
III. PROJECT DESCRIPTION

A. PROJECT APPLICANT

The project applicant for the proposed project is an individual:

Mr. Jayesh Kumar
2010 North Highland Avenue
Los Angeles, CA 90068

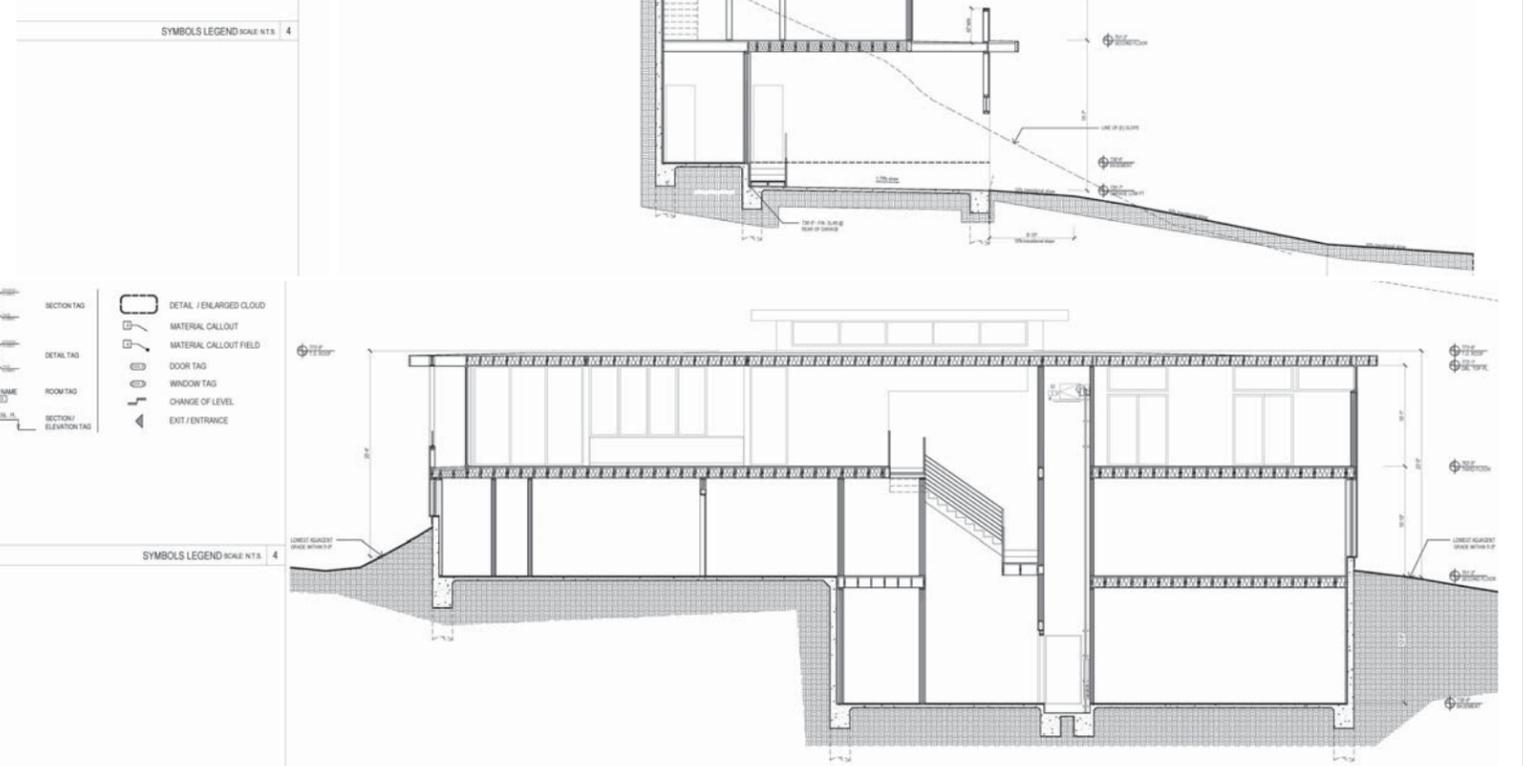
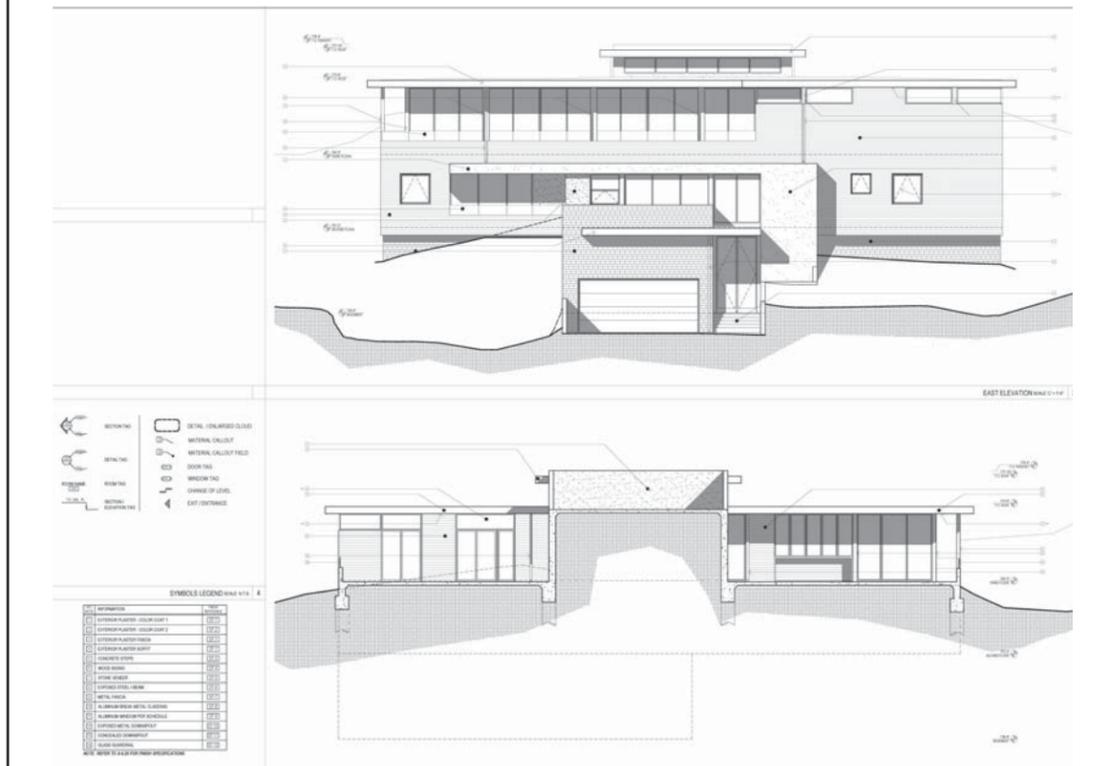
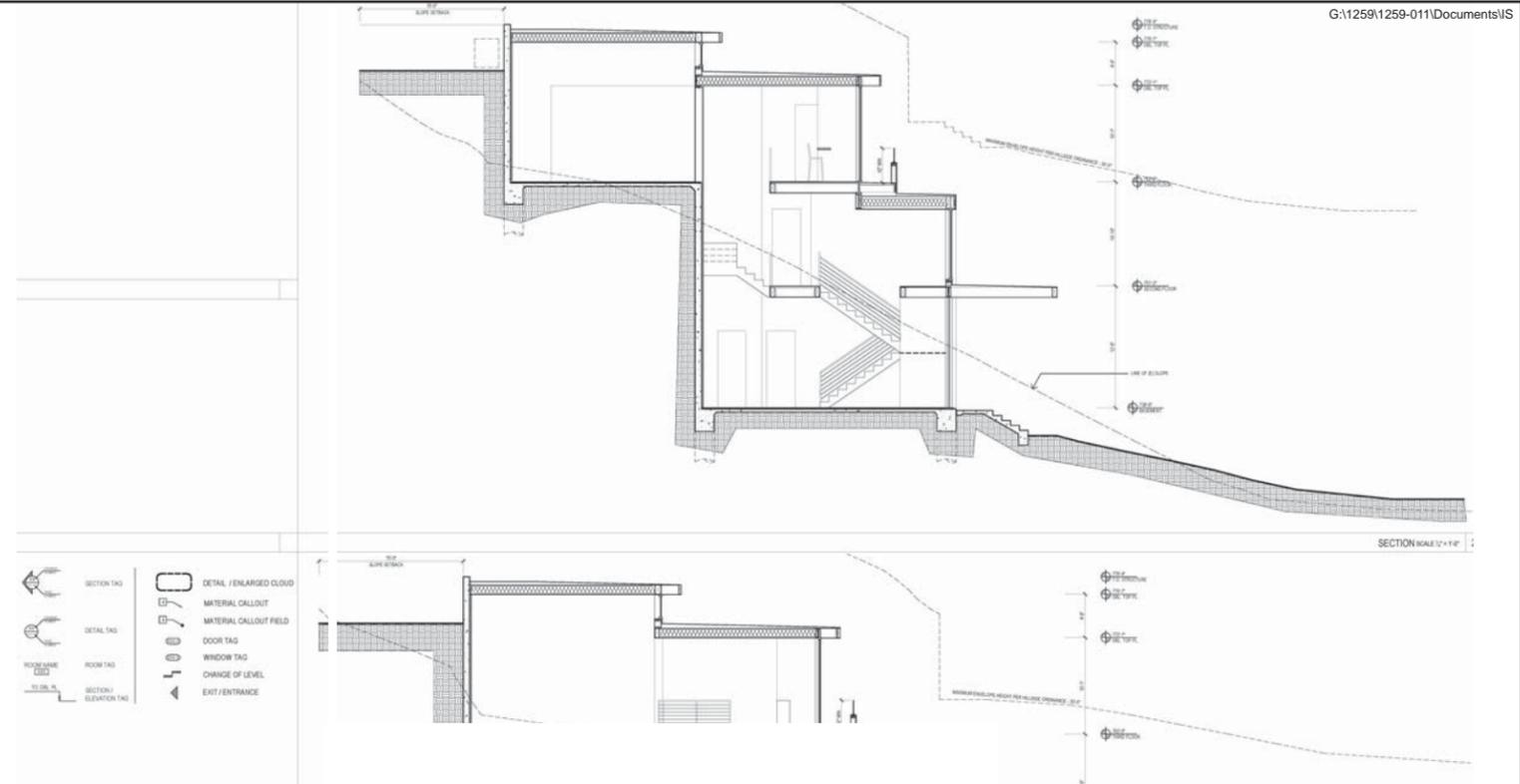
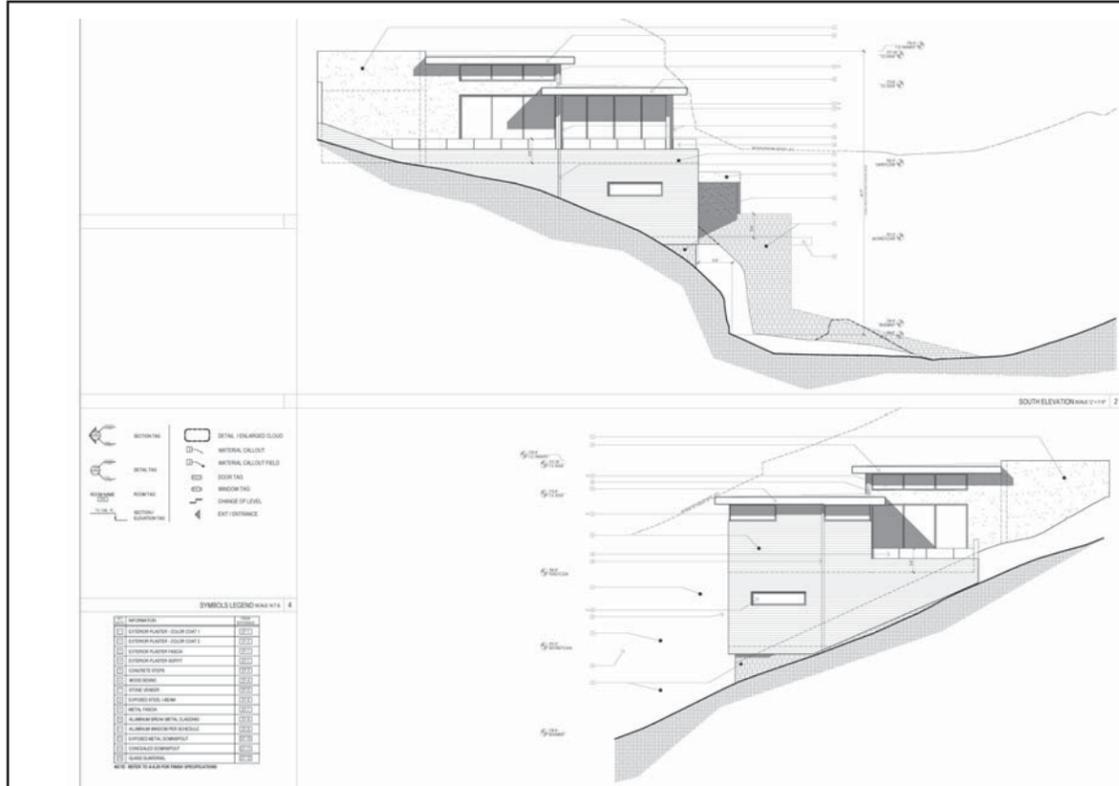
B. PROJECT CHARACTERISTICS

