

Application and Justification submitted by

Appellant #3: Jamie T. Hall, Channel Law Group

Appeal Case No. APCSV-2016-4179-SPE-DRB-SPP-MSP-ZV-ZAD-1A

## APPLICATIONS

### APPEAL APPLICATION Instructions and Checklist



## PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC. For California Environmental Quality Act Appeals use form [CP13-7840](#). For Building and Safety Appeals and Housing Department Appeals use form CP13-7854.

## RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

## APPELLATE BODY

**Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.**

- ☐ Area Planning Commission (APC)    ☐ City Planning Commission (CPC)    ☒ City Council  
☐ Zoning Administrator (ZA)

## CASE INFORMATION

**Case Number:** APCSV-2016-4179-SPE-DRB-SPP-MSP-ZV-ZAD

**APN:** 5572-024-006

**Project Address:** 3003 N RUNYON CANYON ROAD

**Final Date to Appeal:** October 18, 2024

## APPELLANT

**Check all that apply.**

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved  
☐ Representative    ☐ Property Owner    ☐ Applicant    ☐ Operator of the Use/Site

## APPELLANT INFORMATION

Appellant Name: Federation of Hillside and Canyon Associations, Inc.

Company/Organization: Federation of Hillside and Canyon Associations, Inc.

Mailing Address: P.O. Box 27404

City: Los Angeles State: CA Zip Code: 90027

Telephone: 213-479-9176 E-mail: cmmims@pacbell.net

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self ☐ Other: \_\_\_\_\_

Is the appeal being filed to support the original applicant's position? ☐ YES ☒ NO

## REPRESENTATIVE / AGENT INFORMATION

Name: Jamie T. Hall

Company/Organization: Channel Law Group, LLP

Mailing Address: 8383 Wilshire Blvd., Suite 750

City: Beverly Hills State: CA Zip Code: 90211

Telephone: (310) 347-0050 E-mail: jamie.hall@ChannelLawGroup.com

## JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? ☒ Entire ☐ Part

Are specific Conditions of Approval being appealed? ☐ YES ☒ NO

If Yes, list the Condition Number(s) here: \_\_\_\_\_

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

## APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

**Appellant Signature:**  **Date:** October 18, 2024

## GENERAL NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

*The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

**Base Fee:** \$172

**Reviewed & Accepted by (DSC Planner):** Jason Chan

**Receipt No.:** 200162187238 **Date:** 10/18/24

☐ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)

## GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

## APPEAL DOCUMENTS

### 1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☒ Appeal Application
- ☒ Justification/Reason for Appeal

- ☒ Copy of Letter of Determination (LOD) for the decision being appealed

## 2. Electronic Copy

- ☒ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

## 3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☒ *Aggrieved Party.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(b)

## 4. Noticing Requirements (Applicant Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

## SPECIFIC CASE TYPES

### ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

## DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 13B.2.5. (Director Determination) of Chapter 1A or LAMC Section 13B.3.3. (Class 3 Conditional Use) of Chapter 1A as applicable.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.

- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

## WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

## [VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

## NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

### Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

# Channel Law Group, LLP

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\*ALSO Admitted in Texas

October 18, 2024

## **VIA ELECTRONIC UPLOAD**

Los Angeles City Council  
200 N. Spring Street  
Los Angeles, CA 90012

**Re: Justifications for Appeal of 3003 North Runyon Canyon Road ("Project");  
Case No.: APCSV-2016-4179-SPE-DRB-SPP-MSP-ZV-ZAD; CEQA: ENV-  
2016-4180-EIR (SCH No. 2018041016)**

Dear City Council:

This firm represents the Federation of Hillside and Canyon Associations, Inc ("Federation" or "Appellant") with regard to the proposed development located at 3003 Runyon Canyon Road ("Project"). The Federation is a 501(c)(3) organization that was founded in 1952 and represents 47 homeowner and resident associations with approximately 250,000 constituents spanning the Santa Monica Mountains. The Federation brings this appeal because its hillside member organizations and their members will be directly impacted by the Project.

On August 8, 2024, the South Valley Area Planning Commission ("APC") certified the 3003 Runyon Canyon Project Environmental Impact Report ("EIR") and approved multiple requested entitlements, including a Zone Variance, two Zoning Administrator Determinations, a Specific Plan Exception, and a Project Permit Compliance and Design Review (collectively referred to as "Project Approvals"). This letter outlines the justifications for the appeal of the Project Approvals and the certification of the EIR. Among other reasons, the requested entitlements for the Project cannot be approved because the development does not comply with the "State Minimum Fire Safe Regulations" codified at Cal. Code Regs. tit. 14 § 1270.00 et seq.

### **I. The Project**

The Project proposes the construction of a new, 5,500 square foot, two-story, single-family dwelling and 600 square foot attached two-car garage and a fully underground 3,000 square foot basement. The total Residential Floor Area of the Project is 5,700 square feet and a maximum height of 29 feet all on a 197,435 square foot lot. The Project involves the conversion

of the existing 2,018 square-foot single-family dwelling on-site to an Accessory Living Quarter. Notably, the Project is located within one of the most popular urban parks in the City of Los Angeles – Runyon Canyon.

The Project requires multiple discretionary entitlements under the Los Angeles Municipal Code (“LAMC”), including the following:

- Pursuant to LAMC Section 11.5.7 F, a Specific Plan Exception to allow construction within 50 feet of a prominent ridgeline under Mulholland Specific Plan Section 5.B.1;
- Pursuant to LAMC Section 12.27 D, for a Zone Variance to allow a second kitchen to be built within the new single-family dwelling without the removal of the existing kitchen in the existing single-family dwelling, for relief from LAMC Section 12.07.01 A.1;
- Pursuant to LAMC Section 12.24 X.26, a Zoning Administrator's Determination to permit three retaining walls instead of two retaining walls of up to 10 feet in height pursuant to LAMC Section 12.21 C.8(a);
- Pursuant to LAMC Section 12.24 X.28 (a)(5), a Zoning Administrator's Determination to allow 28,012 cubic yards of grading to occur on-site in lieu of the maximum "by-right" grading quantities as delineated in 12.21 C.10 (f)(1) and (2);
- 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).

## **II. State Minimum Fire Safe Regulations**

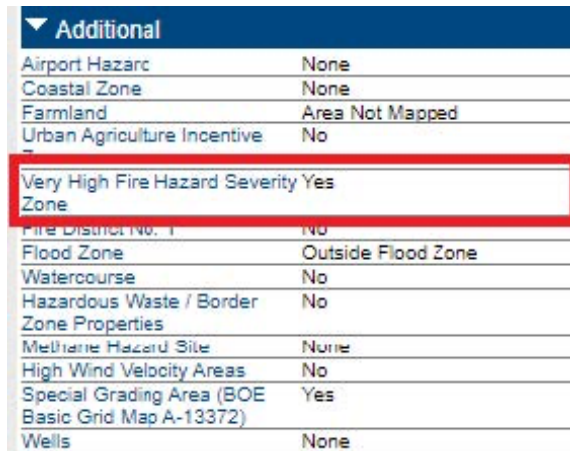
In 2018, Senate Bill 901 mandated the expansion of the scope of California’s regulations regarding minimum fire safety standards to include those lands classified and designated as Very High Fire Hazard Severity Zones (“VHFHSZ”), as defined in subdivision (i) of Government Code § 51177, to include Local Responsibility Areas. In other words, these regulations were extended to those portions of incorporated cities such as the City of Los Angeles that were designated as VHFHSZ. Thereafter, the Board of Forestry adopted implementing regulations. These regulations, known as the “State Minimum Fire Safe Regulations” were adopted in order to protect life and limb during wildfire events after extensive consultation with fire professionals and community members.

As explained below, the Project is located in a designated 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.



**III. The Project Is Located within a Very High Fire Hazard Severity Zone in a Local Responsibility Area**

There can be no question that the Project is located within a Very High Fire Hazard Severity Zone. This fact is documented in the City’s ZIMAS system as shown below.



▼ Additional	
Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Urban Agriculture Incentive	No
Very High Fire Hazard Severity Zone	Yes
Fire District No. 1	NO
Flood Zone	Outside Flood Zone
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	Yes
Wells	None

Figure 1 – Screenshot from Zimas for 3003 Runyon Canyon Rd; additional information of hazards

**IV. 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 Project is subject to the State Minimum Fire Safe Regulations. As specified in Section 1270.03(a) of the Regulations, the Regulations shall apply to: “(1) the perimeters and access to all residential, commercial, and industrial Building construction . . . approved after July 1, 2021 within the VHFHSZ . . . ”

As further explained in Section 1270.03(c), (a)ffected activities include, but are not limited to, application for a Building permit for *new construction not relating to an existing structure* and application for a use permit. See Cal. Code Regs. tit. 14 § 1270.03 (c)(2-3).

The Project clearly involves “new construction not related to an existing structure” and a building permit is required for that new construction. While the existing historic home on the lot is being converted to an Accessory Living Quarter, an entirely new home is being proposed on the lot. The Staff Report to the South Valley Area Planning Commission prepared for the Project refers to this “new” construction repeatedly. As such, the State Minimum Fire Regulations are triggered.

**V. The Project Does Not Meet the Minimum Roadway Width Requirements Set Forth in the State Minimum Fire Safe Regulations**

Article 2 of the State Minimum Fire Safe 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. 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).

Section 1273.01(a) requires as follows:

(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.

Cal. Code Regs. tit. 14 § 1273.01(a) (emphasis added).

As shown below, the City's NavigateLA system provides information on the roadways providing access to the Project from Mulholland Drive and identifies Runyon Canyon Rd as less than 20 feet to the Project. This private street is less than 14 feet at the entrance from Mulholland Drive.<sup>1</sup>

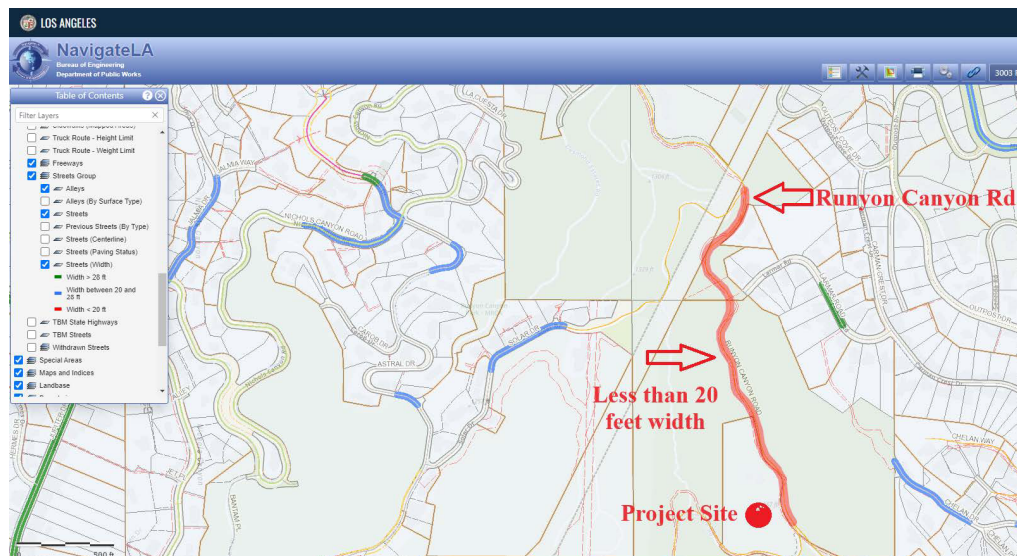


Figure 2 – City's NavigateLA identifying road width from Project Site to Mullholland Drive of less than 20 feet in width

<sup>1</sup> The fact that Runyon Canyon Road is a deemed approved private street does not relieve the applicant from compliance with the State Minimum Fire Safe Regulations. As explained above, the regulations are triggered when there is an “application for a Building permit for *new construction not relating to an existing Structure*.”

**VI. The City Cannot Make the Required Findings Due to the Project's Inconsistency with State Minimum Fire Safe Regulations**

The Staff Report to the South Valley Area Planning Commission recommended certain findings in order to approve the various entitlements for the Project. For example, for the Specific Plan Exception, staff recommended that the following finding be made: "That the granting of an exception will not be detrimental to the public welfare of injurious to the property or improvements adjacent to or in the vicinity of the subject property." Staff Report at Page F-6. Further, for the Zone Variance staff recommended that the following findings be made: "The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is locate." Staff Report at Page F-2. Also, for the Zoning Administrator Determinations, staff recommended that the following findings be made:

"The request is in conformity with the public necessity, convenience, general welfare, and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan."

"The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region."

"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 request is in conformity with the public necessity, convenience, general welfare, and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan."

Staff Report at Pages F-3 to F-5.

