

Application, Justification, and Supporting Documents submitted by

Appellant #1: Paul Edelman, SMMC

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: _____

APN: _____

Project Address: _____

Final Date to Appeal: _____

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: _____

Company/Organization: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

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: _____

Company/Organization: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone: _____ **E-mail:** _____

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: Paul Edelman **Date:** _____

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.: 200161446225 **Date:** 10/17/24

☐ 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.

SANTA MONICA MOUNTAINS CONSERVANCY

KING GILLETTE RANCH
26800 MULHOLLAND HIGHWAY
CALABASAS, CA 91302
PHONE (310) 589-3200
FAX (310) 589-3200
WWW.SMMC.CA.GOV



October 16, 2024

Los Angeles City Council
via Los Angeles City Clerk and Department of City Planning
City of Los Angeles
200 North Spring Street, Room 360
Los Angeles, California 90012

**Justification for Appeal of APCSV-2016-4179-SPE-DRB-SPP-MSP-ZV-ZAD,
ENV-2016-4180-EIR, 3003 North Runyon Canyon Road**

Honorable Councilmembers:

This appeal by the Santa Monica Mountains Conservancy (Conservancy) seeks to reverse the decision by the South Valley Area Planning Commission (SVAPC) approving Case Nos. APCSV-2016-4179-SPE-DRB-SPP-MSP-ZV-ZAD and ENV-2016-4180-EIR, made at the August 8, 2024 hearing, for the project located at 3003 North Runyon Canyon Road. This erroneous decision by the SVAPC permits numerous variances and deviations from Los Angeles Municipal Code, and a Specific Plan Exception to the Mulholland Scenic Parkway Specific Plan, all for the sake of allowing a second single-family residence to be constructed on an already developed property. This property is surrounded by Runyon Canyon Park.

The Conservancy is a California Environmental Quality Act (CEQA) Trustee Agency for projects potentially affecting natural resources in the precisely-mapped Santa Monica Mountains Zone, per the Conservancy Act (Public Resources Code Section 33000, et seq). The Conservancy is also the principal State planning agency in the Santa Monica Mountains Zone, which includes Runyon Canyon Park where the subject property is located as a private in-holding.

The Conservancy submitted multiple fair arguments against approval of the subject project before and during the August 8, 2024 hearing. This includes arguments made to the Mulholland Design Review Board, and arguments from the Conservancy's May 16, 2022 letter on the Final Environmental Impact Report (FEIR), and our September 19, 2019 letter on the Draft Environmental Impact Report (DEIR). Those letters on the DEIR, FEIR, respectively detailed multiple deficiencies and fatal flaws in those documents, which included unmitigable significant adverse impacts to biological and visual public resources that would result from the subject project. The FEIR remains deficient and

Los Angeles City Council
Justification for Appeal of APCSV-2016-4179-SPE-DRB-SPP-MSP-ZV-ZAD,
ENV-2016-4180-EIR, 3003 North Runyon Canyon Road
October 16, 2024
Page 2

fatally flawed under the California Environmental Quality Act (CEQA) in multiple respects and should not have been certified.

These fair arguments were either ignored or disregarded with faulty justification and without analysis in the August 8, 2024 staff report provided to the SVAPC. The SVAPC did not discuss or show any sign that they considered these fair arguments during the August 2024 hearing.

In particular, the FEIR's deficient analysis of alternative projects fails to analyze an adequate number of feasible alternatives which would not require the Zoning Administrator's Determination for excessive amounts of grading, or the Specific Plan Exception for construction on a Prominent Ridgeline. The approval of the Zoning Administrator's Determination to allow over 28,000 cubic yards of grading, combined with the Specific Plan Exception to allow grading and construction within 50 feet of a Prominent Ridgeline essentially makes a sham of the Baseline Hillside/Ridgeline Ordinances and the Mullholland Scenic Parkway Specific Plan, etc. This creates a dangerous precedent whereby the City will now have to justify denying similar requests to applicants in the future. The SVAPC's erroneous approval of the subject project erodes existing Hillside and Scenic Corridor protections. The development of the project as approved will greatly impact the thousands of Los Angeles community of park visitors (both during and post construction), as well as wildlife in the Runyon Canyon habitat block.

The City has no obligation to approve a discretionary project that significantly degrades public resources without offering significant public benefits in return; and there is no public policy justification for approving such a gift of public resources for private gain. This project offer no public benefit. It only offers significant permanent public detriment.