The proposed project is the development of a two-story single-family residence with basement (approximately 3,826 square feet in area) including a stacked stall four-car garage (Figure III.B-1, *Site Plan*). The proposed project would be designed in a modern style with natural exterior finish materials. The layout of the house would follow the natural grade by creating different levels and outdoor spaces in order to follow the natural topography.

Project Features

The proposed project would include an approximately 3,000-cubic-foot swimming pool; outdoor living areas (barbeque area and patio); a landscaped area; open space; a fence surrounding the property; and an entrance gate. A backyard retention wall (maximum height of 10 to 12 feet) would be designed to protect the building from mudslide and debris and to divert rainwater. The foundation of the house would be composed of concrete footings and pads. The building framing would consist of a wood structure and slab constructed at grade with movement-resistant frames and plywood shear walls. The maximum plumb line (vertical) height of the residence envelope would not exceed the Baseline Hillside Ordinance's maximum of 30 feet from grade (Figure III.B-2, *Building Elevations and Sections*). The lot depth is 97 feet, 4 inches, and the lot width is 230 feet, 0 inches. The 3,826-square-foot single family residence would occupy approximately 17 percent of the 22,282-square-foot lot. The proposed project has been designed to conform with the outer corridor requirements of the Mulholland Scenic Parkway Specific Plan. The proposed project would meet all setback, maximum residential floor area, and grading requirements pursuant to the Baseline Hillside Ordinance (Figure III.B-3, *Setback Diagram*, Figure III.B-4, *Grading Plan*). However, the proposed project, which would involve 1,203 cubic yards (cy) of export, would require a variance from the City's Baseline Hillside Ordinance because it would exceed the Hillside Ordinance's export limits, which is no more than 1,000 cy for a property that fronts onto a Standard Hillside Limited Street or larger.¹

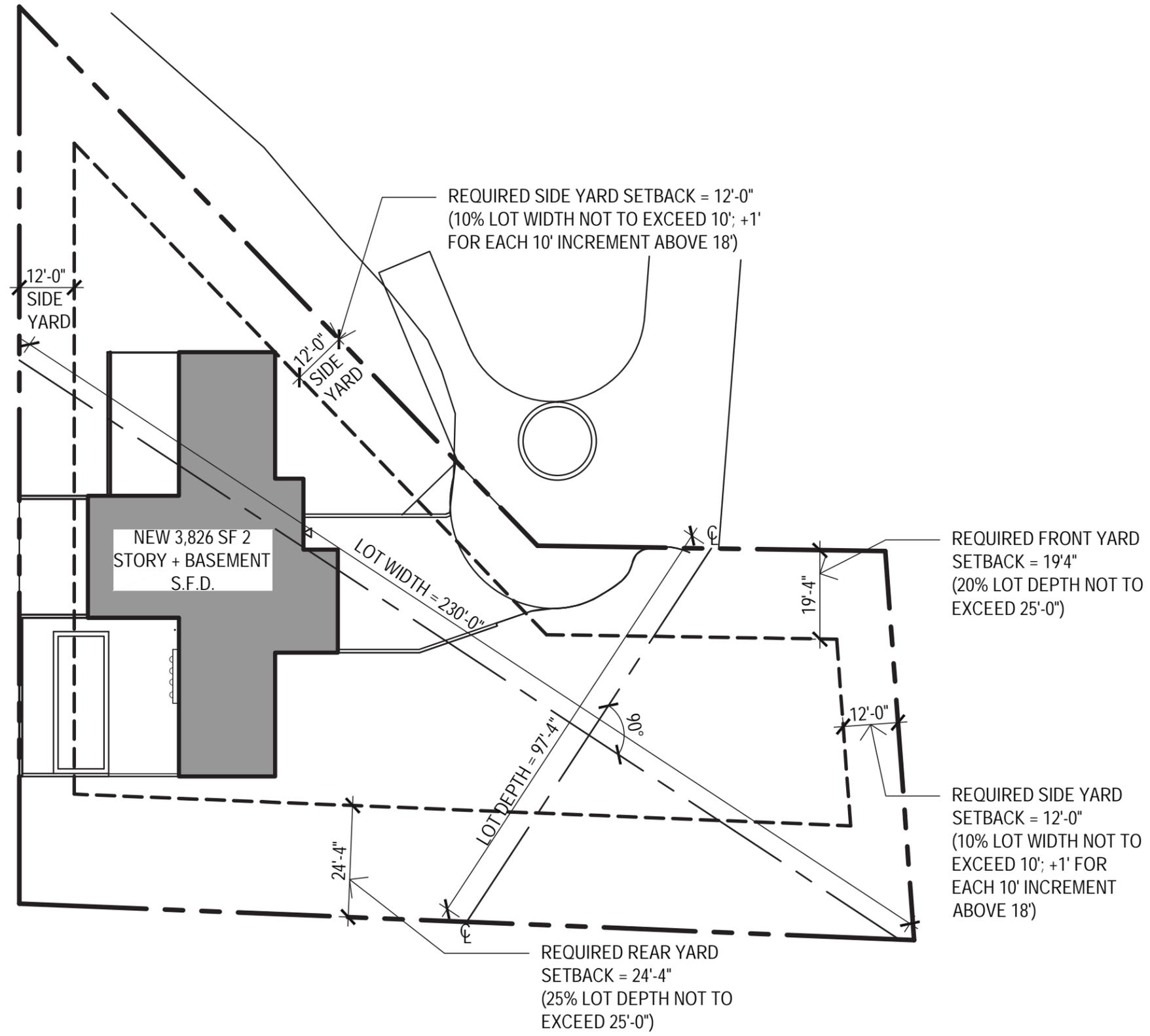
¹ City of Los Angeles Department of City Planning. 30 March 2011. Ordinance No. 181624. Available at: http://planning.lacity.org/Code_Studies/HillsideAreaDefinitionAmendment/AdoptedBaselineHillsideOrdinance.pdf



SOURCE: L&V Architects Inc.