However, the City cannot make any of the required findings outlined above because of the Project's inconsistency with the State Minimum Fire Safe Regulations. It is axiomatic that the failure of the Project to conform to critical fire safety regulations intended to protect human lives adversely affects and further degrades adjacent properties, the surrounding neighborhood and the public health, welfare and safety. Moreover, granting an entitlement under these circumstances would not be "beneficial to the community, city or region." And it would certainly not be in "conformity with the public necessity, convenience, general welfare, and good zoning practice" to grant such permits based on a clear inconsistency with state law. Again, the state's regulations were adopted in order to protect life and limb during wildfire events after extensive consultation with fire professionals and community members. The statutory requirements of a 20-foot-wide roadway for the ingress and egress of fire fighters, emergency vehicles and those residents attempting to escape wildfires is necessary for the preservation of life and the safety of emergency personnel. 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.

## **VII. The Project is Not Exempt from the State Minimum Fire Safe Regulations**

At the hearing before the South Valley Area Planning Commission, the applicant's attorney argued that the Project was exempt from the State Minimum Fire Safe Regulations pursuant to Cal. Code Regs. tit. 14 § 1270.03(b). This section of the regulations states as follows:

(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.

Cal. Code Regs. tit. 14 § 1270.03(b). The applicant's attorney argued the parcel in question was formed prior to January 1, 1991, and therefore the Project was exempt from the regulations. However, the applicant misread the exception. It is only applicable if "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." (emphasis added). There were no conditions imposed by the parcel map or tentative map related to the new building proposed – it didn't even exist. This is an entirely new structure. This interpretation is consistent with the language found at Cal. Code Regs. tit. 14 § 1270.03(c), which clearly states that "affected activities" include an "application for a Building permit for new construction not relating to an existing Structure." The exception found at Cal. Code Regs. tit. 14 § 1270.03(b) is for buildings that were contemplated as part of the original parcel map or tentative map – not entirely new buildings proposed years or decades after the original map was approved.

## **VIII. The Applicant Has Obtained No Vested Rights**

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. No such vested rights have been obtained. The seminal case of *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785 established the standard for vested rights in California. In *Avco*, the court stated that "It has long been the rule that if a property owner has performed *substantial* work and incurred *substantial* liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete construction in accordance with the terms of the permit." *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791. In other words, in order to obtain a vested right, a developer must have a validly issued permit coupled with substantial detrimental reliance. It is also worth noting that "soft costs" (such as legal fees, architectural drawings, application fees, etc.) incurred by a developer to obtain needed permits or in preparation of construction are not the basis for a vested rights

claim. *Hermosa Beach Stop Oil Coalition v. City of Hermosa Beach* (2001) 86 Cal.App.4<sup>th</sup> 534. Moreover, an invalid permit vests no rights. *Pettit v. City of Fresno* (1973) 34 Cal.App.3d 813.

Here, no permits have been issued at all – neither discretionary not ministerial. Therefore, no vested rights have been obtained.<sup>2</sup> In any event, vested rights may be impaired to protect public health and safety. *Davidson v. County of San Diego* (1996) 49 Cal. App. 4th 639.

#### **IX. Additional Concerns**

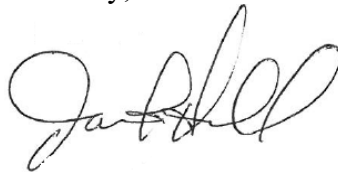
The Federation has expressed its consistent opposition to the Project over the years due to not only the negative impacts of the Project on Runyon Canyon, a park jewel of Los Angeles, but also the horrible precedent such an approval would set Citywide. The Federation submitted a comment letter to the APC dated August 5, 2024, outlining eight specific concerns with the Project, which are incorporated herein as further bases of appeal to the City Council. See **Exhibit A**.

#### **X. Conclusion**

The Project does not comply with the State Minimum Fire Safe Regulations because Runyon Canyon Road is less than 20 feet wide. This Project is also subject to the State Minimum Fire Regulations because it's located in a VHFHSZ and requires a "building permit for new construction not relating to an existing structure." As a result of the Project's inconsistency with these regulations, the South Valley Area Planning Commission erred in making its findings to grant the requested entitlements on August 8, 2024 and approve the Project. As such, the appeal should be granted.

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,



Jamie T. Hall

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<sup>2</sup> In any event, the building and grading permits were applied for on November 20, 2023 – well *after* the State Minimum Fire Safe Regulations went into effect.

# **Exhibit A**



PRESIDENT  
Charley Mims  
CHAIR  
Marian Dodge  
VICE PRESIDENTS  
Mark Stratton  
Jamie Hall  
SECRETARY  
Robin Greenberg  
TREASURER  
Don Andres

Argyle Civic Assn.  
Beachwood Canyon NA  
Bel-Air Assn.  
Bel-Air Hills Assn.  
Bel Air Knolls Property Owners  
Bel Air Skycrest Property Owners  
Benedict Canyon Association  
Brentwood Hills Homeowners  
Brentwood Residents Coalition  
Cahuenga Pass Property Owners  
Canyon Back Alliance  
Crests Neighborhood Assn.  
Dixie Canyon Assn.  
Doheny-Sunset Plaza NA  
Encino Property Owners  
Franklin/Hollywood West Res.  
Franklin Hills Residents Assn.  
Friends of Walnut Canyon  
Highlands Owners Assn.  
Hollywood Dell Civic Assn.  
Hollywood Heights Assn.  
Hollywoodland HOA  
Holmby Hills Homeowners Assn.  
Kagel Canyon Civic Assn.  
Lake Hollywood HOA  
Laurel Canyon Assn.  
LFIA (Los Feliz)  
Mountaingate  
Mt. Olympus Property Owners  
Mt. Washington Homeowners All.  
Nichols Canyon NA  
Oak Forest Canyon HOA  
Oaks Neighborhood Assn.  
Outpost Neighborhood Assn.  
Pacific Palisades Res. Assn.  
Residents of Beverly Glen  
Save Coldwater Canyon!  
Save LA River Open Space  
Save Our Canyon  
Shadow Hills POA  
Sherman Oaks HOA  
Studio City Residents Assn.  
Sunset Hills HOA  
Sunshine Hills Residents Assn.  
Upper Mandeville Canyon Assn.  
Upper Nichols Canyon NA  
Whitley Heights Civic Assn.

CHAIRS EMERITI  
Shirley Cohen  
Patricia Bell Hearst  
Alan Kishbaugh  
Steve Twining  
CHAIRS IN MEMORIAM  
Jerome C. Daniel  
Brian Moore  
Gordon Murley  
Polly Ward

Katie Knudson, City Planner  
[katie.Knudson@lacity.org](mailto:katie.Knudson@lacity.org)  
(213) 482-7076  
Marvin Braude Constituent Services Center  
6262 Van Nuys Boulevard, Room 430  
Van Nuys, CA 91401

August 5, 2024

**Re: ENV-2016-4180-EIR**  
3003 Runyon Canyon Road  
Case Number: APCSV-2016-4179-SPE- DRB-SPP-MSP-ZV-ZAD

Dear Ms. Knudson:

The Federation of Hillside and Canyon Associations (Hillside Federation) founded in 1952 represents 47 resident associations with ~250,000 constituents spanning the Santa Monica Mountains. The mission of the Hillside Federation is to promote those policies and programs which will best preserve the natural topography and wildlife of the mountains and hillsides for the benefit of all the people of Los Angeles. It's astounding that the Staff Report would recommend approval of this project which violates so many LA City codes/regulations as well as impacting 1000s of Runyon Canyon daily hikers and our hillside communities. The Hillside Federation continues to oppose this project that the City is trying to "force-fit" into an unacceptable location based on the following 8 Key Points:

Number 1: The project does not comply with either the Mulholland Scenic Parkway Specific Plan or with the Baseline Hillside Ordinance – any deviations are a dangerous precedent that will erode the hillside protections. The currently proposed project is not in compliance by requesting these deviations:  
1 - Specific Plan Exception (SPE) to allow construction of a new Single-Family Dwelling to be located within 50 feet of a prominent ridge as specified in the Mulholland Scenic Parkway Specific Plan;  
2 - Mulholland Specific Plan Project Permit Compliance (SPP) for the Mulholland Scenic Parkway Specific Plan (MSP);  
3 - "By-right" grading quantities for this project are 6,600 cubic yards. The applicant is proposing to allow a 400% increase - 28,012 cubic yards of grading. This amount is even greater than allowed in City Regulation 12.21 C.10 (f)(4)(i).  
4 – a change to LAMC Section 12.21 C.8(a) to permit three retaining walls instead of two retaining walls of up to 10 feet in height. LAMC Section 12.21 C.8(a) restricts retaining walls to 2, not 3.

Since May 2015, the Hillside Federation has written letters to the Mulholland Design Review Board and LA City Planning Department opposing any deviations from the Mulholland Scenic Parkway Specific Plan that are requested to benefit



3003 Runyon Canyon Road. Deviations from the Scenic Plan establish precedents that erode the integrity of the Specific Plan. Ignoring the Specific Plan, the applicant sited the proposed house at the top of a prominent ridge which requires a Specific Plan Exception. The very purpose of the Specific Plan is to “minimize grading and assure that graded slopes have a natural appearance compatible with the characteristics of the Santa Monica Mountains” and to “preserve the natural topographic variation within the Inner and Outer Corridors of the Specific Plan area. Once you approve exceptions, the purpose of the Specific Plan is defeated.

Number 2: The 3003 Runyon Canyon Road project is totally surrounded by Runyon Canyon Park which is used by ~2 million visitors a year and is in a Very High Fire Hazard Severity Zone (VHFHSZ). In 2023, the State of California implemented new State Minimum Fire Safe Regulations (<https://bof.fire.ca.gov/media/qron4kqy/oal-approval.pdf>) that directly impact this project, the community and Runyon Canyon Park. The new regulations include a requirement of a minimum of 20-foot-wide roads. The ingress to this project is on a paved trail, less than 20 feet in width with no public vehicular access. The EIR does not address any of these new fire regulations nor the complexities and liabilities of using a hiking trail for construction vehicles – thus, the project cannot be approved.

Number 3: The proposed project does not meet the code requirements for either converting the existing house to an ADU (too large) or to the ALQ that is proposed. The 1992 historically designated Headley/Handley House (Historic Cultural Monument #563, Lloyd Wright) currently on the property is both too large and not affixed to the proposed project which violated the requirements for an ALQ - thus, the project cannot be approved.

Number 4: In addition, the SVAPC sent two Notice of Public Hearings, stating discrepancies in the requested exemptions, the size, and project plans of the project that also do not match the submitted EIR and exemption requests. The Planning Commission has not given correct and updated information for the public to respond – thus, the project cannot be approved.

Number 5: The analysis of alternative projects is inadequate. Little effort appears to have been made to design a residence that complies with the Mulholland Scenic Parkway Specific Plan and the Baseline Hillside Ordinance. Furthermore, this proposed project never considered a project further from the ridgeline which would obviously reduce the need for grading, the need for hauling routes and/or the three retaining walls – another Zoning Administrator Determination (ZAD) request. Additionally, it is still oversized with a 3,000 sq ft basement which is obviously living space.

Number 6: Public Access. The EIR and the proposed project does not adequately address the impact of the project on hikers. The only project access is via a paved fire road/trail in Runyon Canyon Park (Park). “An easement for road purposes to be used in common with others” was granted in January 1945. That trail provides the only access for hikers entering the Park from Mulholland Dr. That is the road that construction vehicles will have to use. With a larger house on the site, one can anticipate much more traffic permanently on the shared road which will make the trail more dangerous for hikers. How will the applicant assure that hikers will still have safe access to their Park?

Number 7: The EIR did not fully analyze the air quality during the multi-year construction. The grading of 28,012 cubic yards of dirt will raise huge amount of particulate matter. During construction, this will have a detrimental effect on the health of the average of 5,000 hikers a day on the Runyon trails. Since the trails are steep, the hikers are not casually walking along, but breathing heavily and inhaling a lot of particulate matter. Additionally, the noise of the heavy equipment will disturb hikers’ peaceful enjoyment of the park.

Number 8: The EIR fails to recognize the importance of Runyon Canyon Park to wildlife connectivity. As the hillsides continue to be developed it is more important than ever that we preserve connectivity from one open space to another. This project will bring more vehicles and more light pollution to the area. The three retaining walls would create an additional barrier to wildlife connectivity.



The basic issue here is the problem of having a private residence in the middle of a City Park. There is already one residence there – the problem should not be compounded by building a second residence on the property. The most appropriate Alternative Project is No Project. A private residence in the middle of an LA City park is awkward at best. The best alternative would be for the applicant to either donate or sell the property to the City to be incorporated into Runyon Canyon Park. Bottom line: 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
- the ADU/ALQ code requirements

This sets a dangerous precedent that will erode the hillside protections as well as significantly impact the Runyon Canyon community and wildlife - thus, the project cannot be approved.

The Hillside Federation urges the City to deny the project and make every effort to acquire the property to expand the open space in Runyon Canyon Park.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charley Mims". The signature is fluid and cursive, with the first name "Charley" written in a larger, more prominent script than the last name "Mims".