If you have any questions or clarifications, please contact me at 310-589-3230, ext. 128, or by e-mail at edelman@smmc.ca.gov. Further correspondence regarding the subject project may also be sent to my attention at the above letterhead address. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Edelman", with a stylized flourish at the end.

PAUL EDELMAN
Deputy Director
Natural Resources and Planning

SANTA MONICA MOUNTAINS CONSERVANCY

LOS ANGELES RIVER CENTER & GARDENS
570 WEST AVENUE TWENTY-SIX, SUITE 100
LOS ANGELES, CALIFORNIA 90065
PHONE (323) 221-8900
FAX (323) 221-9001
WWW.SMMC.CA.GOV



May 16, 2022

Ms. Erin Strellich
Major Projects Section
Department of City Planning
City of Los Angeles
200 North Spring Street, Room 1350
Los Angeles, California 90012

ENV-2016-4180-EIR, SCH no. 2018041016, 3003 Runyon Canyon Road

Dear Ms. Strellich:

The Santa Monica Mountains Conservancy (Conservancy) provides comments and recommendations on the Final Environmental Impact Report (FEIR) for the subject proposed project at 3003 Runyon Canyon Road (ENV-2016-4180-EIR), located half a mile interior to Runyon Canyon Park. The Conservancy is a California Environmental Quality Act (CEQA) Trustee Agency for projects potentially affecting natural resources in the precisely-mapped Santa Monica Mountains Zone, per the Conservancy Act (Public Resources Code Section 33000, et seq). The Conservancy is also the principal State planning agency in the Santa Monica Mountains Zone, which includes Runyon Canyon Park where the subject property is located as a private in-holding.

The Conservancy previously submitted comments and recommendations on the Draft Environmental Impact Report (DEIR) for the subject project in our letter dated September 23, 2019. This letter is intended to complement that 2019 DEIR letter.

The FEIR remains deficient and fatally flawed under CEQA in multiple respects and should not be certified. The deficiencies and flaws in the FEIR should pose questions as to whether each of the requested Discretionary Actions, especially the Specific Plan Exception (SPE) to allow construction within 50 feet of a prominent ridge in the Mulholland Scenic Parkway, are necessary for the property owner to attain the full use of the already developed subject property.

As currently proposed, the significant adverse impacts from the subject project, even if mitigated, would result in offsite damage to public resources within Runyon Canyon Park. These damages would result from the aesthetic/visual impacts both from the

visibility of the project itself, and additional Fire Department-required fuel modification (brush clearance) on the surrounding parkland. Damages to biological resources would result from brush clearance on parkland, nighttime lighting impacts from the use of the additional residence on the subject property, and increased usage of Runyon Canyon Drive to access the subject property during and after construction. Damage to visual and biological resources within Runyon Canyon Park also equate to damage to recreational resources in the one of the City's most popular hiking locations. Why would the City grant discretionary approvals to a project that would damage the resources of one of its most iconic public parks?

Misleading Project Description Due to False Basement

The project plans for the proposed 5,511 square-foot "basement" clearly depict a section of floor-to-ceiling windows which would be visible exterior to the residence. This false basement makes the subject proposed project a three-story residence, and the 5,511 square-footage of the bottom-most floor is not included in the square-footage for project provided in the Description. This omission makes the Project Description in the FEIR wholly deficient for falsely describing the project as a two-story residence with 6,982 square-feet of living space.

Inadequate Range of Feasible Alternative Projects

The FEIR, like the DEIR, makes the misleading claim that Alternative B: Reduced Size Project, described as the "Environmentally Superior Alternative", would result in the same environmental impacts as the primary Project, despite reducing the square-footage of the residence by 30 percent. Alternative B remains a disingenuous feign of an attempt to provide decision makers with the appearance of a less damaging project. The 30 percent size reduction still only applies to the 8,990 square-foot residence and does not address reductions to the proposed 6,454 square-feet of covered patio area, 2,475 square-foot of mechanical/electrical area, and 5,207 square-feet of basement. Nor does it address the approximately one-acre fill slope and its parallel 300-foot-long and ten-foot-tall retaining walls.

What the FEIR continues to fail to address is whether a reduced size project could be located elsewhere within the subject property so as to 1) eliminate construction activities within 50 feet of the prominent ridgeline, and/or 2) eliminate the need for the three retaining walls requested as a Zoning Administrator's Determination (ZAD).

A true reduced-size project with alternate siting that conforms to the topography of the subject property could reduce the damages that would result to public resources in

Runyon Canyon Park from brush clearance, lighting impacts, increased usage of Runyon Canyon Road, and visual impacts from the proposed residence itself. The burden of proof that such a project alternative would not reduce these adverse impacts and limit damages to public parkland lies squarely with the applicant. The FEIR is deficient for omitting any consideration of a true reduced-size project with alternative siting.

