

Communication from Public

Name: Sheri Bonstelle
Date Submitted: 02/10/2025 06:16 PM
Council File No: 24-1371
Comments for Public Posting: Attached is a letter submitted on behalf of the Applicant responding to the staff report and public comments.

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February 10, 2025

VIA E-MAIL

Los Angeles City Council
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012
Attn: City Clerk
Cityclerk@lacity.org
LACouncilcomment.com

Re: 3003 N. Runyon Canyon Road (Council File No. 24-1371)
Response Letter
PLUM Committee Hearing Date: February 11, 2025

Dear President Harris-Dawson and Members of the Los Angeles City Council:

Our office represents Manny Valencia and his family, (the "Owner", "Valencia Family") the owners of the property at 3003 Runyon Canyon Road. (the "Property") The Valencia Family proposes to construct a 5,700 square foot two story residence on the Property (the "Project"), which was unanimously approved by the Mulholland Design Review Board ("DRB") and unanimously approved by the South Valley Area Planning Commission ("APC").

This letter responds to public comments submitted in opposition to the Project, including the letter by Jamie Hall, submitted on behalf of the Runyon Canyon Coalition, dated February 4, 2025 ("RCC Letter"), and the appeals by The Federation of Hillside and Canyon Association (the "Hillside Federation"), the Mountains Recreation and Conservation Authority ("MRCA"), and the Santa Monica Mountains Conservancy ("SMMC") (collectively, the "Appeals"). All of this information was provided to and evaluated by the City as part of the South Valley APC review and approval of the Project entitlements and certification of the EIR.

1. The Project Description in the EIR is Accurate, Stable and Finite.

The Appellant's letters and public comments reflect either a misunderstanding or an intentional misrepresentation of the size of the Project unanimously approved by the South Valley APC, as set forth in the APC Letter of Determination, dated October 4, 2024 ("LOD"). In the RCC Letter, page 26, Jamie Hall includes an architect's rendering of the larger original Project from preliminary presentations to the Mulholland DRB in 2016 (the "Original Project") that does not reflect at all the approved Project in the LOD ("Approved Project"). This rendering shows the

initial 6,982 square foot design, with 4,878 square foot basement, 7,769 square feet of covered patio, 2,475 square foot mechanical area, and three levels. In fact, the Approved Project is an accurate, stable and finite 5,500 square feet with a 600 square foot garage, and a 3,000 square foot basement, with a total of 5,700 square feet of residential floor area (RFA), and two levels. (See LOD) This Project was fully evaluated in the EIR, and is slightly less in floor area than Alternative B. Alternative B was determined to be the Environmentally Superior Alternative.

Then, Jamie Hall tries to create confusion in the Project description, by claiming that the Project EIR does not disclose that the Project may have five retaining walls, instead of three, and 13-foot retaining walls, instead of 10-foot retaining walls. There is no confusion, and confusion cannot be created by an opponent misstating the Approved Project description. The Project description is accurate, stable and finite, and is specifically limited to the floor area, height, number of stories, and number and height of retaining walls approved and conditioned by the South Valley APC in the LOD and certification of the EIR. There can be no speculation or assumption that any greater floor area or number of retaining walls may be permitted. The RCC Letter is intentionally trying to mislead the City Council and confuse and strike fear in neighbors, as evidenced by the public comments that believe this rendering is what the City approved. Finally, the architect Ameen Ayoub objects to the misleading use of his rendering in this the RCC Letter, which violates his copyright.