Charley Mims

CC: Councilmember Nithya Raman

Mashael Majid, CD 4 Deputy Chief of Staff, Planning

Mehmet Berker, CD 4 Director - Transportation, Infrastructure & Public Space

Santa Monica Mountains Conservancy - Paul Edelman

Mulholland Design Review Board - Alan Kishbaugh

Copy of LOD submitted by applicant #3:

Jamie T. Hall, Channel Law Group

Appeal Case No. APCSV-2016-4179-SPE-DRB-SPP-MSP-ZV-ZAD-1A



# SOUTH VALLEY AREA 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: OCTOBER 3, 2024**

**Case No.: APCSV-2016-4179-SPE-DRB-SPP-MSP-ZV-ZAD**

Council District: 4 – Raman

CEQA: ENV-2016-4180-EIR (SCH No. 2018041016)

Plan Area: Hollywood

**Project Site:** 3003 North Runyon Canyon Road

**Applicant:** Manuel Valencia  
Representative: Chris J. Parker, Pacific Crest Consultants

At its meeting of **August 8, 2024**, the South Valley Area Planning Commission took the actions below in conjunction with the following Project:

Construction of a new, 5,500 square foot (sf), two-story, single-family dwelling (SFD) and 600 (sf) attached two-car garage, and a fully underground 3,000 (sf) basement. The total Residential Floor Area of the new structure is 5,700 (sf) and a maximum height of 29 feet tall on a 197,435 (sf) lot. The Project involves the conversion of an existing on-site 2,018 (SFD) to an Accessory Living Quarter. The SFD includes three bedrooms, decks, pool, theater, and 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' of public parkland. A total of 28-non-protected trees to be removed and one protected Toyon to be removed. The request also includes a haul route approval, if needed, for the following grading quantities: Cut: 14,006 Cubic Yards (CUYD), Fill 14,006 CUYD, Export: 0 CUYD, and Import 0 CUYD.

1. **Found** that the South Valley Area Planning Commission has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2016-4180-EIR (SCH No. 2018041016) dated March 2021 and the Final EIR, dated November 2021 (collectively, 3003 Runyon Canyon Project EIR), as well as the whole of the administrative record.

**Certified** the following:

- a. The 3003 Runyon Canyon Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The 3003 Runyon Canyon Project EIR was presented to the South Valley Area Planning Commission as a decision-making body of the lead agency; and
- c. The 3003 Runyon Canyon Project EIR reflects the independent judgment and analysis of the lead agency.

**Adopted** the following:

- a. The related and prepared 3003 Runyon Canyon Project Environmental Findings;
  - b. The Mitigation Monitoring Program prepared for the 3003 Runyon Canyon Project EIR dated November 2021; and
2. **Approved**, pursuant to Section 12.27 D of the Los Angeles Municipal Code (LAMC), a Zone Variance to allow a second kitchen to be built within the new single-family dwelling without the removal of the existing kitchen in the existing single-family dwelling, for relief from LAMC Section 12.07.01 A.1;
  3. **Approved**, pursuant to LAMC Section 12.24 X.26, a Zoning Administrator's Determination to permit three retaining walls instead of two retaining walls of up to 10 feet in height as otherwise required per LAMC Section 12.21 C.8(a);
  4. **Approved**, pursuant to LAMC Section 12.24 X.26, a Zoning Administrator's Determination to allow 28,012 cubic yards of grading to occur on-site in lieu of the maximum "by-right" grading quantities as delineated in 12.21 C.10 (f)(1), and (2);

5. **Approved**, pursuant to LAMC Section 11.5.7 F, a Specific Plan Exception to permit construction within 50 feet of a prominent ridgeline as otherwise prohibited per the Mulholland Scenic Parkway Specific Plan Section 5.B.1;
6. **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);
7. **Adopted** the attached Conditions of Approval; and
8. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Karadjian  
Second: Crockett  
Ayes: Barraza, Gourdikian, Mather

**Vote: 5 – 0**



April M. Hood, 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 South Valley Area Planning Commission is appealable to 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, CA 90012; 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401.

**FINAL APPEAL DATE: OCTOBER 18, 2024**

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, and Appeal Filing Procedures

cc: 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 5,700 square feet of Residential Floor Area as defined in LAMC Section 12.03.
3. **Height.** The project shall be limited to an overall height of 29 feet, seven inches in height but shall not exceed the height limitations as delineated in LAMC Section 12.21.C.10.
4. **Envelope Height.** The project shall be limited to an envelope height of no more than 29 feet, seven inches and shall not exceed the Maximum Envelope Height as delineated in LAMC Section 12.21.C.10.
5. **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 Variance Conditions

6. **Kitchen.** Approved herein is a variance to allow a second kitchen on the RE zoned property with a one-family dwelling with existing kitchen.

### C. Zoning Administrator Determination Conditions

7. **Retaining Walls.** Approved herein are three retaining walls a maximum height of 10 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. **Grading.** Approved herein the allowance of 28,012 cubic yards of grading to occur on-site.

**D. Project Permit Compliance and Design Review Conditions**

- 9. Hardscape.** The applicant shall ensure that all hardscape material is permeable.
- 10. Sloping Site Profile.** The profile of the building shall be consistent with 'Exhibit A'. Where a building is situated on a site with a slope greater than 25 percent, the building shall 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.
- 11. 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.
- 12. 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.
- 13. Exterior Lighting.** All exterior lighting fixtures shall be shielded and directed downward to illuminate only the project property. Up-lighting shall be prohibited. A lighting plan shall be submitted prior to final sign-off to demonstrate compliance.
- 14. 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.

**E. Specific Plan Exception Conditions**

- 15. Prominent Ridge.** Approved herein a Specific Plan Exception to allow construction within 50 feet of a prominent ridgeline under Mulholland Specific Plan Section 5.B.1

**F. Environmental Conditions**

- 16. Implementation.** The Mitigation Monitoring Program (MMP), attached as "Exhibit B" and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
- 17. Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and



MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two business days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

- 18. Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

- 19. 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 (Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding 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.

- 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 14 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, 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 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, 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 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. Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

**20. Archaeological Resource Inadvertent Discovery.** In the event that any subsurface archaeological resources are encountered unexpectedly at the project site during construction or the course of any ground disturbing activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified archaeologist to implement the following procedures associated with the inadvertent discovery of archaeological resources:

- The applicant shall retain a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) to prepare a treatment and disposition plan for any discovered archaeological resource. The qualified archaeologist shall retain an archaeological monitor who shall be present during further ground disturbing activities on the project site, including peripheral



activities, such as sidewalk replacement, utilities work, and landscaping, which may occur adjacent to the project site.

- A 50-foot buffer around any find shall be established, subject to modification by the qualified archaeologist, within which construction activities shall not be allowed to continue around the find until work is allowed to resume in accordance with the treatment and disposition plan. Ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated as part of a treatment and disposition plan. Work shall be allowed to continue outside of the buffer area.

- All archaeological resources unearthed by project development activities shall be evaluated by the qualified archaeologist. If a resource is determined by the qualified archaeologist to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If, in coordination with the City, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the qualified archaeologist in coordination with the City and may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any archaeological material collected shall be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school, Tribe, or historical society in the area for educational purposes. If the inadvertent discovery identifies a tribal cultural resource, the applicant shall comply with the inadvertent discovery condition for tribal cultural resources.

- The frequency of required archaeological monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), the depth of excavation, and, if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified archaeologist. Prior to any further ground disturbing activities on the project site, Archaeological Sensitivity Training shall be given for applicable construction personnel. The training session shall be carried out by the qualified archaeologist and shall focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

- All artifacts, other cultural remains, records, photographs, and other documentation shall be curated by an appropriate curation facility. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.

- The treatment and disposition plan shall be submitted to the City prior to any further ground disturbing activities continue within the buffer area. Recommendations contained therein shall be implemented throughout any

further ground disturbance activities.

**21. Paleontological Resource Inadvertent Discovery.** In the event that any subsurface paleontological resources are encountered unexpectedly at the project site during construction or the course of any ground disturbing activities, all such activities shall halt immediately, at which time the applicant shall notify the City and consult with a qualified paleontologist to implement the following procedures associated with the inadvertent discovery of paleontological resources:

- The project applicant shall retain a qualified paleontologist meeting the Society of Vertebrate Paleontology Standards (SVP) to complete a treatment and disposition plan for any discovered paleontological resource. The qualified paleontologist shall retain a paleontological monitor who shall be present during further ground disturbing activities on the project site, including peripheral activities, such as sidewalk replacement, utilities work, and landscaping, which may occur adjacent to the project site.
- A 50-foot buffer around any find shall be established, subject to modification by the qualified paleontologist, within which construction activities shall not be allowed to continue around the find until work is allowed to resume in accordance with the treatment and disposition plan. Ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated as part of a treatment and disposition plan. Work shall be allowed to continue outside of the buffer area.
- All paleontological resources unearthed by project development activities shall be evaluated by the qualified paleontological. The qualified paleontologist or designated paleontological monitor shall recover intact fossils consistent with the treatment plan and notify the City of any fossil salvage and recovery efforts. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt future construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be handled and deposited consistent with the treatment and disposition plan prepared by the paleontological monitor.
- The frequency of required paleontological monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), the depth of excavation, and, if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the qualified paleontologist. Prior to any further ground disturbing activities on the project site, Paleontological Resource Sensitivity Training shall be given for applicable construction personnel. The training session shall be carried out by the qualified archaeologist and shall focus on how to identify paleontological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.
- All artifacts, other cultural remains, records, photographs, and other documentation shall be curated by an appropriate curation facility. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.

- The treatment and disposition plan shall be submitted to the City prior to any further ground disturbing activities continue within the buffer area. Recommendations contained therein shall be implemented throughout any further ground disturbance activities.

#### **F. Administrative Conditions**

- 22. 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.
- 23. 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.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.

- 29. 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.
- 30. 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.
- 31. 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.
- 32. 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.
- 33. 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.
- 34. 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.

**35. 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 actives, 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.

**36. 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.

**37. 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.

**38. 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 proposes the construction of a new, 5,500 square foot, two-story, single-family dwelling and 600 square foot attached two-car garage (of which 400 square feet is exempt and 200 square feet is mechanical area), and a fully underground 3,000 square foot basement. The total Residential Floor Area of the new structure is 5,700 square feet and a maximum height of 29 feet all on a 197,435 square foot lot. The project involves the conversion of an existing 2,018 square-foot single-family dwelling on-site to an Accessory Living Quarter.

The single-family dwelling includes three bedrooms, decks, a pool, theater, and gym. A total of two automobile parking spaces are currently on-site and the applicant proposes to provide five automobile parking spaces. The project is located within 50 vertical feet of a prominent ridgeline and is within 200 feet of a public parkland. The applicant's plans show 28 non-protected trees to be removed and one protected toyon to be removed.

The request also includes a haul route approval, if needed, for the following grading quantities: Cut: 14,006 Cubic Yards (CUYD), Fill 14,006 CUYD, Export: 0 CUYD, and Import 0 CUYD.

The existing historical structure (the Headley/Handley House) would remain intact and is located on the opposing eastern facing side of the modified prominent ridge. As part of the Project, the Headley/Handley House would be reclassified as an Accessory Living Quarters. There is an existing pool and patio area associated with the existing structure, which would remain as part of the Project. In addition, a new pool would be constructed adjacent to the proposed residence, and the Project would also include an outdoor direct vent gas (propane) operated fireplace that would be enclosed with glass. The new building would become the primary residence on the Project Site and the historic residence would act as a guest house for the owner. Finally, the Project would include the construction of three retaining walls (designed for slopes with a ratio of 1.5:1), which would be constructed along the hillside at the mid-point of the northwest portion of the parcel. The height of the retaining walls would be a maximum of 10 feet, and the height would be lower than the current driveway along the northwest portion of the Project Site.

### **Entitlement Findings for Zone Variance**

- 1. The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.**

The property is currently developed with an historically designated 2,018 square-foot single-family dwelling on the 197,435 square-foot lot. The site is surrounded by City-owned open space and accessed through Runyon Canyon Road designated as an unidentified road type. The property owner wishes to construct a new home on site, as the existing historic home will not be significantly altered or expanded due to its historic significant. With the construction of the new home, the existing historic home will be used as an Accessory Living Quarters. As such, the new dwelling requires a full kitchen in addition to the existing kitchen in the recategorized Accessory Living Quarter which is the existing historic structure in lieu of the maximum of one kitchen allowed per dwelling unit in the RE40-1-H. Listed as HCM No.563 in 1992, the existing historic structure was listed as a significant Lloyd Wright-designed building. As a listed Historic-Cultural Monument, this designation provides protections against demolition and requires preservation on site. Adherence to the provisions of the zoning ordinance would create a hardship and be inconsistent with the intent of the regulations as new dwellings require a kitchen and the existing historic home cannot be physically altered so as to remove the kitchen. Additionally, per Chapter 2.5 of the Conservation Element for Resource Conservation and

Management of the General Plan, objective is to protect important cultural and historical sites and resources for historical, cultural, research and community educational purposes. Preserving the existing home intact, while granting a variance to permit a second kitchen in the new home, furthers this objective by protecting the resource while still allowing the site to be modernized and expanded upon with a new home.

