

3A Land Use and Aesthetics

3A.1 Introduction

The analysis performed in the Initial Study prepared for the proposed project eliminated certain impacts from further consideration (see Appendix A). As a result, this Draft EIR focuses on potential impacts that were found to be potentially significant in the Initial Study and, therefore, warranted further analysis and discussion in this EIR.

The purpose of this section is to analyze the potential land use and aesthetic impacts that would occur with project implementation. The analysis identifies and evaluates key visual resources in the project area and determines the degree of visual impacts that could occur from proposed project implementation. The analysis also describes the potential aesthetic effects of the project on the existing landscape and built environment, focusing on the compatibility of the project conditions and the project's effects on scenic resources. This chapter also discusses the proposed project's consistency with existing land use policies and/or regulations and potential land use compatibility issues.

3A.2 Environmental Setting

Regional Visual Setting

Urban design character can be defined as the overall physical image of the urban environment. Several factors contribute to this image, including the nature and quality of building architecture; the cohesion of the area's collective architecture; the compatibility between uses and activities within the built environment; the quality of streetscape, including roadways, sidewalks, plazas, parks, and street furniture; and the quality and nature of private property landscaping that is visible to the general public.

Regional views for the City of Los Angeles vary greatly from highly urbanized areas with high rise buildings and limited foliage to low density neighborhoods of single family dwellings with tree lined streets. The topography can also vary from flat plains to steep slopes. The nighttime lighting environment consists of vehicle headlights, street lighting, and lighting from commercial, recreational, and residential buildings. This lighting can vary from scattered and soft, to bright and intense depending on the area of the City.

The project site is located in a residential area, characterized by single family dwellings with little commercial development in the surrounding area. Surrounding land uses primarily consist of low density residential uses. The architectural character and integrity of the area is high, many homes surrounding the project site are expansive and exhibit strong design elements.

Project Site Visual Setting

On-site and Adjacent to Project Site

The visual character of the project site consists of a vacant hillside with five large, partially-completed homes towards the top of the hill. The existing homes are massive and appear as a

continuous wall with no landscaping towards the top of the hill. The exterior of one of the homes has not been finished and the wood is black from weathering. After winter rains the hillside is vegetated and green, a large black plastic sheet was placed on a portion of the hillside in front of the homes to prevent erosion and landslides. After the summer heat and no rain, the hillside is brown and the brown earth is clearly visible. Fissures on-site are clearly visible towards the top of the hill. Small landslides are visible on-site.

Nighttime lighting from surrounding homes provides a low-level of back-ground illumination in the area also vehicles traveling on roads in the vicinity of the project site.

Figures 3A-1 through 3A-4 show views of the site and area after winter rains.

3A.3 Applicable Regulations

City of Los Angeles General Plan

The City of Los Angeles General Plan consists of seven mandated elements with goals, objectives and policies for the associated issue areas. The Land Use element of the General Plan is made up of 35 community planning areas. Each of these Community Plans sets forth goals and objectives for the planning area contained within its boundaries. The project site is located within the “Hollywood Planning Area”, as designated by the City’s General Plan.

The following General Plan goals, objectives, and policies are relevant to the proposed project.

Hollywood Community Plan

The site is designated Very Low Residential, and as being in the Mulholland Scenic Parkway Specific Plan Area (Outer Corridor), see below.

Objective 3: To make provisions for the housing required to satisfy the varying needs desires of all economic segments of the community, maximizing the opportunity for individual choice.

To encourage the preservation and enhancement of the varied and distinctive residential character of the community, and to protect lower density housing from the scattered intrusion of apartments

In hillside residential areas to:

- (a) minimize grading so as to maintain the natural terrain and ecological balance;
- (b) provide a standard of land use intensity and population density which will be compatible with street capacity, public service facilities and utilities, and topography and in coordination with development in the remainder of the City.