A draft EIR must contain a project description. (Cal. Code Regs., tit. 14, § 15124.) That project description must include (a) the precise location and boundaries of the proposed project, (b) a statement of the objectives sought by the proposed project, (c) a general description of the project's technical, economic and environmental characteristics, and (d) a statement briefly describing the intended use of the EIR. (*Id.*, § 15124, subds. (a)—(d).) This description of the project is an indispensable element of both a valid draft EIR and final EIR. (*Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, 287, citing *Western Placer Citizens for an Agricultural & Rural Environment v. County of Placer* (2006) 144 Cal.App.4th 890, 898.) That project description must be accurate, stable and finite. (*County of Inyo v. City of Los Angeles* (1977), 71 Cal.App.3d 185, 193.) In *South of Market*, the Court held that some degree of flexibility is permissible, and the EIR may go so far as to include project “options,” so long as the options are independently evaluated, represent true variations on a single project rather than vastly different projects, and do not confuse the reviewing public. *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321. Other cases have found that excessive vagueness or uncertainty in the description of the proposed project may be a violation of CEQA and courts are unlikely to find that examination of “maximum environmental impacts” of any proposal corrects this flaw. See *Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277; *Stoepthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1. However, where the project is a reduced version of the same use that was fully evaluated in the EIR as an alternative, the project definition was sufficiently accurate and stable. *Southwest Regional Council of Carpenters v. City of Los Angeles* (The Icon at Panorama, LLC), 76 Cal. App. 5th 1154 (2022).

Here, there is no vagueness or multiple project options in the Project Description in the EIR. The City ultimately approved a smaller version of the Original Project that was fully evaluated in the EIR. The Draft EIR included a 30% reduced project as an Alternative, which was 5,670 square feet (without basement), and the Final EIR evaluated and concluded that the Approved Project, which was 5,500 square feet plus garage and basement was just slightly smaller and fully evaluated in this Alternative. The reduced Project was in the same location, on the same Property, with an identical density and use, but with less floor area, fewer stories, less grading, and less potential impacts than the Original Project and Alternative B in every respect. Therefore, under the Court's reasoning in *Southwest Regional Council of Carpenters*, the Project description was accurate, stable and finite. The EIR concluded that neither the Original Project nor the Approved Project had a significant impact that could not be mitigated. Therefore, the Appellants provide no substantial evidence in the record that the Project Description violates CEQA.

2. The Project's Accessory Living Quarters Fully Comply with LAMC Standards by the City's Approval of a Variance to the ALQ Definition.

The Appeals and the RCC Letter again try to confuse the City Council and the public by claiming that an accessory living quarters ("ALQ") must comply with the requirements of an accessory dwelling unit ("ADU"), merely because the Owner seeks a variance to allow the kitchen to remain in the Headley/Handley house. The RCC Letter argues that because the structure retains a kitchen, it cannot be ALQ, and therefore qualifies as either a second unit or an ADU, neither of which are permitted on the Property. In fact, the City's approval of a variance specifically exempts the ALQ from requiring no kitchen facilities in its definition. (LOD page F-2, LAMC 12.27.D) In addition, the City adopted the ADU ordinance on December 19, 2019 (Ord. No. 186,481), which was after the Project application was deemed complete, after the NOP was issued for the EIR preparation on April 3, 2018, and after the Draft EIR was completed and circulated for comment between August 22, 2019 and October 7, 2019. Therefore, the subsequently adopted ADU ordinance cannot be applied retroactively to the CEQA review of the Project.

The City held that the Headley/Handley house qualified for the variance, because the existing structure is a City Historic Cultural Monument (HCM No. 563), and the Conservation Element of the General Plan supports protecting historic structures. The Headley/Handley house is a 2,018 square foot structure on a 197,435 square foot (4.53 acre) lot in an RE40-1-H zone. The RE zone specifically permits accessory buildings, including accessory living quarters, maid's quarters and recreation rooms (LAMC 12.07.01.A.6) The RE40 zone permits development with an FAR between .15 and .35 depending on the slope band analysis, with a guaranteed minimum floor area of 18%. (LAMC 12.21.C.10(b)) For the Property, the guaranteed minimum floor area is 35,538.3 square feet, and the proposed residential floor area of the Project is 5,700 square feet plus the existing 2,018 square foot structure. Therefore, the floor area of the new residence and the existing structure is significantly less than that permitted on the Property in the RE40 zone.