**2. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The property on which the project is proposed has an existing structure to be used as an accessory living quarter. Listed as HCM No.563 in 1992, the existing historic structure was listed as a significant Lloyd Wright-designed building. As such, the existing home is to be preserved intact and is not proposed to be significantly altered. As a result, the existing kitchen in the historic home will stay in place. However, the addition of the new primary dwelling also requires a kitchen and, therefore, requires a variance to allow more than one kitchen on the property. Additionally, the property itself has significant topography and is entirely surrounded by City owned parkland – Runyon Canyon. The existing lot cannot be modified or expanded due to this physical constraint. The special circumstance of an existing HCM on the property to be preserved with a new home constructed adjacent does not apply to other properties in the same zone and vicinity.

**3. The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.**

The property on which the project is proposed has an existing structure to be used as an accessory living quarter. Listed as HCM No.563 in 1992, the existing historic structure was listed as a significant Lloyd Wright-designed building. As such, the existing home is to be preserved intact and is not proposed to be significantly altered. However, the property owner wishes to construct a new primary dwelling unit on the property. Prohibiting a kitchen in the new dwelling unit would be a burden and hardship to the residents as a kitchen is a typical and necessary component of dwelling units, and all dwelling units in the vicinity contain kitchens. Denying a kitchen for the new dwelling would create practical difficulties in the use of the property.

**4. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

Granting a variance to allow the kitchen for the new primary dwelling would not be detrimental to the public nor would it injure the property of this zone.

**5. The granting of the variance will not adversely affect any element of the General Plan.**

The proposed use on the subject property is the same as the existing use and no substantial changes are proposed. The use is consistent with the community plan and does not adversely affect any element of the General Plan. Additionally, per the Conservation Element of the General Plan, the objective is to protect important cultural and historical sites and resources for historical, cultural, research and community educational purposes.

**Entitlement Findings for the Zoning Administrator's Determinations, 12.24.X.26 & 28 of the LAMC**

- 6. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject property is an irregular-shaped, upslope property comprised of one lot consisting of approximately 197,435 square-feet with a frontage along Runyon Canyon Road. The site consists of an existing 2,018 square-foot single-family dwelling, built in 1948.

The subject property is zoned RE40-1-H and is located within the Hollywood Community Plan. The Community Plan Area Map designates the subject property for Minimum Residential land uses. The subject property is located within the boundaries of the Mulholland Scenic Parkway Specific Plan Outer Corridor. The subject property is located within a Hillside Area, a Very High Fire Hazard Severity Zone, a Landslide Hillside Area, and is located within the Hollywood Fault zone. The subject property is also within the Santa Monica Mountains zone.

The applicant is requesting a Zoning Administrator's Determination to permit three retaining walls instead of two retaining walls of up to 10 feet in height pursuant to LAMC Section 12.21 C.8(a). The proposed walls provide stability to the nature of the project's steep slope and topography. More so, because the slope is so steep, the walls are not seen from the public right-of-way or obstructing any views. This provision will provide the necessary protections for the historically significant existing building on site and, therefore, comply with General Plan policy for preservation.

The applicant is requesting a Zoning Administrator's Determination to allow 28,012 cubic yards of grading to occur on-site. The site is allowed a maximum grading amount of 6,600 cubic yards by-right per LAMC 12.21.C.10(f). This request provides the ability to maintain and preserve the existing house which is a designated Historic-Cultural Monument.

The proposed project improves the housing supply and will raise property values in the vicinity.

- 7. 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 an irregular-shaped, upslope property comprised of one lot consisting of approximately 197,435 square-feet with a frontage along Runyon Canyon Road. The site consists of an existing 2,018 square-foot single-family dwelling, built in 1948 and designated as a Historic-Cultural Monument in 1992 due to the Lloyd Wright-designed architecture.

Surrounding properties are characterized by hillside topography and unimproved streets without a concrete curb and gutter. Adjoining and neighboring properties to the west, and south of the subject property are zoned RE40-1-H, properties to the north and east are zoned RE15-1-H, and developed with single-family residences.

As conditioned by this grant, the construction will not adversely impact the adjacent properties in regard to light, air, privacy or emergency access and, as designed, will result in development compatible and consistent with surrounding uses. As discussed above, the subject property is located in a hillside area that slopes upward from Runyon Canyon Road. Residential properties to the north, south, east, and west are also hillside properties, many of which require the construction of retaining walls to resist the lateral pressure due to changes in elevation.

Furthermore, the proposed project is subject to review by responsible City agencies, including the Department of Building and Safety to assure compliance with statutory requirements. Therefore, the project will not further degrade any adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

**8. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is zoned RE40-1-H and is located within the Hollywood Community Plan. The Community Plan Area Map designates the subject property for Minimum Residential land uses corresponding to the RE40 zones. The subject property's zoning is thus consistent with the General Plan's land use designation for the site. The subject property is located within the boundaries of the Mulholland Scenic Parkway Specific Plan.

Approval of the Zoning Administrator's Determination request is consistent with the vision of the Hollywood Community Plan and Chapter 2.5 of the Conservation Element for Resource Conservation and Management of the General Plan, which states the following:

***Goal 1:*** *To promote an arrangement of land use, circulation, and services which will encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the Community, within the larger framework of the City; guide the development, betterment, and change of the Community to meet existing and anticipated needs and conditions; balance growth and stability; reflect economic potentials and limits, land development and other trends; and protect investment to the extent reasonable and feasible.*

***Objective 1-3:*** *Further the development of Hollywood as a major center for population, employment, retail services, and entertainment; designate lands as appropriate locations for the various private and public facilities, and to make the housing required to satisfy varying needs and desires of all economic segments.*

Additionally, per the Conservation Element of the General Plan, the objective is to protect important cultural and historical sites and resources for historical, cultural, research and community educational purposes.

The Hollywood Community Plan intends to promote and encourage varying forms of development that will further Hollywood as a major center. The Community Plan Objective 1-3 intends to *"to make the housing required to satisfy varying needs and desires of all economic segments."* As discussed above, the proposed construction is compatible with adjacent properties and will benefit the surrounding community by adding value to the vicinity. In addition, the proposed project is consistent with similar applications approved in other hillside communities. As conditioned, the proposed project furthers the goals, objectives, and policies of the Hollywood Community Plan.

- 9. The request is in conformity with the public necessity, convenience, general welfare, and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan.**

The Hollywood Community Plan designates the subject property for Minimum Residential land uses with corresponding zones of RE40. Construction of a single-family home on a lot zoned for such use can be considered to be in conformity with the public necessity, convenience, general welfare and good zoning practice.

- 10. Grading 12.24.X.28. Grading in excess of the maximum "by-right" Grading quantities listed in Subparagraph (1) of Paragraph (f) of Subdivision 10. of Subsection C. of Section [12.21](#) of this Code, 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.**

- a. In what way is the grading for the proposed project done in accordance with the Department of City Planning - Planning Guidelines, Landform Grading Manual (adopted by the City Council in June 1983; available under Forms & Processes at <http://planning.lacity.org>); explain how the grading will be used to reflect original landform and result in minimal disturbance to natural terrain.**

The proposed grading for the project include cut and fill of roughly 14, 006 cubic yards of earth. These quantities are associated with the excavation of subterranean levels to have the least impact on the topography of the site and to maintain compliance with building height regulations.

- b. The increase in the maximum quantity of earth to be imported or exported from the site will not lead to the significant alteration of the existing natural terrain.**

The project does not propose import or export of any earth, but proposes to retain all cut and fill amounts onsite. The utilization of these quantities of earthwork will not lead to any significant alterations to the existing natural terrain.

- c. The method to be used to haul earth, and explain the reasons that manner will not significantly affect the existing conditions of the Street improvements and traffic of the Streets along the haul route.**

No earth is proposed to be hauled to or from the project site and will, therefore, not significantly impact the existing conditions of street improvements or traffic.

- d. The potentially significant impacts to the public health, safety and welfare of the surrounding community, associated with the import or export of earth, will be mitigated to the fullest extent feasible.**

The proposed single-family dwelling will be constructed on a lot consisting of a single-family dwelling. The proposed cut and fill quantities exceed the allotted amount per code, but all earthwork will remain onsite with no export or import quantities proposed. Therefore, there will be no associated impacts on the surrounding community related to the import or export of earth.

#### **Entitlement Findings for Specific Plan Exception**

- 11. That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.**

The project requests a Specific Plan Exception to allow construction within 50 feet of a prominent ridgeline under Mulholland Specific Plan Section 5.B.1. Practical difficulties will result from the strict application of this standard of the Mulholland Scenic Parkway Specific Plan due to the nature and location of the property. The entire residentially-zoned property is surrounded by City owned open space (Runyon Canyon Park) and the location of the residential property is sited on the ridge. This is an extremely unique situation as the property site is an "island" of privately owned land that is completely surrounded by a City of Los Angeles public park, and the home on the site was constructed in 1945, well before the establishment of the Runyon Canyon Park. Strict adherence to prevent construction within 50 feet of a prominent ridge would impinge on the property rights of a privately owned property. The proposed 5,700 square-foot main residence is well under the allowed RFA per zoning of the property and intends the retention of the existing structure to be used as an accessory living quarter. Listed as HCM No.563 in 1992, the existing historic structure was listed as a significant Lloyd Wright-designed building. As a listed Historic-Cultural Monument, this designation provides protections against demolition and requires preservation on site. Requiring the strict application of these regulations would result in practical difficulties inconsistent with the intent of the Specific Plan as it would prevent the construction of the new house. Therefore, providing an exception to the prominent ridge construction in this instance will continue to meet the general purpose and intent of the plan.

- 12. 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 and existing conditions including the existing historic structure that was listed as a significant Lloyd Wright-designed building. As a listed Historic-Cultural Monument, this designation provides protections against demolition and requires preservation on site. The project site is located within, and surrounded by, an open space zone (Runyon Canyon Park) and along a prominent ridge of the Santa Monica Mountains which creates additional considerations when seeking compliance with the guidelines of the specific plan. This is an extremely unique situation as the property site is an "island" of privately owned land that is completely surrounded by a City of Los Angeles public park, and the home on the site was constructed in 1945, well before the establishment of the Runyon Canyon Park. To require the applicant to build further than 50 feet from the prominent ridge would place the development outside the property boundaries and within



designated open space, Runyon Canyon. Furthermore, the Specific Plan also requires a setback of 200 feet from parkland and nature preserves providing very minimal space for buildable area. Additionally, to construct a new residence creates an exceptional circumstance for the subject property to demonstrate compliance with the prominent ridge construction requirement.

- 13. That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area 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 project site is located within, and surrounded by, an open space zone and along a prominent ridge of the Santa Monica Mountains. This is an extremely unique situation as the property site is an “island” of privately owned land that is completely surrounded by a City of Los Angeles public park – Runyon Canyon. To require the applicant to build away from the prominent ridge would place the development outside the property boundaries and within designated open space. As stated, due to the topography and location of the area, the prevention of the development on the property would impinge on the rights of the property owner by restricting zoning allowances otherwise afforded to others in the vicinity. This is an extremely unique situation as the property site is an “island” of privately owned land that is completely surrounded by a City of Los Angeles public park, and the home on the site was constructed in 1945, well before the establishment of the Runyon Canyon Park.

- 14. That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.**

The exceptions in consideration of this project are intended to meet several goals that would be beneficial to public welfare and would not be injurious to the vicinity. The granting of the exception to allow construction on a prominent ridge would not be injurious to the public welfare of those located within the Mulholland Specific Plan area as the project site is located in a place surrounded by City-owned open space with major elements of the project non-visible to the Mulholland Scenic Parkway. The surrounding public open space would remain accessible to the public. Additionally, per the Conservation Element of the General Plan, the objective is to protect important cultural and historical sites and resources for historical, cultural, research and community educational purposes, which meets another goal to further public welfare.

- 15. That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.**

The allowance of construction near a prominent ridge is consistent with the purposes of the Hollywood Community Plan as it intends to promote and encourage varying forms of development that will further Hollywood as a major center while also making the housing required to satisfy varying needs and desires of all economic segments and enables the preservation of a designated historic resource. The project is consistent with the principles of the Mulholland Scenic Parkway Specific Plan, and has been designed such that the proposed single-family residence would be built into the hillside and the residence itself sits below the disturbed ridgeline on the western side of the property and is not visible from Mulholland Drive. The only visible elevation would be the western elevation, which would be visible from limited vantage points on a public hiking trail looking to the north and

east specifically. The proposed siting, materials, and colors are compatible with the existing historic residence, and the Project has been designed in an aesthetic that incorporates grass roofs with curvilinear roof lines and an earth-toned color. Deep roof overhangs over the windows with low-E glass, along with minimized and shielded exterior lighting reduce the impacts of light and glare, and the Project would meet the requirements of the Mulholland Scenic Parkway Specific Plan and Hillside Ordinance standards in relation to height, sensitivity to topography, and bulk of structures.

### **Entitlement Findings for Project Permit Compliance and Design Review**

**16. 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 three times on July 1, 2020, June 15, 2022, and finally on July 20, 2022, where the board convened a quorum of five members. The vote was (5-0) recommending the case be conditionally approved as it complies 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.

