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February 6, 2025

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**REPORT RELATIVE TO THREE APPEALS FILED BY MULTIPLE PERSONS, OTHER THAN THE APPLICANT, OWNER OR OPERATOR CLAIMING TO BE AGGRIEVED FOR CASE NUMBER APCSV-2016-4179-SPE-DRB-SPP-MSP-ZV-ZAD FOR THE PROPERTY LOCATED AT 3003 NORTH RUNYON CANYON ROAD WITHIN THE HOLLYWOOD COMMUNITY PLAN, CF 24-1371**

On October 3, 2024, the South Valley Area Planning Commission (SVAPC) issued its Letter of Determination (LOD) conditionally approving the following project located at 3003 N. Runyon Canyon:

The construction of a new 5,500 square foot (sf), two-story, single-family dwelling with an attached 600 sf two-car garage, and a fully underground 3,000 square-foot basement. The total Residential Floor Area (RFA) of the new structure is 5,700 square-foot and a maximum height of 29 feet on a 197,435 square-foot lot. The project involves the conversion of an existing on-site 2,018 square-foot single-family dwelling to an Accessory Living Quarters (ALQ). The single-family dwelling includes three bedrooms, decks, pool, theater, and a gym. A total of five automobile parking spaces are proposed. The Project is located within 50 vertical feet of a prominent ridgeline and is within 200 feet of public parkland. A total of 28 non-protected trees are proposed to be removed and one protected Toyon is proposed to be removed. The request also includes a haul route approval, if needed, for the following grading quantities: Cut 14,006 cubic yards, Fill 14,006 cubic yards, zero cubic yards of Export, and zero cubic yards of import.

The appellate body for the decision of the SVAPC is the City Council when an appeal is filed within 15 days after the mailing date of the determination. On October 18, 2024, the Department

of City Planning received three appeals appealing the entire decision of the South Valley Area Planning Commission from the following appellants:

1. Appellant 1 (AP-1): Jamie T. Hall, Channel Law Group, representing the Federation of Hillside and Canyon Associations, Inc.
2. Appellant 2 (AP-2): Garret Weinstein, Mountains Recreation & Conservation Authority (MRCA)
3. Appellant 3 (AP-3): Paul Edelman, Santa Monica Mountains Conservancy (SMMC)

The appeal points raised by the appellants address a variety of issues relating to the location of the project, accessibility to the site, road conditions, fire standards, the Environmental Impact Report (EIR), and others. The Department provides the following responses to the appeal comments. The appeal points cover many of the same issues and have been consolidated and edited to reduce repetition.

#### **AP-1: Federation of Hillside and Canyon Associations, Inc. Appeal points**

##### **A. Appeal: State Minimum Fire Safe Regulations**

1. The Appellant contends that the Project is located in a designated Very High Fire Hazard Severity Zone (VHFHSZ), but does not comply with current regulations regarding emergency access and egress in a VHFHSZ. As such, the City cannot approve the requested entitlements to facilitate construction of the Project.
2. The Project is Subject to the Regulations Because it Requires the Issuance of a "Building Permit for New Construction Not Related to an Existing Structure" The Appellant contends that The Project is subject to the State Minimum Fire Safe Regulations.
3. The Project Does Not Meet the Minimum Roadway Width Requirements Set Forth in the State Minimum Fire Safe Regulations. The Appellant contends that The Project is not eligible for a Section 1270.03 exemption and the Project fails to comply with at least one of the Ingress and Egress Regulations: minimum roadway Width (Section 1273.01).
4. The City Cannot Make the Required Findings due to the Project's Inconsistency with State Minimum Fire Safe Regulations. The Appellant contends that The Project's failure to comply with the State Minimum Fire Safe Regulations necessitates a conclusion that the Project will be detrimental to the public welfare and injurious to others adjacent to or in the vicinity of the subject property.
5. The Project is Not Exempt from the State Minimum Fire Safe Regulations. The Appellant contends that The Project is not eligible for a Section 1270.03 exemption.
6. The Applicant Has Obtained No Vested Rights. The Appellant contends that the applicant is not relieved from complying with these regulations on the basis that he has obtained a vested right to proceed with the construction notwithstanding the fact that the Project is out of compliance with the State Minimum Fire Safe Regulations.