Due to the topography of the Property, including steep hills, the City determined that the addition of residential floor area on the lot should be in a separate structure that is embedded in

the hillside to minimize aesthetic impact and to preserve the HCM's historic character. (See LOD, page F-2, EIR Section IV.D. Cultural Resources) The City also found that granting the variance would not be detrimental to the public or injure the property of the RE40-1-H zone. (See LOD, page F-2) However, the interiors are not a character defining feature of HCM No. 563, and therefore the small modern kitchen may be removed.

The Headley/Handley house does qualify as an ALQ, which is defined as “An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.” (LAMC § 12.03) The ALQ will be used by the Valencia Family and not rented out or used as a separate dwelling unit. The South Valley APC approved the variance for a kitchen to remain in the ALQ. If the City Council, on appeal, does not approve the variance for the second kitchen, the Valencia Family will remove it and the Headley/Handley house will comply with the ALQ definition.

3. The Project's EIR Fully Evaluated Earthquake and Landslide Risk, and There is No Evidence of an Imminent Seismic Risk.

The RCC Letter claims that the Draft and Final EIR overlooked that the Project was within an earthquake and landslide zone and that there are imminent and real seismic risks. This is false. The RCC Letter completely ignores the Updated Geotech Report, submitted in 2020, and included as Appendix G-3 to the Final EIR. The EIR fully evaluated the Project's potential impacts with regards to geology and soils, including seismic impacts, the geologic stability of the Project site, liquefaction, erosion, subsidence and expansive soils, in Draft EIR, Section IV.F Geology and Soils, including the Geologic and Soils Engineering Exploration Report, Irvine Geotechnical, Inc., March 11, 2016. (the "Geotech Report") The Final EIR included updated reports, including the Geologic and Soils Engineering Exploration Update and Addendum Report, dated April 13, 2020, by Irvine Geotechnical, Inc. (the "Updated Geotech Report", FEIR, Appendix G-3).

The EIR states that the Property is not within a zone of required investigation for liquifaction, but is within a zone of investigation for earthquakes (EIR, IV.F-6). The closest active fault that has ruptured the ground surface in the Late Quaternary time is the Hollywood Fault, located approximately 2 miles south of the Property, and no known active faults have been mapped across the Property (EIR, IV.F-7). The Project is susceptible to ground shaking during a seismic event, and must be constructed in conformance to the most recently adopted California Building Code (CBC) design parameters, the Universal Building Code (UBC), and the Los Angeles Building Codes with respect to new construction. The seismic stability of the Property was calculated in conformance with the Southern California Earthquake Center (SCEC) screening procedures, and the analysis showed that the Property and existing slopes would be grossly stable under anticipated seismic conditions. (EIR Page IV.F-14) (See Geotech Report, page 11, EIR Appendix G) The EIR concluded that prior to building permits, a final design-level geotechnical investigation would be prepared, reviewed and approved by LADBS, to confirm the Geotech Report findings.

In 2020, Irvine Geotechnical drafted the Updated Geotech Report to provide updated recommendations in compliance with the 2020 Building Code, which concluded that the Project remains feasible from a geologic and geotechnical engineering standpoint. Bedrock remains the recommended bearing material, with pile foundations to support structures on or near slopes. (Updated Geotech Report, pages 2-3). The City issued an updated Geology and Soils Report Approval Letter, dated April 24, 2020, that confirms the Updated Geotech Report and other documents "include an acceptable seismic slope stability analysis and the requirements of the 2020 City of Los Angeles Building Code have been satisfied." (Final EIR, Appendix G-4) Therefore, the Appellants provide no substantial evidence in the record that the Project will have a significant impact to liquefaction or earthquakes.

4. **The Project EIR is Fully Compliant with the California Environmental Quality Act.**

The RCC Letter makes several unsubstantiated claims that the Project EIR fails to comply with CEQA. These remarks were refuted in our letter to the City Council, dated February 1, 2025. We provide additional information on specific issues here. In many statements in the RCC letter, there is only a reference to initial analysis in the Draft EIR, and a complete disregard to additional studies and information provided in the Final EIR.

