

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR-2015-2641-DRB-SPP-MSP-1A	ENV-2015-2642-CE-1A	4- Ryu
PROJECT ADDRESS:		
7123 West Macapa Drive		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Applicant: R.C. Thornton Representative: David A. Lopez <input type="checkbox"/> New/Changed	Applicant: 7123 Macapa Drive Los Angeles, CA 90068 Representative: 1173 North Kraemer Place Anaheim, CA 92806	Applicant: oliolitrin@aol.com Representative: vwlopez@aol.com
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Appellant: Macapa Drive Homeowners Association Representative: Rob Glushon LLP	Appellant: 213-683-6000 Representative: 818-907-8760	Appellant: mitchmenzer@paulhastings.com representative: rglushon@lunaglushon.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Will Hughen, Planning Assistant	818-374-5049	William.hughen@lacity.org
APPROVED PROJECT DESCRIPTION:		
<p>The major remodel of an existing, 3,284 square-foot, single-family residence with an attached, 440 square-foot, two-car garage, the demolition of 790 square feet of the existing home, and the construction of a 1,730 square-foot addition. This results in a total structure of 4,750 square feet with a maximum height of approximately 22'-6". The project includes a pool and approximately 1,255 square feet of hardscape, on an approximately 19,591 square-foot lot. The project does not include the removal of any protected trees. The project does not propose any grading.</p>		

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)

1. Determined based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines Section 1, Class 3 and Category 1, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. Granted in part and denied in part the appeal of the Planning Director's determination to approve a major remodel of an existing single-family dwelling;
3. Sustained in part the Planning Director's determination to approve a major remodel of an existing single-family dwelling;
4. Adopted the Conditions of Approval as modified by the Commission; and
5. Adopted the Findings as amended by the Commission.

ITEMS FOR CITY COUNCIL CONSIDERATION:

California Environmental Quality Act (CEQA) Appeal (Categorical Exemption)

FINAL ENTITLEMENTS NOT ADVANCING:

DIR-2015-2641-DRB-SPP-MSP-1A

ITEMS APPEALED:

CEQA Appeal (Categorical Exemption)

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination	<input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption	<input type="checkbox"/>
<input checked="" type="checkbox"/> Findings of Fact	<input type="checkbox"/>	<input type="checkbox"/> Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Staff Recommendation Report	<input type="checkbox"/>	<input type="checkbox"/> Mitigated Negative Declaration	<input type="checkbox"/>
<input checked="" type="checkbox"/> Conditions of Approval	<input type="checkbox"/>	<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/>
<input type="checkbox"/> Ordinance	<input type="checkbox"/>	<input type="checkbox"/> Mitigation Monitoring Program	<input type="checkbox"/>
<input type="checkbox"/> Zone Change Map	<input type="checkbox"/>	<input type="checkbox"/> Other _____	<input type="checkbox"/>
<input type="checkbox"/> GPA Resolution	<input type="checkbox"/>		
<input type="checkbox"/> Land Use Map	<input type="checkbox"/>		
<input type="checkbox"/> Exhibit A - Site Plan	<input type="checkbox"/>		
<input checked="" type="checkbox"/> Mailing List	<input type="checkbox"/>		
<input type="checkbox"/> Land Use	<input type="checkbox"/>		
<input type="checkbox"/> Other _____	<input type="checkbox"/>		

NOTES / INSTRUCTION(S):

FISCAL IMPACT STATEMENT:

Yes

No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

City Planning Commission (CPC)

North Valley Area Planning Commission

Cultural Heritage Commission (CHC)