Figure 3A-1 View North from Project Site, Thames Street Visible Below



Figure 3A-2 View South From Thames Street Up Towards Three of the Existing Homes on-Site



Figure 3A-3 View Northwest from Site

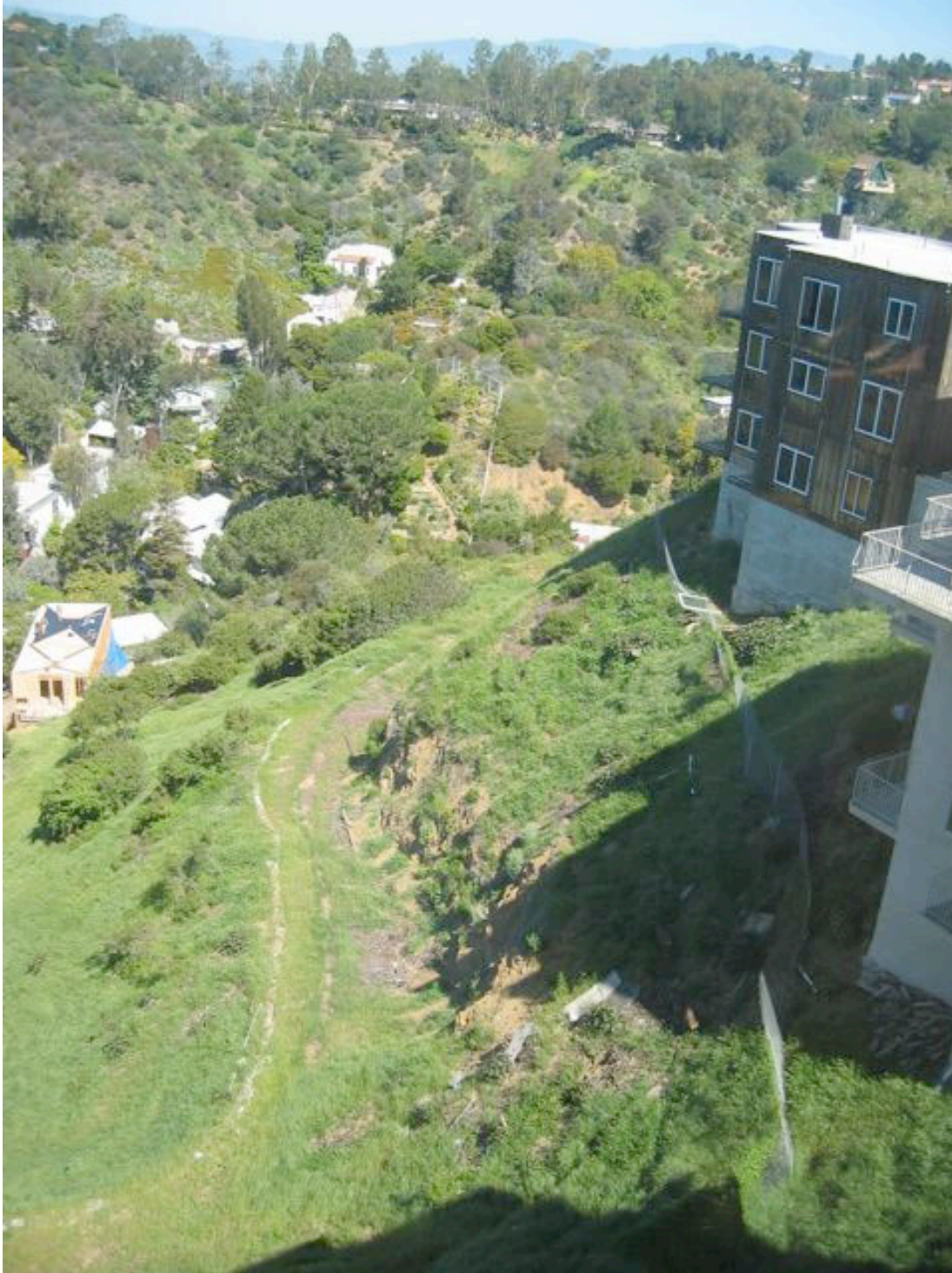


Figure 3A-4 View Northeast from Site, Two of the Existing Homes On-site Visible on Right of Photo

Objective 5: To provide a basis for the location and programming of public services and utilities and to coordinate the phasing of public facilities with private development. To encourage open space and parks in both local neighborhoods and high-density areas.

