect.

### § 1273.04. Radius

(a) No Road or Road Structure shall have a horizontal inside radius of curvature of less than fifty (50) feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet.

(b) The length of vertical curves in Roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than one hundred (100) feet.

### § 1273.05. Turnarounds

(a) Turnarounds are required on Driveways and Dead-end Roads.

(b) The minimum turning radius for a turnaround shall be forty (40) feet, not including parking, in accordance with the figures in 14 CCR §§ 1273.05(e) and 1273.05(f). If a hammerhead/T is used instead, the top of the “T” shall be a minimum of sixty (60) feet in length.

(c) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the Driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

(d) A turnaround shall be provided on Driveways over 300 feet in length and shall be within fifty (50) feet of the building.

(d) Each Dead-end Road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320 foot intervals.

(e) Figure A. Turnarounds on roads with two ten-foot traffic lanes.

Figure A/Image 1 on the left is a visual representation of paragraph (b).

(f) Figure B. Turnarounds on driveways with one ten-foot traffic lane.

Figure B/Image 2 on the right is a visual representation of paragraph (b).

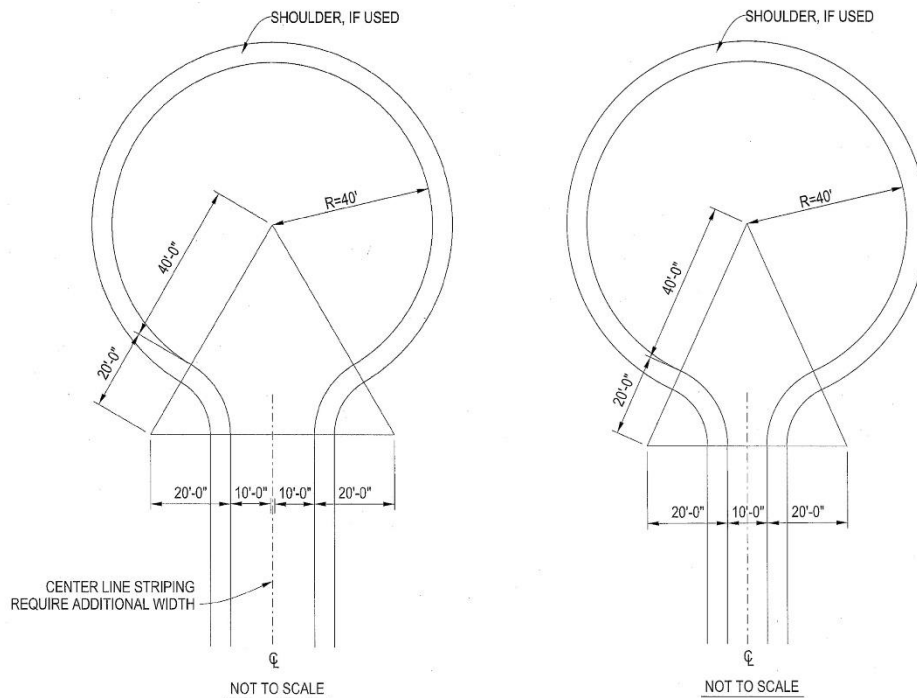


FIGURE FOR 14 CCR § 1273.05. TURNAROUND EXAMPLES

## § 1273.06. Turnouts

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

## § 1273.07. Road and Driveway Structures

(a) Appropriate signing, including but not limited to weight or vertical clearance limitations, One-way Road or single traffic lane conditions, shall reflect the capability of each bridge.

(b) Where a bridge or an elevated surface is part of a Fire Apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State and

Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17), hereby incorporated by reference. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the local authority having jurisdiction.

(c) Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, barriers, or signs, or both, as approved by the local authority having jurisdiction, shall be installed and maintained.

(d) A bridge with only one traffic lane may be authorized by the Local Jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

### § 1273.08. Dead-end Roads

(a) The maximum length of a Dead-end Road, including all Dead-end Roads accessed from that Dead-end Road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

parcels zoned for less than one acre - 800 feet

parcels zoned for 1 acre to 4.99 acres - 1,320 feet

parcels zoned for 5 acres to 19.99 acres - 2,640 feet

parcels zoned for 20 acres or larger - 5,280 feet

All lengths shall be measured from the edge of the Road surface at the intersection that begins the Road to the end of the Road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

(b) See 14 CCR § 1273.05 for dead-end road turnaround requirements.

### § 1273.09. Gate Entrances

(a) Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of thirteen feet, six inches (13' 6").

(b) All gates providing access from a Road to a Driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that Road.

(c) Where a One-way Road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.

(d) Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

## **Article 3 Signing and Building Numbering**

### **§ 1274.00. Intent**

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved Roads and Buildings shall be designated by names or numbers posted on signs clearly visible and legible from the Road. This section shall not restrict the size of letters or numbers appearing on road signs for other purposes.

### **§ 1274.01. Road Signs.**

(a) Newly constructed or approved Roads must be identified by a name or number through a consistent system that provides for sequenced or patterned numbering and/or non-duplicative naming within each Local Jurisdiction. This section does not require any entity to rename or renumber existing roads, nor shall a Road providing access only to a single commercial or industrial Occupancy require naming or numbering.

(b) The size of letters, numbers, and symbols for Road signs shall be a minimum four (4) inch letter height, half inch (.5) inch stroke, reflectorized, contrasting with the background color of the sign.

### **§ 1274.02. Road Sign Installation, Location, and Visibility.**

(a) Road signs shall be visible and legible from both directions of vehicle travel for a distance of at least one hundred (100) feet.

(b) Signs required by this article identifying intersecting Roads shall be placed at the intersection of those Roads.

(c) A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end roads, one-way roads, or single lane conditions, shall be placed:

(1) at the intersection preceding the traffic access limitation, and

(2) no more than one hundred (100) feet before such traffic access limitation.

(d) Road signs required by this article shall be posted at the beginning of construction and shall be maintained thereafter.

### **§ 1274.03. Addresses for Buildings.**

(a) All Buildings shall be issued an address by the Local Jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U Buildings are not required to have a separate address; however, each Residential Unit within a Building shall be separately identified.

(b) The size of letters, numbers, and symbols for addresses shall conform to the standards in the California Fire Code, California Code of Regulations title 24, part 9.

(c) Addresses for residential Buildings shall be reflectorized.

### **§ 1274.04. Address Installation, Location, and Visibility.**

(a) All buildings shall have a permanently posted address which shall be plainly legible and visible from the Road fronting the property.

(b) Where access is by means of a private Road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way.

(c) Address signs along one-way Roads shall be visible from both directions.

(d) Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.

- (e) Where a Road provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest Road intersection providing access to that site, or otherwise posted to provide for unobstructed visibility from that intersection.
- (f) In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.

## **Article 4 Emergency Water Standards**

### **§ 1275.00. Intent**

Emergency water for Wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations in order to attack a Wildfire or defend property from a Wildfire.

### **§ 1275.01. Application**

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by the Local Jurisdiction.

### **§ 1275.02. Water Supply.**

- (a) When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the Local Jurisdiction.
- (b) Water systems equaling or exceeding the California Fire Code, California Code of Regulations title 24, part 9, or, where a municipal-type water supply is unavailable, National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2017 Edition, hereby incorporated by reference, shall be accepted as meeting the requirements of this article.
- (c) Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man made containment structure, as long as the specified quantity is immediately available.
- (d) Nothing in this article prohibits the combined storage of emergency Wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.
- (e) Where freeze or crash protection is required by Local Jurisdictions, such protection measures shall be provided.

### **§ 1275.03. Hydrants and Fire Valves.**

- (a) The hydrant or fire valve shall be eighteen (18) inches above the finished surface. Its location in relation to the road or driveway and to the building(s) or structure(s) it serves shall comply with California Fire Code, California Code of Regulations title 24, part 9, Chapter 5, and Appendix C.
- (b) The hydrant head shall be a two and half (2 1/2) inch National Hose male thread with cap for pressure and gravity flow systems and four and a half (4 1/2) inch for draft systems.
- (c) Hydrants shall be wet or dry barrel and have suitable freeze or crash protection as required by the local jurisdiction.

### **§ 1275.04. Signing of Water Sources.**

- (a) Each hydrant, fire valve, or access to water shall be identified as follows:
  - (1) if located along a driveway, a reflectorized blue marker, with a minimum dimension of three (3) inches shall be located on the driveway address sign and mounted on a fire retardant post, or
  - (2) if located along a road,

- (i) a reflectorized blue marker, with a minimum dimension of three (3) inches, shall be mounted on a fire retardant post. The sign post shall be within three (3) feet of said hydrant or fire valve, with the sign no less than three (3) feet nor greater than five (5) feet above ground, in a horizontal position and visible from the driveway, or
- (ii) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

#### § 1275.04. Signing of Water Sources.

- (a) Each Fire Hydrant or access to water shall be identified as follows:
  - (1) if located along a Driveway, a reflectorized blue marker, with a minimum dimension of three (3) inches shall be located on the Driveway address sign and mounted on a fire retardant post, or
  - (2) if located along a Road,
    - (i) a reflectorized blue marker, with a minimum dimension of three (3) inches, shall be mounted on a fire retardant post. The sign post shall be within three (3) feet of said Fire Hydrant with the sign no less than three (3) feet nor greater than five (5) feet above ground, in a horizontal position and visible from the Driveway, or
    - (ii) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

### **Article 5 Building Siting, Setbacks, and Fuel Modification**

#### § 1276.00 Intent

To reduce the intensity of a Wildfire, reducing the volume and density of flammable vegetation around Development through strategic fuel modification, parcel siting and Building setbacks, and the protection of Undeveloped Ridgelines shall provide for increased safety for emergency fire equipment, including evacuating civilians, and a point of attack or defense from a Wildfire.

#### § 1276.01. Building and Parcel Siting and Setbacks

- (a) All parcels shall provide a minimum thirty (30) foot setback for all Buildings from all property lines and/or the center of a Road, except as provided for in subsection (b).
- (b) A reduction in the minimum setback shall be based upon practical reasons, which may include but are not limited to, parcel dimensions or size, topographic limitations, Development density requirements or other Development patterns that promote low-carbon emission outcomes; sensitive habitat; or other site constraints, and shall provide for an alternative method to reduce Structure-to-Structure ignition by incorporating features such as, but not limited to:
  - (1) non-combustible block walls or fences; or
  - (2) non-combustible material extending five (5) feet horizontally from the furthest extent of the Building; or
  - (3) hardscape landscaping; or
  - (4) a reduction of exposed windows on the side of the Structure with a less than thirty (30) foot setback; or
  - (5) the most protective requirements in the California Building Code, California Code of Regulations Title 24, Part 2, Chapter 7A, as required by the Local Jurisdiction.

## § 1276.02. Ridgelines

(a) The Local Jurisdiction shall identify Strategic Ridgelines, if any, to reduce fire risk and improve fire protection through an assessment of the following factors:

- (1) Topography;
- (2) Vegetation;
- (3) Proximity to any existing or proposed residential, commercial, or industrial land uses;
- (4) Construction where mass grading may significantly alter the topography resulting in the elimination of Ridgeline fire risks;
- (5) Ability to support effective fire suppression; and
- (6) Other factors, if any, deemed relevant by the Local Jurisdiction.

(b) Preservation of Undeveloped Ridgelines identified as strategically important shall be required pursuant to this section.

(c) New Buildings on Undeveloped Ridgelines identified as strategically important are prohibited, as described in subsections (c)(1), (c)(2), and (c)(3).

(1) New Residential Units are prohibited within or at the top of drainages or other topographic features common to Ridgelines that act as chimneys to funnel convective heat from Wildfires.

(2) Nothing in this subsection shall be construed to alter the extent to which utility infrastructure, including but not limited to wireless telecommunications facilities, as defined in Government Code section 65850.6, subdivision (d)(2), or Storage Group S or Utility and Miscellaneous Group U Structures, may be constructed on Undeveloped Ridgelines.

(3) Local Jurisdictions may approve Buildings on Strategic Ridgelines where Development activities such as mass grading will significantly alter the topography that results in the elimination of Ridgeline fire risks.

(d) The Local Jurisdiction may implement further specific requirements to preserve Undeveloped Ridgelines.

## § 1276.03. Fuel Breaks

(a) When Building construction meets the following criteria, the Local Jurisdiction shall determine the need and location for Fuel Breaks in consultation with the Fire Authority:

- (1) the permitting or approval of three (3) or more new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d); or
- (2) an application for a change of zoning increasing zoning intensity or density; or
- (3) an application for a change in use permit increasing use intensity or density.

(b) Fuel Breaks required by the Local Jurisdiction, in consultation with the Fire Authority, shall be located, designed, and maintained in a condition that reduces the potential of damaging radiant and convective heat or ember exposure to Access routes, Buildings, or infrastructure within the Development.

(c) Fuel Breaks shall have, at a minimum, one point of entry for fire fighters and any Fire Apparatus. The specific number of entry points and entry requirements shall be determined by the Local Jurisdiction, in consultation with the Fire Authority.

(d) Fuel Breaks may be required at locations such as, but not limited to:

- (1) Directly adjacent to defensible space as defined by 14 CCR § 1299.02 to reduce radiant and convective heat exposure, ember impacts, or support fire suppression tactics;
- (2) Directly adjacent to Roads to manage radiant and convective heat exposure or ember impacts, increase evacuation safety, or support fire suppression tactics;
- (3) Directly adjacent to a Hazardous Land Use to limit the spread of fire from such uses, reduce radiant and convective heat exposure, or support fire suppression tactics;

(4) Strategically located along Ridgelines, in Greenbelts, or other locations to reduce radiant and convective heat exposure, ember impacts, or support community level fire suppression tactics.

(e) Fuel Breaks shall be completed prior to the commencement of any permitted construction.

(f) Fuel Breaks shall be constructed using the most ecologically and site appropriate treatment option, such as, but not limited to, prescribed burning, manual treatment, mechanical treatment, prescribed herbivory, and targeted ground application of herbicides.

(g) Where a Local Jurisdiction requires Fuel Breaks, maintenance mechanisms shall be established to ensure the fire behavior objectives and thresholds are maintained over time.

(h) The mechanisms required shall be binding upon the property for which the Fuel Break is established, shall ensure adequate maintenance levels, and may include written legal agreements; permanent fees, taxes, or assessments; assessments through a homeowners' association; or other funding mechanisms.

#### § 1276.04 Greenbelts, Greenways, Open Spaces and Parks

(a) Where a Greenbelt, Greenway, open space, park, landscaped or natural area, or portions thereof, is intended to serve as a Fuel Break, the space or relevant portion thereof shall conform with the requirements in § 1276.03 (Fuel Breaks).

#### § 1276.05 Disposal of Flammable Vegetation and Fuels

The disposal, including burning or removal to a site approved by the Local Jurisdiction, in consultation with the Fire Authority, of flammable vegetation and fuels caused by site construction, Road, and Driveway construction shall be in accordance with all applicable laws and regulations.

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[govt.westlaw.com/calregs](http://govt.westlaw.com/calregs)**

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

## **EXHIBIT E**



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October 25, 2019

Planning Commission of Monterey County  
Monterey County Resource Management Agency  
Attn: Mike Novo  
1441 Schilling Place – South, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
*Sent via email: novom@co.monterey.ca.us*

**Re: Paraiso Springs Resort, Project No. PLN040183**

Dear Mr. Novo and Commissioners,

We appreciate your preparation of a Final Environment Impact Report ("FEIR") responding to public comments on the previous two Recirculated Draft Environmental Impact Reports ("RDEIRs"), including the comments we submitted on March 20, 2019 and July 9, 2019 regarding wildfire risks associated with the proposed Paraiso Springs Resort Development (the "Project"). After reviewing the additional information presented, we acknowledge and appreciate that you have provided more information regarding wildfire risks associated with the proposed Project and have revised certain mitigation measures to address some of those wildfire risks. While the additional information improves the Project and the environmental documents, we remain concerned that the Project still does not comply with state evacuation and fire suppression access requirements for development in a State Responsibility Area ("SRA").<sup>1</sup> In addition, the FEIR's discussion of the wildfire risks associated with the Project, particularly related to evacuation in the event of a wildfire, remains inadequate.

The Project does not comply with the state's dead-end road limitations and road width limitations applicable to development within an SRA. (Cal. Code. Regs., tit. 14, §§ 1273.08 and 1273.01; adopted pursuant to Pub. Resources Code § 4290.) In response to our July 9, 2019 comments regarding the Project's failure to comply with SRA regulations, the FEIR claims that Paraiso Springs Road is an existing road and thus exempt from such regulations. (FEIR, p. 617.) In support of such an exemption, the FEIR cites to Monterey County Code section 18.56.020(B)(2)(a) which states "[r]egulations contained in this chapter do not apply to the following building, construction, or development activities... (a) Existing structures, roads,

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<sup>1</sup> This letter is not intended, and should not be construed, as an exhaustive discussion of the FEIR's compliance with the California Environmental Quality Act ("CEQA") or the Project's compliance with other applicable legal requirements.

streets and private lanes or facilities.” (FEIR, p. 23.) However, neither the Monterey County Code nor the SRA regulations support an exemption for this Project for several reasons.

First, whether Paraiso Springs Road is an existing road is inconsequential. Paraiso Springs Road will now be the *sole* access to new commercial construction within an SRA. (February 2018 RDEIR, p. 2-45.) SRA regulations explicitly “apply to: (1) the perimeters and *access to* all residential, commercial, and industrial building construction within the SRA approved after January 1, 1991....” (Cal. Code Regs., tit. 14, § 1270.02, emphasis added.) It is indisputable that the Project involves commercial building construction within the SRA approved after January 1, 1991. Thus, the Monterey County Code exemption for existing roads is inapposite – the Paraiso Springs Road is now “access” to a Project that falls within the scope of the SRA regulations. In addition, the SRA regulations do not expressly exempt all existing roads. (14 Cal. Code Regs., tit. 14, § 1270.02(d) [exempting “[r]oads used solely for agricultural, mining, or the management and harvesting of wood products”].) The Monterey County Code cannot be read to apply less stringent standards than the SRA regulations because counties that assume responsibility for fire prevention and suppression in SRAs must “provide[] the same or higher intensity of fire protection to these lands as is provided under existing levels of state protection in other comparable areas of the state.” (Cal. Code Regs., tit. 14, § 1658.)

Second, contrary to the assertions in the FEIR (p. 22), the problems with the existing road cannot be cured through an exception pursuant to California Code of Regulations, title 14, section 1270.06 (outlining a process to apply for an exception to the applicability of the SRA regulations). An exception under that regulation still must provide “the same practical effect as” the SRA regulations. As the FEIR acknowledges, “the Fire Protection Plan cannot modify the dead-end nature of the road” (p. 618). Accordingly, the practical effect of prohibiting dead-end roads of certain lengths in an SRA, which are important to timely evacuation and fire suppression access, cannot be achieved through an exception. In addition, the Project applicant has not applied for an exception. (FEIR, p. 23.)

Third, annexation of Project land into the Mission-Soledad Rural Fire Protection District will not cure violations of the SRA regulations (see FEIR, p. 23 [describing annexation].) Annexation does not exempt a project from SRA regulations. Land can be both within a fire protection district and within the SRA. (Health & Saf. Code § 13811.)

Finally, we note that exempting the Project from the SRA regulations simply because Paraiso Springs Road is a pre-existing road would undermine the intent of the SRA regulations. SRA regulations are meant to ensure that “[t]he future design and construction of structures, subdivisions and developments in the SRA shall provide for basic emergency access....” (Cal. Code Regs., tit. 14, § 1270.01(b).) Constructing a new resort that includes a nearly 150,000 square foot hotel, an over 18,000 square foot “hamlet” with a spa and retail buildings, and over 75 timeshare units (February 2018 RDEIR, pp. 2-20, 2-27) at the end of a narrow road that exceeds the dead-end road regulations undermines emergency access in the SRA. While this road may have been exempt from SRA width and dead-end road limitations prior to development

of the Project, there is no basis for an interpretation that allows construction within the SRA of a large new resort that would depend upon the use of that road for the sole emergency access to and evacuation from the Project. It is the construction of a new project that triggers the application of the SRA regulations; the fact that the Project is being constructed at the end of an existing road does not negate the triggering effect of the new construction. A contrary interpretation would incentivize development without adequate evacuation routes and emergency access in the SRA rather than prevent it.

From a CEQA perspective, the concerns with SRA non-compliance are exacerbated by the gaps that remain in the disclosures the County is providing related to the wildfire risks associated with the Project and specifically the risks associated with evacuation. We will not reiterate our previous comments here, but at this time note the following continuing concerns related to evacuation: (1) the analysis related to evacuees trying to leave the site while emergency response personnel are trying to access the site remains inadequate and conclusory (FEIR, p. 623 [citing back to the Fire Protection Plan and the Wildland Fire Evacuation Plan, which identifies the issue (June 2019 RDEIR, p. 164), but does not describe how it will be addressed]); and (2) the reasonableness of the evacuation time – estimated to be a minimum of 17-18 minutes - has not been defined or compared to a standard of significance, nor is it supported by substantial evidence (June 2019 RDEIR, pp. 61, 140, 141-142).<sup>2</sup>

We appreciate your consideration of our comments and respectfully request that you refrain from certifying the FEIR until it is revised accordingly and refrain from approving the Project until it complies with the SRA. If you have any questions or would like to discuss our comments, please feel free to contact us.

Sincerely,



NICOLE U. RINKE

Deputy Attorney General

HEATHER LESLIE

Deputy Attorney General

For XAVIER BECERRA  
Attorney General

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<sup>2</sup> We also note that some of our previous comments have not been as fully addressed as would be desirable to fully inform decision-makers and the public. For example, the FEIR assumes that the Project will exacerbate wildfire risk, but does not describe the risk in any detail, making it more difficult to evaluate and address that risk and the associated issues related to evacuation. (See June 2019 RDEIR, p. 64.)

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

## **EXHIBIT F**



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March 20, 2019

Planning Commission of Monterey County  
Monterey County Resource Management Agency  
Attn: Mike Novo  
1441 Schilling Place – South, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
*Sent via email: novom@co.monterey.ca.us*

**Re: Paraiso Springs Resort, Project No. PLN040183**

Dear Mr. Novo and Commissioners,

Our office has reviewed the Final Environmental Impact Report ("FEIR") and the Recirculated Draft Environmental Impact Report ("DEIR") for the proposed Paraiso Springs Resort Development ("Project") and respectfully submits the following comments. We request that you consider our comments prior to certifying the FEIR. We spoke with County Counsel and staff on March 20, 2019 and alerted them we would be submitting comments prior to your consideration of the FEIR at your March 27, 2019 Planning Commission meeting.

The Attorney General's Office submits these comments pursuant to the Attorney General's independent power and duty to protect the environment and natural resources of the State from pollution, impairment, or destruction, and in furtherance of the public interest. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15.)<sup>1</sup> In the wake of the State's deadliest wildfires this past year and the increased occurrence of fires anticipated throughout the State in coming years, it is particularly important that local jurisdictions carefully review and consider new developments in fire prone areas. This is particularly important for new developments proposed in the wildland urban interface or in other relatively undeveloped and remote areas, like the area where the Project is proposed.

Paraiso Springs Resort, LLC, proposes to develop a spa resort along the floor of a canyon in the foothills at the end of rural Paraiso Springs Road in a "very high fire sensitivity

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<sup>1</sup> This letter is not intended, and should not be construed, as an exhaustive discussion of the FEIR's and DEIR's compliance with the California Environmental Quality Act ("CEQA") or the Project's compliance with other applicable legal requirements.

zone.” The Project site is bordered to the east by grazing and farm land, and to the north, south and west by the Santa Lucia Mountains. (DEIR 2-1.) The Project site was previously operated as a commercial hot springs resort beginning in 1874. (DEIR 3-137.) The site has seen several fires over the years that have destroyed various structures on the Property, including a fire in 1891 that destroyed one of the more substantial buildings on the property, a fire in 1928 that destroyed the hotel, the bathhouse, a garage, the dance hall, and some other smaller buildings, and another major fire in 1954 that destroyed the rebuilt hotel and annex. (DEIR 2-15, 3-137-3-138.)

Paraiso Springs Road, the sole ingress and egress to the site,<sup>2</sup> is a narrow, two-lane road varying in width from 16 to 22 feet that dead ends at the Project site. (DEIR 2-45.) The road currently serves approximately 90 vehicles per day associated with single-family residences and local vineyards. (DEIR 3-329.) The Project would include the development of 103 hotel rooms, 77 multi-bedroom timeshare units, three restaurants, entertainment facilities, and various spa amenities at the end of this narrow two-lane rural road. (DEIR 2-17 – 2-18.) It is anticipated that there would be several hundred people at the resort on peak days. With the Project at 100% occupancy, there would be over 400 additional vehicle trips per day on the road. (DEIR 3-336.)<sup>3</sup> Additionally, because of parking limitations at the proposed Project site and limitations with the capacity of the rural access road, the Project proposes to shuttle in many of the guests and 90% of all employees from a parking lot nearly two miles away. (DEIR 3-335 – 3-336.)

Monterey County, as the lead agency, has prepared a FEIR for the proposed Project. Despite the acknowledgment that the Project is located in a “very high fire sensitivity zone,” the FEIR fails to adequately address the risk of fire in several important respects.<sup>4</sup>

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<sup>2</sup> In response to CalFire’s comments on the DEIR, the FEIR suggests that there is a service road for ingress and egress at the rear of the development. (FEIR, Response to comment letter No. 18, 2-12.) The response cites to maps within the DEIR. (*Ibid.*) These maps show service roads *within* the development, but these roads do not appear to provide ingress and egress *to the Project site*.

<sup>3</sup> We note that several commenters questioned whether the traffic analysis for the Project underestimated the trips that will be associated with the Project. (See, e.g., FEIR, Comment Letter 10 (p 20-23).) While we have not evaluated the adequacy of the traffic analysis, we are concerned that the number of visitors accessing the site may be even higher than anticipated in the FEIR, which would exacerbate our concerns regarding the risks associated with wildfires and the FEIR’s inadequate analysis of those risks.

<sup>4</sup> We understand that LandWatch submitted comments to the County on January 15, 2019 raising many of these same issues. The FEIR does not include a response to these comments.