In the response to the Conservancy's 2019 letter on the DEIR (Response to Comment A3-6), the FEIR attempts to deflect from this responsibility by claiming that the two project alternatives (B and C) analyzed in the DEIR represent a reasonable range of project alternatives. (Alternative A: The "No Project" Alternative, is simply the standard perfunctory analysis of not implementing any project on the subject property that is common to all Environmental Impact Reports.) A truly reasonable range of feasible alternative projects for an already developed property that is interior to public parkland within the City's premier Scenic Corridor (Mulholland) would include an alternative that avoids construction and soil work impacts within 50 feet of a prominent ridgeline and limits the number of required retaining walls.

If there is no feasible alternative that could meet those requirements, this must be demonstrated by detailed analysis in the FEIR. By omitting this analysis, the FEIR has failed to demonstrate that a less damaging project with reduced square-footage is not feasible.

Inadequate Drainage Plans and Unanalyzed Significant Impacts

The FEIR remains flawed because there is still no analysis of how the project's drainage and runoff will be handled when it contacts public parkland. There are multiple potential biological, geological, recreational, and visual impacts that could result from the handling of onsite runoff, and the full extent of the damage to public parkland from additional run-off cannot be gauged without this analysis. This was a major omission in the DEIR, and it is a critical deficiency in the FEIR.

In the Responses to Comments (B1-67), the FEIR provides only the vague answer that the project will comply with City requirements for drainage after the final engineering for the project is complete. If the City determines that drainage structures such as concrete V-ditches or energy dissipaters are required where run-off from the approximately one-acre fill slope contacts parkland, these are potentially significant adverse impacts that must be addressed in the FEIR.

Significant Impacts to Public Parkland from Lighting and Increased Road Usage

Both the subject proposed project and Alternative B would introduce a substantially greater total amount of light into the Runyon Canyon Park habitat area no matter how well a project of that size is mitigated shy of having no windows. In addition, cars and delivery vehicles potentially using high beams would use the public road through the park at night. There are no vehicle trip number or time limitations in either the day or nighttime. Although the park is closed at night, it is a public resource, and by permission, researchers and groups can take night hikes in the park. An area that is now quite dark would experience substantial irreversible change in night illumination and thus result in substantial dark sky impacts and nighttime enjoyment of the park. For the above reasons both the proposed project and all its development alternatives would result in unavoidable significant adverse visual impacts.

The FEIR remains deficient because it continues to base multiple impact analyses, including analysis of nighttime lighting impacts, on the premise that just one couple (the current owners) will permanently occupy both residences. The FEIR analysis on traffic relative to biological, visual, and recreation impacts does not address the probable scenario that the house will host larger families and large parties in the near term. All the mitigation measures and analyses in the FEIR that address impacts from lighting and traffic are flawed because the traffic and visitor volumes cannot be controlled or enforced by the lead agency. Some limits must be established to make impact analysis conclusions.

To ensure that North Runyon Canyon Road is never lit, the FEIR must include a mitigation measure that prohibits lighting of the road to benefit the proposed project property. Though no lighting of North Runyon Canyon Road is currently proposed, there would otherwise be no restrictions preventing future owners of the subject property from installing their own lighting fixtures without the need for permits or future discretionary actions by the City.

To reduce the adverse impacts of increased use of North Runyon Canyon, the Conservancy recommends that the FEIR include a mitigation measure limiting the total number of permanent residents permitted to live in the existing and subject proposed residences at 3003 Runyon Canyon Road.

Please send all correspondence regarding this project, including hearing notices, to the attention of Paul Edelman, Deputy Director of Natural Resources and Planning, at 26800 Mulholland Highway, Calabasas, California 91302, or by e-mail to

ENV-2016-4180-EIR, SCH no. 2018041016, 3003 Runyon Canyon Road
May 16, 2022
Page 5

edelman@smmc.ca.gov. Conservancy staff may submit additional comments on the FEIR to decision-makers in advance of future public hearings.

Sincerely,

A handwritten signature in black ink that reads "Linda Parks". The signature is written in a cursive, flowing style.