South LA Area Planning Commission

Central Area Planning Commission

South Valley Area Planning Commission

East LA Area Planning Commission

West LA Area Planning Commission

Harbor Area Planning Commission

PLANNING COMMISSION HEARING DATE: **COMMISSION VOTE:**

February 9, 2017

5-0

LAST DAY TO APPEAL: **APPEALED:**

n/a

Yes

TRANSMITTED BY: **TRANSMITTAL DATE:**

Rocky Wiles

4/5/2017



SOUTH VALLEY AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAR 07 2017

Case No.: DIR-2015-2641-DRB-SPP-MSP-1A

Council District: 4 - Ryu

CEQA: ENV-2015-2642-CE

Plan Area: Sherman Oaks - Studio City - Toluca Lake – Cahuenga Pass

Project Site: 7123 West Macapa Drive

Applicant: R.C. Thornton

Representative: David A. Lopez, Lopez Architecture

Appellant #1: Macapa Drive Homeowners Association

Appellant #2: Mitchell B. Menzer

At its meeting of **February 9, 2017**, the South Valley Area Planning Commission took the actions below in conjunction with the approval of the following project:

Major remodel of an existing, 3,284 square-foot, single-family dwelling with an attached, 440 square-foot, two-car garage; the demolition of 790 square-feet of the existing dwelling, and the construction of a 1,730 square-foot addition. This results in a total structure of 4,750 square-feet with a maximum height of approximately 22'-6". The project includes a pool and approximately 1,255 square-feet of hardscape, on an approximately 19,591 square-foot lot. The project does not include the removal of any protected trees. The project does not propose any grading.

1. **Determined** based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines Section 1, Class 3 and Category 1, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Granted** in part and **denied** in part the appeal of the Planning Director's determination to approve a major remodel of an existing single-family dwelling;
3. **Sustained** in part the Planning Director's determination to approve a major remodel of an existing single-family dwelling;
4. **Adopted** the attached Conditions of Approval as modified by the Commission; and
5. **Adopted** the attached Findings as amended by the Commission.

This action was taken by the following vote:

Moved: Dierking

Seconded: Mather

Ayes: Beatty, Bishop, Cochran

Vote: 5 – 0



Renee Glasco, Commission Executive Assistant I
South Valley Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeal Status: The decision of the South Valley Area Planning Commission is final upon the date of this determination letter, and it is not further appealable.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Amended Findings

c: Tom Glick, Senior City Planner
William Hughen, Planning Assistant

CONDITIONS OF APPROVAL

AS MODIFIED BY THE SOUTH VALLEY AREA PLANNING COMMISSION ON FEBRUARY 9, 2017

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled "Exhibit E-1 to E-11", dated August 11, 2016, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Floor Area.** The project shall be limited to a total of 4,750 gross square feet. The primary residence shall be limited to a maximum of 4,500 gross square feet (including original and proposed structure). The accessory structure shall be limited to 250 gross square feet.
3. **Height.** The project shall be limited to 22 feet 6 inches in height.

Design Review Conditions

4. Revised Landscape Plans

- a. The applicant shall replace Pianella and Phormium hybrids with low or very low water use species from current preferred plant list.
- b. The applicant shall replace plant no. 25 with Coast Live Oak species.

5. Construction Impact Mitigation Plan

- a. The applicant shall prohibit construction vehicles from parking on Macapa Drive.
- b. The applicant shall comply with the Construction Mitigation Plan as proposed by the applicant
 - i. Hours of Work: 7:00am – 4:15pm, Monday – Saturday
 - ii. Delivery of Materials: 7:00 am – 11:00am, Monday – Saturday
 - iii. Construction Parking: 3 cars on lot
 - iv. Dumpsters: To be located on lot
 - v. Watering: Twice daily to minimize air pollution
 - vi. Streets: Clean streets of debris and other materials at end of each work day
 - vii. Food Trucks: There will never be food trucks parked on site
 - viii. Amplified Music: There will never be amplified music playing on site during construction hours

Administrative Conditions

6. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department

of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.

7. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
8. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
9. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
10. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
11. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
12. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
13. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
 - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
 - (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the

- deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

AS AMENDED BY THE SOUTH VALLEY AREA PLANNING COMMISSION ON FEBRUARY 9, 2017

The proposed project is the major remodel of an existing, 3,284 square-foot, single-family residence with an attached, 440 square-foot, two-car garage, and includes the demolition of 790 square feet on a portion of the existing home and the construction of a 1,730 square-foot addition. This results in a total structure of 4,750 square feet with a maximum height of approximately 22'-6". The project includes a pool and approximately 1,255 square feet of hardscape. The project is located in the MSP Inner Corridor, subject to the Baseline Hillside Ordinance, and on an approximately 19,591 square-foot lot. The project is downslope from the Macapa Drive right-of-way and upslope from the Mulholland Drive right-of-way. The applicant has stated that the project is not visible from Mulholland Drive. The project does not include the removal of any protected trees. The project does not include any grading.

1. A recommendation was made by the Mulholland Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:

The proposed project is subject to the design review process because it is located within the boundaries of the Mulholland Scenic Parkway Specific Plan.

The Design Review Board met on August 6, 2015 where the board did not convene a quorum since 3 members attended, but provided a forum for unofficial discussion and comment. The proposed project was deemed consistent with the Mulholland Scenic Parkway Specific Plan and design guidelines. The DRB voted (3-0) to unofficially recommend that the project be continued, with the following conditions:

- a) Draw the front parking plan
- b) Break down the one large flat roof
- c) Reduce the square feet of the project to 5,500 square feet maximum not including basement.
- d) Relocate the basement to underneath the house
- e) Step back the front and sides of house
- f) One story on the accessory building
- g) All landscape comments will be incorporated
- h) Set of elevations and floor plans shall be clear and concise (line weights). Show section of the entire site without the cut line.

The Design Review Board met on November 5, 2015 where the board convened a quorum of 6 members and voted unanimously (6-0) to continue the case with the following conditions:

- a. Revise front yard parking plan to comply with the LAMC
- b. Clematis Lasoantha shall replace the clematis A.
- c. Replace the pestemon garnet with pestemon spectabilis
- d. Use MP Rotator by Hunter or equivalent
- e. Show the basement in elevations, sections (all documents)
- f. Cut sections through the house: two perpendicular sections
- g. Articulate the front of the building: first floor and second floor should be on different planes
- h. Reduce the massing of the accessory building.

The Design Review Board met on February 18, 2016 where the board convened a quorum of 4 members and voted unanimously (4-0) to continue the case with the following conditions:

- a. Show the perimeter wall calculations for the basement to confirm it qualifies as a basement
- b. Revise the exterior elevations to match the plans

- c. Revise the basement floor plans
- d. Coordinate the topography on grading plan with drawings in sections and site topography
- e. Show the finished floor elevations and finished grad elevations
- f. Use low-reflectivity glass throughout the project
- g. Drawings need to be more complete and fully coordinated
- h. Show all retaining walls; new and existing, clearly differentiate them
- i. Remove the stairs to the roof-top on the house and accessory building
- j. Remove the roof top deck
- k. Show the basement in elevations, sections (all documents)
- l. Cut sections through the house: two perpendicular sections
- m. Articulate the front of the building: First and Second floor should be on different planes – this has been accomplished but the massing still needs to be reduced through the reduction of parapet of similar
- n. Reduce the massing of the accessory building

The Design Review Board met on November 3, 2016 where the board convened a quorum of 4 members. The vote was unanimous (4-0) recommending conditional approval of the project since the project will substantially comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Plan. The conditions recommended by the board were:

- a. Per Guideline 73, replace Pianella and Phormium hybrids with low or very low water use species from current preferred plant list
- b. Replace plant no. 25 with coast live oak species
- c. No vehicles related to construction activities shall be parked on Macapa Drive
- d. Applicant shall comply with Construction Mitigation Plan as proposed by the applicant

2. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.