**I. THE FEIR MUST ANALYZE THE INCREASED RISK OF WILDFIRE THAT WILL RESULT FROM THE PROJECT.**

The FEIR does not, but should, analyze the increased risk of wildfire that will result from siting the proposed development within a high fire sensitivity zone. The DEIR discussed emergency access to the site in the event of fire and onsite measures to provide fire protection.<sup>5</sup> However, the DEIR did not disclose that locating new development in a high fire sensitivity zone will itself increase the risk of fire and, as a result, increase the risk of exposing existing residents in the area as well as guests and employees of the resort to an increased risk of fire. (See CEQA Guidelines Section 15126.2, subd. (a) [requiring the evaluation of potentially significant environmental impacts of locating development in areas susceptible to hazardous conditions such as wildfire risk areas, especially as identified in hazard maps and risk assessments].)<sup>6</sup> It is well-accepted that building in wildland areas increases the risk and severity of fires.<sup>7</sup> The California

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<sup>5</sup> A preliminary fire protection plan was prepared for the Project. (DEIR 2-55.) Fire protection elements include hydrants, sprinkler systems, and the use of fire-resistant building materials. (DEIR 2-55 – 2-56.) The Project also includes vegetation management for defensible space. (See e.g., DEIR 3-81 – 3-80.) Cal Fire's Department of Forestry and Fire Protection commented on, among other issues, the adequacy of the vegetation management discussed in the DEIR. (FEIR Comment Letter 18.) In response to these comments, the FEIR simply refers back to the DEIR and does not provide any additional commitments or project modifications. (FEIR, Responses to Comment Letter 18, 2-12.)

<sup>6</sup> Our comments are based on the CEQA Guidelines in effect prior to the recent 2019 update, but it is worth noting that the update confirms and clarifies the need to consider wildfire risks as part of the environmental review for new developments subject to CEQA.

<sup>7</sup> See, e.g., Rapid Growth of the U.S. Wildland-Urban Interface Raises Wildfire Risk (February 6, 2018) (<https://www.pnas.org/content/pnas/115/13/3314.full.pdf>); *New York Times*, Climate Change is Fueling Wildfires Nationwide, New Report Warns (November, 2018) (<https://www.nytimes.com/interactive/2018/11/27/climate/wildfire-global-warming.html>); *Scientific American*, Living on the Edge: Wildfires Pose a Growing Risk to Homes Built Near Wilderness Areas (<https://www.scientificamerican.com/article/living-on-the-edge-wildfires-pose-a-growing-risk-to-homes-built-near-wilderness-areas/>); *USDA*, Wildfire, Wildlands, and People: Understanding and Preparing for Wildfire in the Wildland-Urban Interface (January 2013) ([https://www.fs.fed.us/rm/pubs/rmrs\\_gtr299.pdf](https://www.fs.fed.us/rm/pubs/rmrs_gtr299.pdf)). While these articles and reports largely focus on the risks of locating housing within fire-prone areas, the same risks would appear to apply for commercial establishments offering overnight lodging. The issue with locating development in these areas is that most fires are human induced, so bringing people into wildland areas creates an increased risk that fire will occur. (*Ibid.*) In addition, the risks of fire are exacerbated because development in wildland areas alters the natural environment (e.g., it fragments native vegetation, introduces nonnatives species, and disturbs soils). (See Rapid Growth of the U.S. Wildland-Urban Interface Raises Wildfire Risk (February 6, 2018) (<https://www.pnas.org/content/pnas/115/13/3314.full.pdf>)). Further, fire management in developed wildland areas is more challenging because it is more difficult to fight fires in these

Supreme Court has confirmed that this kind of risk must be considered as part of the CEQA analysis for a proposed project. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 388 [holding that while CEQA does not require consideration of the environment's effect on a project, it does require analysis of the project's impacts on the existing environment].)

Concerns regarding the Project's impact on the occurrence of wildfires were raised in public comments on the DEIR. For example, Lois Panziera noted that "[w]hen more people are added to a high severity fire area, the potential for fires will occur." (FEIR, Letter 7, Comment 75.) In response, the FEIR simply refers back to the DEIR. (FEIR 2-58 – 2-59.) However, as explained above, the DEIR did not address the increased risk of fires that will result from locating new development within a high fire sensitivity zone. The County should address these issues prior to certifying the FEIR.

## **II. THE FEIR SHOULD ADDRESS EVACUATION IN THE EVENT OF FIRE.**

Based upon the onsite fire fighting infrastructure (sprinkler systems, etc.) and the Project proponent's commitment to develop a fire protection plan, the DEIR concludes that the "occupants would be protected to the extent possible in the case of fire" such that the potential impacts associated with wildfire hazards would be less than significant. (DEIR 3-215 – 3-216.) The DEIR describes emergency access to the site, but does *not* address: (i) the evacuation of employees and guests in the event of a fire, (ii) the increased challenges that existing users of the sole ingress and egress road will face in the event of an evacuation due to the added users on the road, or (iii) the increased challenges that firefighters and emergency responders would face accessing the site and preventing the spread of a wildfire due to the simultaneous evacuation of guests and employees from the Project and neighboring areas. The EIR should include a more robust discussion of the fire hazards and describe the evacuation plan for guests and employees, as well as neighboring residents and existing users of Paraiso Springs Road. (See *Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161, 194 [discussing whether or not the EIR adequately considered the risk of fire to future users of the project site, including acceptable evacuation plans]; *California Clean Energy Committee v. County of Placer* (Cal. Ct. App., Dec. 22, 2015, No. C072680) 2015 WL 9412772 [concluding that the EIR failed to adequately evaluate evacuation issues associated with the project].)

In response to public comments, including from CalFire's Department of Forestry and Fire Protection, asking about evacuation plans (see Comment Letter 18 starting on FEIR 2-11), the FEIR promises that a final Fire Protection Plan that includes evacuation procedures will be developed. (FEIR 2-12.) Meaningful analysis of the risk of fire and evacuation plans should not be deferred until after the FEIR is certified and the Project is approved. (See CEQA Guidelines

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landscapes and fire management strategies that allow natural fires to burn are not an option. (*Ibid.*; see also *USDA, Wildfire, Wildlands, and People: Understanding and Preparing for Wildfire in the Wildland-Urban Interface* (January 2013) ([https://www.fs.fed.us/rm/pubs/rmrs\\_gtr299.pdf](https://www.fs.fed.us/rm/pubs/rmrs_gtr299.pdf)).)

Section 15126.4(a)(1)(B).) While the deferment of mitigation measures may sometimes be appropriate, here no basis has been provided for why the evacuation plan was not already prepared as part of the DEIR or FEIR, nor have any performance standards or potential mitigation measures been identified. (*Ibid*; see also, e.g., *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 671 [mitigation measure that included development of a post-FEIR management plan was found to be improperly deferred mitigation where no basis was provided for why the development of mitigation measures needed to be deferred to future plans and, no specific criteria, performance standards, or potential mitigation measures were set forth in the EIR].) In addition, based on the discussion in the DEIR, we are concerned that the Fire Protection Plan, when it is developed, may not adequately address the totality of issues related to evacuation (see above).

### **III. THE PROJECT MUST COMPLY WITH THE REQUIREMENTS FOR STATE RESPONSIBILITY AREAS.**

The Project is located in a State Responsibility Area, which is an area for which the Board of Forestry and Fire Protection has designated the State to be financially responsible for preventing and suppressing fires. (Pub. Resources Code, § 4102.) Local jurisdictions may adopt standards for wildfire protections in State Responsibility Areas, but those standards must be at least as stringent as the State's minimum standards and be certified by the State. (Pub. Resources Code, § 4117.) Monterey County has adopted standards for this purpose. (Monterey County Code, §§ 18.56.010 – 18.56.100.) The proposed Project does not appear to comply with these standards.

First, Paraiso Springs Road is a dead end road that terminates at the proposed Project location. Both the County and State standards limit dead end roads to a cumulative length not to exceed 5,280 feet. (Monterey County Code § 18.56.060(11); Cal. Code. Regs., tit. 14, § 1273.09.) The Paraiso Springs Road that would serve as the sole ingress and egress for the Project is 1.9 miles long or 10,032 feet according to Google maps, nearly double the allowable limit. The FEIR and DEIR do not address the Project's failure to comply with the length limitation for dead end roads in State Responsibility Areas.

Second, the width of Paraiso Springs Road will not comply with the local or State standards. State standards generally require a minimum of two 10-foot traffic lanes. (Cal. Code Regs., tit. 14, § 1273.01.)<sup>8</sup> The Project proposes to widen "*the majority of Paraiso Springs Road to either 18 or 20 feet wide.*" (DEIR 3-340.) However, the FEIR explains that the road will only be widened "where feasible". (FEIR 2-10). The Project proponent should commit to widening not just a majority of the road, but the entirety of the road, to a distance that complies with the applicable standards.

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<sup>8</sup> The County requires that all roads have a minimum of two 9-foot traffic lanes. (Monterey County Code, § 18.56.060(3).) Therefore, the State's more stringent requirement would control.

#### **IV. THE PROJECT SHOULD PROVIDE PROXIMAL ACCESS TO A FIRE STATION.**

Despite a request from the local fire district, the Project proponent has declined to construct a small fire station onsite, concluding that it would be “incompatible with resort operations.” (DEIR 3-307.) The closest fire station is nine miles away, which the program Google Maps reports is an 18-minute drive. The DEIR claims the fire station is within the 15 minutes recommended by the applicable Monterey County General Plan. (DEIR 3-307.) Public comments on the DEIR noted the Project site is not within a 15-minute response time from the Soledad fire station. (See, e.g., Letter 7, Comment 74 starting on FEIR 2-33 and Letter 8, Comment 5 starting on FEIR 2-61). Rather than provide factual support for the DEIR’s claim that the fire station is within 15 minutes from the Project site or revise the Project so that it complies with the Monterey County General Plan recommendation, the FEIR simply restates the DEIR’s conclusion that “the project would not warrant construction of new or expanded facilities in order to maintain ... response times....” (FEIR 2-11). The FEIR should be revised to accurately reflect the distance of the nearest fire station to the Project site and should require compliance with the policy prescribed by the General Plan—preferably with construction of a fire station onsite as requested by the local fire district.

We appreciate your consideration of our comments and respectfully request that you defer certification of the FEIR and approval of the Project until you more fully address the risks of wildfire associated with the Project. If you have any questions or would like to discuss our comments, please feel free to contact us.

Sincerely,



NICOLE U. RINKE  
Deputy Attorney General  
HEATHER C. LESLIE  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

## **EXHIBIT G**



State of California  
Office of the Attorney General

**ROB BONTA**  
ATTORNEY GENERAL

**Best Practices for Analyzing and Mitigating Wildfire Impacts of  
Development Projects Under the California Environmental Quality Act**

**I. Introduction**

Wildfires are part of California's present, and with the effects of climate change, an increasing part of our future. Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn. It is therefore imperative that local jurisdictions making decisions to approve new developments carefully consider wildfire impacts as part of the environmental review process, plan where best to place new development, and mitigate wildfire impacts to the extent feasible.

This guidance is designed to help lead agencies<sup>1</sup> comply with the California Environmental Quality Act, Public Resources Code, section 21000 et seq. (CEQA), when considering whether to approve projects in wildfire-prone areas. These areas are often in the wildland-urban interface, generally defined as the area where the built environment meets or intermingles with the natural environment.<sup>2</sup> The California Department of Forestry and Fire Protection (CAL FIRE) has classified lands based on fire hazard, the highest being those classified as high or very high fire hazard severity zones. It has also identified areas where the State (as opposed to a local agency) has responsibility for fire-fighting.<sup>3</sup> Particularly in these high-risk areas, but also throughout the

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<sup>1</sup> Lead agencies are any public agencies with "principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (Pub. Resources Code, § 21067.)

<sup>2</sup> CAL FIRE has published an instructive map on the wildland-urban interface in California: [https://frap.fire.ca.gov/media/10300/wui\\_19\\_ada.pdf](https://frap.fire.ca.gov/media/10300/wui_19_ada.pdf). The wildland-urban interface is defined differently by different agencies for different purposes, but the most widely used definition for wildfire purposes include the intermix and interface areas mapped by Radeloff et al. 2005, 2018. See Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018), available at <https://www.pnas.org/doi/10.1073/pnas.1718850115>.

<sup>3</sup> See <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Note that areas mapped by CAL FIRE as high or very high fire hazard are not always coextensive with the wildland-urban interface. In addition, CAL FIRE's maps are currently in the process of being updated and lead agencies should consult with CAL

wildland-urban interface, wildfire risks must be considered during the environmental review process for individual development projects.

This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation.<sup>4</sup> This guidance is aimed at proposed development projects, such as residential, recreational, or commercial developments.<sup>5</sup> The extent to which it applies will inherently vary by project, based on project design and location. This document does not impose additional requirements on local governments or alter any applicable laws or regulations. Rather, it is intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process. This guidance is based on the Office of the Attorney General's experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas, and is intended to assist lead agencies with their planning and approval of future projects. The guidance reflects current requirements and conditions and may need to be updated as changes occur.

## II. Background

Although wildfires are and have been an important natural process throughout California's history, recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment of California. More acres of California have burned in the past decade than in the previous 90 years<sup>6</sup> and eight of the State's ten largest fires since 1932 have occurred in the last decade.<sup>7</sup> While lightning is a common cause of some of the State's largest

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FIRE before relying on the classifications listed on this map. CAL FIRE's list of state responsibility areas (defined as areas where the State of California, as opposed to a local agency, is financially responsible for prevention and suppression of wildfires) can be found at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=468717e399fa4238ad86861638765ce1>. Each county should have a map of the very high or high fire hazard severity zones in its jurisdiction, and they are also included on the CAL FIRE zone map: <https://egis.fire.ca.gov/FHSZ/>.

<sup>4</sup> Readers who want to determine their legal obligations under CEQA should consult their own attorney for legal advice.

<sup>5</sup> This guidance is not intended to apply to state and local agency fire management activities, such as prescribed burns, approval of vegetation management plans to reduce wildfire risk, and review of timber harvesting plans.

<sup>6</sup> CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at [https://www.fire.ca.gov/media/4jandlhh/top20\\_acres.pdf](https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf). See also Hugh D. Safford et al., *The 2020 California Fire Season: A Year Like No Other, a Return to the Past or a Harbinger of the Future?* (Apr. 17, 2022) GLOBAL ECOLOGY AND BIOGEOGRAPHY, available at <https://onlinelibrary.wiley.com/doi/10.1111/geb.13498?af=R>.

<sup>7</sup> Paul Rogers, *Map: 1 of Every 8 acres in California has Burned in the Last 10 Years. Here's Where the Biggest Fires Spread—and are Burning Now*, Mercury News (Sept. 29, 2021), available at <https://www.mercurynews.com/2021/09/29/top-10-california-wildfires-megafires-map/>. Notably, the large fires of late are not unprecedented in the State's history with similarly large fires occurring specifically during the 1920s. See Jon E. Keeley & Alexandra D. Syphard, *Large California Wildfires: 2020*

fires, in recent years, many of the State's most destructive fires have been caused by human activity, such as downed powerlines or electrical sources associated with residential development or industrial facilities.<sup>8</sup>

Wildfires can have dramatic, adverse ecological impacts. Frequent wildfires can result in habitat loss and fragmentation, shifts in vegetative compositions, reductions in small mammal populations, and accelerated loss of predatory species.<sup>9</sup> Wildfire can also have adverse impacts on erosion and water quality. During active burning, ash and associated contaminants can enter water supplies. Later, after large burns, rainstorms can flush vast amounts of sediment from exposed soils into those same water supplies.<sup>10</sup>

Wildfires also have tragic consequences for California's residents. Since 2010, wildfires have killed nearly 150 people in California<sup>11</sup> and, since 2005, wildfires have destroyed over 97,000 structures,<sup>12</sup> requiring mass evacuations and exacerbating the State's already-pressing need for more housing. In addition, wildfire smoke is unhealthy to breathe and is a public health concern.<sup>13</sup> Further, wildfire losses are not experienced equally. Lower-income households are more likely to lose all of their assets and less likely to have adequate insurance to cover their losses.<sup>14</sup> Meanwhile, the costs of wildfire suppression and resiliency have become significant. In

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*Fires in Historical Context* (Aug. 25, 2021) FIRE ECOLOGY, available at <https://fireecology.springeropen.com/articles/10.1186/s42408-021-00110-7>.

<sup>8</sup> See CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at [https://www.fire.ca.gov/media/4jandlhh/top20\\_acres.pdf](https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf); CalFire, Top 20 Most Destructive California Wildfires (Jan. 13, 2022), available at [https://www.fire.ca.gov/media/t1rdhizr/top20\\_destruction.pdf](https://www.fire.ca.gov/media/t1rdhizr/top20_destruction.pdf).

<sup>9</sup> See Alexandra D. Syphard, et al., *Human Influence on California Fire Regimes*. ECOLOGICAL APPLICATION 17:1388-1402 (2007).

<sup>10</sup> United States Environmental Protection Agency, Wildfires: How do They Affect Our Water Supplies? (Aug. 13, 2019), available at <https://www.epa.gov/sciencematters/wildfires-how-do-they-affect-our-water-supplies#:~:text=Vegetation%20that%20holds%20soil%20in,%2C%20rivers%2C%20and%20downstream%20reservoirs>.

<sup>11</sup> CAL FIRE, Top Deadliest California Wildfires (Oct. 22, 2021), available at [https://www.fire.ca.gov/media/lbfd0m2f/top20\\_deadliest.pdf](https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf).

<sup>12</sup> Headwaters Economics, Wildfires Destroy thousands of structures each year (Nov. 2020, updated Aug. 2022), available at <https://headwaterseconomics.org/natural-hazards/structures-destroyed-by-wildfire/>.

<sup>13</sup> See Kurtis Alexander, *California Ranks Worst in Nation for Air Pollution Because of Wildfire Smoke*, S.F. Chronicle (June 23, 2022), available at <https://www.sfchronicle.com/bayarea/article/california-air-quality-17259687.php>. See also Lora Kolodny, *The West Coast Is Suffering from Some of the Worst Air in the World — These Apps Show How Bad it Is*, CNBC (Sept. 13, 2020), available at <https://www.cnbc.com/2020/09/12/air-quality-apps-purpleair-airnow-iqair-essential-in-western-us.html>; and California Air Resources Board, *Protecting Yourself from Wildfire Smoke*, available at <https://ww2.arb.ca.gov/protecting-yourself-wildfire-smoke>.

<sup>14</sup> California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 69, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

2021, the State invested \$1.5 billion in wildfire resiliency efforts, and the 2022-2023 budget includes an additional \$1.2 billion to support wildfire and forest resilience.<sup>15</sup> The changing nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts, the number of Californians displaced—is a worsening crisis that will unfortunately be part of California’s future.<sup>16</sup>

As of 2010, about one-third of California’s housing units were located within the wildland-urban interface.<sup>17</sup> Residential developments in the wildland-urban interface and other wildfire prone areas can significantly increase the risks of wildfires and the risk to public safety for several reasons. First, introducing more people—via additional development—into a flammable landscape increases the likelihood of: (1) a wildfire igniting due to the increased presence of people; and (2) the ignition becoming a wildfire because of the placement of homes amongst the flammable vegetation.<sup>18</sup> Second, building housing units in the wildland-urban interface puts more people in harm’s way.<sup>19</sup> Wildfires, particularly those that impact developments in relatively remote locations, may impede the evacuation of communities and emergency access, making it more difficult to ensure public safety and to limit, control, or extinguish wildfires. Finally, fires in remote locations require significant fire-fighting resources and mobilization of fire-fighters from all over the State—putting a major strain on the State’s fire-fighters and the State’s budget. Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.<sup>20</sup>

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<sup>15</sup> Gavin Newsom, California State Budget (2022-2023), at p. 61, available at <https://www.ebudget.ca.gov/FullBudgetSummary.pdf>; California State Budget, Budget Addendum (2021-2022), at p. 3, available at <https://www.ebudget.ca.gov/BudgetAddendum.pdf>.

<sup>16</sup> See California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 17, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

<sup>17</sup> Community Wildfire Planning Center, Land Use Planning Approaches in the Wildland-Urban Interface (Feb. 2021), at p. 7, available at [https://www.communitywildfire.org/wp-content/uploads/2021/02/CWPC\\_Land-Use-WUI-Report\\_Final\\_2021.pdf](https://www.communitywildfire.org/wp-content/uploads/2021/02/CWPC_Land-Use-WUI-Report_Final_2021.pdf); see also Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at [https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs\\_2019\\_kramer\\_001.pdf](https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf). At the current rate of growth and under current growth patterns, it is anticipated that an additional 645,000 housing units will be developed in areas designated by CAL FIRE as very high fire hazard severity zones by 2050. Next 10, Rebuilding for a Resilient Recovery: Planning in California’s Wildland Urban Interface (June 2021), at p. 9, available at <https://www.next10.org/publications/rebuilding-resilient>.

<sup>18</sup> See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *Fremontia*, 47(2), at p. 29; Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

<sup>19</sup> See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) International Journal of Wildland Fire, available at [https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs\\_2019\\_kramer\\_001.pdf](https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf); Volker C. Radeloff, et al., *Rapid growth of the US wildland-Urban interface raises wildfire risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

<sup>20</sup> See Michael L. Mann, et al., *Incorporating Anthropogenic Influences into Fire Probability Models: Effects of Human Activity and Climate Change on Fire Activity in California* (Apr. 28, 2016) PLOS ONE

### III. Wildfire and Land Use Planning

While this guidance is focused on best practices to disclose, analyze, and mitigate wildfire impacts in compliance with CEQA, it is important to note that general planning also provides a critical opportunity for local jurisdictions to think proactively about how to accommodate their housing and development needs while reducing the risks of wildfire.<sup>21</sup> In the last ten years, new legislation has passed requiring local jurisdictions to consider wildfire risks in their general planning processes.<sup>22</sup> The Governor's Office of Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements.<sup>23</sup> We encourage local jurisdictions to consult this guidance and to thoughtfully plan for new development given the increasing risk of wildfires throughout the state.<sup>24</sup>

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11(4), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0153589>; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREMONTIA*, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>; Alexandra D. Syphard, et al., *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss* (2013) *PLOS ONE*, available at <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0071708&type=printable>; see also Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines OAL Notice File No. Z-2018-0116-12 ("Statement of Reasons"), at p. 87, available at [https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018\\_CEQA\\_Final\\_Statement\\_of%20Reasons\\_111218.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf).

<sup>21</sup> See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREMONTIA*, 47(2), at p. 33, available at <https://pubs.er.usgs.gov/publication/70215982> [concluding that "the most effective strategy at reducing future structure loss would focus on reducing the extent of low-density housing via careful land planning decisions"].

<sup>22</sup> See Sen Bill No. 1241 (2011-2012 Reg. Sess.), amending and/or adding Gov. Code, §§ 65302, subd. (g)(3), 65302.5, subd. (b), and 66474.02) [requiring local jurisdictions within state responsibility areas or very high fire hazard severity zones to address wildfire risk when updating their safety elements and to submit their draft updates to the State Board of Forestry and Fire Protection for review]; Sen. Bill No. 99 (2019-2020 Reg. Sess.), amending Gov. Code, § 65302, subd. (g)(5) [requiring updated safety elements to identify residential developments within hazard areas that do not have at least two evacuation routes]; Assem. Bill No. 747 (2019-2020 Reg. Sess.), adding Gov. Code, § 65302.15 [requiring local jurisdictions to update their safety element to address the capacity of evacuation routes under a range of various emergency scenarios]; Assem. Bill No. 1409 (2020-2021 Reg. Sess.), amending Gov. Code, § 65302.15 [requiring that safety elements identify locations where people can evacuate to].

<sup>23</sup> Governor's Office of Planning and Research, *Fire Hazard Planning Technical Advisory*, 2022 Update (Aug. 2022), available at [https://opr.ca.gov/docs/20220817-Fire\\_Hazard\\_Planning\\_TA.pdf](https://opr.ca.gov/docs/20220817-Fire_Hazard_Planning_TA.pdf); and *Wildland-Urban Interface Planning Guide: Examples and Best Practices for California Communities* (Aug. 2022), available at [https://opr.ca.gov/docs/20220817-Complete\\_WUI\\_Planning\\_Guide.pdf](https://opr.ca.gov/docs/20220817-Complete_WUI_Planning_Guide.pdf).

<sup>24</sup> Local jurisdictions that have complied with their general planning obligations, including incorporating wildfire and evacuation planning considerations into their general plans, may benefit from streamlined CEQA requirements at the project approval level. If a development project is consistent with an updated general plan and an environmental impact report (EIR) was prepared for that plan, the CEQA review for the project may be limited to the parcel-specific impacts of the project or impacts that new information,

## **IV. Analyzing and Mitigating Wildfire Risk Impacts Under CEQA**

### **A. CEQA's requirements for analyzing wildfire risks**

CEQA requires local jurisdictions considering development projects to prepare an environmental impact report (EIR) or a mitigated negative declaration<sup>25</sup> if the project may potentially have a significant impact on the environment and is not otherwise exempt from CEQA.<sup>26</sup> Under CEQA, local jurisdictions may act as lead agencies with responsibility for preparing the EIR (or other CEQA document), or as responsible agencies relying on an EIR prepared by a lead agency. CEQA provides a critical process for local jurisdictions to understand how new developments will exacerbate existing wildfire risks, allowing them to consider project design features, alternatives, and mitigation measures that provide for smarter development and the protection of existing communities.

The CEQA Guidelines<sup>27</sup> require that an EIR include a description of the physical environmental conditions in the vicinity of the project, at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.<sup>28</sup> This “baseline” of existing environmental conditions is generally used to determine the significance of project-related impacts. In the EIR’s discussion of the existing environmental conditions, lead agencies should include information about open space areas and habitats within the project area that may be fire prone, as well as a discussion of fire history and fuels on the project site. Including a discussion of existing available water supplies for fire-fighting is also critical. Providing detail about existing environmental conditions at the project site that may exacerbate or minimize wildfire impacts will help ensure that the EIR fully considers the project’s impacts on wildfire risk.

The CEQA Guidelines require an analysis of “any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected,” including by locating development in wildfire risk areas.<sup>29</sup> The “environmental checklist form” in Appendix G of the CEQA Guidelines, Section XX, directs lead agencies to assess whether

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arising since adoption of the general plan, shows will be more significant than described in the prior EIR. (Pub. Resources Code, § 21083.3; CEQA Guidelines, § 15193).

<sup>25</sup> Where “EIR” is used in this guidance it should also be considered to refer to a mitigated negative declaration.

<sup>26</sup> Pub. Resources Code, § 21067; CEQA Guidelines, §§ 15050 and 15367.

<sup>27</sup> The CEQA Guidelines are found at California Code of Regulations, title 14, section 15000, et seq.

<sup>28</sup> CEQA Guidelines, § 15125.