LINDA PARKS
Chairperson

SANTA MONICA MOUNTAINS CONSERVANCY

LOS ANGELES RIVER CENTER & GARDENS
570 WEST AVENUE TWENTY-SIX, SUITE 100
LOS ANGELES, CALIFORNIA 90065
PHONE (323) 221-8900
FAX (323) 221-9001
WWW.SMMC.CA.GOV



September 23, 2019

Ms. Erin Strelch
Major Projects Section
Department of City Planning
City of Los Angeles
221 North Figueroa Street, Suite 1350
Los Angeles, California 90012

ENV-2016-4180-EIR, SCH NO. 2018041016, 3003 Runyon Canyon Project

Dear Ms. Strelch:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Draft Environmental Impact Report (DEIR) for the proposed 3003 Runyon Canyon Project located on a prominent ridgeline half a mile interior to Runyon Canyon Park. The Conservancy is the principal State planning agency in the Santa Monica Mountains Zone.

Runyon Canyon Park is a significant and heavily used open space recreation area in the City of Los Angeles and the Santa Monica Mountains National Recreation Area. The current applicant has acquired property and elected to seek entitlements on a property surrounded with regionally significant public resources and values and located within the Mulholland Scenic Parkway. The City should not grant a single discretionary action unless the proposed project meets every test of minimizing harm to public resources and maximizing the full retention of such values.

Runyon Canyon Park combined with the Mountains Recreation and Conservation Authority's Trebek Open Space is the most easterly core habitat block in the Santa Monica Mountains west of the Cahuenga Pass. The DEIR is deficient for not addressing the importance of this core habitat block to the sustainability of medium and large-sized mammals in the range both between the 101 and 405 freeways but also east of the 101 freeway in Griffith Park and subsequently within the Los Angeles River and the North East Los Angeles hilltop areas.

The DEIR is further deficient for not addressing the Conservancy's adopted *Eastern Santa Monica Mountains Habitat Linkage Planning Map*. The attached figures show how Runyon Canyon Park, the Trebek Open Space, and private open space combine to form 353-acre Habitat Block No. 42 on that planning map. Since the map was adopted in 2017 our staff has determined through field verification that there are now no known viable large mammal movement routes from the Cahuenga Pass (Habitat Block No. 38) westward along the north

Ms. Erin Strellich
City of Los Angeles
3003 Runyon Canyon Project - ENV-2016-4180-EIR
September 23, 2019
Page 2

slope of the range until reaching Habitat Block 35 that is anchored by the MRCA's Oakshire Open Space area. That means that the only adequate travel route for medium and large mammals to reach Habitat Block 38 and the Mulholland Drive bridge over the 101 freeway is through the northeastern one third of Runyon Canyon Park where the proposed project would be located. The habitat linkage/wildlife corridor analysis in the DEIR is totally inadequate because it does not address how in particular the northern portion of Runyon Canyon is critical to maintain adequate habitat connectivity to the Mulholland Drive -101 freeway overpass and on to the Griffith Park core habitat area.

Runyon Canyon Park is unique because it combines multiple trails, interesting terrain, and native vegetation communities proximate to the densely populated Hollywood area. The DEIR tries hard to downplay the permanent significant adverse visual and biological impacts of a three-story 13,306-foot-development area, with a 3-acre permanent brush clearance zone (partly on parkland), parallel 305-foot-long ten-foot-high retaining walls, and a special one-acre fill site to stash a minimum of 14,000 cubic yards of mountainside cut.

The project description is deficient because it does not address this approximately one-acre fill area and its relationship to the proposed 14,000 cy of cut material. It is further deficient because it does not include the proposed private onsite wastewater treatment system, any improvements to North Runyon Road, and either the temporary or permanent impacts of trenching to provide utilities to the project site.

Project Alternatives

Because of the ecological, recreational, and visual public values of Runyon Canyon Park, the City's and the public's interest must be aggressively employed in the shaping of any development on the subject inholding parcel to absolutely assure the maximization and retention of every aspect of these public values. None of DEIR alternative projects comes even close to retaining these public values. None of DEIR alternative projects shows any creative attempt to place an additional residence on the site without it sticking out like a sore thumb. The DEIR range of alternatives is thus deficient to provide decision makers with an adequate range of options to reduce and minimize impacts to the values of this public resource.

The Alternatives section of the DEIR thus analyzes only two feasible project alternatives with regard to reduced project size (Alternative B), and alternate project placement (Alternative C). Even a cursory look at the topography of the subject property makes it clear that many other additional feasible project alternatives are possible. The limited scope of the Alternatives considered in the DEIR constitutes deficient analysis under CEQA.