(a) ***Protected Trees.*** The RCC Letter claims that EIR failed to disclose the removal of 11 non-protected trees and one protected tree. This is false. The letter from the Tree Resource, dated September 15, 2021, confirms that there are no protected trees on site or adjacent to the construction zone. (Final EIR, Appendix M-1) Subsequent letters from the Tree Resource, dated January 10, 2022 and February 20, 2022 confirmed that there were no protected trees in the existing fuel modification area or additional fuel modification area, and that all Toyon were not large enough to meet the protected criteria of 4" (Final EIR, Appendix M-2, M-3)

(b) ***Second Dwelling Unit claims.*** In several instances, the RCC Letter claims that the inclusion of a second dwelling unit violates CEQA in several respects, such as having illegal Project objectives, having an improper Baseline Assumptions in the EIR, providing erroneous land use impact analysis, and violating the additionality principle, because the zoning does not permit two units. These are without merit. There is clearly not a second dwelling unit on the Project, because it has been approved as an accessory living quarters, which are permitted in the LAMC in the RE40 zone. The City did not approve a second dwelling unit, which would increase density by allowing the ALQ to be rented to individuals that are not the Owners or guests. Here, the Valencia Family are the sole residents on the Property and none of the structures will be rented to others. This claim is a red herring that is baseless.

(c) ***Alternatives.*** The RCC Letter claims that the EIR proposes an inadequate range of alternatives, and states that the EIR should have evaluated a scenario where the Headley/Handley house remains the main house and the additional structure is the accessory living quarters without a kitchen. However, CEQA does not require that the EIR evaluate every possible alternative, or specific alternatives desired by an opponent, but that the EIR evaluate a reasonable range of

feasible alternatives that could substantially reduce or avoid the significant impacts of the Project while also meeting the Project's basic objectives. In addition, RCC did not request during the Draft EIR circulation period that this specific alternative be evaluated.

As stated in the City's Staff Report, dated February 6, 2025, the EIR evaluated a reasonable range of alternatives in detail in compliance with CEQA, including (A) a No Project/No Build alternative, (B) a Reduced Project Alternative, which was 30% of the Original Project, (C) an Alternative Placement project, locating the house at the bottom of the hill. The EIR discussed reasons for rejecting the various alternatives based on the objectives of the Project. (See EIR, Section V, Alternatives, pages V1-52) The EIR identified Alternative B (the Reduced Project Alternative) as the Environmentally Superior Alternative, because it would have reduced grading compared to the Original Project. Another alternative that would have significantly reduced grading was considered but rejected from additional analysis, because it would have placed the house on the top of the ridge, where it would have had greater impacts than the Original Project to aesthetics, scenic resources, and views and would have resulted in increased conflicts with the Mulholland Specific Plan scenic protections.

CEQA requires an EIR to identify feasible alternatives that could avoid or substantially lessen the project's significant environmental effects. (§§21002, 21100, subd. (b)(4).) "[I]t is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" (§21002.) The EIR must describe a range of reasonable alternatives to the project "which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." (Guidelines, §15126.6, subd. (a).) The EIR must evaluate the alternatives' comparative merits. (Guidelines, §15126.6, subd. (a).) An EIR need not consider every conceivable project alternative or alternatives that are infeasible. (*In re Bay-Delta etc.*(2008) 43Cal.4th 1143, 1163; Guidelines, §15126.6, subd. (a).) Nor is it required to consider specific alternatives proposed by members of the public or other outside agencies. (*City of Maywood v. Los Angeles Unified School Dist.*(2012) 208Cal.App.4th 362, 420.) But it must consider "a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation." (Guidelines, §15126.6, subd. (a).)