<sup>29</sup> CEQA Guidelines, § 15126.2.

projects located *in or near* state responsibility areas or lands classified as very high fire hazard severity zones,<sup>30</sup> would:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan;
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.<sup>31</sup>

In addition to the four questions above, Section IX(g) of the checklist broadly directs lead agencies to consider whether a project will “expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.”<sup>32</sup> In answering these questions, lead agencies must consider both on- and off-site impacts.<sup>33</sup>

## **B. Analyzing a project’s impact on wildfire risks**

Several variables should be considered in analyzing a project’s impact on wildfire risk, including:

- **Project Density:** Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Fire spread and structure loss is more likely to occur in low- to intermediate-density developments.<sup>34</sup> This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough

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<sup>30</sup> See footnote 1 for more information on state responsibility areas and very high fire hazard severity zones.

<sup>31</sup> CEQA Guidelines, Appendix G, XX.

<sup>32</sup> CEQA Guidelines, Appendix G, IX(g). This Guidance focuses on these key wildfire-related questions in Sections IX(g) and XX of the checklist, but in conducting environmental review, lead agencies must continue to thoroughly address the other questions identified in Section XX and the checklist more generally.

<sup>33</sup> CEQA Guidelines, § 15360 [defining the environment to be considered as “the area in which significant effects would occur either directly or indirectly as a result of the project”].

<sup>34</sup> Alexandra D. Syphard, *The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes* (2019) GLOBAL ENVIRONMENTAL CHANGE; Alexandra D. Syphard, et al., *Housing Arrangement and Location Determine the Likelihood of Housing Loss Due to Wildfire* (Mar. 28, 2012) PLOS ONE, available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0033954>.

(as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation.<sup>35</sup> “Isolated clusters of development and low housing density mean that homes are embedded within, and more exposed to, a matrix of wildland vegetation.”<sup>36</sup> Moreover, fire-fighters may have difficulty accessing more remote and disconnected developments.<sup>37</sup>

- **Project Location in the Landscape:** Project placement in the landscape relative to fire history, topography and wind patterns also influences wildfire risk. Although wildfire ignitions are primarily human-caused in California, wildfire behavior is largely driven by topography, fuel, climatic conditions, and fire weather (such as low humidity and high winds). How a development project is planned within the landscape determines to what extent it will influence fire risk.<sup>38</sup> For example, if a project site is located in a wind corridor, above-ground power lines may become a source of ignition. Similarly, siting residential structures in rugged terrain or on the top of steep hills may increase the wildfire risk. By contrast, if a project site includes landscape features that could prevent or slow the spread of fire, such as a lake or an irrigated golf course, the development may be strategically located so as to capitalize on that feature as a natural fuel break.<sup>39</sup>

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<sup>35</sup> See generally Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021) MDPI FIRE 2021.

<sup>36</sup> Max A. Moritz, et al., *Learning to Coexist with Wildfire* (2014) NATURE 515(7525), at p. 64; see also Alexandra D. Syphard, et. Al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (March 12, 2021) MDPI FIRE 2021.

<sup>37</sup> See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at p. 31.

<sup>38</sup> See generally Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>.

<sup>39</sup> See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 10, available at <https://escholarship.org/uc/item/6n12m6pn>; see also Conservation Biology Institute, *Paradise Nature-Based Fire Resilience Project Final Report* (June 2020), available at [https://d2k78bk4kdhbpr.cloudfront.net/media/reports/files/CBI\\_Paradise\\_Final\\_Report\\_for\\_Posting\\_Online.pdf](https://d2k78bk4kdhbpr.cloudfront.net/media/reports/files/CBI_Paradise_Final_Report_for_Posting_Online.pdf) [An examination of how siting and greenbelts may have protected homes during the Paradise fire]. Siting of a new fire-resistant development between wildlands and existing development may even serve as a protective barrier for the existing development. But there can still be some risk of ember spread if the new development succumbs to fire. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>; California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 67, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

- **Water Supply and Infrastructure:** As part of evaluating a project's wildfire risk impacts, an EIR should analyze the adequacy of water supplies and infrastructure to address fire-fighting within the project site.<sup>40</sup> This analysis should consider the potential loss of water pressure during a fire, which may decrease available water supply<sup>41</sup> and the potential loss of power, which may eliminate the supply.<sup>42</sup>

To understand how a project may exacerbate the risk of wildfire, an EIR should qualitatively assess these variables and also use fire modeling and other spatial and statistical analyses to quantify the risks to the extent feasible. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios. The modeling should include scenarios for fires that start in, near, and far from the project site, as well as extreme weather conditions that exacerbate fire spread.

Lead agencies are encouraged to develop thresholds of significance that either identify an increase in wildfire risk as a significant impact or determine, based on substantial evidence, that some increase in the risk of wildfires is not considered a significant impact. Relevant factors should include the project's impact on ignition risk, the likelihood of fire spread, and the extent of exposure for existing and new residents based on various fire scenarios. Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project adding more people to wildfire prone areas and to assess the risks according to the threshold of significance.

Some EIRs have concluded that the conversion of some wildland vegetation into paved development reduces or does not increase wildfire risk. This conclusion is contrary to existing evidence and the well-accepted understanding that the fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape.<sup>43</sup> Accordingly, the conversion of vegetation into developed land does not obviate the need for lead agencies to carefully consider and model how the addition of development into wildfire prone areas contributes to the risk of wildfire.

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<sup>40</sup> See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 19 and Appendix B, available at <https://escholarship.org/uc/item/6n12m6pn>.

<sup>41</sup> See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 19, University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>.

<sup>42</sup> See Alexandra D. Syphard, *Nexus Between Wildfire, Climate Change and Population Growth in California* (2020) *FREMONTIA*, 47(2), at p. 26.

<sup>43</sup> See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) *INTERNATIONAL JOURNAL OF WILDLAND FIRE*, available at [https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs\\_2019\\_kramer\\_001.pdf](https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf); see also Exhibit A to the Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12, at p. 212, available at [https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018\\_CEQA\\_ExA\\_FSOR.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_ExA_FSOR.pdf).

### C. Analyzing the project's impact on evacuation and emergency access

The addition of new development into high wildfire risk or adjacent areas may impact the evacuation of project residents, as well as the existing population (e.g., residents, workers, students, visitors, and possibly livestock) in the area and the ability of emergency responders to simultaneously access the area to fight wildfire. This can, in turn, impact the risk and extent of large-scale fire spread and community safety within and around the new development. The EIR should evaluate these impacts both during construction and over the life of the project. The required analysis is relative to a project's impacts and risks; e.g., a higher density infill project within an already developed area would likely not require the same level of analysis as a new low-density development within the wildland-urban interface and surrounded largely by open space.<sup>44</sup>

For projects located in high wildfire risk areas that present an increased risk of ignition and/or evacuation impacts, evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project's design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process. Lead agencies will be best-positioned to ensure proposed development projects facilitate emergency access and ease constraints on evacuation with this information in hand prior to project approval. The ultimate objective is to allow for informed decision-making that minimizes the environmental and public safety hazards associated with new developments that increase the risk of ignition and impede evacuation in high wildfire prone areas.

Evacuation modeling and analysis should include the following:

- Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- Assessment of the timing for evacuation.
- Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Evaluation of the project's impacts on existing evacuation plans.
- Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- Traffic modeling to quantify travel times under various likely scenarios.

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<sup>44</sup> See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), University of California Agriculture and Natural Resources, Publication 8680, at p. 5, available at <https://escholarship.org/uc/item/6n12m6pn> [describing the benefits of infill development].

In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- Utilize information from the EIR's analysis of traffic/transportation impacts, but they should not limit themselves to that information, which may not reflect the impact of emergency conditions on travel times.
- Consult with local fire officials and ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts. Emergency conditions may not allow for ideal evacuation scenarios—staggered, staged, or targeted evacuation in response to a wildfire may sometimes be possible, but human behavior is difficult to predict and wildfires can be erratic, unpredictable, and fast-moving.<sup>45</sup>
- Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage,<sup>46</sup> can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts.<sup>47</sup>

Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as

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<sup>45</sup> See FEMA and U.S. Fire Administration, *Wildland Urban Interface: A Look at Issues and Resolutions* (June 2022), available at <https://www.usfa.fema.gov/downloads/pdf/publications/wui-issues-resolutions-report.pdf>.

<sup>46</sup> FEMA, *Planning Considerations: Evacuation and Shelter-in-Place* (July 2019), available at <https://www.fema.gov/sites/default/files/2020-07/planning-considerations-evacuation-and-shelter-in-place.pdf>. The distinction between temporary shelter-in-place locations and buildings designed or retrofitted for longer term shelter-in-place should also be considered. See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 17, available at <https://escholarship.org/uc/item/6n12m6pn> [discussing the difference between “safety zones”—areas with little flammable vegetations, such as golf courses—versus buildings that are designed to provide protection from heat and embers while the front of a fire passes, typically for a duration of at least 30-60 minutes].

<sup>47</sup> See Mejia, *Pepperdine University Defends ‘Shelter in Place’ Decision During Woolsey Fire*, Los Angeles Times (Nov. 13, 2018), available at <https://www.latimes.com/local/lanow/la-me-ln-pepperdine-shelter-20181113-story.html>; Chandler, *Am I Going to Stay in the Parking Lot . . . While the Fires Burn Around Me?*, Record Searchlight (Dec. 12, 2019), available at <https://www.redding.com/in-depth/news/2019/04/25/california-wildfire-shelter-place-plans-questioned-evacuation-preparation/3427075002/>.

informed expert analysis of safe and reasonable evacuation times given the existing and proposed development. Local jurisdictions should consider whether any increase in evacuation times for the local community would be a significant impact. A conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards.

In establishing thresholds, local jurisdictions should consider referring to successful evacuations from prior emergencies within their community or similarly situated communities. The thresholds should include, but not be limited to, whether the project creates an inconsistency with: (1) an adopted emergency operations or evacuation plan; (2) a safety element that has been updated per the requirements in Government Code sections 65302(g)(5) and 65302.15 to integrate wildfire and evacuation concerns; or (3) recommendations developed by the California Board of Forestry and Fire Protection regarding the safety of subdivisions pursuant to Public Resources Code section 4290.5.

#### **D. Mitigating wildfire risk, evacuation, and emergency access impacts**

If a project presents significant increased wildfire risks and/or evacuation and access impacts, CEQA requires the lead agency to consider and adopt feasible alternatives and mitigation measures to avoid or reduce the project's impacts (or make a finding of overriding consideration).<sup>48</sup> Not all project design features or mitigation measures will achieve the same reduction in impacts for every project—the effects and effectiveness of measures will vary geographically and by project. An EIR that baldly concludes that certain project design features or mitigation measures will reduce or eliminate all potential wildfire risks, without first describing those risks, fails to fully analyze the project's impacts. Compressing the analysis of impacts and mitigation deprives decision makers of a full description of the project's adverse impacts and, therefore, fails to equip the decision makers with the necessary information to properly address the impacts by adopting project design features, mitigation measures, or alternatives. To avoid this error and provide for better project design, the project EIR should first analyze the increased wildfire risks and evacuation impacts, and then consider feasible mitigation and alternatives to avoid or reduce those impacts.

Set forth below are some examples of potential mitigation measures and design alternatives that may reduce wildfire risk impacts. This list is not exclusive and a lead agency's adoption of some or all of these mitigation measures for a particular project may not be sufficient to comply with CEQA's requirement to adopt all feasible mitigation measures.

- Increasing housing density and consolidated design, relying on higher density infill developments as much as possible.
- Avoidance and minimization of low-density exurban development patterns or leapfrog-type developments (i.e., those with undeveloped wildland between developed areas).

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<sup>48</sup> Pub. Resources Code, § 21081.

- Decreasing the extent and amount of “edge,” or interface area, where development is adjacent to undeveloped wildlands.
- Creation of buffer zones and defensible space within and adjacent to the development, with particular attention to ensuring that vegetation will not touch structures or overhang roofs.<sup>49</sup> It is also important that legal obligations are structured so that defensible space measures are retained over time.<sup>50</sup>
- Siting projects to maximize the role of low-flammability landscape features that may buffer the development from fire spread.
- Undergrounding power lines.
- Limiting development along steep slopes and amidst rugged terrain, so as to decrease exposure to rapid fire spread and increase accessibility for fire-fighting.
- Placement of development close to existing or planned ingress/egress and designated evacuation routes to efficiently evacuate the project population and the existing community population, consistent with evacuation plans, while simultaneously allowing emergency access.
- Placement of projects close to adequate emergency services.
- Construction of additional points of ingress and egress and modification of evacuation routes to minimize or avoid increasing evacuation times or emergency access response times.
- Fire hardening structures and homes—upgrading the building materials and installation techniques to increase the structure’s resistance to heat, flames, and embers—beyond what is required in applicable building codes, both for new structures and existing structures in proximity to the new development.
- Requiring fire-hardened communication to the project site including high-speed internet service.
- Enhanced communication to the project population about emergency evacuation plans and evacuation zones.
- Parking limitations to ensure access roads are not clogged with parked vehicles.
- On-site water supply/storage to augment ordinary supplies that may be lost during a wildfire.

In all situations, mitigation measures should be combined and tailored to the specifics of the project, the surrounding landscape, and nearby existing uses. In some contexts, the mitigation measure itself may have an adverse impact that should be evaluated in an EIR. In addition,

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<sup>49</sup> Note, however, that defensible space around homes does not alone tend to account for structural survival. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREEMONTIA*, 47(2), at p. 32, available at <https://pubs.er.usgs.gov/publication/70215982>; Alexandra D. Syphard et al., *The Role of Defensible Space for Residential Structure Protection During Wildfires* (Oct. 14, 2014) *INTERNATIONAL JOURNAL OF WILDLAND FIRE*, available at <http://dx.doi.org/10.1071/WF13158>.

<sup>50</sup> See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 12, University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>.

mitigation measures may not provide the same level of protection or mitigation in all scenarios.<sup>51</sup> For example, home hardening has been shown to be an extremely effective measure for preventing structure loss during a wildfire. The California Building Code was updated in 2008 to require more advanced fire hardening and homes built to the revised standards were shown to be 40 percent less likely to be destroyed by a wildfire than similarly situated homes built prior to the update.<sup>52</sup> However, home hardening by itself may not be an adequate mitigation measure in all situations. During the Camp Fire, which swept through Paradise in 2018, homes built before and after the 2008 Building Code update were destroyed at roughly equal rates.<sup>53</sup> Home hardening in conformance with the 2008 Building Code alone did not meaningfully effect survivability; rather, proximity to other destroyed structures, the extent of vegetative overstory, and defensive space around homes was more relevant to whether or not a home survived.<sup>54</sup> While home hardening may be a worthy measure, this highlights the importance of combining measures, with an awareness to overall landscape conditions, to maximize public safety and minimize wildfire-related losses. It also demonstrates that defensive measures can improve but do not guarantee survivability, which highlights the continued importance of planning for evacuation and emergency access.

## VII. Conclusion

As climate change and housing pressure continue to impact the State's landscape, wildfire risks, and development needs, local agencies need to thoroughly evaluate where and how new development is planned and constructed. With careful forethought during the various planning processes and thoughtful environmental review at the individual project development stage, new development can be designed and positioned to minimize future wildfire risks, enhance fire resiliency of our communities, and protect the health and safety of California's residents and natural resources. While the applicable rules, requirements, and analytical tools to reduce wildfire risk are evolving, this guidance is intended to provide suggestions for how best to comply with CEQA when analyzing and mitigating the wildfire risks of development projects in the wildland-urban interface and other fire prone areas.

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<sup>51</sup> See Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021), at p. 13, MDPI FIRE 2021 [noting that "the most effective fire risk reduction approach will account for multiple factors at multiple scales and will incorporate simultaneous strategies"].

<sup>52</sup> Patrick W Baylis, et al., *Mandated vs. Voluntary Adaptation to Natural Disasters: the Case of U.S. Wildfires* (Dec. 2021), National Bureau of Economic Research, available at <https://www.nber.org/papers/w29621>.

<sup>53</sup> Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at <https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf> [37 percent of homes built between 1997 and 2008 survived, while 44 percent of homes built between 2008 and 2018 survived].

<sup>54</sup> Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at <https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf>.

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

## **EXHIBIT H**



# City of Los Angeles Department of City Planning

## 2/8/2025 PARCEL PROFILE REPORT

### PROPERTY ADDRESSES

13375 W MULHOLLAND DR  
13401 W MULHOLLAND DR

### ZIP CODES

90210

### RECENT ACTIVITY

None

### CASE NUMBERS

APCSV-2018-5294-SPE-ZAA-ZAD-  
DRB-SPP-MSP  
CPC-9708  
CPC-2022-3712-ZC  
CPC-2022-3413-CA  
CPC-2008-4683-CA  
CPC-2002-6583-SP  
CPC-19XX-29735  
CPC-1998-170-DRB  
CPC-1965-18760  
ORD-184381  
ORD-181128  
ORD-167943  
ORD-158726  
ORD-132416  
ORD-129279  
ORD-128730  
DIR-2018-6409-DRB-SPP-MSP  
DofL-665  
DL-665  
AA-2003-9082-COC  
ENV-2022-3414-CE  
ENV-2018-5295-CE  
ENV-2016-1787-ND  
ENV-2009-832-CE  
ENV-2008-4684-ND  
ENV-2003-2626-CE  
ENV-1985-67-SP  
AF-04-0197482

### Address/Legal Information

PIN Number	159B157 199
Lot/Parcel Area (Calculated)	16,258.3 (sq ft)
Thomas Brothers Grid	PAGE 562 - GRID D7
Assessor Parcel No. (APN)	2386001016
Tract	TR 5571
Map Reference	M B 107-72/80
Block	None
Lot	20
Arb (Lot Cut Reference)	1
Map Sheet	159B157

### Jurisdictional Information

Community Plan Area	Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass
Area Planning Commission	South Valley APC
Neighborhood Council	Sherman Oaks
Council District	CD 4 - Nithya Raman
Census Tract #	1439.02000000
LADBS District Office	Van Nuys

### Permitting and Zoning Compliance Information

Administrative Review	None
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### Planning and Zoning Information

Special Notes	None
Zoning	RE40-1-H
Zoning Information (ZI)	ZI-2462 Modifications to SF Zones and SF Zone Hillside Area Regulations
	ZI-2438 Equine Keeping in the City of Los Angeles
	ZI-1224 Specific Plan: Mulholland Scenic Parkway (Inner Corridor)
General Plan Land Use	Minimum Residential
General Plan Note(s)	Yes
Minimum Density Requirement	No
Hillside Area (Zoning Code)	Yes
Specific Plan Area	MULHOLLAND SCENIC PARKWAY (INNER CORRIDOR)
Subarea	None
Special Land Use / Zoning	None
Historic Preservation Review	No
HistoricPlacesLA	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Mills Act Contract	None
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	None
Subarea	None
CPIO Historic Preservation Review	No
CUGU: Clean Up-Green Up	None
HCR: Hillside Construction Regulation	No
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None

RBP: Restaurant Beverage Program Eligible Area	None
ASP: Alcohol Sales Program	No
RFA: Residential Floor Area District	None
RIO: River Implementation Overlay	No
SN: Sign District	No
AB 2334: Low Vehicle Travel Area	No
AB 2097: Within a half mile of a Major Transit Stop	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Affordable Housing Linkage Fee	
Residential Market Area	Medium
Non-Residential Market Area	High
Transit Oriented Communities (TOC)	Not Eligible
Mixed Income Incentive Programs	
Transit Oriented Incentive Area (TOIA)	Not Eligible
Opportunity Corridors Incentive Area	Not Eligible
Corridor Transition Incentive Area	Not Eligible
TCAC Opportunity Area	Highest Resource
High Quality Transit Corridor (within 1/2 mile)	No
ED 1 Eligibility	Not Eligible
RPA: Redevelopment Project Area	None
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	None
500 Ft Park Zone	None
<b>Assessor Information</b>	
Assessor Parcel No. (APN)	2386001016
APN Area (Co. Public Works)*	0.370 (ac)
Use Code	010V - Residential - Single Family Residence - Vacant Land
Assessed Land Val.	\$530,604
Assessed Improvement Val.	\$0
Last Owner Change	02/21/2023
Last Sale Amount	\$0
Tax Rate Area	13
Deed Ref No. (City Clerk)	974585
	823134
	818037-8
	535928-9
	386411
	296399
	201430-31
	2009275
	1615676
	1583839
	1554631
	133372
	1222343
	1103892
	1103891
	1103890
	0197282
	0108879

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at [zimas.lacity.org](https://zimas.lacity.org)  
 (\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

	0108878
Building 1	No data for building 1
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5
Rent Stabilization Ordinance (RSO)	No [APN: 2386001016]

#### Additional Information

Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Urban Agriculture Incentive Zone	No
Very High Fire Hazard Severity Zone	Yes
Fire District No. 1	No
Flood Zone	Outside Flood Zone
Watercourse	No
Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	Yes
Wells	None
Sea Level Rise Area	No
Oil Well Adjacency	No

#### Environmental

Santa Monica Mountains Zone	Yes
Biological Resource Potential	High
Mountain Lion Potential	High
Monarch Butterfly Potential	No

#### Seismic Hazards

Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	1.77680112
Nearest Fault (Name)	Hollywood Fault
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	1.00000000
Slip Geometry	Left Lateral - Reverse - Oblique
Slip Type	Poorly Constrained
Down Dip Width (km)	14.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	70.00000000
Maximum Magnitude	6.40000000
Alquist-Priolo Fault Zone	No
Landslide	Yes
Liquefaction	No
Preliminary Fault Rupture Study Area	None
Tsunami Hazard Area	No

#### Economic Development Areas

Business Improvement District	None
Hubzone	None
Jobs and Economic Development Incentive Zone (JEDI)	None
Opportunity Zone	No
Promise Zone	None
State Enterprise Zone	None

## Housing

Direct all Inquiries to	Los Angeles Housing Department
Telephone	(866) 557-7368
Website	<a href="https://housing.lacity.org">https://housing.lacity.org</a>
Rent Stabilization Ordinance (RSO)	No [APN: 2386001016]
Ellis Act Property	No
AB 1482: Tenant Protection Act	See Notes
Use Code	010V - Residential - Single Family Residence - Vacant Land
Notes	The property is subject to AB 1482 if the owner is a corporation, limited liability company with a corporate member, or real estate trust. Does not apply to owner-occupied duplexes & government-subsidized housing.
Housing Crisis Act Replacement Review	No
Housing Element Sites	
HE Replacement Required	N/A
SB 166 Units	N/A
Housing Use within Prior 5 Years	No

## Public Safety

Police Information	
Bureau	Valley
Division / Station	Van Nuys
Reporting District	998
Fire Information	
Bureau	Valley
Battalion	10
District / Fire Station	99
Red Flag Restricted Parking	No

## CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

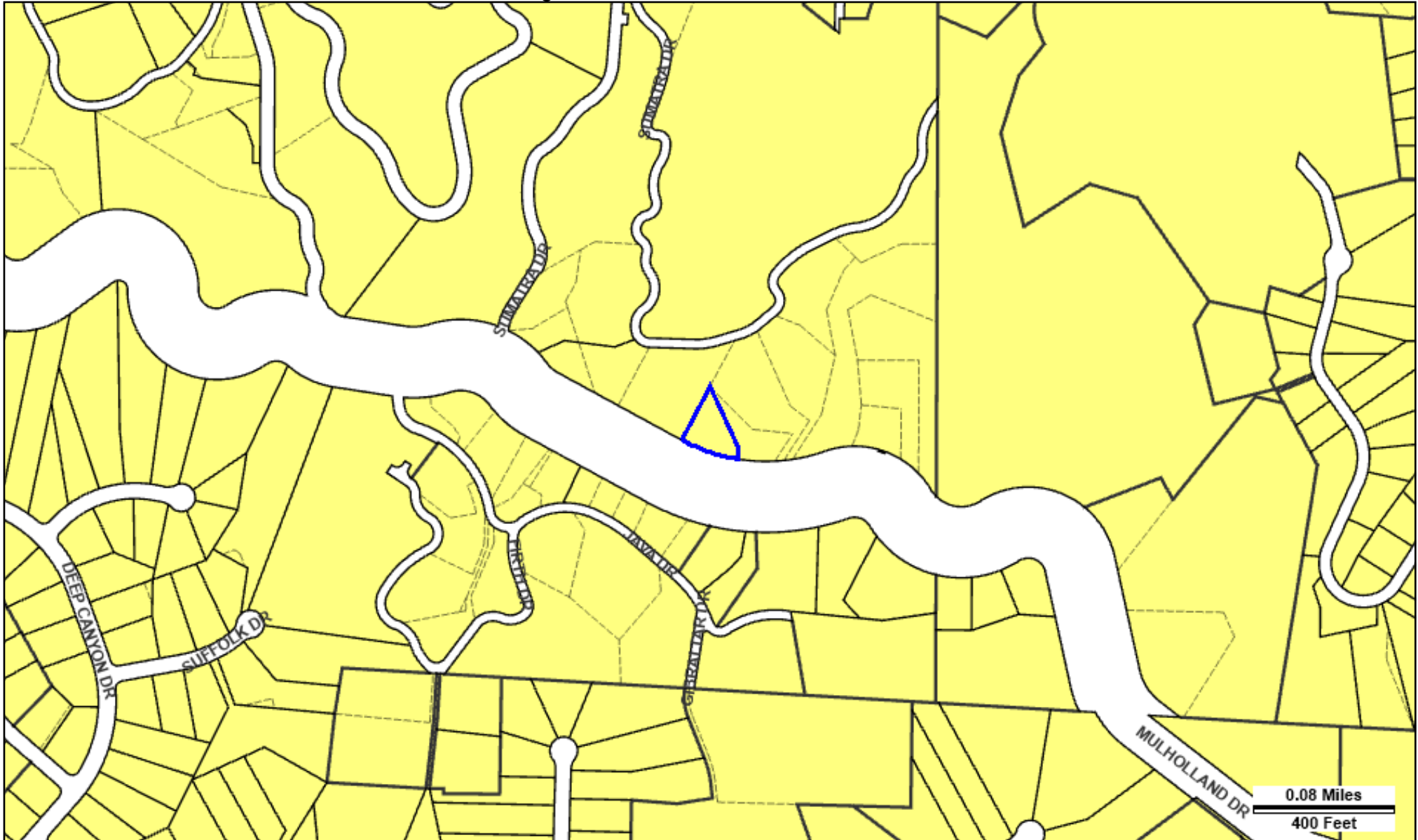
Case Number:	APCSV-2018-5294-SPE-ZAA-ZAD-DRB-SPP-MSP
Required Action(s):	SPE-SPECIFIC PLAN EXCEPTION ZAA-AREA,HEIGHT,YARD,AND BLDG LINE ADJMNTS GT 20% (SLIGHT MODIFICATIONS) ZAD-ZA DETERMINATION (PER LAMC 12.27) DRB-DESIGN REVIEW BOARD SPP-SPECIFIC PLAN PROJECT PERMIT COMPLIANCE MSP-MULHOLLAND SPECIFIC PLAN
Project Descriptions(s):	PURSUANT TO SECTION 11.5.7,F OF THE LAMC, A SPECIFIC PLAN EXCEPTION FROM THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN FOR A REDUCED FRONT YARD SETBACK OF 20' IN LIEU OF 40' REQUIRED; SECTION 12.28 A ZONING ADMINISTRATOR'S ADJUSTMENTS TO PERMIT MORE THAN 50% OF THE REQUIRED FRONT YARD TO BE DESIGNED IMPROVED AND USED FOR PARKING AND ACCESS DRIVEWAY AND RETAINING WALLS OVER3 1/2' WITHIN THE FRONT YARD SETBACK; SECTION 12.24,X-26 FOR MORE THAN 2 RETAINING WALLS AND 12.24,X-28 FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING FRONTING A SUBSTANDARD HILLSIDE LIMITED STREET WITH A ROADWAY WIDTH THAT IS LESS THAN 20'; SECTION 11.5.7,C A PROJECT PERMIT COMPLIANCE AND SECTION 16.50 DESIGN REVIEW BOARD FOR THE CONSTRUCTION OF A 9,765 SF, 3-STORY SINGLE-FAMILY DWELLING WITH ATTACHED 4-CAR GARAGE WITHIN THE MULHOLLAND SCENIC PARKWAY PLAN INNER CORRIDOR.
Case Number:	CPC-2022-3712-ZC
Required Action(s):	ZC-ZONE CHANGE
Project Descriptions(s):	A PROPOSED NEW SUPPLEMENTAL USE DISTRICT ADDED TO 12.04 TO ESTABLISH THE WILDLIFE ORDINANCE (WLD) SUD.  A ZONE CHANGE ORDINANCE TO APPLY THE WILDLIFE SUD TO EXISTING ZONING OVER PORTIONS OF BEL AIR-BEVERLY CREST, HOLLYWOOD, SHERMAN OAKS-STUDIO CITY-TOLUCA LAKE-CAHUENGA PASS.
Case Number:	CPC-2022-3413-CA
Required Action(s):	CA-CODE AMENDMENT
Project Descriptions(s):	A PROPOSED NEW SUPPLEMENTAL USE DISTRICT ADDED TO 12.04 TO ESTABLISH THE WILDLIFE ORDINANCE (WLD) SUD.  A ZONE CHANGE ORDINANCE TO APPLY THE WILDLIFE SUD TO EXISTING ZONING OVER PORTIONS OF BEL AIR-BEVERLY CREST, HOLLYWOOD, SHERMAN OAKS-STUDIO CITY-TOLUCA LAKE-CAHUENGA PASS.
Case Number:	CPC-2008-4683-CA
Required Action(s):	CA-CODE AMENDMENT
Project Descriptions(s):	A CODE AMENDMENT TO REVISE THE CURRENT HILLSIDE AREA DEFINITION AND ESTABLISH A NEW DEPARTMENT OF CITY PLANNING HILLSIDE AREA MAP.
Case Number:	CPC-2002-6583-SP
Required Action(s):	SP-SPECIFIC PLAN (INCLUDING AMENDMENTS)
Project Descriptions(s):	PROPOSED DESIGN AND PRESERVATION GUIDELINES PURSUANT TO THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN.
Case Number:	CPC-19XX-29735
Required Action(s):	Data Not Available
Project Descriptions(s):	
Case Number:	CPC-1998-170-DRB
Required Action(s):	DRB-DESIGN REVIEW BOARD
Project Descriptions(s):	DESIGN REVIEW BOARD APPEAL.
Case Number:	CPC-1965-18760
Required Action(s):	Data Not Available
Project Descriptions(s):	
Case Number:	DIR-2018-6409-DRB-SPP-MSP
Required Action(s):	DRB-DESIGN REVIEW BOARD SPP-SPECIFIC PLAN PROJECT PERMIT COMPLIANCE MSP-MULHOLLAND SPECIFIC PLAN
Project Descriptions(s):	PURSUANT TO SECTION 11.5.7,F OF THE LAMC, A SPECIFIC PLAN EXCEPTION FROM THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN FOR A REDUCED FRONT YARD SETBACK OF 20' IN LIEU OF 40' REQUIRED; SECTION 12.28 A ZONING ADMINISTRATOR'S ADJUSTMENTS TO PERMIT MORE THAN 50% OF THE REQUIRED FRONT YARD TO BE DESIGNED IMPROVED AND USED FOR PARKING AND ACCESS DRIVEWAY AND RETAINING WALLS OVER3 1/2' WITHIN THE FRONT YARD SETBACK; SECTION 12.24,X-26 FOR MORE THAN 2 RETAINING WALLS AND 12.24,X-28 FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING FRONTING A SUBSTANDARD HILLSIDE LIMITED STREET WITH A ROADWAY WIDTH THAT IS LESS THAN 20'; SECTION 11.5.7,C A PROJECT PERMIT COMPLIANCE AND SECTION 16.50 DESIGN REVIEW BOARD FOR THE CONSTRUCTION OF A 9,765 SF, 3-STORY SINGLE-FAMILY DWELLING WITH ATTACHED 4-CAR GARAGE WITHIN THE MULHOLLAND SCENIC PARKWAY PLAN INNER CORRIDOR.
Case Number:	AA-2003-9082-COC
Required Action(s):	COC-CERTIFICATE OF COMPLIANCE

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(\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Project Descriptions(s):	CERTIFICATE OF COMPLIANCE
Case Number:	ENV-2022-3414-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	A PROPOSED NEW SUPPLEMENTAL USE DISTRICT ADDED TO 12.04 TO ESTABLISH THE WILDLIFE ORDINANCE (WLD) SUD.  A ZONE CHANGE ORDINANCE TO APPLY THE WILDLIFE SUD TO EXISTING ZONING OVER PORTIONS OF BEL AIR-BEVERLY CREST, HOLLYWOOD, SHERMAN OAKS-STUDIO CITY-TOLUCA LAKE-CAHUENGA PASS.
Case Number:	ENV-2018-5295-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	PURSUANT TO SECTION 11.5.7,F OF THE LAMC, A SPECIFIC PLAN EXCEPTION FROM THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN FOR A REDUCED FRONT YARD SETBACK OF 20' IN LIEU OF 40' REQUIRED; SECTION 12.28 A ZONING ADMINISTRATOR'S ADJUSTMENTS TO PERMIT MORE THAN 50% OF THE REQUIRED FRONT YARD TO BE DESIGNED IMPROVED AND USED FOR PARKING AND ACCESS DRIVEWAY AND RETAINING WALLS OVER 3 1/2' WITHIN THE FRONT YARD SETBACK; SECTION 12.24,X-26 FOR MORE THAN 2 RETAINING WALLS AND 12.24,X-28 FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING FRONTING A SUBSTANDARD HILLSIDE LIMITED STREET WITH A ROADWAY WIDTH THAT IS LESS THAN 20'; SECTION 11.5.7,C A PROJECT PERMIT COMPLIANCE AND SECTION 16.50 DESIGN REVIEW BOARD FOR THE CONSTRUCTION OF A 9,765 SF, 3-STORY SINGLE-FAMILY DWELLING WITH ATTACHED 4-CAR GARAGE WITHIN THE MULHOLLAND SCENIC PARKWAY PLAN INNER CORRIDOR.
Case Number:	ENV-2016-1787-ND
Required Action(s):	ND-NEGATIVE DECLARATION
Project Descriptions(s):	ENVIRONMENTAL NEGATIVE DECLARATION
Case Number:	ENV-2009-832-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	ENVIRONMENT CLEARANCE TO ADD SUSTAINABILITY GUIDELINES TO THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN DESIGN AND PRESERVATION GUIDELINES
Case Number:	ENV-2008-4684-ND
Required Action(s):	ND-NEGATIVE DECLARATION
Project Descriptions(s):	A CODE AMENDMENT TO REVISE THE CURRENT HILLSIDE AREA DEFINITION AND ESTABLISH A NEW DEPARTMENT OF CITY PLANNING HILLSIDE AREA MAP.
Case Number:	ENV-2003-2626-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	PROPOSED DESIGN AND PRESERVATION GUIDELINES PURSUANT TO THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN.
Case Number:	ENV-1985-67-SP
Required Action(s):	SP-SPECIFIC PLAN (INCLUDING AMENDMENTS)
Project Descriptions(s):	ENVIRONMENTAL IMPACT REPORT FOR THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN AND ASSOCIATED RECREATIONAL AND ROADWAY IMPROVEMENTS.

## DATA NOT AVAILABLE

CPC-9708  
 ORD-184381  
 ORD-181128  
 ORD-167943  
 ORD-158726  
 ORD-132416  
 ORD-129279  
 ORD-128730  
 DofL-665  
 DL-665  
 AF-04-0197482



Address: 13375 W MULHOLLAND DR

APN: 2386001016

PIN #: 159B157 199

Tract: TR 5571

Block: None

Lot: 20

Arb: 1









Zoning: RE40-1-H

General Plan: Minimum Residential



# LEGEND

## GENERALIZED ZONING

	OS, GW
	A, RA
	RE, RS, R1, RU, RZ, RW1
	R2, RD, RMP, RW2, R3, RAS, R4, R5, PVSP
	CR, C1, C1.5, C2, C4, C5, CW, WC, ADP, LASED, CEC, USC, PPSP, MU, NMU
	CM, MR, CCS, UV, UI, UC, M1, M2, LAX, M3, SL, HJ, HR, NI
	P, PB
	PF


## GENERAL PLAN LAND USE

### LAND USE

#### RESIDENTIAL





	Minimum Residential
	Very Low / Very Low I Residential
	Very Low II Residential
	Low / Low I Residential
	Low II Residential
	Low Medium / Low Medium I Residential
	Low Medium II Residential
	Medium Residential
	High Medium Residential
	High Density Residential
	Very High Medium Residential

#### COMMERCIAL






	Limited Commercial
	Limited Commercial - Mixed Medium Residential
	Highway Oriented Commercial
	Highway Oriented and Limited Commercial
	Highway Oriented Commercial - Mixed Medium Residential
	Neighborhood Office Commercial
	Community Commercial
	Community Commercial - Mixed High Residential
	Regional Center Commercial

### FRAMEWORK

#### COMMERCIAL

	Neighborhood Commercial
	General Commercial
	Community Commercial
	Regional Mixed Commercial






#### INDUSTRIAL

	Commercial Manufacturing
	Limited Manufacturing
	Light Manufacturing
	Heavy Manufacturing
	Hybrid Industrial




#### PARKING

	Parking Buffer
---	----------------


#### PORT OF LOS ANGELES

	General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
	General / Bulk Cargo - Hazard
	Commercial Fishing
	Recreation and Commercial
	Intermodal Container Transfer Facility Site



#### LOS ANGELES INTERNATIONAL AIRPORT

	Airport Landside / Airport Landside Support
	Airport Airside
	LAX Airport Northside

#### OPEN SPACE / PUBLIC FACILITIES




















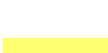




	Open Space
	Public / Open Space
	Public / Quasi-Public Open Space
	Other Public Open Space
	Public Facilities

#### INDUSTRIAL

	Limited Industrial
	Light Industrial

# CHAPTER 1A LEGEND

## General Plan Designation

	Transit Core		Medium Residential		Agriculture
	Traditional Core		Low Neighborhood Residential		Hybrid Industrial
	Regional Center		Low Medium Residential		Markets
	High Residential		Low Residential		Light Industrial
	Community Center		Compact Residential		Production
	Village		Very Low Residential		Industrial
	Neighborhood Center		Minimum Residential		Open Space
	Medium Neighborhood Residential				Public Facilities
					Public Facilities - Freeways

## Zone Use Districts

	Open Space		Residential-Mixed		Industrial-Mixed
	Agricultural		Commercial		Public
	Residential Single Family		Commercial-Mixed		Freeway
	Residential Multiple Family		Industrial		

CIRCULATION

STREET

- Arterial Mountain Road
- Collector Scenic Street
- Collector Street
- Collector Street (Hillside)
- Collector Street (Modified)
- Collector Street (Proposed)
- Country Road
- Divided Major Highway II
- Divided Secondary Scenic Highway
- Local Scenic Road
- Local Street
- Major Highway (Modified)
- Major Highway I
- Major Highway II
- Major Highway II (Modified)

- Major Scenic Highway
- Major Scenic Highway (Modified)
- Major Scenic Highway II
- Mountain Collector Street
- Park Road
- Parkway
- Principal Major Highway
- Private Street
- Scenic Divided Major Highway II
- Scenic Park
- Scenic Parkway
- Secondary Highway
- Secondary Highway (Modified)
- Secondary Scenic Highway
- Special Collector Street
- Super Major Highway

FREEWAYS

- Freeway
- Interchange
- On-Ramp / Off- Ramp
- Railroad
- Scenic Freeway Highway

MISC. LINES

- Airport Boundary
- Bus Line
- Coastal Zone Boundary
- Coastline Boundary
- Collector Scenic Street (Proposed)
- Commercial Areas
- Commercial Center
- Community Redevelopment Project Area
- Country Road
- DWP Power Lines
- Desirable Open Space
- Detached Single Family House
- Endangered Ridgeline
- Equestrian and/or Hiking Trail
- Hiking Trail
- Historical Preservation
- Horsekeeping Area
- Local Street
- MSA Desirable Open Space
- Major Scenic Controls
- Multi-Purpose Trail
- Natural Resource Reserve
- Park Road
- Park Road (Proposed)
- Quasi-Public
- Rapid Transit Line
- Residential Planned Development
- Scenic Highway (Obsolete)
- Secondary Scenic Controls
- Secondary Scenic Highway (Proposed)
- Site Boundary
- Southern California Edison Power
- Special Study Area
- Specific Plan Area
- Stagecoach Line
- Wildlife Corridor

## POINTS OF INTEREST

 Alternative Youth Hostel (Proposed)	 Horticultural Center	 Public Elementary School
 Animal Shelter	 Hospital	 Public Elementary School (Proposed)
 Area Library	 Hospital (Proposed)	 Public Golf Course
 Area Library (Proposed)	<b>HW</b> House of Worship	 Public Golf Course (Proposed)
 Bridge	<b>e</b> Important Ecological Area	 Public Housing
 Campground	 Important Ecological Area (Proposed)	 Public Housing (Proposed Expansion)
 Campground (Proposed)	 Interpretive Center (Proposed)	 Public Junior High School
 Cemetery	 Junior College	 Public Junior High School (Proposed)
<b>HW</b> Church	 MTA / Metrolink Station	 Public Middle School
 City Hall	 MTA Station	 Public Senior High School
 Community Center	 MTA Stop	 Public Senior High School (Proposed)
 Community Library	<b>MWD</b> MWD Headquarters	 Pumping Station
 Community Library (Proposed Expansion)	 Maintenance Yard	 Pumping Station (Proposed)
 Community Library (Proposed)	 Municipal Office Building	 Refuse Collection Center
 Community Park	<b>P</b> Municipal Parking lot	 Regional Library
 Community Park (Proposed Expansion)	 Neighborhood Park	 Regional Library (Proposed Expansion)
 Community Park (Proposed)	 Neighborhood Park (Proposed Expansion)	 Regional Library (Proposed)
 Community Transit Center	 Neighborhood Park (Proposed)	 Regional Park
 Convalescent Hospital	 Oil Collection Center	 Regional Park (Proposed)
 Correctional Facility	 Parking Enforcement	<b>RPD</b> Residential Plan Development
 Cultural / Historic Site (Proposed)	 Police Headquarters	 Scenic View Site
 Cultural / Historical Site	 Police Station	 Scenic View Site (Proposed)
 Cultural Arts Center	 Police Station (Proposed Expansion)	 School District Headquarters
<b>DMV</b> DMV Office	 Police Station (Proposed)	 School Unspecified Loc/Type (Proposed)
<b>DWP</b> DWP	 Police Training site	 Skill Center
 DWP Pumping Station	<b>PO</b> Post Office	 Social Services
 Equestrian Center	 Power Distribution Station	 Special Feature
 Fire Department Headquarters	 Power Distribution Station (Proposed)	 Special Recreation (a)
 Fire Station	 Power Receiving Station	 Special School Facility
 Fire Station (Proposed Expansion)	 Power Receiving Station (Proposed)	 Special School Facility (Proposed)
 Fire Station (Proposed)	<b>C</b> Private College	 Steam Plant
 Fire Supply & Maintenance	<b>E</b> Private Elementary School	 Surface Mining
 Fire Training Site	 Private Golf Course	 Trail & Assembly Area
 Fireboat Station	 Private Golf Course (Proposed)	 Trail & Assembly Area (Proposed)
 Health Center / Medical Facility	<b>JH</b> Private Junior High School	<b>UTL</b> Utility Yard
 Helistop	<b>PS</b> Private Pre-School	 Water Tank Reservoir
 Historic Monument	 Private Recreation & Cultural Facility	 Wildlife Migration Corridor
 Historical / Cultural Monument	<b>SH</b> Private Senior High School	 Wildlife Preserve Gate
 Horsekeeping Area	<b>SF</b> Private Special School	
 Horsekeeping Area (Proposed)	 Public Elementary (Proposed Expansion)	

SCHOOLS/PARKS WITH 500 FT. BUFFER

Existing School/Park Site      Planned School/Park Site      Inside 500 Ft. Buffer

- |                      |                                  |                          |
|----------------------|----------------------------------|--------------------------|
| Aquatic Facilities   | Other Facilities                 | Opportunity School       |
| Beaches              | Park / Recreation Centers        | Charter School           |
| Child Care Centers   | Parks                            | Elementary School        |
| Dog Parks            | Performing / Visual Arts Centers | Span School              |
| Golf Course          | Recreation Centers               | Special Education School |
| Historic Sites       | Senior Citizen Centers           | High School              |
| Horticulture/Gardens |                                  | Middle School            |
| Skate Parks          |                                  | Early Education Center   |

COASTAL ZONE

- Coastal Commission Permit Area
- Dual Permit Jurisdiction Area
- Single Permit Jurisdiction Area
- Not in Coastal Zone

TRANSIT ORIENTED COMMUNITIES (TOC)

- Tier 1
- Tier 2
- Tier 3
- Tier 4

**Note:** TOC Tier designation and map layers are for reference purposes only. Eligible projects shall demonstrate compliance with Tier eligibility standards prior to the issuance of any permits or approvals. As transit service changes, eligible TOC Incentive Areas will be updated.

WAIVER OF DEDICATION OR IMPROVEMENT

- Public Work Approval (PWA)
- Waiver of Dedication or Improvement (WDI)

OTHER SYMBOLS

- |                        |                       |                                     |
|------------------------|-----------------------|-------------------------------------|
| Lot Line               | Airport Hazard Zone   | Flood Zone                          |
| Tract Line             | Census Tract          | Hazardous Waste                     |
| Lot Cut                | Coastal Zone          | High Wind Zone                      |
| Easement               | Council District      | Hillside Grading                    |
| Zone Boundary          | LADBS District Office | Historic Preservation Overlay Zone  |
| Building Line          | Downtown Parking      | Specific Plan Area                  |
| Lot Split              | Fault Zone            | Very High Fire Hazard Severity Zone |
| Community Driveway     | Fire District No. 1   | Wells - Active                      |
| Building Outlines 2020 | Tract Map             | Wells - Inactive                    |
| Building Outlines 2017 | Parcel Map            |                                     |

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

# **EXHIBIT I**



## SOUTH VALLEY AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

### \*CORRECTED\* LETTER OF DETERMINATION

MAILING DATE: **APR 25 2023**

Case No.: APCSV-2018-5294-SPE-ZAA-ZAD-DRB-SPP-MSP

Council District: 4 – Raman

CEQA: ENV-2018-5295-CE

Plan Area: Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass

**Project Site:** 13375 – 13411 West Mulholland Drive

**Applicant:** Hamid Reza Barr, RHB Trust  
Representative: Larry Mondragon, Craig Fry & Associates

At its meeting of **January 26, 2023**, the South Valley Los Area Planning Commission took the actions below in conjunction with the approval of the following Project:

Construction of a new, 9,999.68 square-foot (Residential Floor Area), three-story, single-family dwelling with a 4,487 square-foot basement, a 701 square-foot four car garage at grade level, 535 square feet of multiple covered patios, and two pools with decks on two vacant lots totaling approximately 64,860.4 square-feet. The Project includes approximately 9,762 square feet of hardscape. The proposed structure is a total of 9,999.68 square feet of Residential Floor Area and a maximum height of approximately 52 feet. The Project is in the Inner Corridor and is subject to the Baseline Hillside Ordinance adopted on March 17, 2017. The Project is downslope from the Mulholland Drive right-of-way and is visible from Mulholland Drive. The Project is within 200 feet of a designated parkland. The Project proposes a haul route and 3,235 cubic yards of cut, 844 cubic yards of fill, zero cubic yards of import, and 2,391 cubic yards of export grading. There are six protected coast live oak trees and four protected Southern California black walnut trees on site. The Project does not propose the removal of any protected trees.

1. **Determined**, based on the whole of the administrative record, that the Project is exempt from CEQA Guidelines, Section 15303, Class 3, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.7.F., a Specific Plan Exception to permit a front yard setback of 20 feet in lieu of the 40-foot setback required under Mulholland Specific Plan Section 5.D.3;
3. **Approved**, pursuant to LAMC Section 12.28, a Zoning Administrator's Adjustment to permit the construction of three retaining walls, each with a maximum height of 10 feet, in the required front yard, in lieu of the allowed maximum height of 3.5 feet per Section 12.22 C.20.(f)(2);
4. **Approved**, pursuant to LAMC Section 12.28, a Zoning Administrator's Adjustment to permit the construction of one retaining wall with a maximum height of 10 feet in the required side yard, in lieu of the allowed maximum height of six feet per Section 12.22.C.20.(f)(3);
5. **Approved**, pursuant to LAMC Section 12.24 X.26, a Zoning Administrator's Determination to permit the construction of six retaining walls of variable height, between 3 feet and 10 feet in height, in lieu of the otherwise allowed maximum of one 12-foot in height retaining wall or two 10-foot in-height retaining walls per LAMC Section 12.21.C.8(a);
6. **Approved**, pursuant to LAMC Section 12.24 X.28, a Zoning Administrator's Determination to permit

the construction, use, and maintenance of a new single-family dwelling on a lot fronting a Substandard Hillside Limited Street that is not improved to a width of at least 20 feet, as required by LAMC Section 12.21.C.10(i)(2), and allow for a waiver of street dedication as delineated in LAMC Section 12.21.C.10(i)(1) and LAMC Section 12.37 I., and on a Lot that does not have a vehicular access route from a Street improved a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area as required by LAMC Section 12.21.C.10(i)(3);

7. **Dismissed** a request of Waiver of Street Improvements to the public right-of-way as 12.21 C.10(i)(1) only requires a Street Dedication and does not require the street improvement;
8. **Approved**, pursuant to LAMC Sections 11.5.7 C and 16.50, a Project Permit Compliance and Design Review as required by the Mulholland Scenic Parkway Specific Plan (Ordinance No. 167,943);
9. **Approved**, pursuant to LAMC Section 16.50, a Design Review for a project within the Mulholland Scenic Parkway Specific Plan (Ordinance No. 167,943);
10. **Adopted** the attached Conditions of Approval; and
11. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Barraza  
Second: Menedjian  
Ayes: Dierking, Karadjian, Mather

**Vote: 5 – 0**



Linda Lou, Interim Commission Office Manager  
South Valley Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**\*Effective Date/Appeals:** The decision of the South Valley Area Planning Commission is appealable to the Los Angeles City Council within 15 days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**Final Appeal Date: MAY 10 2023**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) is not further appealable and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Interim Appeal Filing Procedures (CEQA)

- c: Blake Lamb, Principal City Planner  
Claudia Rodriguez, Senior City Planner  
Katie Knudson, City Planner

## CONDITIONS OF APPROVAL

### A. Development Conditions

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled "Exhibit A", and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Valley Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Residential Floor Area (RFA).** The project shall be limited to 9,999.68 square feet of Residential Floor Area as defined in LAMC Section 12.03.
3. **Floor Area.** The project shall be limited to 12,019.19 square feet of Floor Area as defined in LAMC Section 12.03.
4. **Height.** The project shall be limited to an overall height of 52 in height but shall not exceed the height limitations as delineated in LAMC Section 12.21.C.10.
5. **Envelope Height.** The project shall be limited to an envelope height of no more than 32 feet and shall not exceed the Maximum Envelope Height as delineated in LAMC Section 12.21.C.10.
6. **Roofs.** Roof material shall be surfaced with non-glare materials, and no equipment shall be placed thereon, with the exception of solar energy devices.

### B. Zoning Administrator Determination Conditions

7. **Retaining Walls.** Approved herein are six retaining walls of variable height (10 to 12 feet when measured from the finished grade). Except as modified herein, the retaining walls shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled "Exhibit A," and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Valley Project Planning Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
8. **Street Access.** Approved herein the construction, use, and maintenance of a new single-family dwelling on a lot fronting a Substandard Hillside Limited Street that is not improved to a width of at least 20 feet. Street access shall be from Mulholland Drive.

### C. Waiver of Street Dedication

9. **Street Dedication.** Approved herein is a waiver of a street dedication along Sumatra Drive.

### D. Zoning Administrator Adjustment Conditions

10. **Retaining Wall Height.** Approved herein are three retaining walls with a variable height between 3 and 10 feet within the required front yard setback. Except as modified herein, the

retaining walls shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled “**Exhibit A,**” and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Valley Project Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.

#### **E. Project Permit Compliance and Design Review Conditions**

- 11. Hardscape.** The applicant shall ensure that all hardscape material is permeable.
- 12. Sloping Site Profile.** Where a building is situated on a site with a slope greater than 25 percent, the building should utilize a stepped-profile in which no portion of the building exceeds 25 feet in height, as measured from adjacent natural grade to the top of the roof or parapet wall directly above. Minimal grading and cut foundations should be utilized instead of extensive grading, filling, and retaining walls to create a building pad.
- 13. Building Articulation.** The project shall design the exterior surface of the structure such that the second floor of the building is articulated away from the garage, as shown on page C-5 and C-6 of the ‘Exhibit A.’
- 14. Garages.** The project shall not utilize more than one double or two single garage doors in the same plane visible from the public right-of-way.
- 15. Roof Form.** As shown in ‘Exhibit A’, and attached to the subject case file, the project shall utilize a flat roof form with a minimum of two roof forms, with a minimum offset of 4’ feet in height variation.
- 16. Exterior Lighting.** All exterior lighting fixtures shall be shielded and directed downward to illuminate only the project property. Up-lighting shall be prohibited. In no instance shall there be exterior lighting placed on the tennis court.
- 17. Skylights.** Plans shall be updated to reflect the number, location, and size of skylights included as part of the project. They shall utilize dark tinted, non-reflective glazing and be recessed. Individual skylights shall not be in excess of four-square feet.
- 18. Wildlife.** Should an agreement between the Applicant and the Mountains Recreation and Conservation Authority (MRCA) be reached, a Deed Restriction via Covenant would prohibit fencing, walls, lighting, planting of non-native vegetation, structures, or new hardscape within the deed restricted area. This deed restriction would not affect the residence as currently proposed, or interfere with its stated purpose as a single-family residence and the existing hardscape pathways would be specifically exempted from the prohibition on hardscape. If and when this agreement is reached, a copy shall be provided for the case file. Completion of this agreement is not a mandatory requirement.