Ms. Erin Strellich
City of Los Angeles
3003 Runyon Canyon Project - ENV-2016-4180-EIR
September 23, 2019
Page 3

The proposed project and the DEIR's proclaimed Environmentally Superior Alternative (Alternative B - Reduced Project) both require an exception to the Mulholland Specific Plan to build/grade with 50 feet of a prominent ridgeline. For the City to grant such an exception it should demand nothing less than a smaller-scale project that makes all efforts to minimize visual and biological impacts to public resources and values. Alternative B is a disingenuous feign of an attempt to provide decision makers with the appearance of a less damaging project. The 30 percent size reduction only applies to the 8,990 sf house and does not address reductions to the proposed 6,454 sf of covered patio area, 2,475 sf of mechanical/electrical area, and 5,207 sf of basement. Nor does it address the approximately one-acre fill slope and its parallel 300-foot-long and ten-foot-tall retaining walls.

The DEIR states that the project applicant currently lives in the existing onsite 2,018 sf house. The DEIR shows a nice functional pool and thousands of square feet of level landscaped attached grounds with million dollar city views. The applicant clearly receives substantial economic benefit and residency from the property. The applicant has rights for a second habitable structure but the size, views, location, and orientation of such a structure are not unconditionally determined by-right by the applicant.

In its correspondence to the City, the Conservancy has repeatedly emphasized that any new habitable structures must be moved much closer to the existing house to adequately reduce impacts. Potential new house locations closer to the existing house means northward away from nose of the prominent ridge. All impacts are significantly reduced by such re-siting. The existing house is 24 feet tall. A new, 2,500 sf, single-story, 18-foot-tall house could be carefully sited on the flat pads on the ridgeline within approximately 40 feet of the existing house. The pool area, driveway, and thousands of square feet of landscaping could be maintained in their current juxtaposition. There could potentially be a 2,000 sf basement below the new house. Views of the house from public viewing areas could be reduced placing earthen berms in key areas. The public and all immediate neighbors would be getting a far better deal out granting a Specific Plan exception with a house designed within these parameters.

The key issue is that the City has the full authority to limit the project to such a well-sited, approximately 2,500 sf house. There is no legal basis to successfully challenge the City's desire to reduce impacts to a crown jewel park in an era of population growth and increasing usage pressure on existing parkland. There are a myriad other new house footprints that would achieve the same level of impact reduction and meet all of the qualifications of not substantially disrupting the values of the existing historic residence. All such footprints would thoroughly fulfill all four of the DEIR Project Objectives.

Ms. Erin Strellich
City of Los Angeles
3003 Runyon Canyon Project - ENV-2016-4180-EIR
September 23, 2019
Page 4

To begin, the City should not certify the DEIR for reasons stated in this letter and the remainder of the public record. The City should not consider any project that requires a Zoning Administrator Determination for retaining wall variances. Any project on the site should work with the existing topography. Retaining walls are indicative of not working with the topography. There is great hypocrisy in the DEIR conclusions that mass grading in every compass direction of the existing historic residence will maintain its required minimum historic characteristics.

Compatibility with Mulholland Specific Plan

A second house appears to be approvable on subject ridgeline without a Specific Plan exception if the required grading volume is less than 1,000 cubic yards. The Specific Plan allows the Planning Director to approve up to 1,000 cubic yards of grading on a prominent ridge if five findings can be made. Those findings are easily made for the 2,500 sf re-sited second house alternative projects addressed above. The DEIR shall remain deficient until it includes at least two such alternatives.

The unsubstantiated DEIR analysis of how the project meets the Specific Plan requirements for visual character is deficient because the analysis only addresses a fraction of the park area and scenic resources.

The DEIR shall remain deficient until analyzes the findings by the Planning Director that are necessary per the Specific Plan to develop within 200 feet of parkland.

Additional Biological Impact

Because the DEIR did not address the importance of Runyon Canyon Park as part of a habitat block in the larger connected Eastern Santa Monica Mountains ecosystem or the role that the northeastern corner of the park plays in facilitating wildlife movement to the Mulholland Drive - 101 freeway overpass, it shall remain deficient.

As proposed the project has no protections against wildlife blocking or ugly fencing or further development expansion. The DEIR has no measurable or enforceable standards or locations for indoor or outdoor lighting. In addition the DEIR is deficient for not addressing that the City does not have, nor has ever demonstrated the capacity to have, adequate enforcement for lighting or landscaping conditions in the Mulholland Specific Plan area.