Objective 7: To encourage the preservation of open space consistent with property rights when privately owned, and to promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.

Recreation and Parks Policies

Policy 1: That the desires of the local residents be considered in the planning of recreational facilities.

Housing Standards and Criteria

The intensity of residential land use . . . and the density of the population which can be accommodated thereon, shall be limited in accordance with the following criteria:

1. The adequacy of the existing and assured circulation and public transportation systems within the area;
2. The availability of sewers, drainage facilities, and other public utilities;
3. The steepness of the area, and the suitability of the geology of the area for development.

To the extent feasible, the “cluster concept” is the preferred method to be utilized for new residential development in hillside areas in order to use the natural terrain to best advantage and minimize the amount of grading required. However, development by “cluster concept” is defined as the grouping of residential structures on the more level parts of terrain while retaining a large area (75 to 80 percent) in its natural state or in a park-like setting.

Features

. . . It is the intent of this plan that all natural slopes generally in excess of 15% be limited to the minimum density range.

City of Los Angeles Zoning Code

The site is designated RE11-1. The minimum lot area is 11,000 square feet. There may be lots with less than the minimum width and area, as provided by Section 17.05H of the Code, and there may be a single-family dwelling on each such lot if the lot is shown with a separate letter or lot number on a recorded Subdivision Tract Map or a Parcel Map. (Amended by Ord. No. 130,871, Eff. 9/20/65.) The current 22 project lots vary from about 5,000 square feet to just over 10,000 square feet.

City of Los Angeles Municipal Building Code, Tree Preservation Ordinance

The City of Los Angeles Municipal Code requires the preservation of indigenous, native to California, measuring more than four inches in diameter. Trees protected under this ordinance include: (a) any Oak, except for Scrub Oak, (b) Southern California Black Walnut; (c) Western Sycamore; and (d) California Bay Laurel. No tree may be relocated or removed unless compelling reasons justify the removal of the tree. (Ord. § 12.21 (A) 12 SEC 17.02)

City of Los Angeles Municipal Building Code, Hillside Development Ordinance

The City of Los Angeles Planning and Zoning Code sets forth regulations regarding landscaping, outdoor lighting, height limits and exceptions, as well as wall, fences, and hedges. Although there are limitations other than those discussed the proposed project will comply with all of these standards.

(a) Front Yard

(1) For any lot that fronts on a Substandard Hillside Limited Street, there shall be a minimum front yard of at least five feet. For lots having a zoning classification that contains a provision calling for observance of the prevailing setback, the prevailing setback regulations shall apply, so long as a front yard of no less than five feet is provided. [Ord. § 12.21 (A) 17 (a)(1)]

(b) Side Yard

(1) For any main building, each side yard shall be not less than five feet, unless the lot is less than 40 feet in width, then each side yard shall be not less than four feet.

(2) For any main building on a lot in the RA, RE, RS, R1 and RD Zones, the above required five foot side yard or the side yard required by the zone in which the lot is located, whichever requirement is greater, shall be increased one foot for each increment of ten feet or fraction thereof above the first 18 feet of the height of the main building. [Ord. § 12.21 (A) 17 (b)(1,2)]

(c) Height

(1) On any lot where the slope of the lot measured from the lowest point of elevation of the lot to the highest point is 66 percent or less, no building or structure shall exceed 36 feet in height as measured from grade.

(2) On any lot which has a slope of greater than 66 percent as measured from the lowest point of elevation of the lot to the highest point, no building or structure shall exceed 45 feet in height as measured from grade. [Ord. § 12.21 (A) 17 (c)(1,2)]

(f) Lot Coverage

(1) Buildings and structures extending more than six feet above natural ground level shall cover no more than 40 percent of the area of a lot.