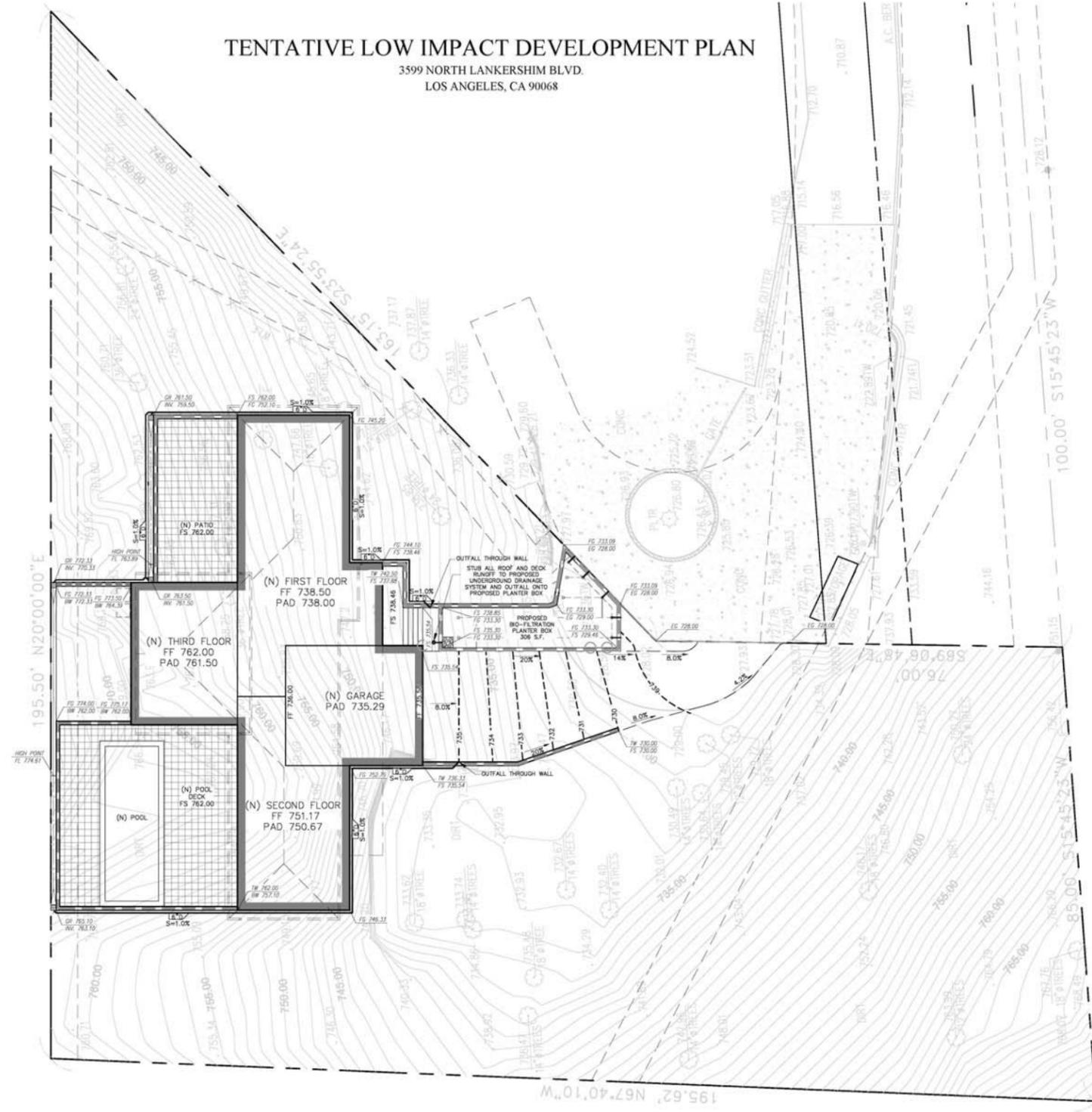
FIGURE III.B-2
Building Elevations and Sections



SOURCE: L + V Architects, Inc.



FIGURE III.B-3
Setback Diagram



EARTHWORK QUANTITIES

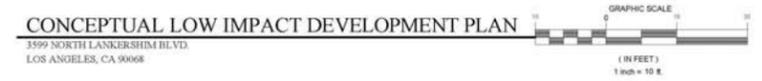
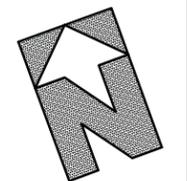
UNDER BUILDING FOOTPRINT
 CUT = 994 C.Y.
 FILL = 0 C.Y.

OUTSIDE BUILDING FOOTPRINT
 CUT = 339 C.Y.
 FILL = 130 C.Y.

TOTAL:
 CUT = 1,333 C.Y.
 FILL = 130 C.Y.

MAX CUT = 22'
 LOCATED ON THE MOST WESTERLY CORNER OF THE 1ST LEVEL

MAX FILL = 10'
 LOCATED @ THE MOST EASTERLY CORNER OF THE PROPOSED ROOF LEVEL SIDEYARD



SOURCE: Bolton Engineering Corp.



FIGURE III.B-4
Grading Plan

Sewer infrastructure in the vicinity of the proposed project includes an existing 8-inch line on Lankershim Blvd. and an existing 8-inch line on Fredonia.² The proposed project would require the construction of an underground connection to the existing sewer line/utility easement at the northeastern edge of the property.³ The sewage from the existing 8-inch line discharges into a series of 12-inch and 15-inch pipes until it reaches a 24-inch sewer line on Lankershim Boulevard, and is eventually conveyed to the Los Angeles County sewer network, as shown on Figure 1 of the Notice of Preparation (NOP) comment letter from LA Sanitation, Wastewater Engineering Services Division (WESD) (see Appendix C, *Notice of Preparation Comment Letters*). The project study area is served by the Hyperion Treatment Plant (HTP), located at 12000 Vista Del Mar, Los Angeles, California 90293, which has a design capacity of 450 million gallons per day (mgd) and currently treats an average of 362 mgd to primary and secondary treatment standards, using three levels of filtration treatment before discharging the treated wastewater 5 miles offshore.⁴ The remaining capacity of the HTP is, therefore, approximately 88 mgd, or 19.5 percent of its total capacity. The proposed project site would not generate sewer flows containing constituents that would jeopardize the ability of HTP to operate within its established wastewater requirements. As with all wastewater treated by HTP, wastewater from the proposed project would be treated according to the treatment requirements enforced by the National Pollutant Discharge Elimination System (NPDES) permit authorized by the Los Angeles Regional Water Quality Control Board (RWQCB). LA Sanitation, WESD has calculated the projected wastewater discharges for the proposed project as an average daily flow of 22,717 gallons per day (gpd; 275 gpd for residential use and 22,442 gpd for a swimming pool), and determined that the sewer system might be able to accommodate the total flow for the proposed project, but further detailed gauging and evaluation will be needed as part of the permit process to identify a specific sewer connection point (see Appendix C). As a swimming pool is not typically drained daily, the proposed project is anticipated to generate 275 gpd, and the HTP has the capacity to treat all wastewater that would be generated by the proposed project, including peak flows from the swimming pool. If the public sewer has insufficient capacity at its local connection, the Applicant would be required to build sewer lines to a point in the sewer system with sufficient capacity.

As stated in Section 17, *Utilities*, of the Initial Study (Appendix B), the proposed project would include the construction of new storm water drainage facilities. From the driveway, the storm water would run to an existing storm drain adjacent to the driveway gate on Lankershim Boulevard. The construction of these storm water drainage facilities would conform with the Los Angeles Department of Public Works Low Impact Development Manual as identified in the *Development Best Management Practices Handbook*.⁵ Rainwater would be collected from the building and impervious portions of the site and be used to irrigate planters on the property. Water runoff off from these areas would be treated in specially constructed planters (bio filtration) prior to discharging to the storm drain system. Most of the water would be retained in the planters and used by the vegetation within. As the project site is a flag lot connected to a private driveway instead of a roadway and sidewalk of the public right-of-way, the on-site planter boxes are the project's best management practices (BMPs) that addresses the intent of the Green Streets Initiative, but the project does not involve any elements in the parkways between the roadway and sidewalk of the public right-of-way.