#### **F. Specific Plan Exception Conditions**

- 19. Front Yard Setback.** Approved herein a Specific Plan Exception to permit a front yard setback of 20 feet in lieu of the 40-foot setback required under Mulholland Specific Plan Section 5.D.3.

**Administrative Conditions**

- 20. Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
- 21. Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet and shall include any modifications or notations required herein.
- 22. Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
- 23. Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
- 24. Covenant and Agreement.** Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.
- 25. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean the agencies, public offices, legislation or their successors, designees or amendment to any legislation.
- 26. Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
- 27. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendment thereto.
- 28. Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered

null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.

- 29. Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proved necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 30. Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision-making authority including the Director of Planning and the City Planning Commission.
- 31. Fire Department.** Prior to any sign-off of plans by the Development Services Center, the plot plan and the landscape plan shall be submitted to the Fire Department for review of compliance with the Los Angeles Municipal Code fire protection provisions for hillside dwellings.
- 32. Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (818) 374-9918.
  - If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 30 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
  - The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been

reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
- The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

**33. Human Remains Inadvertent Discovery.** In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal remains are discovered during construction or during any ground disturbance activities, the following procedures shall be followed:

- Stop immediately and contact the County Coroner: 1104 N. Mission Road Los Angeles, CA 90033 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
- If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
- The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
- The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

**34. Archaeological Resources Inadvertent Discovery.** In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code

Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

- 35. Paleontological Resources Inadvertent Discovery.** In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.
- 36. Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the

defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.



## FINDINGS

The project involves the construction of a new, 9,999.68 square-foot, three-story, single-family residence with a 4,487 square foot basement and 701 square-foot car garage at grade level, 535 square feet of multiple covered patios and two pools with decks on two vacant lots totaling approximately 64,860.4 square feet. The project includes approximately 9,762 square feet of hardscape. The proposed structure is a total of 9,999.68 square feet of Residential Floor Area and height of approximately 52 feet (maximum envelope height of 31.4 feet). The project is in the Inner Corridor and is subject to the Baseline Hillside Ordinance adopted on March 17, 2017. The project is downslope from the Mulholland Drive right-of-way and is visible from Mulholland Drive. The project is within 200 feet of a designated parkland. The project proposes 3,235 cubic yards of cut, 844 cubic yards of fill, zero cubic yards of import, and 2,391 cubic yards of export grading. Additionally, according to the Arborist Report prepared by LSA dated June 11, 2018, there are six protected coast live oak trees and four protected southern California black walnut trees on site. The project does not propose the removal of any protected trees. The case was heard by the DRB for preliminary review on December 19, 2018 and subsequently on February 19, May 19, and August 4, 2021.

### **Entitlement Findings for the Zoning Administrator's Determination, 12.24.X. of the LAMC**

- 1. The vehicular traffic associated with the building or structure will not create an adverse impact on street access or circulation in the surrounding neighborhood.**

The proposed single-family dwelling will be constructed on an existing vacant lot. The applicant has been required by the Department of Public Works to improve the roadway to a minimum 20-foot wide width in front of the subject property and from the driveway apron of the subject lot to the boundary of the hillside area. The applicant has been required to improve the roadway to a minimum 20-foot width adjacent to the subject property, but the off-site street dedications have been waived as has been consistently done in hillside areas throughout the City. There is a sufficient nexus to require each project to improve the street in front of their property to ensure there is adequate room for two cars to safely pass and to provide for vehicular access in case of a fire or medical emergency. As conditioned, the vehicular traffic associated with the new dwelling will not create an adverse impact on street access or circulation in the surrounding neighborhood.

- 2. The building or structure will not be materially detrimental or injurious to the adjacent property.**

The proposed construction of a new single-family dwelling will be located in an already developed residential neighborhood. The proposed project will be built within the site's property boundaries, and is within the height and area limits established by the BHO. As conditioned, the building will not be materially detrimental to the adjacent properties.

- 3. The building or structure will not have a materially adverse safety impact on the surrounding neighborhood.**

The property is located within a Very High Fire Severity Zone and a BOE Special Grading area, and the site plan is subject to approval and review by the Fire Department as well as the Building and Safety Grading Division. As conditioned, the building will not have material adverse safety impact on the surrounding neighborhood. The retaining walls within the public right-of-way and front yard set-back provides safety for the access road to be used for such vehicles and therefore providing the exception to the front and side yard setback in this instance will also continue to meet the general purpose and intent of the specific plan.

Requiring the strict application of these regulations would result in practical difficulties inconsistent with the intent of the Specific Plan.

**4. The site and/or existing improvements make strict adherence to Section 12.21.C.10 (i) impractical or infeasible.**

Sumatra Drive is a Substandard Hillside Limited Street dedicated to a right-of-way width of 26 feet and is currently an unimproved “paper street”. The Bureau of Engineering is requiring a five-foot dedication to provide a 20-foot wide roadway. As per the Department of Building and Safety and Department of Public Works Preliminary Referral Form, the applicant is required to provide a dedication of five feet and improve the roadway to 20 feet wide. Adherence to the on-site improvement provisions of Los Angeles Municipal Code Section 12.21.C.10 (i)(2) is necessary to provide public safety and accessibility. Sumatra Drive is an unpaved “paper street”, and providing the required on-site dedication will incrementally increase vehicular safety and accessibility when it eventually becomes a paved street. However, strict adherence to the off-site widening required by Los Angeles Municipal Code Section 12.21.C.10.(i)(3) is impractical and infeasible because the applicant does not own those properties. The grant is consistent with similar approvals in the nearby hillside properties that have been granted approval to construct new homes and additions to existing dwellings subject to providing on-site improvements. The grant allows the addition to a single-family dwelling that conforms to the intent of the regulations, and waives the impractical off-site improvement to the boundary of the Hillside Area.

**Entitlement Findings for the Waiver of Dedication And/Or Improvement to the Public Right-Of Way Process, LAMC 12.31.I**

**5. The dedication or improvement requirement does not bear a reasonable relationship to any project impact.**

In addition to fronting Mulholland Drive to the south, the projects site is bounded by Sumatra Drive to the North. Sumatra Drive is designated as a Local Street-Standard under the Mobility Plan 2035 and dedicated to a width of 26 feet. Per Figure 2 of the aerial view of the project’s location, the existing Sumatra Drive is a paper street with no improvements to have been made and subsequently lush vegetation has grown over connecting the property to Dixie Canyon parkland.

The project site along with the abutting properties have current means of access and egress connected to Mulholland Drive. Therefore, the dedication of 5 feet to Sumatra Drive does not bear a reasonable relationship to any project impact. Moreso the dedication would not provide any such access to the proposed project or surrounding properties due to the entirety of Sumatra Drive needing to be built out to create connectivity along the roadway.

**6. The dedication or improvement is not necessary to meet the City's mobility needs for the next 20 years based on guidelines the Streets Standards Committee has established.**

Sumatra Drive is designated as a Local Street-Standard under the Mobility Plan and dedicated to a width of 26 feet. The 5-foot dedication to meet BOE’s satisfaction would not be necessary to meet the City’s mobility needs for the next 20 years based on the guidelines the Street Standards Committee has established. Local Street Standards have established a roadway width of 36 feet and a right-of-way width of 60 feet. Per Figure 2 of the existing Sumatra Drive, the entire roadway would need to be built out. Moreso, the 5- foot dedication would provide nothing but a 5-foot improvement to the non-existing roadway immediately

adjacent to the property resulting in an unconnected road with no access while cutting into lush vegetation and trees that have grown maturely along Sumatra Drive.

**7. The dedication or improvement requirement is physically impractical.**

Sumatra Drive is proposed to traverse a prominent ridge associated with Dixie Canyon Park to the north, while the northeasterly portion of the roadway is planned to terminate at the westerly edge of Longridge Park. Developing Sumatra Drive would result in irreparable environmental damage as the roadway would adversely affect a scenic public resource and require the removal of protected trees and native vegetation. Moreso, the dedication would bring traffic along a prominent ridge adjacent to public parkland, permanently disrupting the solitude of Dixie Canyon Park.

The dedication of 5 feet would provide a small, unconnected portion of Sumatra Drive with no possibility of being utilized unless the City were to build out and balance the entirety of the roadway. Due to the unforeseen improvements provided by the City or abutting properties, the improvement requirement is physically impractical and subsequently would do more harm to the surrounding area than provide improvement.

**Entitlement Findings for the Zoning Administrator's Adjustment, LAMC 12.28**

**8. While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The subject property consists of two irregularly-shaped vacant lots, totaling 64,860 square feet. The property has approximately 71 feet of frontage along north side of Mulholland Drive (southern part of the property). The most northern side of the property abuts the Dixie Canyon Parkland separated by a frontage of 250 feet along Sumatra Drive (a non-existent paper street). The property is located in the hillside area and has a slope of 36% or more for the downhill and rear northernmost portion of the lot. The Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass Community Plan designates the subject site as Minimal Residential with corresponding zones of RE9, OS, A1, A2, and RE40. The property is currently zone RE40-1-H and is currently unimproved, vacant lots.

The intent of the zoning regulations is to provide for adequate space for light and air, to prevent and fight fires, to conserve properties values, and to promote health, safety, and welfare in accordance with the General Plan. These regulations are written on a Citywide basis and do not take into account the unique characteristics an individual property may have. Property owners seeking relief from the strict application of the height regulations may apply for an adjustment. The Zoning Administrator is authorized to approve deviations if the required findings can be made in the affirmative. In this case, the applicant is seeking to permit the construction of three over-in-height retaining walls in the front yard and one over-in-height retaining wall in the required side yard of a subject property in the Hillside area.

As approved in this grant, the deviations provide relief from the strict application of the LAMC requirements and allows the development of three over-in-height retaining walls within the front yard setback and will allow for the remediation of the hillside area with the intended use for which the zoning consistency program was adopted. Moreso, the proposed retaining walls will not be visible from the Mulholland Drive right-of-way to the south due to the nature of the property's slope – the retaining walls will be positioned approximately 50 feet below the elevation of the roadway surface. Furthermore, the walls will not be visible from the northern Dixie Canyon Parkland simply due to the residence blocking the view of the walls and following the natural topography of the surrounding environment.

Additionally, as approved in this grant, the deviations provide relief from the strict application of the LAMC requirements and allows the development of an over-in-height retaining wall within the side yard setback to provide structural support and safety for the access driveway connecting the proposed home to the Mulholland Drive right-of-way. Moreover, the over-in-height retaining wall in the side yard helps form the level area needed for the required turn-around for emergency vehicles resolving the increasing concerns of emergency vehicles' ability to access residences within the surrounding area.

- 9. In light of the project as a whole including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject property is zoned RE40-1-H and consists of two undeveloped vacant lots. Adjoining properties to the south, west, and east are zoned RE40-1-H, and are either developed with single-family dwellings or vacant and undeveloped. The adjoining property to the north is zoned RE15-1-H and currently developed as Dixie Canyon Parkland. The property on Mulholland Drive is accessed from a driveway along Mulholland Drive.

The site's sloping characteristics require that the project's retaining walls all be increased to a maximum of 10 feet to position the home into the hillside, thus lowering the height of the proposed dwelling, and allowing full compliance with the overall height maximum of 52 feet and envelope height limit of 36 feet. The strict adherence to the zoning regulations is impractical considering the severe topography of the subject property. The sharp grade on the downslope of Mulholland Drive makes the requested relief both logical and necessary under the circumstances. Considering the mitigation measures imposed, these over-in-height retaining walls in the front and side yards should not adversely affect or degrade adjacent properties, the surrounding neighborhood, or the public's health, safety, and welfare.

#### **Entitlement Findings for Project Permit Compliance and Design Review**

- 10. A recommendation was made by the Mulholland Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:**

The proposed project is subject to the design review process because it is located within the boundaries of the Mulholland Scenic Parkway Specific Plan, and is not subject to any of the exemptions set forth in Section 11.J. of the Specific Plan.

The Design Review Board met on December 19, 2018, where the board provided a preliminary recommendation to the applicant. No vote was taken at that time. The recommendations provided by the board were:

- Per Guideline 57, all plants be native per the Preferred Plant List.
- The Acacia is on the Non-preferred Plant List and needs to be removed.
- All exterior lighting shall be downward facing and shielded.
- The driveway shall include permeable pavement.
- The driveway needs to add a turnaround space at the top for emergency vehicles.
- Reduce the size of the structure to a maximum of 10,000 square feet.
- Articulate the structure to break up massing.
- Come to an agreement with the MRCA.

- Basement shall be 100% underground or the basement floor will count as floor area.

The Design Review Board met on February 19, 2021 where the board convened a quorum of 5 members. The vote was unanimous (5-0) recommending the case to be continued to comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Plan. The conditions recommended by the board were:

- Per Design Guideline 2, to provide stepping of project with the site terrain.
- Per Design Guideline 32, to break up massing and the length of the proposed project.
- Per Design Guideline 34, the project shall design the exterior surface of the structure such that the second floor of the building is articulated away from the garage.
- Per Guideline 57, provide landscape plans that show 75% of preferred plants in species and quantities from the Preferred Plant List.
- Number pages in Arabic numerals.
- All exterior lighting is to be downward facing and shielded.
- Come to an agreement with the MRCA.
- Reduce the size of the project to 10,000 square feet.

The Design Review Board met on May 19, 2021 where the board convened a quorum of 5 members. The vote was unanimous (5-0) recommending the case to be continued to comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Plan. The conditions recommended by the board were:

- Per Design Guideline 2, to provide stepping of project with the site terrain.
- Per Design Guideline 32, to break up massing and the length of the proposed project.
- Per Design Guideline 34 the project shall design the exterior surface of the structure such that the second floor of the building is articulated away from the garage.
- Per Design Guideline 43 so that the garage does not utilize more than one double single garage door in the same plane that is visible from the public right-of-way.
- The building on top of the garage will need to be removed.
- Add a larger quantity of native plants from the Preferred Plant List.
- Add more trees.
- Hide massiveness.
- Provide details regarding the perseverance of the Mulholland right-of-way.

The Design Review Board met on August 4, 2021 where the board convened a quorum of 5 members. The vote was unanimous (5-0) recommending the case be disapproved as it does not comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Plan. The conditions recommended by the board were:

- Reduce the number of retaining walls as it exceeds the maximum of three retaining walls allowed in the Mulholland Scenic Parkway Design Guidelines.
- Per Design Guideline 2, to provide stepping of project with the site terrain.
- Per Design Guideline 34 the project shall design the exterior surface of the

structure such that the second floor of the building is articulated away from the garage.

- Per Design Guideline 43 so that the garage does not utilize more than one double single garage door in the same plane that is visible from the public right-of-way.
- That the applicant come to an agreement with the MRCA that is supported by the Board.
- Design individual skylights to not exceed four (4) square feet each and be spaced a minimum of 2 feet apart each.

After the Design Review Board met four times on December 19, 2018, February 19, May 19, and August 4, 2021, where the board convened a quorum of 5 members, a unanimous (5-0) vote recommending the case be disapproved was rendered stating the project does not comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Plan.

Following these continued meetings with the Design Review Board, staff determined that the applicant provided ample revision to the plan to address the concerns of the Board and also remain in substantial compliance with the guidelines set forth in the Specific Plan.

**11. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

Based on a review of the plans submitted with the application, marked "Exhibit A", APCSV-2018-5294-SPE-ZAA-ZAD-DRB-SPP-MSP, the Director of Planning makes the following findings in accordance with the applicable design review criteria of the Mulholland Scenic Parkway Specific Plan, Ordinance No. 167,943, effective June 29, 1992:

**Section 5.A: Uses**

The project proposes the use of land for a single-family dwelling, which is a permitted use and as such, the project use complies with Section 5.A of the Specific Plan.

**Section 5.B: Environmental Protection Measures**

The subject property is not defined as a "prominent ridge" as per the definition in Section 4 since no ridgeline appears near the property on the map of the Specific Plan Area: Map 9 of 12. As such, the project is not subject to with Sections 5.B.1.a and 5.B.1.b, which limit grading and visibility on the defined Prominent Ridges in the Plan area. Furthermore, according to the same map and <http://zimas.lacity.org> the project is 200 feet from public parkland; and is subject to with Section 5.B.3, which limits construction and grading within 200 feet of public parkland. The project does not propose to remove, move, or alter any protected or native trees, which include Oak trees, in accordance with Section 5.B.4. Finally, should the applicant encounter any archeological or paleontological resources while grading for the project, the applicant will need to follow the necessary notification procedures pursuant to California Health and Safety Code Sections 7000 et sequentia to appropriately handle these resources, fulfilling the intent of Section 5.B.5 that seeks to protect these resources. As such, the project complies with Section 5.B of the Specific Plan.

Environmental studies were performed in preparation of this project proposal. Updated biological assessments, tree reports, and soils reports were submitted for review under CEQA. The biological assessment concluded that two sensitive vegetation communities are present on the project site that include California walnut trees and annual herbaceous woodland. These vegetation communities will be minimally impacted by the footprint of the proposed structure and the implementation of landscape measures set by the Specific Plan will further minimize the impact on these communities. Additionally, ground disturbance

activities are recommended to be completed outside of the avian breeding season to the extent feasible, per the biological assessment. Further, a tree report was submitted providing conclusion and recommendations in the management of retained oak and walnut trees. Lastly, the soils report submitted to the Grading Division of the Department of Building and Safety was accepted with regard to proposed ground disturbance and grading requirements.

**Section 5.B.1.b: Environmental Protection Measures – Structure on a Prominent Ridge**

The subject property is not defined as a “prominent ridge” as per the definition in Section 4 since no ridgeline appears near the property on the map of the Specific Plan Area: Map 9 of 12. As such, the project is not subject to with Sections 5.B.1.a and 5.B.1.b, which limit grading and visibility on the defined Prominent Ridges in the Plan area.

**Section 5.B.2: Environmental Protection Measures – Streams**

Furthermore, according to the same map and <http://zimas.lacity.org> the project is further than 100 feet from a watercourse and therefore not subject to Section 5.B.2, which limits grading within 100 feet of a stream bank.

**Section 5.B.3: Environmental Protection Measures – Public Parkland**

According to Map 9 of 12, the subject property is within 200 feet of public parkland and is therefore subject to Section 5.B.3, which limits construction and grading within 200 feet of public parkland. As per Section 5.B.3, the Specific Plan states that:

*No project shall be erected and no earth shall be graded within 200 feet of the boundaries of any public parkland without the prior written approval of the Director pursuant to Section 11. The Director may approve the construction of a project or grading within 200 feet of public parkland after making the following findings:*

- a. The project preserves the residential character along the right-of-way.*
- b. The project will minimize erosion.*
- c. The project preserves the natural vegetation and the existing ecological balance.*
- d. The project protects identified archaeological and paleontological sites.*
- e. The project minimizes driveway access into the right-of-way.*

The project has been reviewed by the Department of Building and Safety and a Geology and Soils Approval Letter was issued on October 13, 2017. The project will be constructed in accordance with all Department of Building and Safety requirements and conditions. As such, the project will minimize erosion and preserve the residential character along the right-of-way.

Moreover, grading will be limited to the areas needed for footings, grade beams, caissons, and the two pools. The graded slope will retain its current, natural appearance compatible with the natural topography of the area. Furthermore, that applicant has stated to MRCA staff that they will address concerns regarding wildlife movement and habitat related to the subject proposed project by volunteering a condition of project approval requiring recordation of Conservation Easements over portions of the subject property. As such, the project preserves the natural vegetation and the existing ecological balance, and will not negatively affect the adjacent public parkland and will promote wildlife movement and habitat.

As a condition of this grant, the applicant has prepared a full landscape and irrigation plan with low water use native species that will complement the ecological balance of the existing site and existing parkland to the north. The project proposes planting 56 protected trees,

various shrubs and grasses from the Preferred Plant List that will preserve the natural vegetation of the surrounding land as well as naturally screen the proposed project. In addition, there are no known archaeological or paleontological findings on the subject site. However, should the applicant encounter any archeological or paleontological resources while grading for the project, the applicant will need to follow the necessary notification procedures pursuant to California Health and Safety Code Sections 7000 et seq. to appropriately handle these resources.

**Section 5.B.5: Environmental Protection Measures – Archeological and Paleontological Resources**

Should the applicant encounter any archeological or paleontological resources while grading for the project, the applicant will need to follow the necessary notification procedures pursuant to California Health and Safety Code Sections 7000 et seq. to appropriately handle these resources, fulfilling the intent of Section 5.B.5 that seeks to protect these resources.

**Section 5.B.4: Environmental Protection Measures – Oak Trees**

The project does not propose to remove, move, or alter any protected or native trees, which include Oak trees, in accordance with Section 5.B.4. It is important to note, staff has met with the Department of Urban Forestry regarding an anonymous complaint regarding native tree clearance on the property in 2017. Staff from Urban Forestry received to the complaint and performed a site visit where nothing significant was found. As a result, the complaint was closed and logged. Additionally, the applicant is proposing the planting of 18 native Coast Live Oaks to the property and is meeting the request to provide more native trees to the property.

**Section 5.C: Grading**

The project requires 3,235 cubic yards to be cut, 844 of which will be used for fill, and 2,391 cubic yards will be exported; zero cubic yards will be imported. In Section 5.C the Plan states that:

*The Director may approve grading up to two cubic yards of earth per four square feet of lot area per lot after making the following findings:*

- a. The Department of Building and Safety or the Bureau of Engineering has determined that such grading is required to provide access driveways, pedestrian accessways, drainage facilities, slope easements, and/or dwelling foundations.*
- b. All grading conforms to the standards set forth in the Landform Grading Manual, unless the Department of Building and Safety has determined that landform grading will conflict with the provisions of Divisions 29 and 70 of Article 1 of Chapter IX of the Code.*
- c. The graded slopes have a natural appearance compatible with the characteristics of the Santa Monica Mountains.*
- d. The Department of Building and Safety has determined that grading will minimize erosion.*

Per this Section, the applicant would be limited to 6,600 cubic yards of grading for the 64,860 square-foot lot; as noted above the project only requires 3,235 cubic yards of cut. The project proposes a haul route for this grading. This grading is necessary for the reasonable development of the property for the construction of the single-family dwelling, conforms with the Landform Grading manual, and as conditioned in this determination letter the design of the home will be compatible with the Santa Monica Mountains. Furthermore, the applicant is subject to the stricter grading limits in the LAMC, and is required to obtain grading permits and follow all practices imposed on them during the process of grading from the Building and Safety Grading Division. As such, the project complies with Section 5.C of the Specific Plan.

**Section 5.D: Building Standards**

The project is visible from Mulholland Drive. As per Section 5.D.1 of the Specific Plan:

*The Director may approve a project's penetration into the viewshed after making the following findings:*

- a. The Department of Building and Safety has determined that the height of the project does not exceed the height limit allowed in paragraphs a, b or c of subdivision 2.*
- b. The project is designed to complement the view from Mulholland Drive.*

The project is on a downslope lot and is furthermore within 500 feet of the Mulholland right-of-way. As such, the project's height is limited to 40 feet. As proposed, the project has a maximum envelope height of 31.4 feet. However, per Section 3.B of the Specific Plan, where the Los Angeles Municipal Code (LAMC) has a lower height requirement of 36 feet in the RE-40 zone, the LAMC prevails and as such, the project is also subject to the envelope height requirements of the Baseline Hillside Ordinance. The project complies with Sections 5.D.1. and 5.D.2.c and the LAMC Section 12.21 C.10.

The project abuts the right-of-way and is more than 100 feet in depth. As such, per Section 5.D.3.a, the project's front yard is required to be not less than 20% of the lot depth, but no more than 40 feet. Pursuant to LAMC Section 11.5.7 F, a Specific Plan Exception to permit a front yard setback of 20 feet in lieu of the 40-foot setback is required under Mulholland Specific Plan Section 5.D.3 as the project does not comply.

As per Section 5.D.3.b, the project's side yard on each side of the main building is required to be not less than 10% of the width of the lot, but no more than 20 feet. The project's two lots' adjoining width is approximately 355 feet, and the project proposes a side yard of 20 feet. As such, the project complies with Section 5.D.3.

The project proposes six retaining walls visible from Mulholland Drive. The walls are to be constructed of concrete beneath a lush, living facade, and therefore complies with Section 5.D.4, which requires a finish such as rough-cut, unfinished wood; native-type stone; split face concrete block; textured plaster walls; black or dark green chain link or wrought iron; or a combination thereof.

The roof, which is visible from Mulholland Drive, will not have any equipment placed on it, and will be surfaced with non-glare materials. As such, the project complies with Section 5.D.7.

The project does not seek the entitlement for a new subdivision, and as such is not subject to Section 5.D.6.

Aside from Section 5.D.3 pertaining to the front yard setback, in which the applicant has requested a Specific Plan Exception, the project complies with Section 5.D of the Specific Plan.

**Section 11.I.3: Design Review Criteria**

Based on a review of the project proposal, and in consideration of the recommendation of the Design Review Board, the proposed single-family residence, as modified by the conditions herein, is compatible with the surrounding homes and the parkway environment in terms of design, massing, materials, and color and as such complies with Section 11.I.3 of the Plan.

**Design Guideline 2: Sloping site profile.**

As per Condition of Approval Number 10, The project shall utilize a stepped-profile in which no portion of the building exceeds 25 feet in height as measured from adjacent grade to the top of the roof or parapet wall directly above. As such, the project complies with Design Guideline 2 which states that where a building is situated on a site with a slope greater than 25 percent, the building should utilize a stepped-profile in which no portion of the building exceeds 25 feet in height, as measured from adjacent natural grade to the top of the roof or parapet wall directly above. Minimal grading and cut foundations should be utilized instead of extensive grading, filling, and retaining walls to create a building pad. The roof should be designed to follow the predominant slope of the land.

**Design Guideline 5: Site Permeability**

As per Condition of Approval No. 9, the applicant will ensure that all hardscape material will be permeable. This is in conformance with Design Guideline 5 which states that project design should incorporate features such as fire-resistant wooden decks, driveway pavers, grass-crete, and other permeable surfaces in order to maximize the amount of water that can percolate into the soil on-site and minimize overland runoff onto adjoining properties, streets, and watercourses.