(2) Notwithstanding (1) above, for a lot which is substandard as to width (less than 50` feet) and as to area (less than 5,000 square feet) buildings and structures shall cover no more than 45 percent of the area of a lot. [Ord. § 12.21 (A) 17 (f)(1,2)]

Mulholland Scenic Parkway Specific Plan

The Circulation Element of Los Angeles City's General Plan designates the Mulholland Scenic Parkway as a scenic highway and includes building standards as well as regulations for the protection of environmental resources within the plan area. Purposes of the Specific plan are:

- A. To assure maximum preservation and enhancement of the parkway's outstanding and unique scenic features and resources.
- B. To preserve Mulholland Drive as a slow-speed, low-intensity drive.
- C. To preserve and enhance land having exceptional recreational and/or educational value.
- D. To assure that land uses are compatible with the parkway environment.
- E. To assure that the design and placement of buildings and other improvements preserve, complement and/or enhance views from Mulholland Drive.
- F. To preserve the existing residential character of areas along and adjoining the right-of-way.
- G. To minimize grading and assure that graded slopes have a natural appearance compatible with the characteristics of the Santa Monica Mountains.
- H. To preserve the natural topographic variation within the Inner and Outer Corridors.
- I. To reduce the visual intrusion caused by excessive lighting.
- J. To minimize driveway and private street access into the right-of-way.
- K. To preserve the existing ecological balance.
- L. To protect prominent ridges, streams, and environmentally sensitive areas; and the aquatic, biologic, geologic, and topographic features therein.
- M. To protect all identified archaeological and paleontological resources.
- N. To provide a review process of all projects which are visible from Mulholland Drive to assure their conformance to the purposes and development standards contained in the Specific Plan and the Landform Grading Manual.

The project site is located just within the outer corner of the Mulholland Scenic Parkway Specific Plan area (see **Figure 3A-5**). Some lots (including the 5 lots with the existing homes, but not the lot proposed for the one additional home) are visible from Mulholland Drive. The Outer Corridor regulations are included in Section 6 of the Mulholland Specific Plan.