² City of Los Angeles Department of Public Works, Bureau of Engineering. Accessed 4 November 2015. NavigateLA: 7320. Available at: http://navigatea.lacity.org/common/mapgallery/pdf/wastewater/ww_images/rcf7320-1.pdf

³ City of Los Angeles Department of Public Works, Bureau of Engineering. Accessed 4 April 2016. NavigateLA. Available at: <http://navigatea.lacity.org/navigatea/>

⁴ City of Los Angeles Bureau of Sanitation. Accessed 4 November 2015. About Wastewater. Available at: <http://lacitysan.org/wastewater/factsfigures.htm>

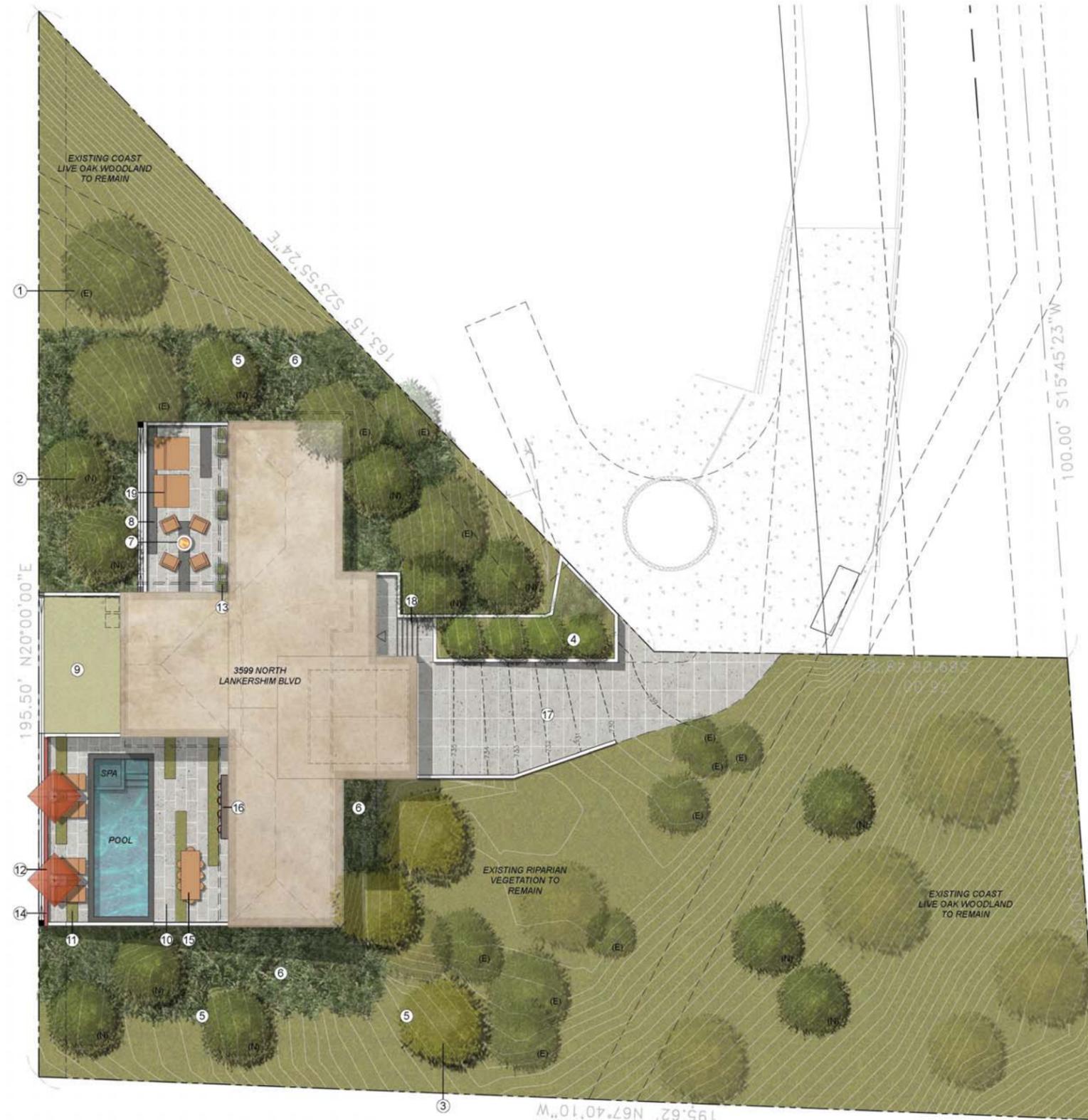
⁵ City of Los Angeles Sanitation Department of Public Works. June 2011. Development Best Management Practices Handbook: Low Impact Development Manual, Part B, Planning Activities. 4th edition. Available at: http://www.lastormwater.org/wp-content/files_mf/lidhandbookfinal62212.pdf

The proposed project would require the removal of three coast live oak trees (*Quercus agrifolia*) and one scrub oak tree (*Quercus berberidifolia*). As a result of the removal of these four native oak trees, twelve coast live oak trees would be planted on-site as part of the project's landscaping (see Figure III.B-1). The remaining oak trees surrounding the project footprint would be preserved in place using BMPs during construction, such as fencing off the areas under the tree drip line as much as possible to avoid causing compaction from construction. The proposed project would also involve the planting of three new native sycamore trees adjacent to the southern side of the riparian zone to provide additional visual shielding from the point along Mulholland Drive where the proposed residence would otherwise have the potential to be visible. The landscaping surrounding the residence would consist of native and/or drought tolerant plant material, the majority of which were selected from the Preferred Plant List of the Mulholland Scenic Parkway Specific Plan (MSPSP) Design and Preservation Guidelines, and none of which are on the MSPSP's Prohibited Plant List (Figure III.B-5, *Landscape Plan*, and Figure III.B-6, *Proposed Plant Materials*).⁶

The proposed project is consistent with the following applicable MSPSP guidelines:

- **Goal 1, Objective 1.1, Guideline 1: Natural Topography**
 - The proposed project is concentrated on 17 percent of the lot to minimize the surface area where the natural topography is affected. The project has been designed with a stepped profile so that the southeastern patio and the entrance/garage are located near the natural topography.
- **Goal 1, Objective 1.1, Guideline 5: Site Permeability**
 - The project has been designed to occupy a total of 24.7 percent (5,503 square feet) of the lot area, including driveways, patios, pool decks, and the building footprint, below the 50 percent limit.
- **Goal 1, Objective 1.1, Guideline 6: Site Fencing**
 - The project is situated outside the right-of-way of Mulholland Drive and fences and, due to the project site's location within a canyon in the outer corridor of the MSPSP area, any walls surrounding the property would not be visible from Mulholland Drive.
- **Goal 1, Objective 1.1, Guideline 7: Additional On-Site Parking**
 - The project has been designed with all parking to be contained within a stacked garage.
- **Goal 1, Objective 1.2, Guideline 10: Site Grading**
 - With hardscape, the project is concentrated on 24.7 percent of the lot to minimize the surface area where the natural topography is affected. Grading would be limited to the building footprint, plus a 5-foot apron. Grading would not extend into the Mulholland right-of-way.
- **Goal 1, Objective 1.2, Guideline 11: Landform Grading**
 - Including hardscape areas, the project is concentrated on 24.7 percent of the lot to minimize the surface area where the natural topography is affected, with no graded slopes outside the building and hardscape footprint.
- **Goal 1, Objective 1.2, Guideline 14: Natural Drainage Patterns**
 - Including hardscape areas, the project is concentrated on 24.7 percent of the lot to minimize the surface area where the natural topography is affected, with no graded slopes outside the building and hardscape footprint.