**17. 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-2016-4179-SPE-DRB-SPP-MSP-ZV-ZAD, 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. The project has requested a variance for a second kitchen in the Accessory Structure, as otherwise prohibited in the RE-40 zone

#### **Section 5.B: Environmental Protection Measures**



The subject property is defined as a “prominent ridge” as per the definition in Section 4 since a ridgeline appears through the property on the map of the Specific Plan Area: Map 12 of 12. As such, the project is subject to 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.a Environmental Protection Measures - 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:

- i. The graded slopes have a natural appearance compatible with the characteristics of the Santa Monica Mountains.
- ii. The grading is compatible with the natural topography.
- iii. The Department of Building and Safety has determined that grading will minimize erosion.
- iv. The grading is necessary to allow the owner reasonable use of the lot.
- v. The grading will allow for a project more compatible with the purposes of the Specific Plan.

The applicant is seeking a Zoning Administrator’s Determination to deviate from this section of the Specific Plan as these findings cannot be made with the current proposal of 28,012 cubic yards of grading.

**Section 5.B.1.b: Environmental Protection Measures – Structure on a Prominent Ridge**

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:

The subject property is defined as a “prominent ridge” as per the definition in Section 4 since a ridgeline appears near through the property on the map of the Specific Plan Area: Map 12 of 12. As such, the project is subject to with Section 5.B.1.b, which limits grading and visibility on the defined Prominent Ridges in the Plan area.

- i. The placement of the building and/or structure does not destroy or obstruct a scenic feature or resource.
- ii. The placement of the building and/or structure complements the view from Mulholland Drive.
- iii. The placement of the building and/or structure minimizes driveway and/or private street access into the right-of-way.
- iv. The placement of the building and/or structure will allow for a project more compatible with the purposes of the Specific Plan.

The applicant is seeking an exception to the Specific Plan restriction on construction within 50 feet of a prominent ridge as findings cannot be made in response to these guidelines.

#### **Section 5.B.3: Environmental Protection Measures – Public Parkland**

According to Map 12 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 an updated Geology and Soils Approval Letter was issued on August 2, 2023. 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.

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 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.

#### **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.C: Grading**

The project proposes 14,006 cubic yards to be cut, 14,006 of which will be used for fill, and zero 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 of the Specific Plan, the applicant would be limited to 14,006 cubic yards of grading for the 197,435 square-foot lot; as noted above the project requires 28,012 cubic yards of grading. However, the applicant is seeking a Zoning Administrator's Determination to allow for this amount of grading that far surpasses the by-right amount of 6,600 cubic yards per the LAMC. 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 visible, upslope lot and is more than 500 feet from the Mulholland right-of-way. As such, the project's height is limited to 30 feet. As proposed, the project has a maximum envelope height of 29 feet, seven inches. The project complies with Sections 5.D.1. and 5.D.2.c and the LAMC Section 12.21 C.10.

The Project has been designed such that the proposed single-family residence would be built into the hillside and the residence itself sits below the disturbed ridgeline on the western side of the property, and is not visible from Mulholland Drive. The only visible elevation would be the western elevation, which would be visible from limited vantage points on a public hiking trail looking to the north and east specifically. As the Revised

Project's basement is completely submerged and does not daylight, less of the western elevation of the residential structure would be visible for the Revised Project when compared to the Original Project. The proposed siting, materials, and colors are compatible with the existing historic residence, and the Project has been designed in an aesthetic that incorporates grass roofs with curvilinear roof lines and an earth-toned color. Deep roof overhangs over the windows with low-E glass, along with minimized and shielded exterior lighting reduce the impacts of light and glare, and the Project would meet the requirements of the Mulholland Scenic Parkway Specific Plan and Hillside Ordinance standards in relation to height, sensitivity to topography, and bulk of structures.

### **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 11, the project shall utilize a stepped-profile in which no portion of the building exceeds 29 feet, seven inches 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. The roof should be designed to follow the predominant slope of the land.

### **Design Guideline 5: Site Permeability**

As per Condition of Approval No. 10, 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. 15, 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 35: Roof Form**

As per Condition of Approval Number 13, the roof will not be an entirely flat surface, and a secondary curved roof form will be utilized, in compliance with Design Guideline 35.

**Design Guideline 40: Exterior Lighting**

As per Condition of Approval Number 14, the project will use downfacing and shielded lights per the landscape plan provided, in conformance with Design Guideline 40, which states that lighting should be downward facing and shielded to screen the light source.

**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. The project proposes a standard two-car garage on the north elevation. 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 5,700 square feet and an 0.07% Floor Area Ratio. Nearby homes have an average of 4,125 square feet and an FAR of 16.25%. Additionally, estate properties were analyzed with three properties in the area measuring an average of 8,943 square feet and a 3.1% FAR.

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 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.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS****I. INTRODUCTION.**

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the 3003 Runyon Canyon Project (Project), located at 3003 Runyon Canyon Road (Site or Project Site). The Project proposes the construction of a single-family residential structure along the western side of a prominent ridge on an approximately 4.5-acre site. 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 proposes 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.

For purposes of these Findings, the term “Project” is used for statements that are equally attributable to the Original Project and the Revised Project. Where a statement applies specifically only to the Original Project or the Revised Project, the more specific terminology is used. As set forth below, the EIR fully evaluates all of the environmental impacts of the Original Project, and therefore fully evaluates the environmental impacts of the smaller Revised Project.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an Environmental Impact Report (EIR) (Case Number ENV-2016-4180-EIR/State Clearinghouse No. 2018041016). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

CEQA Section 21002 provides 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[.]” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” CEQA Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in CEQA Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See CEQA Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

- 1) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant impacts as identified in the EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been, or can or should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final Environmental Impact Report (Final EIR) for the Project, as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant”, these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

The findings provided below include the following:

- Description of Significant Effects - A description of the environmental effects identified in the EIR.
- Project Design Features - A list of the project design features or actions that are included as part of the Project.
- Mitigation Measures - A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- Finding - One or more of the three possible findings set forth above for each of the significant impacts.
- Rationale for Finding - A summary of the rationale for the finding(s).
- Reference - A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines Sections 15093, 15043[b]; see also CEQA Section 21081[b].)

## II. ENVIRONMENTAL REVIEW PROCESS.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

**Initial Study.** The Project was reviewed by the City of Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the CEQA (PRC 21000 et seq.). The City prepared an Initial Study in accordance with CEQA Guidelines Section 15063(a).

**Notice of Preparation.** Pursuant to the provisions of CEQA Guidelines Section 15082, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on April 3, 2018, and ending on May 3, 2018. The NOP also provided notice of a Public Scoping Meeting held on April 17, 2018. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies, interested organizations and individuals. The Initial Study, NOP, and NOP comment letters are included in Appendix A, Appendix B, and Appendix C, respectively of the Draft EIR.

**Draft EIR.** The Draft EIR evaluated in detail the potential effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a "No Project" alternative. The Draft EIR for the Project (State Clearinghouse No. 2018041016), incorporated herein by reference in full, was prepared pursuant to CEQA and the CEQA Guidelines. The Draft EIR was circulated for a 47-day public comment period beginning on August 22, 2019, and ending on October 7, 2019. A Notice of Availability (NOA) was distributed on August 22, 2019, to all property owners within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library and the John C. Fremont Branch Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on August 22, 2019.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor's Office of Planning and Research State Clearinghouse for distribution to State Agencies on August 19, 2019, and notice was provided in the Los Angeles Times on August 22, 2019.

**Final EIR.** The City released a Final EIR for the Project on March 18, 2022, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project, is intended to be a companion to the Draft EIR, and intended to serve as an informational document for public agency decision-makers and the general public regarding objectives and components of the Project. The Final EIR also incorporates the Draft EIR by reference. The Final EIR addresses the environmental effects associated with implementation of the Project, identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts, and includes written responses to all comments received on the Draft EIR during the public review period. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section 2, Responses to Comments, of the Final EIR. On March 16, 2022, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

**Public Hearing.** A noticed public hearing for the Project was held by the Mulholland Scenic Parkway Specific Plan Design Review Board on June 15, 2022, with a continued public hearing occurring on July 20, 2022.

### III. RECORD OF PROCEEDINGS.

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes, but is not limited to, the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices, Final EIR and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments (SCAG)'s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061));
- Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;



- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to CEQA Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the record of proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box). The Draft and Final EIR are also available at the following two Library Branches:

- Los Angeles Central Library—630 West Fifth Street, Los Angeles, CA 90071
- John C. Fremont Branch Library—6121 Melrose Avenue, Los Angeles, CA 90038

#### **IV. REVISED PROJECT DESCRIPTION**

The Project, located at 3003 North Runyon Canyon Road within the Runyon Canyon Park area of Los Angeles, proposes the construction of a single-family residential structure along the western side of a modified<sup>1</sup> prominent ridge on the Project Site. The Revised Project proposes the construction of a new single-family residential structure to include a basement, first floor area, and second floor area totaling 5,500 square feet in floor area not including the 3,000- square-foot basement, which is excluded from floor area calculations by the Department of Building and Safety. 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 new structure 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 the Revised Project. In addition, the Revised Project's basement is entirely submerged and does not daylight. The existing historical structure (the Headley/Handley House) would remain intact and is located on the opposing eastern facing side of the modified prominent ridge. As part of the Project, the Headley/Handley House would be reclassified as an Accessory Living Quarters. There is an existing pool and patio area associated with the existing structure, which would remain as part of the Project. In addition, a new pool would be constructed adjacent to the proposed residence, and the Project would also include an outdoor direct vent gas (propane) operated fireplace that would be enclosed with glass. The new building would become the primary residence on the Project Site and the historic residence would act as a guest house for the owner. Finally, the Project would include the construction of three retaining walls (designed for slopes with a ratio of 1.5:1), which would be constructed along the hillside at the mid-point of the northwest portion of the parcel. The height of the retaining walls would be a maximum of 10

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<sup>1</sup> The original ridgeline was significantly modified by the architect of the Headley/Handley house in the 1930s/1940s; as a result, the current ridgeline has been modified significantly from its original state.

feet, and the height would be lower than the current driveway along the northwest portion of the Project Site.<sup>2</sup>

## **V. ENVIRONMENTAL IMPACTS FOUND TO HAVE NO IMPACT OR LESS THAN SIGNIFICANT PRIOR TO MITIGATION**

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact as a result of implementation of project design features and regulatory compliance measures) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Revised Project and therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### **1. Aesthetics**

Impacts with respect to aesthetics are addressed in the Initial Study, Section IV.A (Aesthetics) of the Draft EIR and pages 3-33 through 3-41 of the Final EIR. As discussed, the Project has been designed such that the proposed single-family residence would be built into the hillside and the residence itself sits below the disturbed ridgeline on the western side of the property, and is not visible from Mulholland Drive. The only visible elevation would be the western elevation, which would be visible from limited vantage points on a public hiking trail looking to the north and east specifically. As the Revised Project's basement is completely submerged and does not daylight, less of the western elevation of the residential structure would be visible for the Revised Project when compared to the Original Project. The proposed siting, materials, and colors are compatible with the existing historic residence, and the Project has been designed in an aesthetic that incorporates grass roofs with curvilinear roof lines and an earth-toned color. Deep roof overhangs over the windows with low-E glass, along with minimized and shielded exterior lighting reduce the impacts of light and glare, and the Project would meet the requirements of the Mulholland Scenic Parkway Specific Plan and Hillside Ordinance standards in relation to height, sensitivity to topography, and bulk of structures. Therefore, Project impacts with respect to aesthetics would be less than significant. The following project features have been incorporated into the project plans and design.

#### ***Project Design Feature***

**AES-PDF-1** The Project has been designed to be built into the hillside, and would include the following design elements:

- Siting within the bluff (physically buried) so that the only face of the residence that is visible is on the western elevation;
- Rooflines designed to blend in with the natural topography;
- Five to ten-foot roof overhangs over the windows and patios; and
- Use of low-E glass windows.

### **2. Agriculture and Forestry Resources**

The EIR discussed impacts with respect to agricultural and forestry resources on pages VI-5 and VI-6 of the Draft EIR (in Section IV, Other CEQA Considerations). The Project Site does not

<sup>2</sup> If the Department of Building and Safety requires slopes with a ratio of 2:1 (i.e., less steep), only two retaining walls would be required and the third retaining wall near the driveway would be eliminated.

contain any agricultural or forest land and is zoned RE for Residential Estate. Therefore, the Project would not result in the loss of agricultural or forest land, and no impact would occur.

### **3. Air Quality**

As discussed in Section IV.B (Air Quality) of the Draft EIR and pages 3-42 through 3-44 of the Final EIR, the Original Project would not result in any emissions during either construction or operation that exceed the South Coast Air Quality Management District's (SCAQMD) thresholds of significance, conflict with or obstruct implementation of the applicable air quality plan, violate any air quality standard, result a cumulatively considerable net increase of criteria pollutants, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors affecting a substantial number of people. The Revised Project would result in a smaller single-family residence than the Original Project. Therefore, both the Original Project and the Revised Project would result in a less than significant impact with respect to air quality.