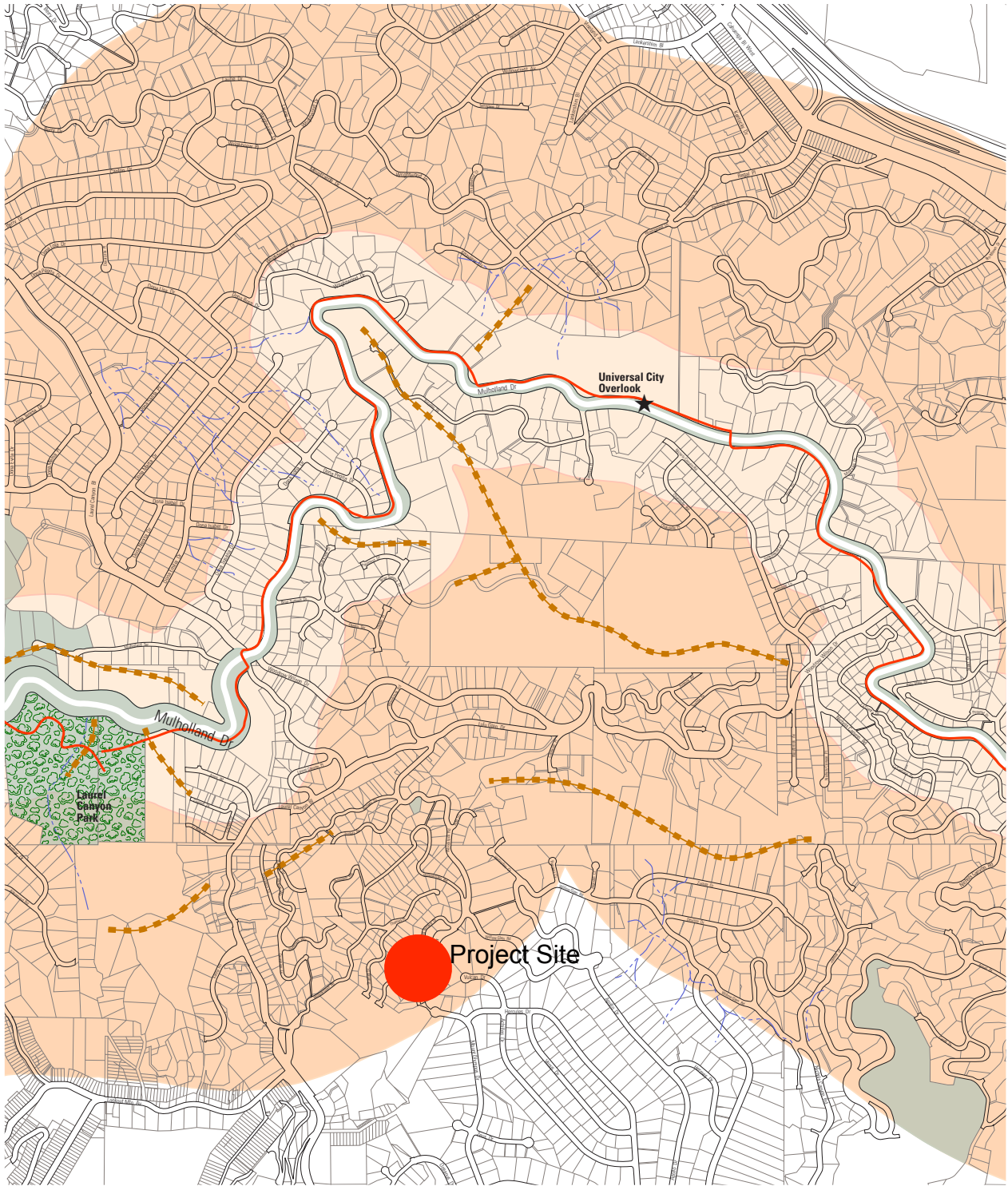
SECTION 6: C. Grading. 1. No grading in excess of two cubic yards per four square feet of lot area per lot visible from Mulholland Drive shall be permitted without the prior written approval of the Director pursuant to Section 11. However, corrective grading as determined by the Department of Building and Safety is not to be included in this calculation. The Director may approve grading up to four cubic yards with 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.

2. All graded slopes shall comply with the provisions in Section 10 of this Specific Plan.

SECTION 10. Graded Slopes. Graded slopes shall be landform graded in accordance with the provisions of 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. Slopes which cannot be landform graded shall be landform planted in accordance with the provisions of the Landform Grading Manual. Landscaping shall be installed within six (6) months of the completion of any grading.

SECTION 6 D. Allowable Building Heights. The height of any building or structure visible from Mulholland Drive shall not exceed 40 feet...the measurement of height shall be as defined in Subsection 12.03 of the Code and shall be measured from existing natural or finished grade, whichever is lower. When the elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of a building exceeds grade by more than 20 feet, a building or structure may exceed the height in number of feet prescribed in this subsection by not more than 12 feet. However, no such additional height shall cause any portion of the building or structure to exceed a height of 40 feet, as measured at the highest point of the roof structure or parapet wall to the elevation of the ground surface that is vertically below said point of measurement.