**Design Guideline 13: Wildlife**

Guideline 13 encourages preserving wildlife habitats, movement, and the ecology of the Scenic Parkway. As noted in Condition of Approval No. 17, should an agreement between the Applicant and both the Santa Monica Mountains Conservancy and/or Mountains Recreation and Conservation Authority be reached, issues such as fence heights, portions of the lot which shall not have development, will be secured. As a result of this agreement, wildlife habitats would be better preserved. If agreed upon, the project would comply with Guideline 13. Furthermore, that applicant has stated to MRCA staff that they will address concerns regarding wildlife movement and habitat related to the subject proposed project by volunteering a condition of project approval requiring recordation of Conservation Easements over portions of the subject property. As such, the project preserves the natural vegetation and the existing ecological balance, and will not negatively affect the adjacent public parkland and will promote wildlife movement and habitat.

**Design Guideline 34: Building Articulation:**

As per Condition of Approval Number 11, the project shall design the exterior surface of the structure such that the second floor of the building is articulated away from the garage. As such, the project complies with Design Guideline 34.

**Design Guideline 35: Roof Form**

As per Condition of Approval Number 13, the roof will not be an entirely flat surface, and a secondary roof form will be utilized, in compliance with Design Guideline 35.

**Design Guideline 37: Roof-top Equipment.**

As per Condition of Approval No. 4, roof-top equipment is prohibited on structures located within the Inner Corridor (with the exception of solar energy devices) which are visible from Mulholland Drive, and should be avoided for all projects. As such, the project has been conditioned to prohibit the construction of roof-top equipment on the roof of the structure to comply with Design Guideline 37.

**Design Guideline 40: Exterior Lighting**

As per Condition of Approval Number 14, the project will use downfacing and shielded lights, in conformance with Design Guideline 40, which states that lighting should be downward facing and shielded to screen the light source.

**Design Guideline 41: Skylights**

Design Guideline 41 states that individual skylights should not exceed four (4) square feet each. As per Condition of Approval Number 15, the project complies with Design Guideline 41.

**Design Guideline 43: Garages.**

As per Condition of Approval Number 12, the project should avoid utilizing more than one double or two single garage doors in the same plane visible from the public right-of-way. More than one double or two single garage doors in the same plane visible from the public right-of-way. Due to the project proposed downslope, the proposed garage is not visible from Mulholland's public right-of-way. As such, the project complies with Design Guideline 34.

**Design Guideline 50: Neighborhood Compatibility**

As per Condition of Approval No. 1, the size of the project including the square footage and height is compatible with the other neighboring homes. The project proposes 9,999 square feet and an 14% Floor Area Ratio. Nearby homes have an average of 4,267 square feet and an FAR of 32%.

Although the structure size is larger than some homes nearby, the lot size of the subject site is significantly larger than most lots in the vicinity, and therefore the proposed Floor Area Ratio is comparable and compatible with the neighborhood.

Finally, the project's finish materials of wood and plaster are also found in nearby homes. As such, the project's size and design fit with the neighborhood compatibility, in compliance with Design Guideline 50.

**Design Guideline 57: New Plants**

As per Condition of Approval No. 5, the applicant will ensure that all plant replacements will come from the Preferred Plant List. This is in conformance with Design Guideline 57, which states to emphasize a variety of native or native-type plants in the landscape design for the project.

**Design Guideline 71: Planning and Design for Sustainable Building Practices**

The project will follow the Green Building and Low Impact Development codes, as seen in "Exhibit A". As such, the project complies with sustainable building practice Design Guideline 71.

12. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to the State CEQA Guidelines, Title 14, Section 15303, Class 3, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to the State CEQA Guidelines Section 15300.2.

**Entitlement Findings for Specific Plan Exception, LAMC Section 11.5.7 F**

13. **That the strict application of the policies, standards, and regulations of the geographically specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of such specific plan.**

The project requests a Specific Plan Exception to provide a 20 foot front yard setback in lieu of the required 40 foot setback. This will enable portions of the building and retaining walls to be located in the required front yard, as the current regulation results in practical difficulties and unnecessary hardships. Practical difficulties will result from the strict application of the front yard standards of the Mulholland Scenic Parkway Specific Plan due to the steep, sloping topography of the site and required distance from Dixie Canyon Park north of the property of no less than 200 feet. The proposed 9,999 square-foot main residence and attached garage, within the front yard setback avoids additional grading, removal of trees (native Coast Live Oaks and Southern California Black Walnut Trees found in the northernmost part of the property), and the more prominent visibility of the rear of the main residence from the existing Dixie Canyon Park. Also, due to the nature of the lot's down sloping topography, the project's garage and main residence will not be visible from Mulholland Drive and will be completely out of the viewshed. Additionally, the placement of the main residence in the required front yard setback reduces the length of the access road significantly which in turn reduces the amount of grading needed to provide such a length in accessibility. The Specific Plan recommends minimizing grading where possible and to protect existing native vegetation and scenic views from Mulholland Drive. Requiring the strict application of these regulations would result in practical difficulties inconsistent with the intent of the Specific Plan. Therefore, providing an exception to the front yard setback in this instance will continue to meet the general purpose and intent of the plan.

The applicant proposes four retaining walls on the south side of the property, three of which will be within the property's front yard setback. Due to the increasing demand of accessibility to the residence for emergency vehicles and parking, the retaining walls within the public right-of-way and front yard set-back provides safety for the access road to be used for such vehicles and therefore providing the exception to the front and side yard setback in this instance will also continue to meet the general purpose and intent of the specific plan. Requiring the strict application of these regulations would result in practical difficulties inconsistent with the intent of the Specific Plan.

- 14. That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.**

Exceptional circumstances are possessed on the subject property because of its unique topography, overall slope, existing vegetation, and proximity to Dixie Canyon Park. To require the applicant to move the building further to create a 40-foot front yard setback will cause substantial grading and the loss of natural vegetation as well as induce the appearance of the residence from Dixie Canyon Park. Furthermore, the Specific Plan also requires a setback of 200 feet from parkland and nature preserves providing very minimal space between the front yard setback and parkland setback for buildable area. Additionally, to construct a new residence and garage outside of the required 40-foot front yard setback would require an extension of the driveway over a steep slope and significant grading and clearing of mature vegetation fronting Mulholland Drive. This creates an exceptional circumstance for the subject property to demonstrate compliance with the front yard setback requirement of 40 feet.

- 15. That the exception from the geographically specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity, but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

As stated, due to the topography of the area, the driveways and retaining walls leading to many properties in the area are also located within the public right-of-way. By providing the access drive and vehicular access from Mulholland Drive, these residents are able to provide additional security and safety for their properties by providing additional parking and a safe turn around for emergency vehicles. Without the additional retaining walls in the front yard setback, the property would not provide adequate parking and safety access for emergency vehicles for the proposed project and neighboring residents.

**16. That the granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the same vicinity of the subject property.**

The granting of the exception to allow an access drive, additional retaining walls and a main residence within the front yard setback would not be entirely prohibitive to the future widening of Mulholland Drive as the retaining walls could be easily removed and the residence is still far enough (20 feet in lieu of 40 feet) to provide additional widening of the road and therefore would not interfere with any future improvements.

**17. That the granting of the exception will be consistent with the principles, intent, and goals of the geographically specific plan and any applicable element of the General Plan.**

The front yard reduction from 40 feet to approximately 20 feet for the access drive and main residence is consistent with the purposes of the Mulholland Scenic Parkway Specific Plan as well as the Sherman Oaks-Studio City-Toluca Lake-Cahuenga Community Plan, in that views along Mulholland Drive will not be detrimentally affected due to the nature of the project's down slope topography, and the project will uphold other objectives and policies of the plan by minimizing the disruption to soil and plant life.

**CEQA Findings**

Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to the State CEQA Guidelines, Title 14, Section 15303, Class 3, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to the State CEQA Guidelines Section 15300.



# COVID-19 UPDATE

## Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

### OPTION 1: Online Appeal Portal

([planning.lacity.org/development-services/appeal-application-online](https://planning.lacity.org/development-services/appeal-application-online))

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

### OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

#### **Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

#### **Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

#### **West Los Angeles DSC**

(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

## **EXHIBIT J**



# City of Los Angeles Department of City Planning

## 2/8/2025 PARCEL PROFILE REPORT

### PROPERTY ADDRESSES

2859 N COLDWATER CANYON DR

### ZIP CODES

90210

### RECENT ACTIVITY

None

### CASE NUMBERS

APCSV-2016-4960-SPE-DRB-SPP-MSP

CPC-9708

CPC-2022-6115-ZC

CPC-2022-3712-ZC

CPC-2022-3413-CA

CPC-2008-4683-CA

CPC-2002-6583-SP

CPC-1998-170-DRB

CPC-1986-829-GPC

CPC-1953-4799

ORD-187748

ORD-181128

ORD-167943

ORD-167564-SA780

ORD-129279

ORD-128730

ORD-102090

ZA-1991-1064-ZV

PMEX-420

ENV-2022-6116-CE

ENV-2022-3414-CE

ENV-2016-4855-CE

ENV-2009-832-CE

ENV-2008-4684-ND

ENV-2003-2626-CE

ENV-1985-67-SP

MND-91-508-ZV

ED-75-37-SUB

PRIOR-07/29/1962

### Address/Legal Information

PIN Number	156B165 133
Lot/Parcel Area (Calculated)	127,360.2 (sq ft)
Thomas Brothers Grid	PAGE 592 - GRID F1
Assessor Parcel No. (APN)	4387004021
Tract	None
Map Reference	SEC 36 T1N R15W
Block	None
Lot	PT LT 7
Arb (Lot Cut Reference)	13
Map Sheet	156B165

### Jurisdictional Information

Community Plan Area	Bel Air - Beverly Crest
Area Planning Commission	South Valley APC
Neighborhood Council	Bel Air-Beverly Crest
Council District	CD 5 - Katy Young Yaroslavsky
Census Tract #	2611.04000000
LADBS District Office	Los Angeles Metro

### Permitting and Zoning Compliance Information

Administrative Review	None
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### Planning and Zoning Information

Special Notes	None
Zoning	RE20-1-HCR
Zoning Information (ZI)	ZI-1224 Specific Plan: Mulholland Scenic Parkway (Inner Corridor) ZI-1224 Specific Plan: Mulholland Scenic Parkway (Outer Corridor) ZI-2462 Modifications to SF Zones and SF Zone Hillside Area Regulations ZI-2438 Equine Keeping in the City of Los Angeles ZI-2467 Hillside Construction Regulation District: Franklin Canyon, Coldwater Canyon, and Bowmont Hazen
General Plan Land Use	Very Low I Residential
General Plan Note(s)	Yes
Minimum Density Requirement	No
Hillside Area (Zoning Code)	Yes
Specific Plan Area	MULHOLLAND SCENIC PARKWAY (INNER CORRIDOR)
Subarea	None
Specific Plan Area	MULHOLLAND SCENIC PARKWAY (OUTER CORRIDOR)
Subarea	None
Special Land Use / Zoning	None
Historic Preservation Review	No
HistoricPlacesLA	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Mills Act Contract	None
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	None
Subarea	None
CPIO Historic Preservation Review	No

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at [zimas.lacity.org](https://zimas.lacity.org)  
(\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

CUGU: Clean Up-Green Up	None
HCR: Hillside Construction Regulation	Yes
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None
RBP: Restaurant Beverage Program Eligible Area	None
ASP: Alcohol Sales Program	No
RFA: Residential Floor Area District	None
RIO: River Implementation Overlay	No
SN: Sign District	No
AB 2334: Low Vehicle Travel Area	No
AB 2097: Within a half mile of a Major Transit Stop	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Affordable Housing Linkage Fee	
Residential Market Area	High
Non-Residential Market Area	High
Transit Oriented Communities (TOC)	Not Eligible
Mixed Income Incentive Programs	
Transit Oriented Incentive Area (TOIA)	Not Eligible
Opportunity Corridors Incentive Area	Not Eligible
Corridor Transition Incentive Area	Not Eligible
TCAC Opportunity Area	High Resource
High Quality Transit Corridor (within 1/2 mile)	No
ED 1 Eligibility	Not Eligible
RPA: Redevelopment Project Area	None
Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	None
500 Ft Park Zone	None

#### Assessor Information

Assessor Parcel No. (APN)	4387004021
APN Area (Co. Public Works)*	2.850 (ac)
Use Code	0109 - Residential - Single Family Residence - Other Improvements Only
Assessed Land Val.	\$10,574,927
Assessed Improvement Val.	\$2,334,657
Last Owner Change	04/18/2024
Last Sale Amount	\$0
Tax Rate Area	67
Deed Ref No. (City Clerk)	5676
	408992
	1707617-19
	1003
Building 1	
Year Built	1959
Building Class	D12C
Number of Units	1
Number of Bedrooms	5
Number of Bathrooms	6
Building Square Footage	5,082.0 (sq ft)
Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4

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 (\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Building 5	No data for building 5
Rent Stabilization Ordinance (RSO)	No [APN: 4387004021]

#### Additional Information

Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Urban Agriculture Incentive Zone	YES
Very High Fire Hazard Severity Zone	Yes
Fire District No. 1	No
Flood Zone	Outside Flood Zone
Watercourse	No
Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	Yes
Wells	None
Sea Level Rise Area	No
Oil Well Adjacency	No

#### Environmental

Santa Monica Mountains Zone	Yes
Biological Resource Potential	High
Mountain Lion Potential	High
Monarch Butterfly Potential	No

#### Seismic Hazards

Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	0.193465704
Nearest Fault (Name)	Hollywood Fault
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	1.00000000
Slip Geometry	Left Lateral - Reverse - Oblique
Slip Type	Poorly Constrained
Down Dip Width (km)	14.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	70.00000000
Maximum Magnitude	6.40000000
Alquist-Priolo Fault Zone	No
Landslide	Yes
Liquefaction	No
Preliminary Fault Rupture Study Area	None
Tsunami Hazard Area	No

#### Economic Development Areas

Business Improvement District	None
Hubzone	None
Jobs and Economic Development Incentive Zone (JEDI)	None
Opportunity Zone	No
Promise Zone	None
State Enterprise Zone	None

#### Housing

Direct all Inquiries to	Los Angeles Housing Department
Telephone	(866) 557-7368
Website	<a href="https://housing.lacity.org">https://housing.lacity.org</a>
Rent Stabilization Ordinance (RSO)	No [APN: 4387004021]

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 (\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Ellis Act Property	No
AB 1482: Tenant Protection Act	See Notes
Address	2859 COLDWATER CANYON DR
Year Built	1959
Use Code	0109 - Residential - Single Family Residence - Other Improvements Only
Notes	The property is subject to AB 1482 if the owner is a corporation, limited liability company with a corporate member, or real estate trust. Does not apply to owner-occupied duplexes & government-subsidized housing.
Housing Crisis Act Replacement Review	No
Housing Element Sites	
HE Replacement Required	N/A
SB 166 Units	N/A
Housing Use within Prior 5 Years	Yes
<b>Public Safety</b>	
Police Information	
Bureau	West
Division / Station	West Los Angeles
Reporting District	809
Fire Information	
Bureau	Valley
Battalion	14
District / Fire Station	108
Red Flag Restricted Parking	No

## CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

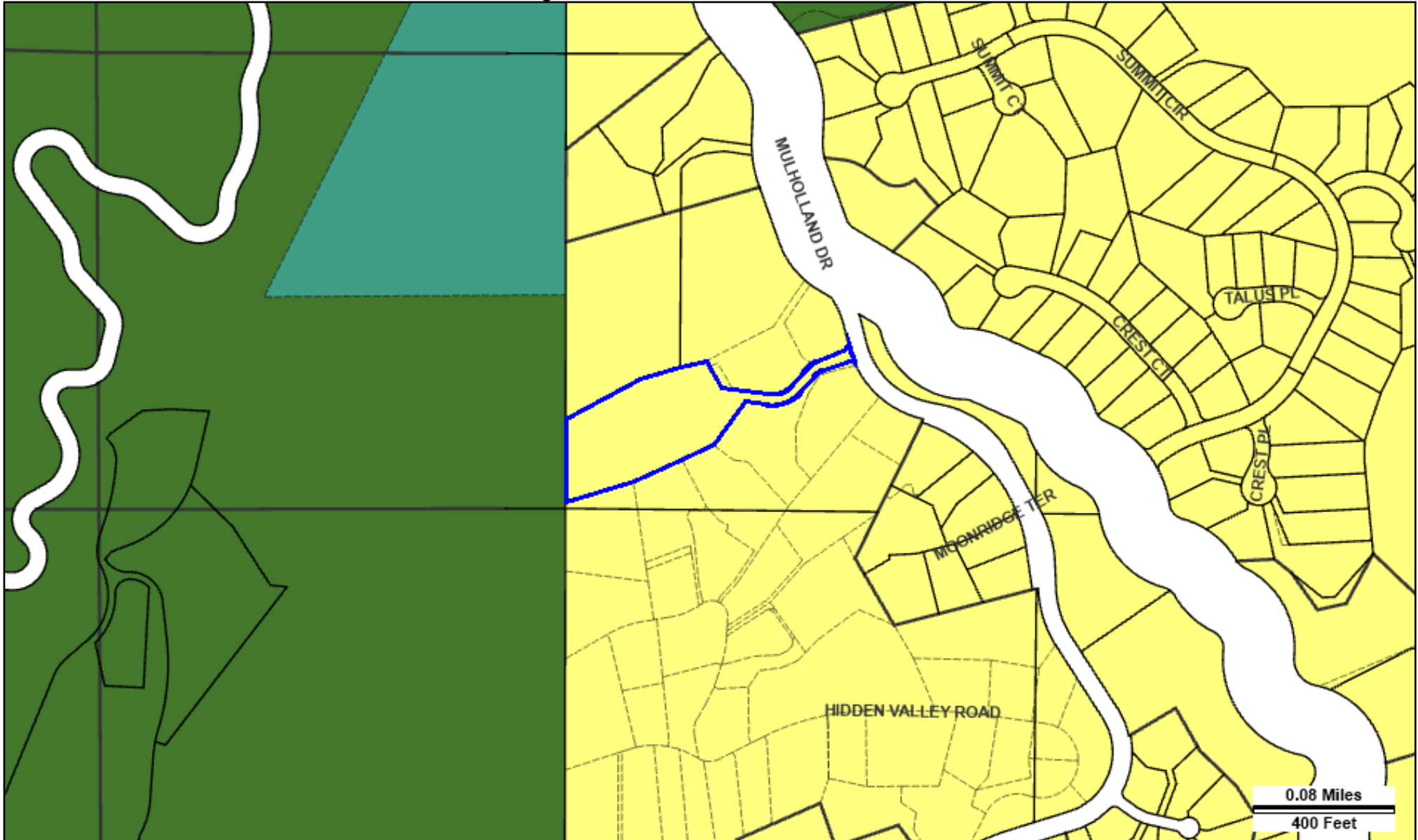
Case Number:	APCSV-2016-4960-SPE-DRB-SPP-MSP
Required Action(s):	SPE-SPECIFIC PLAN EXCEPTION DRB-DESIGN REVIEW BOARD SPP-SPECIFIC PLAN PROJECT PERMIT COMPLIANCE MSP-MULHOLLAND SPECIFIC PLAN
Project Descriptions(s):	PROJECT PERMIT COMPLIANCE AND DESIGN REVIEW FOR THE MULHOLLAND SPECIFIC PLAN TO ALLOW A REMODEL, A 4,669 SQ.FT. ADDITION, AND A POOL TO AN EXISTING SINGLE-FAMILY DWELLING IN THE RE20 ZONE.
Case Number:	CPC-2022-6115-ZC
Required Action(s):	ZC-ZONE CHANGE
Project Descriptions(s):	ZONE CHANGE TO APPLY HILLSIDE CONSTRUCTION REGULATIONS STANDARDS THAT REDUCE CONSTRUCTION IMPACTS TO HILLSIDE COMMUNITIES OF COLDWATER CANYON, FRANKLIN CANYON, AND BOWMONT HAZEN WITHIN THE BEL AIR - BEVERLY CREST COMMUNITY PLAN AREA.
Case Number:	CPC-2022-3712-ZC
Required Action(s):	ZC-ZONE CHANGE
Project Descriptions(s):	A PROPOSED NEW SUPPLEMENTAL USE DISTRICT ADDED TO 12.04 TO ESTABLISH THE WILDLIFE ORDINANCE (WLD) SUD.  A ZONE CHANGE ORDINANCE TO APPLY THE WILDLIFE SUD TO EXISTING ZONING OVER PORTIONS OF BEL AIR-BEVERLY CREST, HOLLYWOOD, SHERMAN OAKS-STUDIO CITY-TOLUCA LAKE-CAHUENGA PASS.
Case Number:	CPC-2022-3413-CA
Required Action(s):	CA-CODE AMENDMENT
Project Descriptions(s):	A PROPOSED NEW SUPPLEMENTAL USE DISTRICT ADDED TO 12.04 TO ESTABLISH THE WILDLIFE ORDINANCE (WLD) SUD.  A ZONE CHANGE ORDINANCE TO APPLY THE WILDLIFE SUD TO EXISTING ZONING OVER PORTIONS OF BEL AIR-BEVERLY CREST, HOLLYWOOD, SHERMAN OAKS-STUDIO CITY-TOLUCA LAKE-CAHUENGA PASS.
Case Number:	CPC-2008-4683-CA
Required Action(s):	CA-CODE AMENDMENT
Project Descriptions(s):	A CODE AMENDMENT TO REVISE THE CURRENT HILLSIDE AREA DEFINITION AND ESTABLISH A NEW DEPARTMENT OF CITY PLANNING HILLSIDE AREA MAP.
Case Number:	CPC-2002-6583-SP
Required Action(s):	SP-SPECIFIC PLAN (INCLUDING AMENDMENTS)
Project Descriptions(s):	PROPOSED DESIGN AND PRESERVATION GUIDELINES PURSUANT TO THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN.
Case Number:	CPC-1998-170-DRB
Required Action(s):	DRB-DESIGN REVIEW BOARD
Project Descriptions(s):	DESIGN REVIEW BOARD APPEAL.
Case Number:	CPC-1986-829-GPC
Required Action(s):	GPC-GENERAL PLAN/ZONING CONSISTENCY (AB283)
Project Descriptions(s):	AB-283 PROGRAM - GENERAL PLAN/ZONE CONSISTENCY - BEL AIR-BEVERLY CREST AREA- COMMUNITY WIDE ZONE CHANGES AND COMMUNITY PLAN CHANGES TO BRING THE ZONING INTO CONSISTENCY WITH THE PLAN. INCLUDES CHANGES OF HEIGHT AS NEEDED. REQUIRED BY COURT AS PART OF SETTLEMENT IN THE HILLSIDE FEDERATION LAWSUIT. (DON TAYLOR)
Case Number:	CPC-1953-4799
Required Action(s):	Data Not Available
Project Descriptions(s):	
Case Number:	ZA-1991-1064-ZV
Required Action(s):	ZV-ZONE VARIANCE
Project Descriptions(s):	TO SATISFY A STEEP CANYON CONDITION PRESENT ON SITE AND TO LIMIT THE AREA COVERAGE OF THE BUILDING.
Case Number:	ENV-2022-6116-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	ZONE CHANGE TO APPLY HILLSIDE CONSTRUCTION REGULATIONS STANDARDS THAT REDUCE CONSTRUCTION IMPACTS TO HILLSIDE COMMUNITIES OF COLDWATER CANYON, FRANKLIN CANYON, AND BOWMONT HAZEN WITHIN THE BEL AIR - BEVERLY CREST COMMUNITY PLAN AREA.
Case Number:	ENV-2022-3414-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	A PROPOSED NEW SUPPLEMENTAL USE DISTRICT ADDED TO 12.04 TO ESTABLISH THE WILDLIFE ORDINANCE (WLD) SUD.  A ZONE CHANGE ORDINANCE TO APPLY THE WILDLIFE SUD TO EXISTING ZONING OVER PORTIONS OF BEL AIR-BEVERLY CREST, HOLLYWOOD, SHERMAN OAKS-STUDIO CITY-TOLUCA LAKE-CAHUENGA PASS.