##### **Department Response**

The EIR prepared for the project discussed impacts with respect to impacts on fire protection services and emergency access. Pursuant to EIR Section IV.L (Public Services – Fire Protection) pages IV.L-15 – IV.L – 16 the LAFD will review the project plans for compliance with Los Angeles Fire Code, California Fire Code, City of Los Angeles Building

Code, and National Fire Protection Association standards and would not approve permits unless emergency access meets their standards, thereby ensuring that the Project would not create any undue fire hazard. As the Project must demonstrate conformance with fire standards, this would not invalidate the Findings for approval of the project, as the Project would be consistent with the General Plan and zoning and would not be detrimental to the public welfare or injurious to others adjacent to or in the vicinity of the subject property. Vehicular access to the Project would be provided via an existing driveway along North Runyon Canyon Road, which is accessed from Mulholland Drive. Emergency access is also available to the ridge via the hiking trail, which has been recently paved. As such, emergency access to the Project Site and surrounding uses would be maintained at all times, as it is under current conditions. Furthermore, the Project's driveway and internal circulation would be designed to incorporate all applicable City Building Code and Fire Code requirements regarding site access, including providing adequate emergency vehicle access, which would be provided in a T-shaped fire department turnaround on the Project driveway. The project will comply with all LAFD requirements and recommendations related to emergency access. The Appellants have failed to provide any substantial evidence that an additional unit of housing would result in significant impacts related to fire services and public safety or that the findings were incorrect.

The project does not violate the State Minimum Fire Safe Regulations per CCR Title 14 Natural Resources, Division 1.5 Department of Forestry and Fire Protection, Chapter 7 Fire Protection, Subchapter 2 SRA/VHFHSZ Regulations which establishes minimum wildfire protection standards for projects located in a State Responsibility Area (SRA), and after July 1, 2021, in a Very High Fire Hazard Severity Zone as defined in Government Code Section 51177(i). Specifically, Title 14, CCR Section 1273.01 requires the following:

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.

The subject parcel does not have access via two ten (10) foot traffic lanes. However, Government Code Section 1273.01 only applies to new roads being constructed as it states "all roads **shall be constructed...**". It is not retroactively applied to existing roads that do not meet the dimensional requirement. If it did, that would effectively create a moratorium on all new construction in hillside areas within the entire state - ADUs, building additions, new homes on vacant parcels. The subject project at 3003 N. Runyon Canyon Road will not introduce any features that will change the physical dimensions of the surrounding roadways and/or require the construction of any new roadways. 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. The appellant assertion that the project would be responsible to widen the off-site surrounding roadway widths is not supported by the applicable laws and regulations.

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.

- B. AP-1: The Federation submitted a comment letter to the South Valley Area Planning Commission dated August 5, 2024 outlining eight specific concerns which are incorporated herein.**

**Department Response**

The eight points primarily make arguments that the Project does not comply with the Mulholland Scenic Parkway Specific Plan, the Baseline Hillside Ordinance, the State Minimum Fire Safe Regulations in Very High Fire Hazard Severity Zones, and the ADU/ALQ code requirements, that the project description and entitlements have been unclear or inconsistent, and that the air quality, biological, and alternatives analysis was inadequate. All eight points in the August 5, 2024, letter from the Federation have been addressed in the Final EIR which was considered by the SVAPC in their deliberations. Upon review of the Draft and Final EIR, the SVAPC concurred with the analysis and Certified the EIR, and Adopted the Environmental Findings and Mitigation Monitoring Program.

**AP-2: Mountains Recreation and Conservation Authority Appeal**

- A. The FEIR's deficient analysis of alternative projects. The Appellant contends that the project fails to analyze an adequate number of feasible alternatives which would not require the Zoning Administrator's Determination for excessive amounts of grading, or the Specific Plan Exception for construction on a Prominent Ridgeline.**

**Department Response**

A complete EIR was completed and circulated prior to the decision made by the South Valley Area Planning Commission and included an adequate analysis of potential alternatives to the Project. Project alternatives were provided for decision makers to consider including a no project/no build alternative, a reduced project alternative, and an alternate placement alternative.

The EIR analyzed the Project originally proposed (referred to as the "Original Project") that included the construction of a single-family residence with a basement, first floor and second floor, with a total floor area of 6,982 square feet not including the 4,878 square-foot basement (per Department of Building and Safety standards). The Original Project also included approximately 2,475 square feet of mechanical/electrical area, approximately 7,769 square feet of covered patio area, and an attached four-car garage. In response to comments received from the Mulholland Design Review Board, the Project was revised (referred to as the "Revised Project"). The Revised Project proposed the construction of a new single-family residence to include a basement, first floor and second floor, with a total floor area of 5,500 square feet not including the 3,000 square-foot basement. The Revised Project would also include an attached two-car garage totaling 600 square feet (of which 400 square feet is exempt and 200 square feet is mechanical area). The total Residential Floor Area of the Revised Project is 5,700 square feet with a maximum height of 29 feet.