Inner Corridor Overlay Zone
500' from Right-of-Way

Outer Corridor Overlay Zone
500' to One-Half Mile from Right-of-Way

Institutional Use Corridor

Publicly-Owned Open Space

Roadway

Public Parkland

Prominent Ridge

Watercourse

★ Major Vista Point

— Core Trail

- - - Existing Trail, Fire, or Service Road

— Proposed Trail

⊕ Organized Group Meeting Center

⊙ Visitor's Center

Not to Scale

Source: City of Los Angeles

Figure 3A-5 Mulholland Specific Plan

In general, the Specific Plan sets standards for projects proposed for the Scenic Parkway. These standards include environmental protection measures, grading limits, and building standards applicable to the Inner and Outer Corridors of the Parkway, as well as regulations affecting landscaping, Mulholland Drive and its right-of-way, the Core Trail, major vista points, and utility construction. In addition to these standards, the Specific Plan also provides for a design review process, sets forth general design criteria, and establishes a Design Review Board. The Mulholland Scenic Parkway Specific Plan Design and Preservation Guidelines, prepared pursuant to the Mulholland Scenic Parkway Specific Plan, state the policies, interpretations, and precedents used by the DRB in implementing the Specific Plan. The following goals, objectives and policies in the Design Guidelines are relevant to the project.

Goal 1: Preserve and enhance the natural character of the Santa Monica Mountains and the scenic Hillside character of the Mulholland Scenic Parkway.

Objective 1.1. Design projects to minimize the visibility of the project as seen from Mulholland Drive, and to create a natural appearance compatible with the hillside character of the Santa Monica Mountains.

Objective 1.2. Preserve the Parkway's scenic features, existing ecological balance and wildlife corridors, and conform the project to the character of the Parkway environment.

Objective 1.4. Preserve views of the Parkway's scenic features and resources

Goal 2: Design projects to be compatible with the scenic parkway environment and with the surrounding neighborhood in order to preserve and enhance the range of visual experiences within the parkway.

Objective 2.1. Minimize the appearance of site retaining walls.

Objective 2.2. Ensure that the size, scale, bulk, massing, exterior design, color materials and textures, placement, siting and the overall appearance of projects blend with and complement the scenic hillside character of the Mulholland Scenic Parkway

Objective 2.3. Ensure projects are compatible with the immediate surrounding neighborhood.

Goal 3: Preserve and complement the existing native vegetation and natural hillside appearance.

Objective 3.1. Protect significant existing landscape features

Objective 3.2. Ensure that landscape planting plans blend with the existing native vegetation and topography

3A.4 Significance Criteria

The criteria used to determine the significance of an impact are based on Appendix G of the *CEQA Guidelines*. For this analysis, the proposed project may result in significant impacts if it would:

- Have a substantial adverse effect on a scenic vista;

- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;.
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Conflict with applicable land use plan, policy or regulation of an agency with jurisdiction over the project.

3A.5 Impacts and Mitigation

Impact 3A.1: The proposed project would not have a substantial adverse effect on a scenic vista. (Less than significant.)

A scenic vista is defined as a view of a valued resource, such as the ocean or a mountain range. In the project area, the primary scenic vista is the view from Mulholland Drive. In addition, the project area has a number of scenic views from points in and around local canyons, many of them are private views, but views from local roadways are also scenic, although many of them are constrained by topography and vegetation. The project site is located approximately 1/2 to 1 mile from different segments of the curving Mulholland Drive and is located within the Mulholland Scenic Parkway Specific Plan Area, Outer Corridor. The purpose of the Mulholland Scenic Parkway Specific Plan is to protect the scenic and recreational resources associated with Mulholland Drive as a significant part of the Santa Monica Mountains National Recreation Area.

The proposed project would construct one new home and complete 5 existing home that currently exceed the maximum height limit of 40 feet allowed in the Mulholland Scenic Parkway Specific Plan (the homes range in height up to about 59 feet). Views of the site from Mulholland Drive are available although somewhat limited. The proposed new home would be constructed in compliance with the height requirements of the Mulholland Scenic Parkway Specific Plan and would not silhouette on a ridgeline. The project (neither the existing homes nor the one new home) would not be of sufficient height to obstruct views of the Santa Monica Mountains, or views from Mulholland Drive. The project currently (because the five homes currently exist) appear as a grouping of homes similar to other homes visible from Mulholland Drive (the one new home, would not be visible from Mulholland Drive).

Aesthetic and visual impacts are highly subjective. Communities react differently to different types of proposed development. In the project area aesthetic impacts are highly controversial.