Ms. Erin Strellich
City of Los Angeles
3003 Runyon Canyon Project - ENV-2016-4180-EIR
September 23, 2019
Page 5

Both the proposed project and Alternative B would introduce a substantially greater total amount of light into the Runyon Canyon Park habitat area no matter how well a project of that size is mitigated shy of having no windows. In addition cars and delivery vehicles potentially using high beams would use the public road through the park at night. There are no vehicle trip limitations in either the day or nighttime. An area that is now quite dark would experience substantial irreversible change in regard to all night illumination. The DEIR fails to quantify this additional light and its potential deleterious impacts on wildlife from insects to mammals to birds. Reptiles lie on hot roads at night during the summer too.

These light impacts are exacerbated because they would be in the northeastern corner of the park which is the only adequate movement corridor out of the park eastward towards Cahuenga Pass. As proposed the project and all of its development DEIR alternatives would result in unavoidable significant adverse impacts to the sustainability of many species in the eastern Santa Monica Mountains ecosystem. The DEIR conclusion that the project would not result in such significant impacts just because wildlife movement is not blocked and because there are no special status species is flawed and fails to consider evidence provided in the Conservancy's Notice of Preparation comments.

The DEIR is further deficient because it does not address potential implications of permanent habitat conversion for fuel modification on public land. Annual fuel modification zones (particularly on the drier south face of the range) inevitably lead to a habitat type conversion that favors non-native annual weeds. Those directly impacted zones can then adversely affected proximate areas thus increasing the impact footprint. In essence the proposed project would permanently degrade approximately two acres of existing public chaparral habitat. The conversion of two acres of habitat in the sensitive eastern Santa Monica Mountains ecosystem is a significant impact. That impact must be avoided in this case by siting the project to result in no additional fuel modification on public land and to maximize the overlap of any newly required fuel modification perimeter with the existing fuel modification zone of the existing onsite house.

The DEIR is further deficient for not addressing the footprint expansion of the park's Argentine ant population with the extension irrigation that would be necessary to both establish and maintain vegetation on the proposed new two acres of manufactures slopes adjacent to parkland. If such slopes are not irrigated the vegetation cover would be insufficient to prevent high levels of erosion into public parkland.

Ms. Erin Strellich
City of Los Angeles
3003 Runyon Canyon Project - ENV-2016-4180-EIR
September 23, 2019
Page 6

Addition Visual Impact

The DEIR is further deficient for totally failing to address visual impacts from the West Ridge Hiking Trail in the park. Over a quarter-mile of continuous trail at a substantially higher elevation looks directly down on the proposed development area. That view is directly onto the west side of the development area where the proposed house is sited. The DEIR fails to address that public agencies just invested over \$7 million to buy the land that holds this section of existing public trail. That trail includes destination points that are scenic vistas. The DEIR does not adequately analyze potential impacts to these scenic vistas.

The proposed project places over 13,000 square feet of development and two acres of fill slopes on prominent terrain that is flanked by heavily-used public trails. The dry south facing chaparral slopes do not exhibit much green or dark color in the summer and fall months. Irrigated grass and succulent roofs and glass windows provide imagery in direct contrast to the existing dry season landscape. In addition the project would be surrounded by a distinct band of cleared chaparral (2.88 acres) for fire protection. In no way can such a project be aesthetically integrated into the park viewshed. The degree of contrast is too great. The project would thus substantially degrade the existing visual character and quality of public views of the site and its surroundings. Why would the City even contemplate such visual degradation when so many less damaging feasible alternatives have been described in this letter?

The DEIR fails to address the fact that the shown fuel modification perimeter extends eastward beyond North Runyon Road. The fuel modification area is a permanent change in visual appearance that is recognizable from distance most times of year and increasingly so due to global warming effects. The DEIR visual impact analysis must explore if that east facing fuel modification zone is visible from public locations in the Mulholland Scenic Corridor.

Although the park is closed at night, it is a public resource, and by permission, researchers and groups can take night and full moon hikes in the park. Both the proposed project and Alternative B would introduce a substantially greater total amount of light into the Runyon Canyon Park habitat area no matter how well a project of that size is mitigated shy of having no windows. In addition cars and delivery vehicles potentially using high beams would use the public road through the park at night. There are no vehicle trip number or time limitations in either the day or nighttime. An area that is now quite dark would experience substantial irreversible change in regard to all night illumination and thus result in substantial dark sky impacts and nighttime enjoyment of the park. For the above reasons

Ms. Erin Strellich
City of Los Angeles
3003 Runyon Canyon Project - ENV-2016-4180-EIR
September 23, 2019
Page 7

both the proposed project and all of its development alternatives would result in unavoidable significant adverse visual impacts.

Miscellaneous DEIR Deficiencies

The DEIR fails to adequately explain how the project disturbance footprint could change between the two scenarios of retaining 14,000 cy of cut on site or exporting it offsite. For example do the parallel 305-foot-long retaining walls remain in the dirt export scenario?