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(\*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Case Number:	ENV-2016-4855-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	ENVIRONMENTAL ASSESSMENT FORM FOR A PROJECT PERMIT COMPLIANCE AND DESIGN REVIEW FOR THE MULHOLLAND SPECIFIC PLAN. PROJECT DESCRIPTION FOR THE MULHOLLAND CASE INCLUDES REMODEL AND ADDITION TO (E) SFD AND (E) ACCESSORY STRUCTURE; REMOVAL OF (E) POOL; CONSTRUCTION OF(N) POOL, SPA, AND FIRE PIT.
Case Number:	ENV-2009-832-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	ENVIRONMENT CLEARANCE TO ADD SUSTAINABILITY GUIDELINES TO THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN DESIGN AND PRESERVATION GUIDELINES
Case Number:	ENV-2008-4684-ND
Required Action(s):	ND-NEGATIVE DECLARATION
Project Descriptions(s):	A CODE AMENDMENT TO REVISE THE CURRENT HILLSIDE AREA DEFINITION AND ESTABLISH A NEW DEPARTMENT OF CITY PLANNING HILLSIDE AREA MAP.
Case Number:	ENV-2003-2626-CE
Required Action(s):	CE-CATEGORICAL EXEMPTION
Project Descriptions(s):	PROPOSED DESIGN AND PRESERVATION GUIDELINES PURSUANT TO THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN.
Case Number:	ENV-1985-67-SP
Required Action(s):	SP-SPECIFIC PLAN (INCLUDING AMENDMENTS)
Project Descriptions(s):	ENVIRONMENTAL IMPACT REPORT FOR THE MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN AND ASSOCIATED RECREATIONAL AND ROADWAY IMPROVEMENTS.
Case Number:	MND-91-508-ZV
Required Action(s):	ZV-ZONE VARIANCE
Project Descriptions(s):	Data Not Available
Case Number:	ED-75-37-SUB
Required Action(s):	SUB-SUBDIVISIONS
Project Descriptions(s):	Data Not Available

## DATA NOT AVAILABLE

CPC-9708  
 ORD-187748  
 ORD-181128  
 ORD-167943  
 ORD-167564-SA780  
 ORD-129279  
 ORD-128730  
 ORD-102090  
 PMEX-420  
 PRIOR-07/29/1962



Address: 2859 N COLDWATER CANYON DR Tract: None

APN: 4387004021

PIN #: 156B165 133

Block: None

Lot: PT LT 7

Arb: 13









Zoning: RE20-1-HCR

General Plan: Very Low I Residential



# LEGEND

## GENERALIZED ZONING

	OS, GW
	A, RA
	RE, RS, R1, RU, RZ, RW1
	R2, RD, RMP, RW2, R3, RAS, R4, R5, PVSP
	CR, C1, C1.5, C2, C4, C5, CW, WC, ADP, LASED, CEC, USC, PPSP, MU, NMU
	CM, MR, CCS, UV, UI, UC, M1, M2, LAX, M3, SL, HJ, HR, NI
	P, PB
	PF




## GENERAL PLAN LAND USE

### LAND USE

#### RESIDENTIAL





	Minimum Residential
	Very Low / Very Low I Residential
	Very Low II Residential
	Low / Low I Residential
	Low II Residential
	Low Medium / Low Medium I Residential
	Low Medium II Residential
	Medium Residential
	High Medium Residential
	High Density Residential
	Very High Medium Residential

#### COMMERCIAL






	Limited Commercial
	Limited Commercial - Mixed Medium Residential
	Highway Oriented Commercial
	Highway Oriented and Limited Commercial
	Highway Oriented Commercial - Mixed Medium Residential
	Neighborhood Office Commercial
	Community Commercial
	Community Commercial - Mixed High Residential
	Regional Center Commercial

### FRAMEWORK

#### COMMERCIAL

	Neighborhood Commercial
	General Commercial
	Community Commercial
	Regional Mixed Commercial






#### INDUSTRIAL

	Commercial Manufacturing
	Limited Manufacturing
	Light Manufacturing
	Heavy Manufacturing
	Hybrid Industrial




#### PARKING

	Parking Buffer
---	----------------

#### PORT OF LOS ANGELES

	General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
	General / Bulk Cargo - Hazard
	Commercial Fishing
	Recreation and Commercial
	Intermodal Container Transfer Facility Site



#### LOS ANGELES INTERNATIONAL AIRPORT

	Airport Landside / Airport Landside Support
	Airport Airside
	LAX Airport Northside

#### OPEN SPACE / PUBLIC FACILITIES




















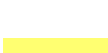





	Open Space
	Public / Open Space
	Public / Quasi-Public Open Space
	Other Public Open Space
	Public Facilities

#### INDUSTRIAL

	Limited Industrial
	Light Industrial

# CHAPTER 1A LEGEND

## General Plan Designation

	Transit Core		Medium Residential		Agriculture
	Traditional Core		Low Neighborhood Residential		Hybrid Industrial
	Regional Center		Low Medium Residential		Markets
	High Residential		Low Residential		Light Industrial
	Community Center		Compact Residential		Production
	Village		Very Low Residential		Industrial
	Neighborhood Center		Minimum Residential		Open Space
	Medium Neighborhood Residential				Public Facilities
					Public Facilities - Freeways

## Zone Use Districts

	Open Space		Residential-Mixed		Industrial-Mixed
	Agricultural		Commercial		Public
	Residential Single Family		Commercial-Mixed		Freeway
	Residential Multiple Family		Industrial		

CIRCULATION

STREET

- Arterial Mountain Road
- Collector Scenic Street
- Collector Street
- Collector Street (Hillside)
- Collector Street (Modified)
- Collector Street (Proposed)
- Country Road
- Divided Major Highway II
- Divided Secondary Scenic Highway
- Local Scenic Road
- Local Street
- Major Highway (Modified)
- Major Highway I
- Major Highway II
- Major Highway II (Modified)

- Major Scenic Highway
- Major Scenic Highway (Modified)
- Major Scenic Highway II
- Mountain Collector Street
- Park Road
- Parkway
- Principal Major Highway
- Private Street
- Scenic Divided Major Highway II
- Scenic Park
- Scenic Parkway
- Secondary Highway
- Secondary Highway (Modified)
- Secondary Scenic Highway
- Special Collector Street
- Super Major Highway

FREEWAYS

- Freeway
- Interchange
- On-Ramp / Off- Ramp
- Railroad
- Scenic Freeway Highway



MISC. LINES























- Airport Boundary
- Bus Line
- Coastal Zone Boundary
- Coastline Boundary
- Collector Scenic Street (Proposed)
- Commercial Areas
- Commercial Center
- Community Redevelopment Project Area
- Country Road
- DWP Power Lines
- Desirable Open Space
- Detached Single Family House
- Endangered Ridgeline
- Equestrian and/or Hiking Trail
- Hiking Trail
- Historical Preservation
- Horsekeeping Area
- Local Street
- MSA Desirable Open Space
- Major Scenic Controls
- Multi-Purpose Trail
- Natural Resource Reserve
- Park Road
- Park Road (Proposed)
- Quasi-Public
- Rapid Transit Line
- Residential Planned Development
- Scenic Highway (Obsolete)
- Secondary Scenic Controls
- Secondary Scenic Highway (Proposed)
- Site Boundary
- Southern California Edison Power
- Special Study Area
- Specific Plan Area
- Stagecoach Line
- Wildlife Corridor

## POINTS OF INTEREST





 Alternative Youth Hostel (Proposed)	 Horticultural Center	 Public Elementary School
 Animal Shelter	 Hospital	 Public Elementary School (Proposed)
 Area Library	 Hospital (Proposed)	 Public Golf Course
 Area Library (Proposed)	<b>HW</b> House of Worship	 Public Golf Course (Proposed)
 Bridge	<b>e</b> Important Ecological Area	 Public Housing
 Campground	 Important Ecological Area (Proposed)	 Public Housing (Proposed Expansion)
 Campground (Proposed)	 Interpretive Center (Proposed)	 Public Junior High School
 Cemetery	 Junior College	 Public Junior High School (Proposed)
<b>HW</b> Church	 MTA / Metrolink Station	 Public Middle School
 City Hall	 MTA Station	 Public Senior High School
 Community Center	 MTA Stop	 Public Senior High School (Proposed)
 Community Library	<b>MWD</b> MWD Headquarters	 Pumping Station
 Community Library (Proposed Expansion)	 Maintenance Yard	 Pumping Station (Proposed)
 Community Library (Proposed)	 Municipal Office Building	 Refuse Collection Center
 Community Park	<b>P</b> Municipal Parking lot	 Regional Library
 Community Park (Proposed Expansion)	 Neighborhood Park	 Regional Library (Proposed Expansion)
 Community Park (Proposed)	 Neighborhood Park (Proposed Expansion)	 Regional Library (Proposed)
 Community Transit Center	 Neighborhood Park (Proposed)	 Regional Park
 Convalescent Hospital	 Oil Collection Center	 Regional Park (Proposed)
 Correctional Facility	 Parking Enforcement	<b>RPD</b> Residential Plan Development
 Cultural / Historic Site (Proposed)	 Police Headquarters	 Scenic View Site
 Cultural / Historical Site	 Police Station	 Scenic View Site (Proposed)
 Cultural Arts Center	 Police Station (Proposed Expansion)	 School District Headquarters
<b>DMV</b> DMV Office	 Police Station (Proposed)	 School Unspecified Loc/Type (Proposed)
<b>DWP</b> DWP	 Police Training site	 Skill Center
 DWP Pumping Station	<b>PO</b> Post Office	 Social Services
 Equestrian Center	 Power Distribution Station	 Special Feature
 Fire Department Headquarters	 Power Distribution Station (Proposed)	 Special Recreation (a)
 Fire Station	 Power Receiving Station	 Special School Facility
 Fire Station (Proposed Expansion)	 Power Receiving Station (Proposed)	 Special School Facility (Proposed)
 Fire Station (Proposed)	<b>C</b> Private College	 Steam Plant
 Fire Supply & Maintenance	<b>E</b> Private Elementary School	 Surface Mining
 Fire Training Site	 Private Golf Course	 Trail & Assembly Area
 Fireboat Station	 Private Golf Course (Proposed)	 Trail & Assembly Area (Proposed)
 Health Center / Medical Facility	<b>JH</b> Private Junior High School	<b>UTL</b> Utility Yard
 Helistop	<b>PS</b> Private Pre-School	 Water Tank Reservoir
 Historic Monument	 Private Recreation & Cultural Facility	 Wildlife Migration Corridor
 Historical / Cultural Monument	<b>SH</b> Private Senior High School	 Wildlife Preserve Gate
 Horsekeeping Area	<b>SF</b> Private Special School	
 Horsekeeping Area (Proposed)	 Public Elementary (Proposed Expansion)	

SCHOOLS/PARKS WITH 500 FT. BUFFER

-  Existing School/Park Site
-  Planned School/Park Site
-  Inside 500 Ft. Buffer

-  Aquatic Facilities
-  Other Facilities
-  Opportunity School
-  Beaches
-  Park / Recreation Centers
-  Charter School
-  Child Care Centers
-  Parks
-  Elementary School
-  Dog Parks
-  Performing / Visual Arts Centers
-  Span School
-  Golf Course
-  Recreation Centers
-  Special Education School
-  Historic Sites
-  Senior Citizen Centers
-  High School
-  Horticulture/Gardens
-  Middle School
-  Skate Parks
-  Early Education Center

COASTAL ZONE



-  Coastal Commission Permit Area
-  Dual Permit Jurisdiction Area
-  Single Permit Jurisdiction Area
-  Not in Coastal Zone

TRANSIT ORIENTED COMMUNITIES (TOC)






























-  Tier 1
-  Tier 3
-  Tier 2
-  Tier 4

**Note:** TOC Tier designation and map layers are for reference purposes only. Eligible projects shall demonstrate compliance with Tier eligibility standards prior to the issuance of any permits or approvals. As transit service changes, eligible TOC Incentive Areas will be updated.

WAIVER OF DEDICATION OR IMPROVEMENT

-  Public Work Approval (PWA)
-  Waiver of Dedication or Improvement (WDI)

OTHER SYMBOLS

-  Lot Line
-  Tract Line
-  Lot Cut
-  Easement
-  Zone Boundary
-  Building Line
-  Lot Split
-  Community Driveway
-  Building Outlines 2020
-  Building Outlines 2017
-  Airport Hazard Zone
-  Census Tract
-  Coastal Zone
-  Council District
-  LADBS District Office
-  Downtown Parking
-  Fault Zone
-  Fire District No. 1
-  Tract Map
-  Parcel Map
-  Flood Zone
-  Hazardous Waste
-  High Wind Zone
-  Hillside Grading
-  Historic Preservation Overlay Zone
-  Specific Plan Area
-  Very High Fire Hazard Severity Zone
-  Wells - Active
-  Wells - Inactive

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

# **EXHIBIT K**



## SOUTH VALLEY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

### LETTER OF DETERMINATION

MAILING DATE: **FEB 06 2020**

Case No. **APCSV-2016-4960-SPE-DRB-SPP-MSP**  
CEQA: ENV-2016-4855-CE

Council District: 4 – Ryu

**Project Site:** 2859 Coldwater Canyon Drive

**Applicant:** John Rigney  
Representative: Kristina Kropp, Luna & Glushon

At its meeting of **January 23, 2020**, the South Valley Area Planning Commission took the actions below in conjunction with the approval of the following project:

Construction of a 3,296 square foot addition to an existing two-story, 9,480 square foot single-family residence with an attached 821 square foot, three-car garage. The Project includes 408 square feet of covered porch and an existing 907 square-foot accessory living quarters. The Project also includes 30,072 square feet of hardscape, and an existing pool, tennis court and retaining walls. The majority of the proposed addition is located in the first floor interior courtyard and will be screened by the existing structure. The proposed structure totals 13,719 square feet of Residential Floor Area. The proposed Project is a maximum height of approximately 22 feet and two inches on an approximately 130,451 square-foot lot (127,360.2 square feet per ZIMAS). The Project is in the Inner and Outer Corridors and subject to the Baseline Hillside Ordinance adopted on May 9, 2011. The Project is downslope from both Mulholland Drive and Coldwater Canyon Drive. The Project seeks a Specific Plan Exception for the construction of a building or structure visible from Mulholland Drive on top of a prominent ridge. The Project is within 200 feet of a public parkland. The Project does not propose the removal of any trees. The Project requires 330 cubic yards of cut, 131 cubic yards of fill, 199 cubic yards of export, and no import.

1. **Determined** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Title 14, Section, 15303, Class 3, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Los Angeles Municipal Code (LAMC), Section 11.5.7 F, a Specific Plan Exception, to construct a 3,296 square-foot addition to an existing 9,480 square-foot single-family dwelling located on the top of a prominent ridge, where the Specific Plan prohibits construction on top of a prominent ridge;
3. **Approved**, pursuant to LAMC Section 11.5.7, a Project Permit Compliance for a project within the Mulholland Scenic Parkway Specific Plan (Ordinance No. 167,943);
4. **Approved**, pursuant to LAMC Section 16.50, a Design Review for a project within the Mulholland Scenic Parkway Specific Plan (Ordinance No. 167,943);
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Menedjian  
Seconded: Mather  
Ayes: Bishop, Dierking  
Absent: Beatty

**Vote: 4 – 0**



Etta Armstrong, Commission Executive Assistant I  
South Valley Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Central Los Angeles Area Planning Commission is appealable to the Los Angeles City Council within 15-days of the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the City Council and the decision of the Central Los Angeles Area Planning Commission will become final and effective upon the close of the 15-day appeal period. Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

**FINAL APPEAL DATE: FEB 20 2020**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not appealable to a City body, and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings

c: Valentina Knox-Jones , City Planner  
Dominick Ortiz, Planning Assistant

## FINDINGS

The proposed project involves the construction of a 3,296 square foot addition to an existing two-story, 9,480 square foot single-family residence with an attached 821 square foot, three-car garage. The project includes 408 square feet of covered porch and an existing 907 square-foot accessory living quarter. The project also includes 30,072 square feet of hardscape, and an existing pool, tennis court and retaining walls. The majority of the proposed addition is located in the first floor interior courtyard and will be screened by the existing structure. The proposed structure totals 13,719 square feet of Residential Floor Area. The proposed project is a maximum height of approximately 22 feet and two (2) inches on an approximately 130,451 square-foot lot (127,360.2 square feet per ZIMAS). The project is in the Inner and Outer Corridors and subject to the Baseline Hillside Ordinance adopted on May 9, 2011. The project is downslope from both Mulholland Drive and Coldwater Canyon. The project seeks a Specific Plan Exception for the construction of a building or structure visible from Mulholland Drive on top of a prominent ridge. The project is within 200 feet of a public parkland. The project does not propose the removal of trees. The applicant has stated that the project is visible from Mulholland Drive. The project requires 330 cubic yards of cut, 131 cubic yards of fill, 199 cubic yards of export, and no import.

### **Entitlement Findings for Project Permit Compliance and Design Review**

**1. A recommendation was made by the Mulholland Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:**

The proposed project is subject to the design review process because it is located within the boundaries of the Mulholland Scenic Parkway Specific Plan, and is not subject to any of the exemptions set forth in Section 11.J. of the Specific Plan.

The Design Review Board met on August 17, 2017, where the board provided a preliminary recommendation to the applicant. No vote was taken at that time. The recommendations provided by the board were:

- a. Per Design Guideline 73, replace the moderate water use Japanese plant with low or very low use species from the Preferred Plant List. Also, replace the Western Spice Bush for same reason.
- b. Per Design Guideline 73, select the proposed lawn species from the Preferred Plant List.
- c. Per Design Guideline 70, provide a complete irrigation plan that indicates all product information.
- d. Supply additional transverse sections to help explain the project.
- e. Ensure that all proposed hardscape is permeable.
- f. Reduce the massing of the building. Shift the massing to the first floor to reduce the impact on the prominent ridge.
- g. Reduce the size of the project. Size recommendations vary and the size will be evaluated upon resubmittal.

Revised plans were submitted on November 5, 2019.

The Design Review Board met on October 2, 2019 where the board convened a quorum of 5 members. The vote was unanimous (5-0) recommending conditional approval of the project since the project will substantially comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Plan. The conditions recommended by the board were:

- a. Need plant palette – any plant replacement must come from the Preferred Plant List.

- b. Reach an agreement with the Mountains Recreation and Conservation Authority regarding a conservation easement.

**2. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

Based on a review of the plans submitted with the application, marked "Exhibit A", dated October 2, 2019, APCSV-2016-4960-SPE-DRB-SPP-MSP, the Director of Planning makes the following findings in accordance with the applicable design review criteria of the Mulholland Scenic Parkway Specific Plan, Ordinance No. 167,943, effective June 29, 1992:

**Section 5.A: Uses**

The project proposes the use of land for a single-family dwelling, which is a permitted use and as such, the project use complies with Section 5.A of the Specific Plan.

**Section 5.B.1.a: Environmental Protection Measures – Grading of a Prominent Ridge**

The subject property is defined as a "prominent ridge" as per the definition in Section 4 since a ridgeline appears on the property on the map of the Specific Plan Area: Map 10 of 12. As such, the project is subject to Sections 5.B.1.a, which limits grading on the defined Prominent Ridges in the Plan area. As per Section 5.B.1.a, the Specific Plan states that:

*Grading on Prominent Ridges. Notwithstanding Subsection C below, prominent ridges shall not be graded, altered or removed without the prior written approval of the Director pursuant to Section 11. The Director may approve up to 1,000 cubic yards of grading of a prominent ridge after making the following findings:*

- a. The graded slopes have a natural appearance compatible with the characteristics of the Santa Monica Mountains.*
- b. The grading is compatible with the natural topography.*
- c. The Department of Building and Safety has determined that grading will minimize erosion.*
- d. The grading is necessary to allow the owner reasonable use of the lot.*
- e. The grading will allow for a project more compatible with the purposes of the Specific Plan.*

The proposed project does not propose grading outside of the existing paved areas on the property. Therefore, there will be no graded slopes, and the natural appearance will be maintained and are compatible with the characteristics of the Santa Monica Mountains.

All grading necessary for the project is located in portions of the site that are currently paved. Therefore, the proposed grading is compatible with the natural topography.

The project has been reviewed by the Department of Building and Safety a Geology and Soils Approval Letter was issued on June 14, 2018. The project will be constructed in accordance with all Department of Building and Safety requirements and conditions. As such, the project will minimize erosion.

The proposed grading is necessary to allow reasonable use of the flat and easily buildable portions of the lot. The proposed grading is limited to areas of the property that were previously disturbed and are currently paved.

The proposed grading is necessary for the project. Currently, the single-family dwelling is in poor condition. As a result of the project, the property will be habitable, but will remain a

single-family dwelling, consistent and compatible with single-family dwellings surrounding it, which will conform with the purposes of the Specific Plan.

**Section 5.B.1.b: Environmental Protection Measures – Structure on a Prominent Ridge**

The project is subject to Section 5.B.1.b, which limits the visibility on the defined Prominent Ridges in the Plan area. As per Section 5.B.1.b, the Specific Plan states that:

*Construction. Buildings and structures visible from Mulholland Drive shall not be constructed on the top of a prominent ridge. Buildings and structures visible from Mulholland Drive shall not be constructed within 50 vertical feet of the top of a prominent ridge without the prior written approval of the Director pursuant to Section 11. The Director may approve construction of a building and/or structure within 50 vertical feet of the top of a prominent ridge, but not exceeding the top after making the following findings:*

- a. The placement of the building and/or structure does not destroy or obstruct a scenic feature or resource.*
- b. The placement of the building and/or structure complements the view from Mulholland Drive.*
- c. The placement of the building and/or structure minimizes driveway and/or private street access into the right-of-way.*
- d. The placement of the building and/or structure will allow for a project more compatible with the purposes of the Specific Plan.*

The majority of the proposed addition to the existing single-family dwelling is located where an existing first floor interior courtyard is located. As a result, the placement of the addition will not destroy or obstruct a scenic feature or resource.

The project has been designed to minimize the visual impact from Mulholland Drive. The second story addition utilizes the existing second floor to screen and minimize its visibility. The materials and finishes of the addition adheres to requirements of the Specific Plan. As such, the placement of the addition compliments the view from Mulholland Drive.

The existing driveway access onto Coldwater Canyon is unaffected by the project. Therefore, the placement of the addition minimizes private access into the right-of-way.

The Specific Plan encourages the maximum preservation and enhancement of the area's unique scenic features and resources, seeks to assure that land uses are compatible with the neighborhood, and encourages the preservation of the residential character and ecological balance in the Specific Plan area. The project seeks to enhance the residential character of the area by renovating a single-family dwelling. By limiting the grading only to existing paved areas, the project maximizes preservation and enhancement of the area's outstanding and unique feature and resources. The project will result in the property's continued use as a single-family dwelling, consistent with single-family dwelling surrounding it, ensuring compatibility and preserving the residential character of the area.

**Section 5.B.2: Environmental Protection Measures – Streams**

Furthermore, according to the same map and <http://zimas.lacity.org> the project is further than 100 feet from a watercourse and therefore not subject to Section 5.B.2, which limits grading within 100 feet of a stream bank.

**Section 5.B.3: Environmental Protection Measures – Public Parkland**

According to Map 10 of 12, the subject property is within 200 feet of public parkland and is therefore subject to Section 5.B.3, which limits construction and grading within 200 feet of public parkland. As per Section 5.B.3, the Specific Plan states that:

*No project shall be erected and no earth shall be graded within 200 feet of the boundaries of any public parkland without the prior written approval of the Director pursuant to Section 11. The Director may approve the construction of a project or grading within 200 feet of public parkland after making the following findings:*

- a. The project preserves the residential character along the right-of-way.*
- b. The project will minimize erosion.*
- c. The project preserves the natural vegetation and the existing ecological balance.*
- d. The project protects identified archaeological and paleontological sites.*
- e. The project minimizes driveway access into the right-of-way.*

The proposed project is for the remodel and construction of an addition on a lot with an existing single-family dwelling. The remodel and addition will allow the house to continue being used as a single-family dwelling which is in character and preserves the residential character along the right-of-way.

The project has been reviewed by the Department of Building and Safety a Geology and Soils Approval Letter was issued on June 14, 2018. The project will be constructed in accordance with all Department of Building and Safety requirements and conditions. As such, the project will minimize erosion.

Moreover, all of the areas affected by the renovation, construction, and grading are previously disturbed, and no additional grading is proposed outside of the existing paved areas. As such, no natural topography will be disturbed and no subterranean disturbances are proposed as part of the project. Grading will be limited to the areas needed for footings, grade beams, caissons, and the pool. The graded slope will retain its current, natural appearance compatible with the natural topography of the area. As such, the project preserves the natural vegetation and the existing ecological balance, and will not negatively affect the adjacent public parkland.

#### **Section 5.B.5: Environmental Protection Measures – Archeological and Paleontological Resources**

All of the areas affected by the construction and grading are previously disturbed. Therefore, the project does not disturb any identified archeological or paleontological sites or resources.

#### **Section 5.B.4: Environmental Protection Measures – Oak Trees**

The project does not propose to remove, move, or alter any protected or native trees, which include Oak trees, in accordance with Section 5.B.4.

#### **Section 5.C: Grading**

The project requires 330 cubic yards to be cut, 131 of which will be used for fill, and 199 cubic yards will be exported; zero cubic yards will be imported. In Section 5.C the Plan states that:

*The Director may approve grading up to two cubic yards of earth per four square feet of lot area per lot after making the following findings:*

- a. The Department of Building and Safety or the Bureau of Engineering has determined that such grading is required to provide access driveways, pedestrian accessways, drainage facilities, slope easements, and/or dwelling foundations.*

- b. All grading conforms to the standards set forth in the Landform Grading Manual, unless the Department of Building and Safety has determined that landform grading will conflict with the provisions of Divisions 29 and 70 of Article 1 of Chapter IX of the Code.*
- c. The graded slopes have a natural appearance compatible with the characteristics of the Santa Monica Mountains.*
- d. The Department of Building and Safety has determined that grading will minimize erosion.*

Per this Section, the applicant would be limited to 63,680 cubic yards of grading for the 127,360 square-foot lot; as noted above the project only requires 330 cubic yards of cut. This grading is necessary for the reasonable development of the property for the addition to the single-family dwelling, conforms with the Landform Grading manual, and as conditioned in this determination letter the design of the home will be compatible with the Santa Monica Mountains. Furthermore the applicant is subject to the stricter grading limits in the LAMC, and is required to obtain grading permits and follow all practices imposed on them during the process of grading from the Building and Safety Grading Division. As such, the project complies with Section 5.C of the Specific Plan.

#### **Section 5.D: Building Standards**

The project is visible from Mulholland Drive. As per Section 5.D.1 of the Specific Plan:

*The Director may approve a project's penetration into the viewshed after making the following findings:*

- a. The Department of Building and Safety has determined that the height of the project does not exceed the height limit allowed in paragraphs a, b or c of subdivision 2.*
- b. The project is designed to complement the view from Mulholland Drive.*

The project is on a downslope lot and is furthermore within 500 feet of the Mulholland right-of-way. As such, the project's height is limited to 40 feet. As proposed, the project is 22 feet and two inches high. However, per Section 3.B of the Specific Plan, where the Los Angeles Municipal Code (LAMC) has a lower height requirement, the LAMC prevails and as such, the project is also subject to the envelope height requirements of the Baseline Hillside Ordinance. As such, the project complies with Sections 5.D.1.a and 5.D.2.c.

The roof, which is visible from Mulholland Drive, will not have any equipment placed on it, and will be surfaced with non-glare materials. As such, the project complies with Section 5.D.7.

The project does not propose any new fences, gates, or walls, drain pipes, or roofs visible from Mulholland Drive, and as such is not subject to Sections 5.D.4, 5.D.5 and 5.D.7 of the Specific Plan.

The project does not seek the entitlement for a new subdivision, and as such is not subject to Section 5.D.6.

As such, the project complies with Section 5.D of the Specific Plan.

#### **Section 11.I.3: Design Review Criteria**

Based on a review of the project proposal, and in consideration of the recommendation of the Design Review Board, the proposed single family residence, as modified by the conditions herein, is compatible with the surrounding homes and the parkway environment in terms of design, massing, materials, and color and as such complies with Section 11.I.3 of the Plan.

**Design Guideline 5: Site Permeability**

As per Condition of Approval No. 7, the applicant will ensure that all hardscape material will be permeable. This is in conformance with Design Guideline 5 which states that project design should incorporate features such as fire-resistant wooden decks, driveway pavers, grass-crete, and other permeable surfaces in order to maximize the amount of water that can percolate into the soil on-site and minimize overland runoff onto adjoining properties, streets, and watercourses.

**Design Guideline 37: Roof-top Equipment.**

Per Design Guideline 37, roof-top equipment is prohibited on structures located within the Inner Corridor (with the exception of solar energy devices) which are visible from Mulholland Drive, and should be avoided for all projects. As such, the project has been conditioned to prohibit the construction of roof-top equipment on the roof of the structure.

**Design Guideline 50: Neighborhood Compatibility**

The size of the project including the square footage and height is compatible with the other neighboring homes. The project proposes 13,719 square feet and an 11% Floor Area Ratio. Nearby homes have an average of 5,653 square feet and an FAR of 12.4%.