The adjacent community is very sensitive to change. For this project in particular development at the density proposed has incurred extensive opposition from neighbors. Development in the project area is subject to extensive design review that is much more critical than the general aesthetic criteria used under CEQA.

Mitigation: The five existing unfinished homes do not comply with the Mulholland Specific Plan. The project already includes extensive landscaping. No mitigation, other than extensive remodel of the existing homes and elimination of the one additional home proposed (which is explored in the Alternatives Chapter) is available. To ensure that project landscaping is sufficient the following mitigation measure is recommended:

Mitigation Measure 3A-1: Project landscaping shall be lush (as determined by the Planning Department) including sufficient trees, shrubs and vines to screen the homes from near and long range views.

Significance after Mitigation: Less than significant.

Impact 3A.2: The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural feature within a city designated scenic highway. (Less than significant.)

A variety of non-native and native trees exist on the project site, and implementation of the project would require the removal of about two trees. The horticultural tree report prepared for the proposed project found the trees shown in **Table 3A-1** on the project site.

No California native Bay, Oak, Sycamore and/or Walnut trees that are covered by the Tree Preservation Ordinance were found on site. The tree report indicated that all of the “of-sized” trees on the project site and described above, that is, trees measuring four or more inches in diameter are of “poor” quality and therefore not worth saving or transplanting.

As part of the proposed project, it is anticipated that two of the trees on the site will be removed. The project would provide landscaping that would include the planting of new trees to help offset the trees removed. The tree report recommends a ratio of 1:1 for tree replacement.

The closest scenic highway to the project site is the Mulholland Scenic Parkway. As described under impact 3A1 above, the project sponsor will comply with the requirements of the Mulholland Specific Plan for the new home, but the existing homes are proposed to remain at their current heights. No scenic resource would be damaged by the project.

With addition of the mitigation measure below the proposed project would not substantially damage scenic resources within a scenic highway, impacts would be less than significant with mitigation.

TABLE 3A-1 TREES ON-SITE			
Tree Quantity	Location	Common Name	Botanical Name
1	Lot 16/Tract 6014	Blue Gum	Eucalyptus globulus
1	Lot 21/Tact 6515	Scrub Oak*	Quercus berberdifolia
1	Lot 17/Tract 6014	Scrub Oak*	Quercus berberdifolia
3	Lot 15/Tract 6014	Blue Elderberry	Sambucus mexicana
2**	Lot 13/Tract 6014	American Elm	Ulmus americana
1	Lot 21/Tract 6515	American Elm	Ulmus Americana
*Scrub Oaks are not covered under the City Ordinance ** Trees proposed to be removed for the one additional home			

Mitigation:

Mitigation Measure 3A-2: The applicant shall comply with the recommendations of the Tree Report including replacement of trees removed from the project site at a ratio of 2:1.

Significance after Mitigation: Less than significant.

Impact 3A.3: The proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings. (Less than significant.)

Construction

During the anticipated 12 month construction period, short-term impacts to the visual character of the site could occur. The potential visual impacts to the site would be associated with the presence of construction equipment, exposed and stockpiled soils, fencing, and staging areas for construction. While these conditions would degrade the existing visual character of the site, visual impacts from construction activities would be short-term and would not result in a permanent degradation of the site and surrounding area. Thus, construction impacts would be less than significant.

Operation

Implementation of the project would alter the visual character of the site. The current visual character of the site is largely undeveloped with the exception of five partially completed homes, which have deteriorated over the past five years including some graffiti on the buildings. These buildings would continue to deteriorate without implementation of the proposed project. The

proposed project would construct one new home and complete the 5 existing homes. The new home would be built in compliance with the Mulholland Specific Plan height limit of 40 feet. The existing homes exceed the height limit of the Specific Plan by up to 19 feet. However, these homes have been present on the site since 2002 and further remodeling to reduce their height would result in an extended construction period. The new home would not be out of scale with existing surrounding development.

Project homes would also be completed with materials to compliment existing development. The homes would be of modern designed similar to existing modern homes in the area.