The applicant has cut an extensive network of trails on slopes exceeding 35 percent with some leading directly to parkland. The DEIR must address if these trail would remain with any approved project and if their impacts should be considered cumulatively in the DEIR.

North Runyon Road is a not a public street. How does the proposed project avoid the City requirement that new development must be on parcels that abut a Public street? The existing road is a paved fire road that is closed to public motor vehicle access per the DEIR.

To ensure that North Runyon Canyon Road is never lit, the DEIR must include a mitigation measure that prohibits lighting of the road to benefit the proposed project property.

The DEIR is flawed in its analysis of public services. The proposed project site is surrounded by at least 650 feet of downslope chaparral on every side and is at least one half mile from any non-wildland terrain. It is doubtful if Runyon Canyon was on fire that a City fire truck would enter the park to protect the subject houses.

The DEIR is deficient because it bases multiple impact analysis on the premise that just one couple (the existing couple) will permanently occupy both houses. The DEIR analysis on traffic in regards to biological, visual, and recreation impacts does not address the probable scenario that the house will host parties and larger families in the near term. Thus all of the mitigation measures that address these issues are flawed because the traffic and visitor volumes cannot be controlled or enforced by the lead agency. Some such limits must be established to make impact analysis conclusions.

Another example of an unenforceable mitigation measure is the proposed green roofs covered with grass and succulents. Those roofs are key visual mitigation measures in the DEIR. However the City cannot enforce the maintenance and appearance of those green roofs. A derelict owner or mandatory water use cutbacks could result in brown roofs with shedding plant materials thus exposing underlying metal. The project must be designed to not be visually intrusive by re-siting it and cutting the house size by 75 percent.

Ms. Erin Strelch
City of Los Angeles
3003 Runyon Canyon Project - ENV-2016-4180-EIR
September 23, 2019
Page 8

The DEIR is further flawed because it provides no detail about the proposed onsite wastewater treatment plant. Has the site perked?

The DEIR is further flawed because there is no analysis of how the project's drainage and runoff will be handled when it hits parkland. Will the City require V-ditches on the approximately one-acre fill slope? Will the City require energy dissipaters where onsite drainage contacts parkland? There are multiple potential biological, geological, recreational, and visual impacts that could result from the handling of onsite runoff. This is a major and fatal omission in the DEIR.

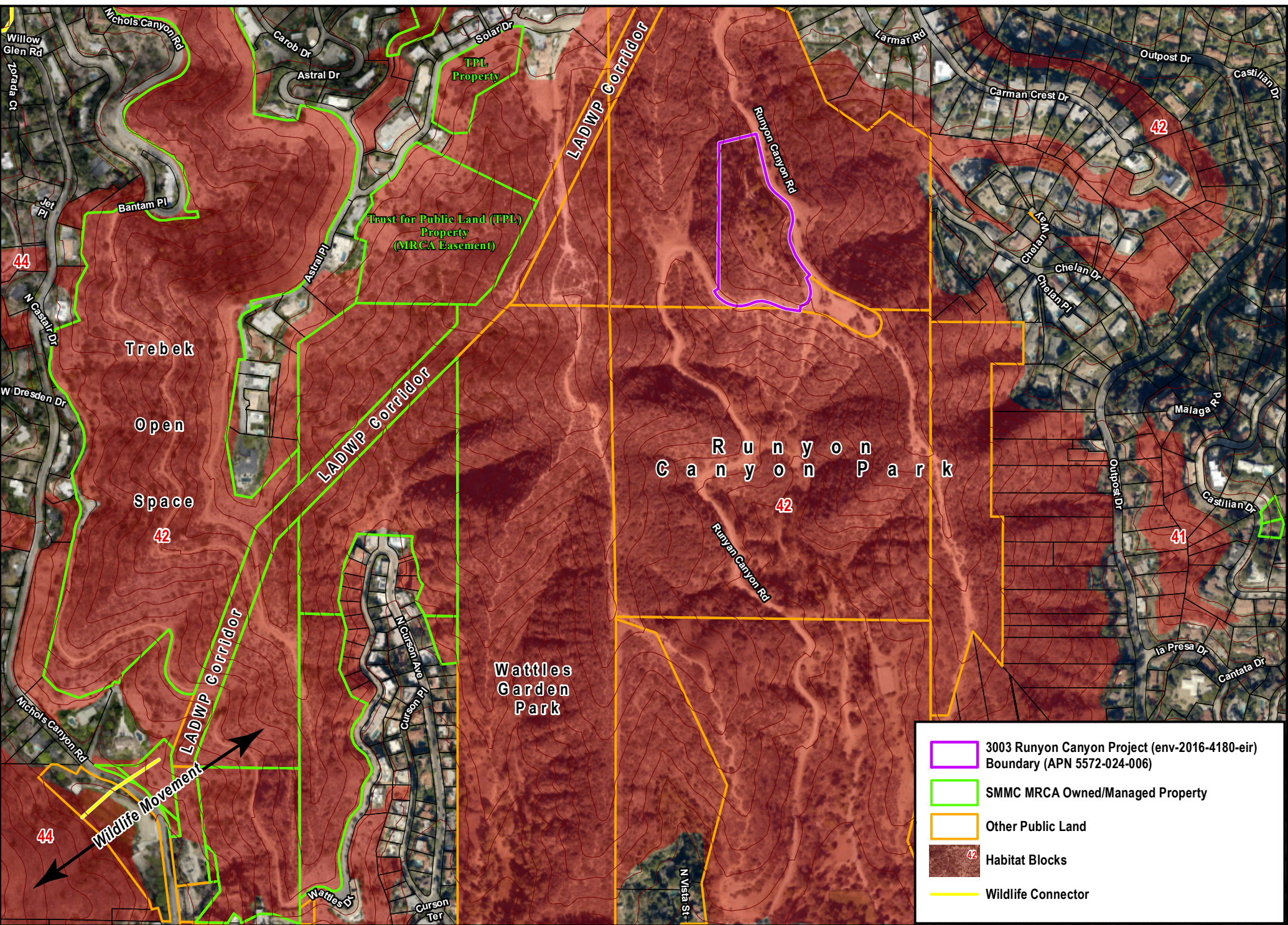
Further correspondence and notice regarding this project should be sent to the attention of Paul Edelman, Deputy Director of Natural Resources and Planning, at King Gillette Ranch, 26800 Mulholland Highway, Calabasas, California 91302.