The range of alternatives is governed by a "rule of reason." (Guidelines, §15126.6, subd. (f)(1).) This rule requires an EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives are to be limited to ones that would avoid or substantially lessen any of the project's significant effects, and of those alternatives, the EIR need examine in detail only those alternatives that the lead agency determines could feasibly attain most of the project's basic objectives. (Guidelines, §15126.6, subd. (f)(1).) The range should provide "enough of a variation to allow informed decisionmaking." (*Mann v. Community Redevelopment Agency* (1991) 233Cal.App.3d 1143, 1151.) A court whether the EIR's alternatives analysis complies with CEQA's procedural mandates and then decide whether substantial evidence supports the decisions made. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18Cal.App.4th 729,

738.) Plaintiffs must show that the alternatives “are manifestly unreasonable and that they do not contribute to a reasonable range of alternatives.” (*Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83Cal.App.4th 1252, 1265.)

Here, the RCC Letter does not provide substantial evidence that the evaluated alternatives, and the rejected alternatives, are manifestly unreasonable and are not within a reasonable range of alternatives. The RCC Letter may not merely identify an infeasible or impractical alternative and claim that the EIR is deficient for failing to consider it. The EIR evaluates the No Project Alternative, and fully evaluates two additional alternatives – a 30% reduction in floor area, and an alternative location at the bottom of the hill. The EIR rejected the alternative location at the top of the hill, because it increased other potential impacts. These are a reasonable range of alternatives based on Project size and location. The RCC's proposed alternative to remove the kitchen from the new single family residence is absurd and provides no reduction in impacts, because the RCC Letter does not identify any. In addition, RCC has not identified that any of the evaluated Alternatives were manifestly unreasonable. Therefore, there is no substantial evidence in the record that the EIR failed to comply with the Alternatives requirements under CEQA.

5. Conclusion

In conclusion, the RCC Letter provides no substantial evidence in the record that the City's certification of the Project EIR violated CEQA, or that the City erred or abused their discretion in approving the Project's entitlements and certifying the EIR.

We respectfully request that the City Council deny the appeals and uphold the South Valley APC's unanimous approval of the Project's entitlements and EIR certification.

Sincerely,



SHERI L. BONSTELLE for
Jeffer Mangels Butler & Mitchell LLP

SLB

cc: Councilmember Nithya Raman, CD4 (nithya.raman@lacity.org)
Mashaël Majid, Deputy Chief of Staff, CD4 (mashaël.majid@lacity.org)
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Communication from Public

Name: Brian Dyer

Date Submitted: 02/10/2025 09:57 AM

Council File No: 24-1371

Comments for Public Posting: After the recent fires in Runyon Canyon, after hiking in the area and watching filming going on adjacent to this location at other properties where the crew was smoking in high fire severity, with the high wire towers nearby, with the grading problems, this is an individual project that puts at risks thousands of others. It should not be passed for safety issues.

Communication from Public

Name:

Date Submitted: 02/10/2025 04:43 PM

Council File No: 24-1371

Comments for Public Posting: I support the appeals by the Santa Monica Mountains Conservancy, MRCA, and Hillside Federation of the project at 3003 Runyon Canyon Park. There is no justification for ruining Runyon Canyon Park by allowing someone to build a second house, of approximately 6,000 square feet in size, on a mountaintop property that already has a home on it. Haven't we learned anything from the recent wildfires? Protect our parkland -- and say no to this project! Please stop the over development of our precious open spaces.

Communication from Public

Name: Anonymous Runyon area Resident

Date Submitted: 02/10/2025 01:57 PM

Council File No: 24-1371

Comments for Public Posting: I am adamantly against any further building, of any structures in or on the Runyon Canyon trails/ fire road. The project proposed at 3003 Runyon Canyon , will only set precedence for eroding wildlife, public hiking safety, and fire danger. This winter's fires have proven the fragility of our Hollywood Hills. These conditions will worsen with the unhinged removal of climate change policies. I personally stayed behind during the Sunset Fire to water down my friends house as embers fell from the sky. Any additional domiciles, especially at the top of the canyon can only harm people living below. If someone has the money to build in the hills, let them build someplace else where it won't be dangerous to other people and their property. Thank You.