The proposed project would require the removal of up to two existing trees. No native trees of local significance, such as oaks and sycamore exist on the project site. The project would include extensive landscaping, which would include the planting of new trees and shrubs around the new home and existing homes. The majority of the site would be dedicated as an open space easement through donation to the Santa Monica Mountains Conservancy or other means.

Trees and shrubs to be planted would be native varieties that would "extend" the rural atmosphere of the area, while at the same time stabilizing the site geology and soils, resulting in the reduction in risk for unsightly (and potentially dangerous) landslides that have occurred on the site.

The project would be subject to review by the Mulholland Scenic Parkway Design Review Board to ensure that the project would not result in significant visual impacts. Overall, project landscaping improvements would contribute to the visual quality of the site.

Aesthetic and visual impacts are highly subjective. Communities react differently to different types of proposed development. In the project area aesthetic impacts are highly controversial. The community is very sensitive to change. For this project in particular development incurred extensive opposition from neighbors; the current proposed project is substantially reduced from prior proposals and is a result of extensive negotiations between the applicant and surrounding property owners. Development in the project area is subject to extensive design review that is much more critical than the general aesthetic criteria used under CEQA.

Mitigation: The five existing unfinished homes do not comply with the Mulholland Specific Plan. The project already includes extensive landscaping. No mitigation, other than extensive remodel of the existing homes and elimination of the one additional home proposed (which is explored in the Alternatives Chapter) is available. To ensure that project landscaping is sufficient Mitigation Measure MM 3A-1 is recommended.

Significance after Mitigation: Less than significant.

Impact 3A.4: The proposed project would be consistent with the land use designation and zoning of the site. The five existing homes do not comply with the Mulholland Specific Plan, however, they have existed for some time and remodeling the homes would result in further construction activity in the area. (Less than significant.)

The project is located within the Hollywood Community Plan. The project would address Community Plan policies concerning maintaining natural slopes (since the majority of the site would be preserved through an open space easement). The project lots already exist, the project would substantially reduce the number of homes compared to what could be developed on the existing lots. The transportation including public transportation access system is limited in the area.

The project site is located within the Outer Corridor of the Mulholland Scenic Parkway. Implementation of the project would include the construction of one new home and completion of 5 homes that exist on the site. The new home would be built to comply with the requirements and ordinances applicable to the site. The existing five homes are not in compliance with the height limits of the Mulholland Specific Plan. They exceed the height limit by up to 19 feet and do not comply with setback requirements.

In addition, the project may require the construction of retaining walls for the proposed home; although the homes may include retaining walls as part of the structure. The maximum height for a retaining wall is 12 feet for one wall or two ten-foot walls if they are tandem, or as permitted by the Zoning Administrator.

The project will also require the improvement of Woodstock Road within the project. The current design plans call for a roadway 20 feet wide with restricted parking. (Many streets in the area are of similar width.) The City of Los Angeles Hillside Ordinance allows for exceptions from the required 36-foot wide roadways as determined by the City Engineer. The project sponsor proposes to obtain the necessary exceptions and variances from the City prior to project approval. The project may also require minor allowable setback variances that would not have a significant impact on aesthetics or land use compatibility.

Based on the above, the proposed project would not conflict with the Mulholland Specific Plan land use plan, policy or regulation. Impacts are anticipated to be less than significant.

Mitigation:

Mitigation Measure 3A-3: Project lighting shall be restricted to minimal safety-related lighting directed on to the home sites. It shall be written in to the deeds or CC&R's that spotlighting and decorative illumination is prohibited.

Mitigation Measure 3A-4: The applicant proposes to preserve 13 lots as an open space easement, either through donation of the lots to the Santa Monica Mountains Conservancy or similar means. The property owner shall retain responsibility for maintenance of the site (repair of surficial failures, brush clearance and so on) until such responsibility is legally transferred to new property owners including the Santa Monica Mountains Conservancy (or similar organization that takes ownership of the 13 open space lots).

Significance after Mitigation: Less than significant.