The 5,700 square-foot calculation includes all covered patios and roof overhangs greater than five feet, mechanical rooms, and electrical rooms. In addition, the Revised Project's basement is entirely submerged and does not daylight. There is a separate existing historical structure, the Headley-Handley House, that would remain intact in both the Original Project and the Revised Project and is located on the opposing eastern facing side of the modified prominent ridge.

CEQA requires that an EIR analyze a reasonable range of feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. The Draft EIR evaluated a reasonable range of three alternatives to the Project in detail, which include the (A) No Project/No Build Alternative; (B) Reduced Project Alternative; and (C) Alternate Placement Alternative. In accordance with CEQA requirements, the alternatives to the Project include a "No Project" alternative and alternatives capable of eliminating or significantly reducing the significant adverse impacts of the Project. As the EIR analysis demonstrated, the Project would not result in any significant and unavoidable impacts, therefore, the Project alternatives focused on reducing the Project's other impacts.

The EIR's alternatives did analyze scenarios which would have reduced grading on the site. The No Project/No Build alternative would result in no additional grading, as the site would remain in its current condition as developed with the Headley/Handley House.

Alternative B was determined to be the overall Environmentally Superior Alternative. As described previously, the Project was redesigned based on comments received from the Mulholland Design Review Board. The Revised Project proposes the construction of a new single-family residential dwelling totaling 5,700 square feet in residential floor area, not including the basement. Therefore, Alternative B represents a project that is smaller than the Original Project, but larger than the Revised Project as recommended for approval.

Besides the No Project Alternative, Alternative B (the Reduced Project Alternative), was determined to be the Environmentally Superior Alternative and reduced the Original Project by 30 percent, and would also have reduced grading compared to the Original Project. As stated in the Findings for the Project, and as described previously, the Original Project was redesigned based on comments received from the Mulholland Design Review Board, and the Revised Project represents a greater reduction in size from the Original Project than Alternative B (the Revised Project would be less than half of the residential floor area as compared to Alternative and about a third of the residential floor area of the Original Project). In addition, the design of the Revised Project includes a fully submerged basement, which means that less of the western elevation of the residence would be visible from within Runyon Canyon Park as compared to both the Original Project and Alternative B. Therefore, while Alternative B was preferable to the Original Project, it was less desirable than the Revised Project, and was therefore rejected.

Another alternative that would have significantly reduced grading, by eliminating grading on the site, was considered but rejected from additional analysis (as discussed on pages V-2 to V-6 of the DEIR). This alternative would have placed the new residence fully on top of the ridgeline, with no subterranean structure or excavation required. However, this alternative was rejected from further consideration as it would have had greater impacts than the Original Project in regard to aesthetics, scenic resources, and views, and would have

resulted in further or increased conflicts with the Mulholland Specific Plan scenic protections and hillside regulations. The issue of other potential locations for the Project on the site as an alternative was also raised in public comments on the Draft EIR and addressed in Response A3-6 in the FEIR, and further supported in Appendix E to the FEIR, which addresses the significant historic resource impacts of a potential home on top of the ridgeline adjacent to the HCM.

Alternative C (Alternative Placement Alternative), considered an alternative with its location below the ridgeline, which would not have required the Specific Plan Exception. However, the analysis determined that other impacts would be increased, including the grading and retaining walls required, and was also rejected.

As such, an adequate number of feasible alternatives was considered. In addition, responses to comments regarding hillside and scenic protections, and impacting habitat and public natural resources have been previously responded to in the Final EIR for the Project.

### **AP-3: Santa Monica Mountains Conservancy Appeal**

- A. The FEIR's deficient analysis of alternative projects The Appellant contends that the project fails to analyze an adequate number of feasible alternatives which would not require the Zoning Administrator's Determination for excessive amounts of grading, or the Specific Plan Exception for construction on a Prominent Ridgeline.**

#### **Department Response**

See Department Response under AP-2, incorporated herein.

#### **CONCLUSION**

Upon careful consideration of the appeal, staff has determined the Appellants' objections lack merit and do not demonstrate that the City erred or abused its discretion in certifying the EIR and approving the associated entitlements and/or Project. In addition, no new substantial evidence was presented that the City has erred in its actions relative to the EIR and the associated entitlements; nor was any new information to dispute the Findings of the EIR or the APC's actions on this matter. Therefore, Staff recommends that the appeal be denied and that the actions of the APC be sustained.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

CLAUDIA RODRIGUEZ  
Senior City Planner