Although the structure size is larger than some homes nearby, the lot size of the subject site is significantly larger than most lots in the vicinity, and therefore the proposed Floor Area Ratio is comparable and compatible with the neighborhood.

Finally, the project's finish materials of wood and plaster are also found in nearby homes. As such, the project's size and design fit with the neighborhood compatibility, in compliance with Design Guideline 50.

**Design Guideline 71: Planning and Design for Sustainable Building Practices**

The project will follow the Green Building and Low Impact Development codes, as seen in "Exhibit A". As such, the project complies with sustainable building practice Design Guideline 71.

**Design Guideline 57: New Plants**

As per Condition of Approval No. 5, the applicant will ensure that all plant replacements will come from the Preferred Plant List. This is in conformance with Design Guideline 57, which states to emphasize a variety of native or native-type plants in the landscape design for the project.

**Design Guideline 13: Wildlife**

Guideline 13 encourages preserving wildlife habitats, movement, and the ecology of the Scenic Parkway. As noted in Condition of Approval No. 6, should an agreement between the Applicant and both the Santa Monica Mountains Conservancy and/or Mountains Recreation and Conservation Authority be reached, issues such as fence heights, portions of the lot which shall not have development, will be secured. As a result of this agreement, wildlife habitats would be better preserved. If agreed upon, the project would comply with Guideline 13.

3. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to the State CEQA Guidelines, Title 14, Section 15303, Class 3, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to the State CEQA Guidelines Section 15300.2.

**Entitlement Findings for Specific Plan Exception, LAMC Section 11.5.7 F**

- 4. That the strict application of the policies, standards, and regulations of the geographically specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of such specific plan.**

The existing 9,480 square-foot single-family dwelling was constructed in 1959, before the adoption of the Specific Plan and is situated on the top of a prominent ridge. The home is currently in poor condition and the proposed project is necessary to renovate the structure. The majority of the proposed grading is required for the building footings and cistern, which are necessary for the addition, as well as the new pool which is to be brought up to modern standards. All of the areas on the subject site that will be affected by grading are previously disturbed. Strict application of the policies, standards, and regulations of the Specific Plan would prohibit an addition to the existing single-family dwelling, which was developed on a prominent ridge before the Specific Plan was adopted. Most of the proposed additions are located within the existing first floor interior courtyard which is bounded on three sides by the existing structure. Another portion of the addition is located on the second floor and would also be mostly shielded by the existing structure. The intent of this section of the Specific Plan is to minimize new construction visible from Mulholland Drive and on top of prominent ridges. In this case, most of the addition will not be visible from adjacent neighbors or from Mulholland Drive. The amount of grading required for the project is very minimal, therefore minimizing disturbance to the prominent ridge. As such, the project generally conforms to the intent of this section of the Specific Plan and therefore strict application of the Specific Plan would result in practical difficulties and unnecessary hardships inconsistent with the general purposes of the Specific Plan.

- 5. That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.**

The existing single-family dwelling was built in 1959, on the top of a prominent ridge, and prior to the adoption of the Mulholland Scenic Parkway Specific Plan. The intent of the Specific Plan is to minimize the visual impact of construction, as seen from Mulholland Drive. In order for the applicant to complete the renovation and addition, construction is required. The subject property features an existing structure that includes a first floor interior courtyard where the majority of the new addition is proposed. This interior space, which is to be occupied by the proposed addition, is shielded on three sides by the existing building. This would result in a minimal visual impact from Mulholland Drive. The unique design of the current building on the subject property allows for the proposed new construction to generally be in conformance with the intent of the Specific Plan. Such exceptional circumstances are applicable to the subject property, but as a result of the Specific Plan, do not generally apply to other properties in the specific plan area.

- 6. That the exception from the geographically specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity, but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

The Specific Plan Exception is necessary to construct an addition to the existing home on the subject property and to preserve the right of the owner to use their property as a single-family dwelling, a right generally possessed by other property owners within the Specific Plan in the same zone and vicinity. The existing home was constructed on top of a prominent ridge before the adoption of the Mulholland Scenic Parkway Specific Plan. The majority of the proposed addition is to be located within the existing first floor interior courtyard and will be shielded from view on three sides. Other properties in the same zone and vicinity are afforded the right to construct additions to their homes. Due to the subject property being located on the top of a prominent ridge the property owner would be denied the property right to construct an addition to their existing single-family dwelling. As a result of this special circumstance, in order to construct an addition, construction on a prominent ridge is unavoidable.

- 7. That the granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the same vicinity of the subject property.**

The exception to the Specific Plan is necessary for the proposed project. Nearly all properties in the immediate vicinity are downslope from the subject site and as such, will not have a clear view of the proposed addition. The majority of the proposed project is located within the first floor interior courtyard. As a result, most of the addition will be screened by the existing structure and will have a very minimal visual impact from Mulholland Drive and from adjacent properties. Additionally, since the project will be located on a portion of the lot which is flat and paved, the proposed grading will only occur in areas that have been previously disturbed, thereby minimizing impacts due to grading. The proposed project only requires 330 cubic yards of cut, which is a relatively small amount. As such, the granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the same vicinity of the subject property.

- 8. That the granting of the exception will be consistent with the principles, intent, and goals of the geographically specific plan and any applicable element of the General Plan.**

The proposed construction is necessary to construct an addition to the existing single-family dwelling. The proposed project is located on top of a prominent ridge as a result of the existing structure having been built prior to the adoption of the Mulholland Scenic Parkway Specific Plan. Because the existing single-family dwelling is located on top of a prominent ridge, the addition is not possible without constructing on top of a prominent ridge. The Specific Plan encourages the maximum preservation and enhancement of the area's unique scenic features and resources, seeks to assure that land uses are compatible with the neighborhood, and encourages the preservation of the residential character and ecological balance in the Specific Plan area. The project seeks to enhance the residential character of the area by renovating a single-family dwelling. By limiting the grading only to previously disturbed areas, the project maximizes preservation and enhancement of the area's outstanding and unique features and resources. The intent of the Specific Plan is to minimize the visual impact of structures as viewed from Mulholland Drive along prominent ridges. In this case, the project is designed so that the majority of the addition will be shielded from view on three sides from the existing building and will have a minimal visual impact as viewed from Mulholland Drive. The project will result in the property's continued use as a single-family dwelling, consistent with single-family dwellings surrounding it, ensuring compatibility and preserving the residential character of

the area. As such, the granting of the exception will be consistent with the principals, intent, and goals of the Specific Plan and General Plan.

**CEQA Findings**

9. Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to the State CEQA Guidelines, Title 14, Section 15303, Class 3, and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to the State CEQA Guidelines Section 15300

### CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled "Exhibit A", dated October 2, 2019, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Floor Area.** The project shall be limited to 13,719 square feet of Residential Floor Area (as defined prior to March 17, 2017).
3. **Height.** The project shall be limited to 22 feet and two inches feet in height.
4. **Roofs.** Roof material shall be surfaced with non-glare materials, and no equipment shall be placed thereon, with the exception of solar energy devices.

### Design Review Conditions

5. **New Plants.** The applicant shall ensure that all plant replacements will come from the Preferred Plant List.
6. **Wildlife.** Should the Applicant voluntarily reach a private agreement with the Mountains Recreation and Conservation Authority for the movement of wildlife, which references issues such as fence heights, portions of the lot which shall not have development shall be shown on the revised Site Plan. If a covenant agreement of land conservation is recorded, the Applicant shall illustrate and denote the agreed upon sections of the lot in "Revised Plans" labeled site plan and submit to the Department of City Planning prior to final sign-off. The Applicant shall also provide a copy of the covenant associated with this agreement if and when it is recorded with the County of Los Angeles for inclusion to the subject case file.
7. **Hardscape.** The applicant shall ensure that all hardscape material is permeable.

### Administrative Conditions

8. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
9. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
10. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.

11. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
12. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
13. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
14. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
15. **Tribal Cultural Resource Inadvertent Discovery.** In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
  - Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (818) 374-9918.
  - If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 30 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
  - The Applicant shall implement the tribe's recommendations if a qualified archaeologist and by a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.
  - The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
  - The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.
  - Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
16. **Human Remains Inadvertent Discovery.** In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal remains are discovered during construction or during any ground disturbance activities, the following procedures shall be followed:
- Stop immediately and contact the County Coroner: 1104 N. Mission Road Los Angeles, CA 90033 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays)
  - If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
  - The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.
  - The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
  - If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.
17. **Archaeological Resources Inadvertent Discovery.** In the event that any subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5. At which time the applicant shall notify the City and consult with a qualified archaeologist who shall evaluate the find in accordance with Federal, State, and local guidelines, including those set forth in the California Public Resources Code Section 21083.2 and shall determine the necessary findings as to the origin and disposition to assess the significance of the find. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be

followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

18. **Paleontological Resources Inadvertent Discovery.** In the event that any prehistoric subsurface cultural resources are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.
19. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
  - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
  - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

## **EXHIBIT L**

## 1993 Cal. AG LEXIS 4

Office of the Attorney General of the State of California

76 Ops. Cal. Atty. Gen. 19

### **CA Attorney General Opinions**

#### **Reporter**

1993 Cal. AG LEXIS 4 \*; 76 Ops. Cal. Atty. Gen. 19 \*\*

### **No. 92-807**

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March 17, 1993

### **Core Terms**

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parcel, tentative map, building permit, perimeter, fire safety, statutory construction, state responsibility, final map, exempt, tentative, parcel map, street, subdivision map, subdivider, map

**Request By:** [\*1] DANIEL E. LUNGREN, Attorney General (GREGORY L. GONOT, Deputy Attorney General)

### **Opinion**

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[\*\*19] THE HONORABLE JOHN F. HAHN, COUNTY COUNSEL, COUNTY OF AMADOR, has requested an opinion on the following question:

Do the fire safety standards adopted by the Board of Forestry for development on state responsibility area lands apply to the perimeters and access to buildings constructed after January 1, 1991, on parcels created by parcel or tentative maps approved prior to January 1, 1991?

#### **[\*\*20] CONCLUSION**

The fire safety standards adopted by the Board of Forestry for development on state responsibility area lands apply to the perimeters and access to buildings constructed after January 1, 1991, on parcels created by parcel or tentative maps approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative maps.

#### **ANALYSIS**

By legislation enacted in 1987 (Stats. 1987, ch. 955, § 2), the State Board of Forestry ("Board") was directed to adopt minimum fire safety standards for state responsibility area lands <sup>1</sup> under the authority of the Department of Forestry and Fire Protection. [Public Resources Code section 4290](#) <sup>2</sup> states: [\*2]

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<sup>1</sup> On state responsibility area lands (see [Pub. Resources Code, §§ 4126- 4127](#); [Cal. Code Regs., tit. 14, §§ 1220- 1220.5](#)), the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state, as opposed to local or federal agencies. ( [Pub. Resources Code, § 4125](#).)

<sup>2</sup> All references hereafter to the Public Resources Code prior to footnote 8 are by section number only.

"(a) The board shall adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state responsibility area lands under the authority of the department. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991. The board may not adopt building standards, as defined in [Section 18909 of the Health and Safety Code](#), under the authority of this section. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt regulations for roof coverings and openings into the attic areas of buildings specified in [Section 13108.5 of the Health and Safety Code](#). The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. *These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance.* The regulations shall include all of the following:

"(1) Road standards for fire equipment access.

"(2) Standards for signs identifying streets, roads, and buildings.

[\*\*21] "(3) Minimum private water supply reserves for emergency fire use.

"(4) Fuel breaks and greenbelts.

"(b) These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state." (Emphasis [\*3] added.)

As indicated in the statute, the Board's regulations are to help create "defensible space"<sup>3</sup> for the protection of state responsibility areas against wildfires.

Originally the regulations were to be applicable with respect to all building construction approved after July 1, 1989, but by subsequent legislation (Stats. 1989, ch. 60, § 1), the threshold date was changed to January 1, 1991. The regulations ([Cal. Code Regs., tit. 14, §§ 1270-1276.03](#))<sup>4</sup> in fact became operative on May 30, 1991.

A "grandfather clause" in the underlying statute provides that "[t]hese regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance." (§ 4290.) We are asked to determine whether the regulations apply to an application for a building permit filed *after* January 1, 1991, for a dwelling to be built on a parcel lawfully created by a parcel map or tentative map approved *prior* to January 1, 1991.

We begin by noting that the grandfather clause contains two ostensibly independent exceptions to [\*4] the application of the regulations. One is directed at building permits and the other at subdivision maps.<sup>5</sup> These exceptions [\*\*22] were apparently designed by the Legislature to exempt construction and development activity already in the "pipeline" as of January 1, 1991. According to Regulation 1270.01, it is the "*future* design and construction of structures, subdivisions and development" (emphasis added) which is to trigger application of the regulations.

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<sup>3</sup>Defensible space is defined as:

"The area within the perimeter of a parcel, development, neighborhood or community where basic wild land fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wild fires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures." ([Cal. Code Regs., tit. 14, § 1271.00.](#))

<sup>4</sup> All references hereafter to title 14 of the California Code of Regulations are by regulation number only.

<sup>5</sup> A parcel map is filed when creating subdivisions of four or fewer parcels, while a tentative map and final map are filed when creating subdivisions of five or more parcels. ([Gov. Code, §§ 66426, 66428.](#))

Thus, although an application for a building permit is not made until after January 1, 1991, the proposed construction may garner an exemption if the parcel is covered by a parcel or tentative map approved prior to January 1, 1991 (provided that the final map for the tentative map is approved within the time prescribed by the local ordinance).<sup>6</sup> However, this raises the question of the purpose of the building permit exception since virtually any application for a building permit will be preceded by a parcel or tentative map approval for the parcel upon which the construction is proposed, even one which may have been obtained in the distant past.<sup>7</sup> A well-established rule of statutory construction holds that "[w]henver possible, [\*5] effect should be given to the statute as a whole, and to its every word and clause, so that no part or provision will be useless or meaningless. . . ." ( *Colombo Construction Co. v. Panama Union School Dist.* (1982) 136 Cal.App.3d 868, 876; see *Harris v. Capital Growth Investors XIV* (1991) 52 Cal.3d 1149, 1159 ["In analyzing statutory language, we seek to give meaning to every word and phrase in the statute to accomplish a result consistent with the legislative purpose, i.e., the object to be achieved and the evil to be prevented by the legislation"].)

Our task then is to search for an interpretation of section 4290 which is not only consistent with the legislative purpose but also furnishes independent significance to each of the two exceptions. We believe that the answer lies in the different manner in which each exception is phrased. The first is "where an application for a building permit was filed prior to January 1, 1991," and the second is "to parcel or tentative maps or other developments approved prior to January 1, 1991 . . . ." The "where" of the first exception implies a broad exemption encompassing all activity related to the building permit, whereas the "to" of the second exception implies an exemption which is limited to matters contained in the parcel or tentative map approval.

[\*\*23] Under this reading of [\*6] section 4290, only those perimeter and access conditions which were imposed during the parcel or tentative map approval process would be immune from the effect of the regulations. Typically, parcel and tentative map approvals include requirements for the improvement of the parcels within the subdivision. The Subdivision Map Act ( *Gov. Code, §§ 66410- 66499.37*; "Act")<sup>8</sup> establishes general criteria for land development planning in the creation of subdivisions throughout the state. Cities and counties are given authority under the legislation to regulate the design and improvement of divisions of land in their areas through a process of approving subdivision maps required to be filed by each subdivider. (§ 66411; *Santa Monica Pines, Ltd. v. Rent Control Board, supra*, 35 Cal.3d 858, 869; *South Central Coast Regional Com. v. Charles A. Pratt Construction Co.* (1982) 128 Cal.App.3d 830, 844-845.) A subdivider must obtain approval of the appropriate map before the subdivided parcels are offered for sale, or lease, or are financed. (§§ 66499.30, 66499.31; *Bright v. Board of Supervisors* (1977) 66 Cal.App.3d 191, 193-194.)

The Act sets forth procedures by which cities and counties may impose a variety of specific conditions when approving the subdivision maps. Such conditions typically cover streets, public access rights, drainage, public utility easements, and parks, among other improvements. (§§ 66475-66489; see *Associated Home Builders etc., Inc. v. City of Walnut Creek* (1971) 4 Cal.3d 633, 639-647; *Ayers v. City Council of Los Angeles* (1949) 34 Cal.2d 31, 37-43.)

The Act vests cities [\*7] and counties with the power to regulate and control the "design and improvement of subdivisions" (§ 66411) independent of the power to impose the specified conditions enumerated above. "Design" is defined as:

" . . . (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan." (§ 66418.)

"Improvement" is defined as:

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<sup>6</sup> The approval of a final map is a ministerial function once the tentative map has been approved and the conditions that were attached to the tentative map have been fulfilled. ( *Gov. Code, §§ 66458, 66473, 66474.1*; *Santa Monica Pines, Ltd. v. Rent Control Board* (1984) 35 Cal.3d 858, 865; *Youngblood v. Board of Supervisors* (1978) 22 Cal.3d 644, 653.)

<sup>7</sup> Statutory provisions for tentative maps and final maps first appeared in 1929 (Stats. 1929, ch. 838), while parcel maps were first required in 1971 (Stats. 1971, ch. 1446). (See Cal. Subdivision Map Act Practice (Cont.Ed.Bar 1987) §§ 1.2-1.3, pp. 3-5.)

<sup>8</sup> All references hereafter to the Business and Professions Code are by section number only.

[\*\*24] "... any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and [\*8] acceptance of the final map thereof.

"... also ... any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan." (§ 66419.)

Accordingly, we believe that when a person applies for a building permit after January 1, 1991, the Board's fire safety regulations would be inapplicable as to any matters approved prior to January 1, 1991, as part of the parcel or tentative map process.<sup>9</sup> By contrast, a person who applied for a building permit prior to January 1, 1991, would not be subject to any of the access or perimeter requirements set forth in the regulations.

In addition to preserving independent significance for the building permit exception, the aforementioned reading of [Public Resources Code section 4290](#) comports with another principle of statutory construction, namely that "[e]xceptions to the general rule of a statute are to be strictly construed." ([Da Vinci Group v. San Francisco Residential Rent etc. Bd. \(1992\) 5 Cal.App.4th 24, 28](#); see [Goins v. Board of Pension Commissioners \(1979\) 96 Cal.App.3d 1005, 1009](#); see also [Board of Medical Quality Assurance v. Andrews \(1989\) 211 Cal.App.3d 1346, 1355](#) [statutes conferring exemptions from regulatory schemes [\*9] are narrowly construed] .) More specifically, we have cited "the general rule that a grandfather clause, being contrary to the general rule expressed in a statute, must be narrowly construed. [Citations.]" ([57 Ops.Cal.Atty.Gen. 284, 286 \(1974\)](#).) A blanket exemption for all construction and development activity related to a parcel covered by an approved tentative or parcel map (provided the final map for the tentative map is approved within the time prescribed by the local ordinance) would violate these principles of statutory construction.

On the other hand, we decline to construe the grandfather clause here so narrowly that *all* of the Board's fire safety regulations become applicable when the owner of a parcel covered by a parcel or tentative map approved [\*25] prior to January 1, 1991, applies for a permit to build on that parcel after January 1, 1991. To do so would mean that the exception for approved tentative or parcel maps would afford the landowner nothing at the construction and development stage. Again, we are guided by the principle that a statute should be interpreted in such a way that no part or provision will be rendered useless or meaningless. ([Colombo Construction Co. v. Panama Union School District, supra, 136 Cal.App. 868, 876](#).)

Finally, we observe the rule that if more [\*10] than one construction of a statute appears possible, we must adopt the one that leads to the most reasonable result. ([Industrial Indemnity Co. v. City and County of San Francisco \(1990\) 218 Cal.App.3d 999, 1008](#).) An exemption from the regulations for those access and perimeter conditions which are included in the approval of a parcel or tentative map prior to January 1, 1991, serves to lock in reasonable entitlements while ensuring that other fire safety standards may be applied at the time a building permit is sought subsequent to January 1, 1991.

On the basis of the foregoing analysis and principles of statutory construction, we conclude that the fire safety standards adopted by the Board for development on state responsibility area lands apply to the perimeters and access to buildings constructed after January 1, 1991, on parcels created by parcel or tentative maps approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative maps.

\* \* \*

**Load Date:** 2014-10-04

CA Attorney General Opinions

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<sup>9</sup>Regulation 1270.02, for example, exempts "[r]oads required as a condition of tentative [or] parcel maps prior to the effective date of these regulations . . . ."

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End of Document

# Channel Law Group, LLP

February 11, 2025

Appellant's Response to Applicant's February 1, 2025 Reply re 3003 N.  
Runyon Canyon Road Project; Case No. APCSV-2016-4179-SPE-DRB-SPP-  
MSP-ZV-ZAD; CEQA No. ENV-2016-4180-EIR (SCH # 2018041016)

## **EXHIBIT M**

**DEPARTMENT OF BUILDING AND SAFETY/PUBLIC WORKS  
PRELIMINARY REFERRAL FORM FOR  
BASELINE HILLSIDE ORDINANCE NO. 181,624 AND HILLSIDE ORDINANCE No. 174,652**

**Building and Safety**

**Address** 3003 N RUNYON CANYON ROAD **District map** 153B181

**APN** 5572024006

**Tract**

**Block**

**Lot**

SW 1/4 NE 1/4 SEC 4 T1S  
R14W

**Public Works:**

**Street designations: Standard vs., Substandard Hillside Limited** (for all the streets, public or private, abutting or adjacent to the lot(s)) **(LAMC 12.21A17(e)(1)) or LAMC 12.21C10(i)(1))**

**Street Name (1)** RUNYON CANYON ROAD - PRIVATE STREET

**R/W width** 0' **Roadway width:** 0' **Plan Index**

☐ Lot fronts on a standard hillside limited street (R/W  $\geq$  36' AND Rdwy  $\geq$  28')

☒ Lot fronts on a substandard hillside limited street Dedication required? ☒ No ☐ Yes - width

**Street Name (2)**

**R/W width** **Roadway width:** **Plan Index**

☐ Lot fronts on a standard hillside limited street (R/W  $\geq$  36' AND Rdwy  $\geq$  28')

☐ Lot fronts on a substandard hillside limited street Dedication required? ☒ No ☐ Yes - width

**Street Name (3)**

**R/W width** **Roadway width:** **Plan Index**

☐ Lot fronts on a standard hillside limited street (R/W  $\geq$  36' AND Rdwy  $\geq$  28')

☐ Lot fronts on a substandard hillside limited street Dedication required? ☒ No ☐ Yes - width

**Vehicular Access:**

1. Is the **Continuous Paved Roadway (CPR)\*** at least 28 feet wide from the driveway apron of the subject lot to the boundary of the Hillside Area? ☐ Yes ☒ No
2. Do **any** of the streets listed in the **Street designations section** have a roadway width of less than 20 feet adjacent to the lot(s)? **(LAMC 12.21A17(e)(2) or LAMC 12.21.C10(i)(2))**  
☒ Yes— A Zoning Administrator Determination (ZAD) is required per 12.24X21 or 12.24X28\*\* OR the roadway shall be widened to a minimum 20 foot width via a Public Works construction permit  
☐ No
3. Is the **CPR** at least **20** feet wide from the driveway apron of the subject lot to the boundary of the Hillside Area? **(LAMC 12.21A17(e)(3) or LAMC 12.21.C10(i)(3))**  
☐ Yes  
☒ No – A Zoning Administrator Determination (ZAD) is required per 12.24X21 or 12.24X28\*\* OR the roadway shall be widened to a minimum 20 foot width throughout via a Public Works construction permit

\*CPR – begins at the driveway apron and must be continuous and without obstacles to the boundary of the Hillside Area

**Sewer Connection:** **(LAMC 12.21.A17(g) or LAMC 12.21.C10(j))**

**Lot located within 200 feet of available sewer mainline:**

- ☐ Use existing wye and permit ☐ Obtain new connection and new permit  
☐ Use existing wye and obtain new permit ☐ Construct mainline (B permit from BOE)

**Lot located greater than 200 feet from an available sewer mainline:**

**DEPARTMENT OF BUILDING AND SAFETY/PUBLIC WORKS  
PRELIMINARY REFERRAL FORM FOR  
BASELINE HILLSIDE ORDINANCE NO. 181,624 AND HILLSIDE ORDINANCE No. 174,652**

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☒ Obtain LADBS approval for onsite sewer

☐ Construct mainline (B permit from BOE)

**DEPARTMENT OF BUILDING AND SAFETY/PUBLIC WORKS  
PRELIMINARY REFERRAL FORM FOR  
BASELINE HILLSIDE ORDINANCE NO. 181,624 AND HILLSIDE ORDINANCE No. 174,652**

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**\*\*IMPORTANT:** If a ZAD is required as a result of a CPR having a width of less than 20 feet, typically a BOE investigation and report is not required.

If a ZAD is required for lot(s) that are abutting street(s) with roadway width(s) of less than 20 feet, a formal investigation and engineering report **WILL BE REQUIRED**. The engineering report will be provided after submittal of all documentation and payment of fees. Measurements and statements contained herein may be adjusted in the engineering report.

Applicants subject to a ZAD as listed above are advised to submit the following documents and pay the BOE investigation fee to either the BOE Valley District Office Public Counter at 6262 Van Nuys Blvd, Rm. 251 Van Nuys CA 91401 or BOE Land Development Group Public Counter at 201 N. Figueroa St, Ste. 1150, Los Angeles, CA 90012

1. BOE investigation fee. (check made payable to the City of Los Angeles) (Per LAMC 62.106)
2. Two (2) copies of the Planning Master Land Use Application.
3. Two (2) copies of the project site plan.
4. Two (2) copies of the radius map.
5. Picture of the existing building, sidewalk, curb, and gutter.

Due to the possible implications that dedications and improvements may have on the development of a project, applicants that do not pay the BOE investigation fee for the preparation of a detailed engineering report may have their application placed on hold until such information is provided. Questions and concerns regarding the engineering report may be presented at the hearing.

**The typical BOE standard improvement requirement is: Construct a minimum 20 foot wide roadway with a 14 foot half roadway and 4 foot sidewalk adjacent to the property within a minimum 18 foot half right of way. Sidewalk easement may be required to make driveway apron ADA compliant.**

Applicants wishing to complete public improvements required in lieu of applying for a ZAD for relief from minimum street access requirements are advised to contact the B permit section of the BOE district in which the property is located to discuss requirements for public street improvements or deviations from the standard improvement requirement.

Central: 201 N Figueroa St, Ste. 770, Los Angeles CA, 90012

Harbor 608 Harbor Blvd 4th floor, San Pedro, CA 90731

Valley 6262 Van Nuys Blvd, Rm. 351, Van Nuys, CA 91401

West LA: 1828 Sawtelle Blvd, 3rd floor, West Los Angeles CA 90025