### **4. Biological Resources**

Impacts with respect to biological resources are addressed in the Initial Study, Section IV.C (Biological Resources), pages VI-10 through VI-11 (in Section VI, Other CEQA Considerations), and in Appendices E1 and E2 of the Draft EIR and pages 3-44 through 3-46 and Appendices H, J, and M1, M2, and M3 of the Final EIR. As discussed, the Project would not impact any candidate, sensitive, or special-status plants or wildlife species, either directly or indirectly. It would also not have a substantial adverse effect on any riparian habitat or other sensitive natural community, effect wetlands, or conflict with conservation plans. As discussed in a memorandum prepared by Glenn Lukos Associates, dated December 1, 2020 and included in Appendix J of the Final EIR, the Project is not expected to have a substantial adverse impact on wildlife movement, including mountain lions, as the new development will generally occupy the same development footprint that an existing structure and landscaping currently occupies. The existing fencing does not surround the property and will not be expanded or modified by the Project, thus allowing the same access for wildlife use and movement that it currently provides. Additionally, the Project does not include the removal of any protected trees or shrubs, and Project impacts would be less than significant. The following project features have been incorporated into the project plans and design.

#### ***Project Design Features***

**BIO-PDF-1** Although no impacts to protected trees are anticipated as a result of the Project, the walnut tree within 100 feet of the Project grading limits shall be flagged. Flagging shall be installed under the supervision by the Project Biologist prior to the start of grading and be maintained until completion of construction activity to ensure that the walnut tree is not impacted by any construction activities.

**BIO-PDF-2** Exterior construction work will be prohibited after dusk.

**BIO-PDF-3** Landscaping provided as part of the Project will be limited to native plantings.

### **5. Cultural Resources**

Impacts with respect to cultural resources are addressed in the Initial Study, Section IV.D (Cultural Resources) and Appendix F1 of the Draft EIR and pages 3-46 through 3-48 of the Final EIR. The Project Site is currently developed with the Headley/Handley House, a City of Los Angeles Historic-Cultural Monument (HCM), which would remain intact. The analysis contained in Draft EIR Section IV.D concluded that the Project has been designed to minimize potential impacts on the historic resource, and therefore Project impacts with respect to historical resources would be less than significant. The analysis contained in Draft EIR Section IV.D also concluded that compliance with existing regulatory compliance measures would ensure that impacts with respect to archaeological resources and human remains are less than significant. The following project features have been incorporated into the project:

***Project Design Features***

- CUL-PDF-1** The siting and design of the proposed new residence will be in a manner that preserves the integrity of the setting of the Headley/Handley House.
- CUL-PDF-2** Prior to the start of Project construction, the prime contractor and any subcontractor(s) will be advised of the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the Project Site. In addition, in the event that buried archaeological resources are exposed during Project construction, work within 50 feet of the find will stop until a professional archaeologist, meeting the standards of the Secretary of the Interior, can identify and evaluate the significance of the discovery and develop recommendations for treatment, in conformance with California Public Resources Code Section 21083.2. However, construction activities could continue in other areas of the Project Site. Recommendations could include preparation of a Treatment Plan, which could require recordation, collection and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. Any Native American remains shall be treated in accordance with state law.
- CUL-PDF-3** Prior to the issuance of any building permits, the Applicant will retain a qualified historic preservation professional ("professional"), meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history or historic architecture, to review construction and landscape plans related to the alterations to the Headley/Handley House and its setting. The plans will be reviewed by this professional for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards). If the construction and landscape plans do not comply with the Standards, the professional will make recommendations for changes to the plans to comply with the Standards. The review will be summarized in a memorandum, and submitted to the Office of Historic Resources (OHR) for concurrence. Building permits may be issued after the OHR has concurred that the plans comply with the Standards. Once the plans have been approved by the professional and OHR, the Applicant will transmit a copy to the Department of City Planning for the case file.

After the memorandum has been approved by the OHR, the professional meeting the qualifications described above will monitor the construction of the project as it relates to the Headley/Handley House. The professional will meet with the contractor on site before construction begins to review the requirements of this PDF and provide guidance on appropriate treatments to protect the historic property from damage during construction. The professional will monitor construction during any demolition and grading activities that have the potential to affect the historic property and will meet with the contractor at regular intervals during construction. The intervals will include 10 percent, 30 percent, 50 percent, 90 percent, and 100 percent construction. Within five days after each of these meetings, the professional will prepare a memorandum summarizing the findings, making recommendations as necessary to ensure compliance with the Standards, and documenting construction with digital photographs. The memorandum will be submitted to OHR for concurrence. In the event OHR does not concur, all activities should cease until conformance with the Standards is resolved and concurrence is obtained. Once the plans

have been approved by the professional and OHR, the Applicant will transmit a copy to the Department of City Planning for the case file.

## **6. Energy**

The EIR discussed impacts with respect to energy in Section IV.E (Energy) of the Draft EIR and pages 3-48 through 3-50 of the Final EIR. As discussed in this analysis, the Project would not cause wasteful, inefficient, or unnecessary consumption of energy during construction or operation, and the Project's energy requirements would not significantly affect local or regional supplies or capacity. Therefore, Project impacts with respect to energy would be less than significant.

## **7. Geology and Soils**

Impacts with respect to geology and soils are addressed in the Initial Study, Section IV.F (Geology and Soils) and pages VI-12 through VI-13 (in Section VI, Other CEQA Considerations) of the Draft EIR and page 3-50 of the Final EIR. The Project Site is located within the Hollywood Fault Zone, but is not located in an Alquist-Priolo Fault Rupture Hazard Study Zone. The Project would not directly or indirectly cause potential substantial adverse effects relating to seismic activities or landslides. In addition, the Project would be constructed in conformance with existing building codes, and would not result in significant soil erosion, instability of geological units or soils, create risks from expansive soil, or install septic tanks, and therefore, impacts would be less than significant.

## **8. Greenhouse Gas Emissions**

Impacts with respect to greenhouse gas (GHG) emissions are addressed in Section IV.G (Greenhouse Gas Emissions) of the Draft EIR. Given the Project's consistency with State and City GHG emission reduction goals and objectives, the Project would not generate significant amounts of GHG emissions or conflict with any applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs. Therefore, Project impacts with respect to GHG emissions would be less than significant. In addition, the following project features have been incorporated into the project design:

### ***Project Design Feature***

**GHG-PDF-1** The design of the Project shall include, but not be limited to, the following sustainability features:

- Inclusion of green roofs that are planted with grass.
- Water-efficient plantings with drought-tolerant species.

## **9. Hazards and Hazardous Materials**

The Draft EIR discussed impacts with respect to hazards in Section IV.H (Hazards and Hazardous Materials) and pages VI-13 through VI-16 (in Section IV, Other CEQA Considerations) and determined that the Project would not create a significant hazard to the public or environment involving hazardous materials, result in safety hazards or noise related to airport areas, or impair implementation of an emergency plan. While the Project Site is located in a Very High Fire Hazard Severity Zone (VHFHSZ), the Project would continue to follow fuel modification requirements and would include an automatic fire sprinkler system and a new fire hydrant. Therefore, the Project would not exacerbate any conditions that contribute to the existing wildland fire hazard classification and this impact would be less than significant.

## **10. Hydrology and Water Quality**

Impacts with respect to hydrology and water quality are addressed in Section IV.I (Hydrology and Water Quality) and pages VI-16 through VI-19 (in Section VI, Other CEQA Considerations) of the Draft EIR and pages 3-51 through 3-53 of the Final EIR. The analysis determined that the

Project would comply with all applicable regulations pertaining to water quality and would not significantly increase stormwater runoff volume as compared to existing conditions, decrease groundwater supplies, substantially alter the existing drainage pattern of the area, or conflict with a water management plans. Therefore, Project impacts with respect to hydrology and water quality would be less than significant.

### **11. Land Use and Planning**

Impacts with respect to land use and planning are addressed in Section IV.J (Land Use and Planning) and page VI-19 (in Section VI, Other CEQA Considerations) of the Draft EIR and pages 3-54 through 3-55 of the Final EIR. As discussed, the Project is not of the scale or nature that could physically divide an established community, given that the Project proposes construction of a single-family residence within an existing legal lot, which would not require any kind of physical encroachment into other private or public properties, and which would not affect the ability of hikers to access Runyon Canyon Park. Further, the Project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and Project impacts with respect to land use would be less than significant.

### **12. Noise**

Impacts with respect to noise are addressed in Section IV.K (Noise) and page VI-20 (in Section VI, Other CEQA Considerations) of the Draft EIR and pages 3-55 through 3-57 of the Final EIR. During both construction and operation, the Project would not generate noise levels that exceed the standards set forth in the Los Angeles Municipal Code (LAMC), nor would the Project generate vibration that exceeds thresholds set by the Federal Transit Administration (FTA) or expose people to excessive noise levels near an airport. Therefore, Project impacts with respect to noise and vibration would be less than significant. In addition, the following project feature has been incorporated into the project:

#### ***Project Design Feature***

**NOI-PDF-1** The use of outside amplified noise will be prohibited at the Project Site.

### **13. Public Services and Recreation**

Impacts with respect to public services and recreation are addressed in the Initial Study, Section IV.L (Public Services – Fire Protection), pages VI-21 through VI-23 of Section VI, Other CEQA Considerations, of the Draft EIR, and pages 3-57 through 3-58 of the Final EIR. The analysis contained in the EIR concluded that the Project would only minimally increase the demand for fire and police protection services, schools, parks, and other facilities. The LAFD currently serves the existing residence on the Project Site and the Applicant currently follows fuel modification requirements and maintains approximately 2.88 acres of fuel modification zones as required by the LAFD. The Project would therefore not create a need for new or physically altered facilities. In addition, the following project feature has been incorporated into the project:

#### ***Project Design Feature***

**FIR-PDF-1** A new fire hydrant is proposed as part of the Project and shall be installed as shown on the approved fire hydrant and access map, stamped as approved on August 9, 2018.

### **14. Transportation**

Impacts with respect to transportation are addressed in Section IV.M (Transportation/Traffic) and page VI-24 (in Section VI, Other CEQA Considerations) of the Draft EIR and page 3-58 of the Final EIR. During construction, the Project would implement a Construction Traffic Management Plan (Project Design Feature TR-PDF-1) to facilitate traffic and pedestrian movement and ensure that construction traffic impacts are less than significant. Further, during operation, the Project is estimated to generate a negligible amount of daily and peak hour trips

as the occupants of the existing residence would move into the new residence, and this impact would be less than significant.

### ***Project Design Features***

**TR-PDF-1 Construction Traffic Management Plan.** Prior to the start of construction, the Project Applicant shall prepare a detailed Construction Traffic Management Plan (CTMP), including street closure information, detour plans, haul routes (if required), and staging plans, and submit it to LADOT for review and approval. The Construction Traffic Management Plan shall include a Worksite Traffic Control Plan, which will facilitate traffic and pedestrian movement, and minimize the potential conflicts between construction activities, street traffic, bicyclists, and pedestrians. The Construction Traffic Management Plan and Worksite Traffic Control Plan shall be based on the nature and timing of specific construction activities and other projects in the vicinity, and shall include, but not be limited to, the following measures:

- Maintain access for land uses in the vicinity of the Project Site during construction;
- Organize Project Site deliveries and the staging of all equipment and materials in the most efficient manner possible, and on-site where possible, to avoid an impact to the surrounding roadways;
- Coordinate truck activity and deliveries to ensure trucks do not wait to unload or load at the Project Site and impact roadway traffic, and if needed, utilize an organized off-site staging area;
- Provide advance notification of adjacent property owners and occupants of upcoming construction activities, including durations and daily hours of operation;
- Prohibit construction worker or equipment parking on adjacent streets;
- Provide temporary pedestrian, bicycle, and vehicular traffic controls during all construction activities to ensure traffic safety on public rights of way. These controls shall include flag people trained in pedestrian and bicycle safety;
- Schedule construction activities to reduce the effect on traffic flow on surrounding arterial streets;
- Contain construction activity within the Project Site boundaries to the extent feasible;
- Implement safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers as appropriate;
- Limit sidewalk and lane closures to the maximum extent possible, and avoid peak hours to the extent possible. Where such closures are necessary, the Project's Worksite Traffic Control Plan will identify the location of any sidewalk or lane closures and identify all traffic detours and control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activity;
- Schedule construction-related deliveries, haul trips, etc., so as to occur outside the commuter peak hours to the extent feasible; and/or

- Prepare a haul truck route program that specifies the construction truck routes to and from the Project Site.

**TR-PDF-2** All construction material deliveries will occur during off-peak hours.

## **15. Tribal Cultural Resources**

The EIR discussed impacts with respect to tribal cultural resources in Section IV.N (Tribal Cultural Resources). The Project Site has a low sensitivity for containing tribal cultural resources due to the steep hillside topography and previous development and surface disturbances, but should any resources be inadvertently discovered, the Project would comply with the City's standard condition of approval for the inadvertent discovery of tribal cultural resources. Therefore, Project impacts with respect to tribal cultural resources would be less than significant.