⁶ City of Los Angeles Department of City Planning. [Approved 22 May 2003]. Amended 24 September 2009. Mulholland Scenic Parkway Specific Plan Design and Preservation Guidelines. Available at: <http://cityplanning.lacity.org/complan/specplan/pdf/mulholguidelines.pdf>



- ① (E) PROTECTED OAK TREES TO REMAIN
- ② (N) NEW NATIVE OAK TREES. MINIMUM (6) PER MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN
- ③ (3) NEW NATIVE SYCAMORE TREES
- ④ FRUITLESS OLIVE ACCENT TREES AT LID PLANTER, UNDERPLANTED WITH CEANOTHUS 'YANKEE POINT' AND ECHIUM SPP. ACCENT PLANTING
- ⑤ NEW TREES ADD VISUAL SCREENING TO NEIGHBORING PROPERTIES AND MULHOLLAND PARKWAY
- ⑥ MAXIMUM IMPACT ZONE TO BE RESTORED TO COAST LIVE OAK WOODLAND USING EXISTING ON-SITE PLANT TYPES AND THE APPROVED MULHOLLAND PLANT LIST
- ⑦ GARDEN PATIO WITH FIRE PIT AND LOUNGE SEATING
- ⑧ PAVERS OR ARCHITECTURAL CONCRETE. 'STAGGERED' PATTERN WITH DARK ACCENT BANDS
- ⑨ UTILITY SPACE (POOL EQUIPMENT AND AC UNITS). LANDSCAPE TO BE USED FOR SCREENING IN THIS AREA.
- ⑩ POOL DECK. PAVERS OR ARCHITECTURAL CONCRETE. 'STAGGERED' PATTERN
- ⑪ FAUX GRASS PAVING "JOINTS"
- ⑫ CHAISE LOUNGES WITH UMBRELLAS
- ⑬ POTTED ACCENT PLANTING
- ⑭ COLOR ACCENT WALL TREATMENT
- ⑮ OUTDOOR DINING TABLE
- ⑯ OUTDOOR BAR
- ⑰ DRIVEWAY. ARCHITECTURAL INTEGRAL COLOR CONCRETE
- ⑱ ENTRY. ARCHITECTURAL INTEGRAL COLOR CONCRETE
- ⑲ (2) OUTDOOR DAYBEDS

PLANT LIST: RESTORED IMPACT ZONE:

- 5 GAL - ACMISPON GLABER
- 5 GAL - ADENOSTOMA FASCICULATUM
- 5 GAL - ARTEMISIA CALIFORNICA
- 5 GAL - BACCHARIS SALICIFOLIA
- 5 GAL - CEANOTHUS SPINOSUS
- 5 GAL - HETEROMELES ARBUTIFOLIA
- 5 GAL - MIMULUS AURANTIACUS
- 1 GAL - ROMNEYA COULTERI
- 5 GAL - SALVIA CLEVELANDII
- 5 GAL - RHAMNUS SP.

SOURCE: G



FIGURE III.B-5
Landscape Plan



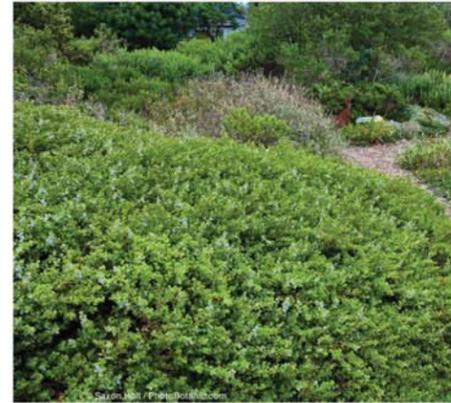
Acmispon glaber
Common Deerweed



Adenostoma fasciculatum
Chamise



Artemisia californica
California Sagebrush



Baccharis pilularis 'Pigeon Point'
Dwarf Coyote Bush



Ceanothus thyrsiflorus 'Yankee Point'
Yankee Point Ceanothus



Ceanothus spinosus
Greenbark Ceanothus



Hesperaloe parviflora
Red Yucca



Heteromeles arbutifolia
Toyon



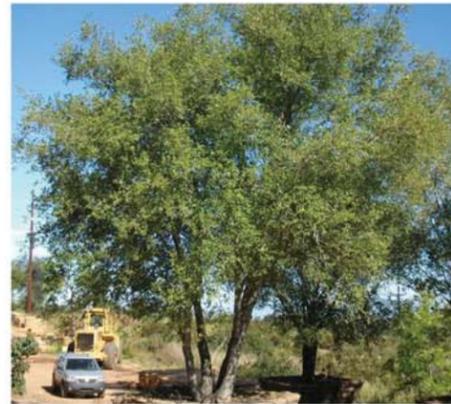
Lyonothamnus f. ssp aspleniifolius
Santa Cruz Island Ironwood



Rosa californica
California Wild Rose



Platanus racemosa
California Sycamore



Quercus agrifolia
Coast Live Oak



Romneya coulteri
Variegated Maiden Grass



Salvia leucophylla
Purple Sage



Rhamnus crocea
Redberry

SOURCE: Gaudet Design Group

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FIGURE III.B-6
Proposed Plant Material

- **Goal 1, Objective 1.4, Guideline 17: Visibility Study**
 - A visibility study was prepared to determine visibility from all lines of sight along Mulholland Drive within a three-quarter-mile radius of the project site. The visibility study determined that the project would not be visible due to intervening topography and large shrubs and trees in the foreground.

Sustainable Features

The proposed project would comply with the 2011 Los Angeles Green Building Code and the Low Impact Development (LID) Ordinance. The project applicant has incorporated several features into the proposed project to comply with existing regulations and avoid or minimize the potential for significant impacts, pursuant to Section 15063 of the California Environmental Quality Act (CEQA). The sustainable features of the project are comprised of passive and active systems.