Sincerely,



IRMA R. MUÑOZ
Chairperson

#



SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207
WWW.SMMC.CA.GOV



April 29, 2015

Mulholland Design Review Board
City of Los Angeles
6262 Van Nuys Boulevard, Suite 351
Van Nuys, California 91401

DIR-2015-1419-DRB-MSP-P, 3003 Runyon Canyon Road

Dear Design Review Board Members:

The Santa Monica Mountains Conservancy (Conservancy) has reviewed the submitted package for the proposed inholding project in the City's Runyon Canyon Park and offers the following comments.

Given that this lot is located dead center in the City's most heavily used natural park outside of Griffith Park, the site of any and all improvements within the lot is critical. The ultimate house site must minimize visibility from all usable portions of Runyon Canyon Park and from any adjoining public parklands and Mulholland Drive. The ultimate site must minimize direct and indirect impacts to the park's ecology and watersheds. The design of the house must also blend into the landscape.

The proposed house is in the worst possible location for minimizing impacts to public parkland. The proposed house would introduce adverse lighting and permanent fuel modification impacts where currently there are none. The proposed house design and form do not blend into the landscape.

We encourage the applicant to choose a location well away from the prominent nose of a prominent ridgeline. It is improbable that a new house of anywhere near the proposed dimension can be sited in this general vicinity of the property without resulting in unavoidable significant adverse visual and ecological impacts.

It takes a lot of water to hide a large house with landscaping. That objective is even tougher when most of the dirt is at a much lower elevation than the house. The water demands to establish and maintain such landscaping on an exposed ridge with extremely well drained rocky soils would be substantial.

Mulholland Design Review Board
DIR-2015-1419-DRB-MSP-P, 3003 Runyon Canyon Road
April 29, 2015
Page 2

In short the proposed project falls very far short of meeting the objectives and policies of the Mulholland Specific Plan.

Lastly we encourage the applicant to make a conservation easement to the Mountains Recreation and Conservation Authority an integral and inseparable part of the project proposal. The approximately 4.5-acre property has lots of viewshed, watershed, and habitat that is integral to Runyon Canyon Park's resources. Every square foot of a proposed project that is not part of the development footprint should be protected by a conservation easement. That conservation easement would only allow fuel modification as required by the Fire Department and the cultivation of plants native to the eastern Santa Monica Mountains.

If either the staff or applicants have any questions, please contact me at 310-589-3200 ext. 128 or by e-mail at edelman@smmc.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Edelman", with a stylized flourish at the end.

PAUL EDELMAN
Deputy Director
Natural Resources and Planning