## **16. Utilities and Service Systems**

Impacts with respect to utilities are addressed on pages VI-24 through VI-27 (in Section VI, Other CEQA Considerations) of the Draft EIR and page 3-65 of the Final EIR. As discussed, the Project would not require or result in the relocation or construction of new or expanded facilities related to water, wastewater, storm water, electric power, natural gas, or telecommunications, the construction of which could cause significant environmental effects. Further, there is sufficient landfill capacity to accommodate the solid waste generated by the Project. Overall, Project impacts with respect to utilities and service systems would be less than significant.

## **17. Wildfire**

Impacts with respect to wildfire are addressed in Section IV.O (Wildfire) of the Draft EIR and page 3-58 of the Final EIR. The Project's design, proposed fire hydrant, existing and future fuel modification activities, and compliance with existing regulations regarding development in a VHFHSZ would reduce the flammability of the Project and also facilitate quick containment in the event of a structure fire, so that it would not spread quickly into the surrounding brush area. As such, the Project would not exacerbate wildfire risks, and this impact would be less than significant.

## **VI. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION**

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Revised Project would not have any significant environmental impacts in these areas, as long as all identified feasible mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

### **Biological Resources – Nesting Birds**

#### **(A) Impact Summary**

Impacts to migratory nesting birds are prohibited under the Migratory Bird Treaty Act (MBTA).<sup>3</sup> Nesting activity typically occurs from February 15 to August 31 (January 15 to August 31 for raptors). Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act (16

<sup>3</sup> The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R.21). In addition, sections 3505, 3503.5, and 3800 of the California Department of Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs.



U.S.C. 703 et seq.). In addition, nests and eggs are protected under Fish and Game Code Section 3503, and the removal of vegetation during the breeding season is considered a significant impact due to potential effects on active nests. Compliance with existing regulatory requirements would reduce this potentially significant impact to a less than significant level by avoiding vegetation removal during nesting season. If construction activities must occur during the nesting season and nests are present, the removal of these trees will comply with the MBTA, which regulates vegetation removal during the nesting season to ensure that significant impacts to migratory birds would not occur. To the extent that vegetation removal activities must occur during the nesting season, a biological monitor will be present during the removal activities to ensure that no active nests would be impacted. If any active nests are detected, the area would be flagged with a buffer, and the area would be avoided until the nesting cycle has been completed.

(B) Project Design Features

No specific project design features are proposed with regard to nesting birds.

(C) Mitigation Measure

**BIO-MM-1** The following requirements under the MBTA and California Fish and Game Code Sections 3503.5, 3503, and 3513 are to be implemented to ensure that nesting birds are not harmed during Project construction. It should be noted that raptor species are not expected to nest within the Development Area due to a lack of suitable habitat:

1. If feasible, the removal of vegetation should occur outside of the nesting season, generally recognized as March 15 to August 31 (potentially earlier for raptors). If vegetation removal must occur during the nesting season, then a qualified biologist shall conduct a nesting bird survey prior to any vegetation removal. If active nests are identified, the biologist shall flag vegetation containing active nests. The biologist shall establish appropriate buffers around active nests to be avoided until the nests are no longer active and the young have fledged. Buffers will be based on the species identified, but generally will consist of 50 feet for non-raptors and 300 feet for raptors.
2. If for some reason it is not possible to remove all vegetation during the non-nesting season, then vegetation to be removed during the nesting season must be surveyed by a qualified biologist no more than three days prior to removal. If no nesting birds are found, the vegetation can be removed. If nesting birds are detected, then removal must be postponed until the fledglings have vacated the nest or the biologist has determined that the nest has failed. Furthermore, the biologist shall establish an appropriate buffer zone where construction activity may not occur until the fledglings have vacated the nest or the biologist has determined that the nest has failed.

(D) Finding

Per Public Resources Code Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

(E) Rationale for Finding

Mitigation Measure BIO-MM-1 would ensure that a qualified biologist conducts pre-construction surveys for nesting birds prior to the initiation of clearance/construction work, if work occurs during the nesting season. If active nests are identified, then the biologist would flag the

vegetation/area containing the nests, and establish a buffer around the nest, which would be avoided until the nests are no longer active. Therefore, with implementation of Mitigation Measure BIO-MM-1, potential impacts to nesting and migratory birds would be less than significant.

(F) Reference

For a complete discussion of Project impacts related to biological resources, please see Section IV.C (Biological Resources) and pages VI-10 through VI-11 (in Section VI, Other CEQA Considerations of the Draft EIR) and pages 3-44 through 3-46 of the Final EIR.

## 1. Geology and Soils – Paleontological Resources

(A) Impact Summary

The Project Site is located in an urbanized area of the Hollywood Community Plan Area of the City of Los Angeles, and a portion of the Project Site has been disturbed by past development activities. However, the Project includes subgrade preparation and excavation for the proposed single-family structure. According to a records search prepared by the Los Angeles County Museum of Natural History (included in Appendix F-3 of the Draft EIR), there are no vertebrate fossil localities that lie directly within the Project Site boundaries. According to the Museum of Natural History, the southern portion of the Project area has exposures of plutonic igneous rocks that will not contain any recognizable fossils, while the northern portion of the Project area has exposures of a marine late Cretaceous rock unit that has been called the Chico Formation, the Tuna Canyon Formation, or even an unnamed rock unit. It is the opinion of the Museum of Natural History that excavations in the igneous rocks exposed in the southern portion of the Project area will not encounter any recognizable fossils, while excavations in the marine late Cretaceous rocks in the northern portion of the Project area may encounter vertebrate fossils.

(B) Project Design Features

No specific project design features are proposed with regard to paleontological resources.

(C) Mitigation Measure

**GEO-MM-1** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor, who shall be responsible for coordinating with a certified paleontologist to implement and enforce the following:

1. If any paleontological materials are encountered during the course of Project development, the Construction Monitor, in accordance with GEO-MM-1 shall coordinate with the services of a paleontologist, and all further development
2. activity shall halt and the following shall be undertaken:
  - a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology-USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum-who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
  - b. In the event of a discovery, or when requested by the Project paleontologist, the contractor shall divert, direct, or temporarily halt ground disturbing activities in an area in order to evaluate potentially significant paleontological resources. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of

earthmoving activities shall be required. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2. The Construction Monitor shall also prepare and submit documentation of the Applicant's compliance with Mitigation Measure GEO-MM-1 during construction every 30 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to report to the Enforcement Agency any non-compliance with the mitigation measure within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the Construction Monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

3. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
4. The Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
5. At the conclusion of monitoring activities, the Project paleontologist shall prepare a signed statement indicating the first and last dates monitoring activities took place, and submit it to the Department of City Planning, for retention in the administrative file for Case No. ENV-2016-4180-EIR. Copies of the paleontological survey, study, or report shall also be submitted to the Los Angeles County Natural History Museum.
6. Prior to the issuance of any building permit, the Applicant shall submit a letter to the case file indicating what, if any, paleontological reports, have been submitted, or a statement indicating that no material was discovered.

#### (D) Finding

Per Public Resources Code Section 21081(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

#### (E) Rationale for Finding

Impacts with respect to paleontological resources would be potentially significant and Mitigation Measure GEO-MM-1 shall be enforced during the construction phase of the Project. The Construction Monitor shall be responsible for implementing Mitigation Measure GEO-MM-1 and shall be obligated to provide certification to the appropriate monitoring agency and the appropriate enforcement agency that construction monitoring and coordination with a certified paleontologist has been implemented. Implementation of Mitigation Measure GEO-MM-1 would ensure that impacts related to paleontological resources are less than significant.

#### (F) Reference

For a complete discussion of Project impacts related to geology and soils, please see Section IV.F (Geology and Soils) and pages VI-12 through VI-13 (in Section VI, Other CEQA Considerations) of the Draft EIR and page 3-50 of the Final EIR.

## **VII. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE**

The EIR determined that the Project would not result in any significant and unavoidable impacts.

## **VIII. ALTERNATIVES**

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. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The Draft EIR evaluated a reasonable range of three alternatives to the Project in detail, which include the (1) No Project/No Build Alternative; (2) Reduced Project Alternative; and (3) 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. Therefore, the Project alternatives focused on reducing the Project's impacts (the Project does not result in any significant and unavoidable impacts). These alternatives and their impacts, which are summarized below, are more fully described in Section V of the Draft EIR.

### **1. Summary of Findings**

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or mitigation measure will substantially lessen any significant effect of the project, reduce the significant unavoidable impacts of the project to a level that is less than significant, or avoid any significant effect the project would have on the environment.

### **2. Project Objectives**

Section 15124(b) of the CEQA Guidelines states that a project description shall contain a "Statement of the objectives sought by the proposed project." In addition, Section 15124(b) of the CEQA Guidelines further states that "the statement of objectives should include the underlying purpose of the project."

As set forth in the CEQA Guidelines, the objectives of the Project are as follows:

- To build a new, modern single-family residence while preserving the existing historical structure (the Headley/Handley House) on the Project Site.
- To create a sympathetic home design compatible with the existing house.
- To design a new residence that conforms to the topography, climate, and environment, and is reflective of the Project's location within Runyon Canyon Park.
- To design a new residence that minimizes potential view impacts from within Runyon Canyon and from key viewpoints including Hollywood Bowl outlook.

### **3. Alternatives Analyzed**

In order to evaluate a reasonable range of alternatives, Section V (Alternatives) of the Draft EIR includes an analysis of the following three alternatives to the Project:

- Alternative A: No Project/No Build Alternative
- Alternative B: Reduced Project Alternative
- Alternative C: Alternate Placement Alternative

(A) Alternative A: No Project/No Build Alternative

Alternative A, the No Project/No Build Alternative assumes that the Project Site would remain in its current condition as developed with the Headley/Handley House. Although no new development would occur on the Project Site under Alternative A, this alternative assumes the development of the related projects in the area of the Project Site. No discretionary actions would be required by local, state, or federal agencies for this alternative. Therefore, the physical conditions of the Project Site would generally remain as they are today, and no new construction would occur.

(i) Impact Summary

As Alternative A results in no new development, it would result in no impacts relative to any topic studied in the EIR. Impacts would be reduced as compared to the Revised Project.

(ii) Finding

The City finds, pursuant to PCR Section 21801(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(iii) Rationale for Finding

Alternative A would not meet any of the Project objectives, as it does not create additional development or housing capacity on the Project Site. Therefore, this Alternative is infeasible and less desirable than the Revised Project and is rejected.

(iv) Reference

For a complete discussion of impacts associated with Alternative A, please see Section V (Alternatives) of the Draft EIR.

(B) Alternative B: Reduced Project Alternative

Alternative B, the Reduced Project Alternative assumes development of the Project Site with a single-family residential dwelling that would be 30 percent smaller than the Original Project as first detailed in the Draft EIR Project Description. Alternative B would, however, be larger than the Revised Project. As shown in the table below, when including all mechanical areas and covered patios (but excluding the basement), Alternative B would consist of a single-family residential dwelling with approximately 12,441 square feet of floor area, compared to 17,226 square feet for the Original Project, and 5,700 square feet with the Revised Project. Alternative B would be located in the same location on the Project Site as the Project, and each level of the residence would be proportionately reduced when compared to the Original Project.

**Floor Area Comparison Table**

	<b>Proposed Project (Final EIR Project)</b>	<b>Alternative B</b>	<b>Revised Project</b>
<b>New Residence</b>			
Basement (Exempt)	4,878 sf	3,645 sf	3,000 sf
First Floor (Ground)	3,413 sf	2,223 sf	3,000 sf
Second Floor	3,046 sf	2,941 sf	2,500 sf
Garage	923 sf	506 sf	600 sf
Mechanical/Electrical Area	2,475 sf	1,733 sf	200 sf <sup>e</sup>
Covered Patios	7,769 sf	5,438 sf	- <sup>f</sup>
<b>Total Residential Floor Area</b>	<b>17,226 sf <sup>b</sup></b>	<b>12,441 sf <sup>d</sup></b>	<b>5,700 sf <sup>h</sup></b>
<b>Existing Residence</b>			
Accessory Living Quarters	2,018 sf	2,018 sf	2,018 sf
<p><i>sf = square feet</i></p> <p><b>Notes:</b></p> <p><i>Proposed Project (Final EIR Project):</i></p> <p><sup>a</sup> Total livable space includes the basement, first floor, and second floor, but does not include the garage, mechanical/electrical area, and covered patios.</p> <p><sup>b</sup> Total residential floor area per the Baseline Hillside Ordinance includes the first (ground) floor, second floor, and 523 square feet of the garage (400 square feet of the garage is exempt).</p> <p><i>Alternative B:</i></p> <p><sup>c</sup> Total livable space includes the basement, first floor, and second floor, but does not include the garage, mechanical/electrical area, and covered patios.</p> <p><sup>d</sup> Total residential floor area per the Baseline Hillside Ordinance includes the first (ground) floor, second floor, and 106 square feet of the garage (400 square feet of the garage is exempt).</p> <p><i>Revised Project:</i></p> <p><sup>e</sup> The garage contains 200 square feet of mechanical area. The mechanical/electrical areas in the home are included in the square footage for each level of the home.</p> <p><sup>f</sup> The covered patios are included in the square footage for each level of the home.</p> <p><sup>g</sup> Total livable space includes the basement, first floor, and second floor. For the Revised Project, these numbers include mechanical/electrical areas and covered patio areas.</p> <p><sup>h</sup> Total residential floor area per the Baseline Hillside Ordinance includes the first (ground) floor and second floor (400 square feet of the garage is exempt and the other 200 square feet is mechanical area).</p>			

**(i) Impact Summary**

As demonstrated in Section V of the Draft EIR, the majority of Alternative B's impacts would be the same as the impacts of the Project. This is because both the Project and Alternative B include the construction of a single-family residence in the same location on the Project Site. Impacts related to air quality, greenhouse gas emissions, energy demand, and erosion would be slightly reduced for Alternative B compared to the Original Project based on the reduced size of the proposed residence, but slightly higher than the Revised Project, which is further reduced in size. These impacts would be less than significant for both the Project and Alternative B. All other impacts would be the same for Alternative B as for the Project.