Passive Systems:

- Site Planning / Orientation:
 - Footprint Minimization:
 - The building comprises three levels, thus minimizing the footprint, resulting in a more energy efficient building, and reducing the impervious surface area on the site.
 - The building footprint is minimized to only 17 percent of the site, thus allowing for the majority of the natural environment to be retained.
 - The building is set back from the ephemeral drainage pattern, conserving the natural water course on the site.
 - Large yards are maintained around the building, exceeding the minimum required by code, and allowing for natural landscape to be conserved on the site.
 - Passive Solar Shading:
 - The project is oriented so that the major axis of the building is on the north-south axis, limiting the harsh southern exposure.
 - The western façade of the building is limited to one story and is oriented so that the upslope of the hillside cuts out the intense, late afternoon western sun.
 - Large overhangs extending out past exterior walkways and balconies limit the amount of direct sun light that can enter the building.
 - Natural Ventilation:
 - The project site is subject to predominant winds from the south/southwest direction. As such, the top story of the building, where heat gain will be the greatest, is composed of a fully operable window wall system allowing for the predominant wind patterns to passively cool the space.
 - Large operable openings are oriented on opposing walls, allowing for ample cross-ventilation.
 - Natural Day Lighting:
 - The building capitalizes on the mild eastern exposure by having the majority of the floor to ceiling fenestration oriented toward the east. This allows for ample indirect sunlight to enter the space throughout the majority of the day and limits the amount of time that artificial light will need to be used. During winter months, the eastern light will aid in heating of the space in the morning, while in the summer months the large overhangs will limit the amount of direct sunlight allowing the space to remain cool.

- Thermal Mass:
 - The basement, first, and second stories of the building are carved into the hillside, creating high thermal mass that prevents solar heat gain from the harsh western exposure.
- Landscape:
 - A landscape of native drought tolerant plant material will be installed. Eleven of the 15 plant species specified are listed on the Preferred Plant List of the MSPSP Design and Preservation Guidelines, and the four other proposed plant species that are not on the Preferred Plant List (deerweed, flowered yucca, Santa Cruz Island Buckwheat, and redberry) are native or climate appropriate to Southern California.
- Building Materials:
 - Natural Recyclable Materials:
 - All natural exterior finish materials will be used on the building, allowing for future recycling of the building materials upon demolition of the structure.
 - Low VOC and Formaldehyde Free Paints and Coatings:
 - Reduces “off-gassing” that can result in dangerous pollution and improves indoor air quality.
 - Glazing
 - All glazing will be double pane, low-E, tempered glazing that will reduce heat gain.
 - Cool Roof
 - The roof will be constructed with a cool roof covering that will reflect much of the sun’s heat energy and reduce heat gain.
 - Pervious Paving:
 - The driveway will be constructed with pervious paving, thus minimizing the concentrated runoff from the site and enabling groundwater recharge.

Active Systems:

- Solar Energy
 - The building will be wired for a roof mounted photovoltaic system.
- Electrical Vehicle Charging Station
 - The building will be wired for an electrical vehicle charging station within the enclosed garage.
- Rain Water Collection System (compliance with LID Ordinance BMP)⁷
 - Rainwater will be collected from the building and impervious portions of the site; it will be used to irrigate planters on the property. Water runoff off from these areas will be treated in specially constructed planters (bio filtration) prior to discharging to the storm drain system. Most of the water will be retained in the planters and used by the vegetation within.

⁷ City of Los Angeles Bureau of Sanitation. June 2011. Development Best Management Practices Handbook: Low Impact Development Manual, Part B, Planning Activities. 4th edition. Appendix E: Small Scale Residential Prescriptive Measures (4 Units or Less). Available at: http://www.lastormwater.org/wp-content/files_mf/appxesmallscaleresidentialworsheet55.pdf

- Lighting:
 - High efficacy lighting will be used throughout the project, both interior and exterior.
- HVAC System:
 - An energy-efficient heating, ventilation, and air-conditioning (HVAC) system will be incorporated that utilizes R410A refrigerants that do not harm the ozone layer and reduces energy consumption.
 - A multi-zone system will be used so that the top level, where heat gain is the highest, can be cooled independently of the other two stories; thus reducing energy consumption.
- Appliances:
 - All appliances will be energy efficient Energy Star Certified appliances.

Construction Scenario

The construction of the proposed residence at 3599 Lankershim Boulevard would require approximately 15 months to complete. Site preparation and construction of the above project elements would be undertaken in accordance with all federal, state, county, and City building codes. As permitted by the Municipal Code, chapter 4, article 1, section 41.40, daily construction activities would commence at 7:00 a.m. and cease no later than 9:00 p.m. on weekdays, and commence at 8:00 a.m. and cease no later than 6:00 p.m. on Saturdays and holidays. Work would not be conducted on Sundays. Construction equipment would be turned off when not in use. The construction contractor would be required to ensure that all construction and grading equipment is properly maintained. All vehicles and compressors would use exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times. Approximately 20 workers would be expected to be on the site during peak construction activity periods. Fewer than 10 workers would be expected on the site during non-peak construction activity periods. Site improvements for the proposed project would involve a total of approximately 1,333 cy of cut and 130 cy of fill, with a maximum cut of approximately 22 feet deep at the most westerly corner of the first level of the proposed residence and a maximum fill at a depth of approximately 10 feet at the most easterly corner of the proposed roof level side yard.⁸

The plans and specifications for the proposed project would include a requirement for the construction contractor to comply with all provisions of the NPDES Program administered by the Los Angeles RWQCB as they relate to avoiding impacts on storm water quality during construction. All grading and earthwork would be performed under the observation of a geotechnical engineer to ensure proper subgrade preparation, selection of satisfactory materials, and placement and compaction of structural fills. Any unanticipated adverse conditions encountered would be evaluated by the project engineering geologist and the soil engineer; then an appropriate recommendation would be made and implemented.

The construction contractor would be required to incorporate BMPs consistent with the guidelines provided in California Storm Water Best Management Practice Handbooks: Construction Activities and in the City of Los Angeles Department of Public Works, Bureau of Sanitation's Development Best Management Practices Handbook: Part A, Construction Activities.⁹ As the project site is less than 1 acre in size, a General Construction Stormwater Permit is not applicable, and no Storm Water Pollution Prevention Plan (SWPPP) is required. Should the construction period continue into the rainy season (between October 1 and April 15), a Wet Weather Erosion Control Plan (WWECP) would be submitted in

⁸ Bolton Engineering Corp. 3 March 2015. Tentative Low Impact Development Plan. Lomita, CA.

⁹ City of Los Angeles Department of Public Works, Bureau of Sanitation, and City of Los Angeles Watershed Protection. 29 September 2004. Development Best Practices Management Handbook: Part A, Construction Activities. Third Edition. Available at: http://www.lastormwater.org/wp-content/files_mf/parta.pdf

accordance with City Department of Public Works requirements (for Private Development, Less than One Acre of Soil Disturbance).^{10,11}

A list of the type and quantity of equipment that would potentially be used in the construction of the proposed residence at 3599 Lankershim Boulevard is presented in Table III.B-1, *Anticipated Construction Equipment*. The information contained in Table III.B-1 has been identified by L & V Architects, Inc., and was used in the assessment of potential construction impacts to air quality, ambient noise levels, and traffic and circulation.