**(ii) Finding**

The City finds, pursuant to PCR Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(iii) Rationale for Finding

As Alternative B would also develop a single-family residence on the Project Site, Alternative B would meet all of the Project objectives. 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. In addition, the design of the Revised Project now 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 the Original Project or Alternative B. Therefore, although this Alternative is preferable to the Original Project, it is less desirable than the Revised Project, and is rejected.

(iv) Reference

For a complete discussion of impacts associated with Alternative B, please see Section V (Alternatives) of the Draft EIR.

(C) Alternative C: Alternate Placement Alternative

Alternative C, the Alternate Placement Alternative assumes development of the Project Site with the same size house as the Project, but at a different location on the Project Site. Specifically, Alternative C would place the residence down slope from the proposed Project location, 50 feet below the ridgeline, thereby not requiring a Specific Plan Exception for a new single-family residence within 50 feet of a prominent ridge, as specified in the Mulholland Scenic Parkway Specific Plan. In order to access a residence in this alternate location, a separate partial elevated driveway and partial graded driveway of approximately 300 feet long would be required. In addition, a residence in this location would require minimum 10-foot retaining walls below and above the elevated driveway, and would also require a 10 to 20-foot retaining wall above the highest rooftop of the residence in order to hold back the ridgeline above the residence. As such, Alternative C would require additional grading and excavation when compared to the Project.

(i) Impact Summary

Alternative C's location on the Project Site would result in additional view and aesthetic impacts when compared to the Project (including a significant and unavoidable impact with respect to visual character), as Alternative C would be viewable from additional vantage points on the hiking trail, and Alternative C's elevated driveway and retaining walls would be visible. In addition, Alternative C would require additional grading and excavation when compared to the Project, which would result in greater impacts with respect to air quality during construction, biological resources, archaeological and paleontological resources, and erosion. However, as Alternative C would not require a Specific Plan Exception, as it would not be within 50 feet of a prominent ridge, the land use impacts of Alternative C would be reduced when compared to the Project.

(ii) Finding

The City finds, pursuant to PCR Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(iii) Rationale for Finding

Alternative C would meet all of the Project objectives, although to a lesser degree than the Project due to the different location on the Project Site. Based on Alternative C's location on the Project Site, Alternative C would not conform to the topography of the Site to the same extent as the Project, nor would Alternative C minimize potential view impacts to the same extent as the

Project. Alternative C would also result in additional view and aesthetic impacts when compared to the Project, as Alternative C would be viewable from additional vantage points on the hiking trail, and Alternative C's elevated driveway and retaining walls would be visible. Finally, Alternative C would require additional grading and excavation when compared to the Project. Therefore, this Alternative is infeasible and less desirable than the Project, and is rejected.

(iv) Reference

For a complete discussion of impacts associated with Alternative C, please see Section V (Alternatives) of the Draft EIR.

#### **4. Alternatives Rejected as Infeasible**

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis, but rejected as infeasible, and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. The alternative to the Project that has been considered and rejected as infeasible includes an "Alternate Project Site" Alternative. This alternative considered development of the Project on an alternate site within the Project Site area. However, this alternative was rejected for further analysis, because the Project Applicant does not own or have control over any other developable property in the Project Site area and cannot "reasonably acquire, control or otherwise have access to [an] alternative site" (refer to Section 15126.6[f][1] of the CEQA Guidelines). Further, the Project Applicant currently lives in the existing residence on the Project Site. Thus, in accordance with Section 15126.6(f) of the State CEQA Guidelines, development of the Project on an alternate site was deemed infeasible, and was rejected from further consideration.

#### **5. Environmentally Superior Alternative**

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives.

In the EIR, Alternative A: No Project is considered the overall environmentally superior alternative as it would avoid all of the impacts that would occur under the Project. It should be noted, however, that although most impacts would be avoided, beneficial aspects of the project such as upgrading the property with a new single-family residence would not occur.

Of the other alternatives analyzed in this Draft EIR, Alternative B, the Reduced Project Alternative would not result in any increased impacts and would therefore be considered the "Environmentally Superior Alternative." However, as demonstrated by the analysis provided in Section V of the Draft EIR, the majority of Alternative B's impacts would be similar as the impacts of the Project. This is because both the Project and Alternative B would include the construction of a single-family residence in the same location on the Project Site. Impacts related to air quality, greenhouse gas emissions, energy demand, and erosion would be slightly reduced for Alternative B compared to the Project based on the reduced size of the proposed residence, although these impacts would be less than significant for both the Project and Alternative B. All other impacts would be the same for Alternative B as for the Project. Therefore, Alternative B is considered the 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. The Revised Project would also include an attached two-car garage, similar to Alternative B and compared to the four-car garage in the Original Project. 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 the Revised Project. In addition, the Revised Project's basement is entirely submerged and does not daylight, compared to the Original Project and Alternative B, which both had extensive glass windows on the western elevation of their basements, increasing their light and glare impacts.

As shown in the table above, the Revised Project is considerably smaller than the Original Project and also smaller than Alternative B. Based on the reduced size of the Revised Project, the Revised Project would result in slightly reduced impacts with respect to air quality, greenhouse gas emissions, energy demand, and erosion when compared to both Alternative B and the Original Project. In addition, the design of the Revised Project, with the basement fully submerged, means that less of the western elevation of the residence would be visible from within Runyon Canyon Park. Therefore, the Revised Project would meet all of the Project objectives, and would meet the following two objectives to a greater degree than both the Original Project and Alternative B:

- To design a new residence that conforms to the topography, climate, and environment, and is reflective of the Project's location within Runyon Canyon Park.
- To design a new residence that minimizes potential view impacts from within Runyon Canyon and from key viewpoints including Hollywood Bowl outlook.

For these reasons, the Revised Project is considered the Environmentally Superior Alternative, and both the Original Project and Alternative B are rejected in favor of the Revised Project.

## **IX. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the Proposed Project be implemented. The types and level of development associated with the Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Section VI of the Draft EIR, the Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

### **(1) Building Materials and Solid Waste**

Construction of the Project would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), and petrochemical construction materials (e.g., plastics). As discussed in Section VI of the Draft EIR, during construction of the Project, a minimum of 50 percent of construction and demolition

debris would be diverted from landfills. Further, the additional increase in solid waste resulting from the completed Project would be minimal given that the Project is a single-family residence. In addition, the Project will participate in City programs that adhere to State and local solid waste policies and objectives that further goals to divert waste from landfill disposal.

Based on the above, Project construction and operation would require the irreversible commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources and the Project Site for future generations or for other uses. However, the consumption of such resources would not be considered substantial given the small scale of the Project. In addition, none of the materials required to construct the Project would be rare or in highly limited supply. Further, such resources would not be used in a wasteful manner. Therefore, although irreversible environmental changes would result from the Project, such changes are concluded to be less than significant, and the limited use of nonrenewable resources that would be required by Project construction and operation is justified.

## (2) Water

The Project's demand for water is addressed in Section VI of the Draft EIR. As evaluated therein, the Project is solely a single-family residential structure and would not require expanded entitlements during normal, dry, and multiple dry years. In addition, any project that is consistent with the General Plan has been taken into account in the planned growth in water demand from the Los Angeles Department of Water and Power (LADWP). Since the Project is only a single-family residential structure and is on a parcel that is zoned for residential structures, the development would be consistent with the City's General Plan and the LADWP would have sufficient water supplies available to serve the needs of the Project. Therefore, the Project's water supply needs have already been accommodated within water supply projections for the region, and while the Project would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply.

## (3) Energy Consumption and Air Quality

As discussed in Section IV.E (Energy) of the Draft EIR, the Project would not cause wasteful, inefficient, and unnecessary consumption of energy during construction or operation. The Project's energy requirements would not significantly affect local and regional supplies or capacity. The Project's energy usage during peak and base periods would also be consistent with electricity and natural gas future projections for the region. Electricity generation capacity and supplies of natural gas and transportation fuels would also be sufficient to meet the needs of Project-related construction and operations. During operation, the Project will comply with existing energy efficiency requirements such as CalGreen as well as include energy conservation measures, such as AES-PDF-1 and GHG-PDF-1.

As discussed in Section IV.B (Air Quality) of the Draft EIR and on pages 3-42 through 3-44 of the Final EIR, the Project would not result in any emissions during either construction or operation that exceed the SCAQMD thresholds of significance. Therefore, the Project would not expose sensitive receptors to any substantial pollutant concentrations and the Project would result in a less than significant impact with respect to air quality.

## (4) Environmental Hazards

The Project's potential use of hazardous materials is addressed in Section IV.H (Hazards and Hazardous Materials) of the Draft EIR. As evaluated therein, other than the typical cleaning solvents used for janitorial purposes and chemicals used for pool maintenance, no hazardous materials would be used, transported, or disposed of in conjunction with the routine day-to-day operations of the Project. Construction could involve the use of potential hazardous materials, including vehicle fuels, oils, and transmission fluids. However, all potentially hazardous

materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. There is nothing unique or specific about the Project or its location that would warrant any mitigation beyond general compliance. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

## **X. GROWTH-INDUCING IMPACTS**

Section 15126.2(e) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth, or increase in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

### **(1) Population**

The Project would not result in additional population generation as the residents of the existing single-family residence would move into the new, proposed single-family residence, with the existing residence reclassified as Accessory Living Quarters. Therefore, the Project would not result in a significant direct growth-inducing impact.

### **(2) Employment**

The Project proposes a new single-family residence and does not propose any commercial uses that could generate indirect population growth as a result of employment opportunities. During construction, the Project would create a small number (estimated at approximately 20 workers on a given work day) of temporary construction-related jobs. However, the work requirements of most construction projects are highly specialized such that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. Thus, construction workers would not be expected to relocate to the Project vicinity as a direct consequence of working on the Project. Therefore, given the availability of construction workers, the Project would not be considered growth-inducing from a short-term employment perspective.

### **(3) Utility Infrastructure Improvements**

The Project Site is currently developed with an existing residence which is served by existing utilities and infrastructure (with the exception of sewer, as the Project Site has a private sewer disposal system). In addition, the existing building on the Project Site is not currently connected to natural gas infrastructure, although there is an existing natural gas line at the intersection of Mulholland Drive and Runyon Canyon Road. While the Project may require minor local infrastructure upgrades to maintain and improve water and electricity lines on-site and in the immediate vicinity of the Project Site, such improvements would be limited to serving Project-related demand. In addition, construction impacts associated with the installation of natural gas connections are expected to be confined to trenching in order to place the lines below surface. Therefore, any infrastructure upgrades would not necessitate major local or regional utility infrastructure improvements that have not otherwise been accounted and planned for on a regional level.

## **XI. ENERGY CONSERVATION**

As discussed in Section IV.E (Energy) of the Draft EIR, the Project would not cause wasteful, inefficient, and unnecessary consumption of energy during construction or operation. The Project's energy requirements would not significantly affect local and regional supplies or capacity. The Project's energy usage during peak and base periods would also be consistent with electricity and natural gas future projections for the region. Electricity generation capacity and supplies of natural gas and transportation fuels would also be sufficient to meet the needs of Project-related construction and operations. During operation, the Project will comply with existing energy efficiency requirements such as CalGreen as well as include energy conservation measures, such as AES-PDF-1 and GHG-PDF-1.

## **XII. GENERAL FINDINGS.**

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the project, that the Draft EIR which was circulated for public review reflected its independent judgment, and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential Project and cumulative environmental impacts: aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation and traffic, tribal cultural resources, and wildfire, Alternatives to the Project, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The environmental impacts of the Project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.
4. Textual refinements were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith, and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR documents changes to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, and the administrative record, as well as the

requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings, or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:

- a. The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
  - b. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
  - c. None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
  - d. The mitigation measures identified for the Project were included in the Draft EIR and Final EIR. The final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and Project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.

9. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
10. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning.
11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
13. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and the other regulatory jurisdictions.



## **LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES**

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

**Online Application System:** The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

**Drop off at DSC:** Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

### **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**

(CURRENTLY CLOSED)  
(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

**An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination.** Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online  
Appeal Filing



QR Code to Forms  
for In-Person Filing