**Table III.B-1
Anticipated Construction Equipment**

Type	Quantity (Approximate)	Estimated Number of Days Used/Trips to and from Site during Construction
Dozer	1	5 days/1 trip
Dirt dump trucks	3	10 days/30 trips
Bobcat	1	5 days/2 trips
Concrete trucks	12	5 days/12 trips
Back hoe	1	10 days/2 trips
Materials delivered by truck		
Cinder blocks	3	3 days/3 trips
Rebar	2	2 days/2 trips
Wood	5	5 days/5 trips
Drywall	1	1 day/1 trip
Mechanical equipment	3	3 days/3 trips
Appliances	1	1 day/1 trip
Cabinetry	2	2 days/2 trips
Accessories	5	5 days/5 trips
Roof tiles	1	1 day/1 trip
Landscape	5	1 day/1 trip
Fence	1	5 days/5 trips
Scaffold	2	2 days/2 trips

¹⁰ City of Los Angeles Department of Public Works, Bureau of Contract Administration. Revised October 2009. Wet Weather Erosion Control Plan. Available at: <https://bca.lacity.org/site/pdf/general/WWEC%20Manual%20for%20website%202009.pdf>

¹¹ City of Los Angeles Department of Public Works. Accessed 11 April 2016. Appendix D: Guidance for Local SWPPP/WWEC. Available at: http://ladpw.org/wmd/npdes/Dev_Construction/Appendix%20D.pdf

C. PROJECT OBJECTIVES

The goal of the project would be to provide additional housing. The location of the residence would be in close proximity (within five miles) to employment areas (City of Los Angeles). The proposed project would provide outdoor living areas, ventilation, exposure to sunlight, desirable city views, appropriate distances from adjacent properties, and a covered stacked stall four-car garage. The following is a list of identified and prioritized objectives that are important to achieving the proposed project goals:

- To design a project that conforms to the local character, the climate, and surrounding environment
- To allow for development of the site while minimizing tree removal, disruption to biological and cultural resources, and landform alteration
- Create infill development in close proximity to employment centers, without displacing any existing residents
- Exercise a substantial property right as enjoyed by other properties within the same zone and vicinity

D. DISCRETIONARY ACTIONS

As established in the building permit review process, a number of other agencies may have jurisdiction over some aspects of the proposed project. Other permits, ministerial or discretionary, may be necessary in order to execute and implement the proposed project. Such approvals may include, but are not limited to: landscaping approvals, exterior approvals, permits for driveway curb cuts, storm water discharge permits, grading permits, installation and hookup approvals for public utilities and related permits. The following discretionary actions are required for the project:^{12,13}

- CEQA – City of Los Angeles Department of City Planning
- Project Permit Compliance and Design Review – City of Los Angeles Department of City Planning and Mulholland Scenic Parkway Specific Plan Design Review Board
- Protected Tree Removal Permit – City of Los Angeles, Urban Forestry Division
- Variance for Grading (exceeding haul route export limits amount) – City of Los Angeles Department of City Planning
- Streambed Alteration Agreement – State of California Department of Fish and Wildlife

E. BACKGROUND

The current project for a 3,826-square-foot residence is the third iteration for a project design at this location. Previously, a Mitigated Negative Declaration (MND) was prepared and revised in response to circulation for public review for two previous designs (a 7,252-square-foot design, followed by a 5,218-square-foot design, which was reduced to 4,413 square feet). On May 7, 2006, the City of Los Angeles conditionally approved a project permit compliance and design review for a 5,218-square-foot residence and adopted the revised MND. On December 27, 2006, the South Valley Area Planning Commission again approved the project on appeal, with added conditions. Two Petitions for Writ of Mandate were filed with the Los Angeles Superior Court, which were consolidated, and it was determined by the Los

¹² City of Los Angeles Department of City Planning. Updated November 2015. *Filing Instructions for Design Review: Mulholland Scenic Parkway Specific Plan*. Available at: http://planning.lacity.org/Forms_Procedures/MulhollandWeb.pdf

¹³ City of Los Angeles Department of Public Works, Building and Safety Division. September 26, 2006. *One- and Two-Family Residential Building Code Requirements*. Available at: <http://www.ladpw.org/general/forms/download/1018.pdf>

Angeles Superior Court that an EIR was required based on the potential for significant impacts on aesthetics, biological resources, and geology and soils.¹⁴

Writ of Mandate

On March 19, 2007, Petitioners filed a Petition for Writ of Mandate with the Los Angeles Superior Court.¹⁵ The parties executed a stipulated stay in order to participate in further administrative proceedings, and filed a second Petition for Writ of Mandate on July 26, 2007. The cases were consolidated. Petitioners attacked the project approval on five primary grounds, and the Los Angeles Superior Court filed a Grant Writ (BS107912) on April 25, 2008. The Court determined that a fair argument exists, based on substantial evidence that the project may have significant unmitigated effects on the environment, and that preparation of an EIR is required based on fair arguments presented regarding the following three CEQA environmental issues:

- **Biological Resources** (impact on riparian plant community). Dr. Kammerer’s July 2006 opinion notes that a distinct grouping of Arroyo Willow and Blackberry plants into a set of the Mule Fat Scrub plant community is considered “rare and worth consideration by the California Natural Diversity Database.” A fair argument exists.
- **Geology and Soils** (springs on the project area, proximity to a known fault, and potential significant adverse impacts from project fill). As experts disagree as to the significant adverse effects of geology and soils in regard to substantial evidence, an EIR is required.
- **Aesthetics** (visual character and quality of the area, scenic resources in the viewshed of a scenic highway corridor). Petitioners submitted evidence of a “balloon test” that they conducted indicating that the project would be visible from Mulholland Drive, and presented evidence showing the size of the residence, that it will be “below the hill” and that it would require grading. The opinions of area residents, which are based on direct observation, constitute significant evidence in support of a fair argument that the proposed structure would adversely alter the existing appearance and appearance of the existing neighborhood. The construction project would require grading and filling in areas where there are no structures. The observations of local residents constitute substantial evidence that a fair argument exists as to the potentially significant effect of the project.

Section 15384(a) of the State CEQA Guidelines specifies that substantial evidence means enough relevant information and reasonable inferences from the information that a fair argument can be made to support a conclusion.

As a result of the Grant Writ, the City informed the applicant that an EIR would be required in support of the project. In addition, the applicant redesigned their project to conform to 2009 revisions in the MSPSP Design and Preservation Guidelines¹⁶ and the 2011 revisions in the Baseline Hillside Ordinance guidelines¹⁷ in regard to a new project design (the proposed project) on the proposed project site.

¹⁴ Judge Ann I. Jones, Los Angeles Superior Court. 25 April 2008. Grant Writ. BS107912.

¹⁵ Judge Ann I. Jones, Los Angeles Superior Court. April 25, 2008. Grant Writ. BS107912.

¹⁶ City of Los Angeles Department of City Planning. [22 May 2003] Amended 24 September 2009. Mulholland Scenic Parkway Specific Plan – Design and Preservation Guidelines. Available at: <http://planning.lacity.org/complan/specplan/pdf/mulholguidelines.pdf>

¹⁷ City of Los Angeles Department of City Planning. 9 May 2011. Baseline Hillside Ordinance: A Comprehensive Guide to the New Hillside Regulations. Available at: http://planning.lacity.org/Code_Studies/BaselineHillsideOrd/BHComprehensiveGuide1stEdition.pdf