Based on a review of the plans submitted with the application, marked Exhibit E-1 to E-11, dated August 11, 2016, DIR-2016-2641-DRB-SPP-MSP, the Director of Planning makes the following findings in accordance with the applicable design review criteria of the Mulholland Scenic Parkway Specific Plan, Ordinance No. 167,943, effective June 29, 1992:

Section 5.A: Uses

The project proposes the use of land for a one-family dwelling, which is a permitted use and as such, the project use complies with Section 5.A of the Specific Plan.

Section 5.B: Environmental Protection Measures

The subject property is not defined as a “prominent ridge” as per the definition in Section 4 since no ridgeline appears near the property on the map of the Specific Plan Area: Map 12 of 12. As such, the project complies with Sections 5.B.1.a and 5.B.1.b, which limit grading and visibility on the defined Prominent Ridges in the Plan area. Furthermore, according to the same map and <http://zimas.lacity.org> the project is further than 100 feet from a watercourse and more than 200 feet from public parkland; complying with Section 5.B.2, which limits grading within 100 feet of a stream bank and Section 5.B.3, which limits construction and grading within 200 feet of public parkland. The project does not propose to remove, move, or alter any protected or native trees, which include Oak trees, in accordance with Section 5.B.4. Finally, should the applicant encounter any archeological or paleontological resources while grading for the project, the applicant will need to follow the necessary notification procedures pursuant to California Health and Safety Code Sections 7000 et sequentia to appropriately handle these resources, fulfilling the intent of Section

5.B.5 that seeks to protect these resources. As such, the project complies with Section 5.B of the Specific Plan.

Section 5.D: Building Standards

The project is not visible from Mulholland Drive. As such, the project is not subject to Section 5.D.1, which requires Director's findings for viewshed penetration. As per Condition of Approval Number 3, the project's height is limited to ~~24 feet~~ 22 feet 6 inches, which complies with the height limit identified in subdivision 5.D.2, which has no height limit for structures not visible from Mulholland. However, per Section 3.B of the Specific Plan, where the Los Angeles Municipal Code (LAMC) has a lower height requirement, the LAMC prevails and as such, the project is also subject to the envelope height requirements of the Baseline Hillside Ordinance.

The project does not propose any fences, gates, or walls, drain pipes, or roofs visible from Mulholland Drive, and as such is not subject to Sections 5.D.4, 5.D.5 and 5.D.7 of the Specific Plan. As such, the project complies with Section 5.D of the Specific Plan.

Section 11.1.3: Design Review Criteria

Based on a review of the project proposal, and the recommendation of the Design Review Board, the proposed single family residence, as modified by the conditions herein, is compatible with the surrounding homes and the parkway environment in terms of design, massing, materials, and color and as such complies with Section 11.1.3 of the Plan.

Design Guideline 50: Neighborhood Compatibility

The size of the project including the square footage and height is compatible with the other neighboring homes. The project proposes 4,750 square feet and a 24% Floor Area Ratio. Nearby homes have an average of 3,021 square feet and an FAR of 21%. Therefore, the project proposes a floor area ratio (based on lot size) which is within the range of similarly developed properties in the vicinity. Finally, the project's finish materials of textured stucco and stone cladding are also found in nearby homes. As such, the project's size and design fits with the neighborhood and complies with compatibility Design Guideline 50.

Design Guideline 71: Planning and Design for Sustainable Building Practices

The project will follow the Green Building and Low Impact Development codes, as seen on Exhibit E-2. As such, the project complies with sustainable building practice Design Guideline 71.

Design Guideline 73: Water Efficiency

As per Condition of approval 4, the project will use water efficient landscape species in conformance with Design Guideline 73, which states that all projects should limit the amount of water required for the use and maintenance of a given site.

- 3. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

Mitigation measures are not necessary for the subject project, and there are no potentially significant negative environmental effects associated with the project. The Director of Planning has determined that the project is Categorically Exempt from the environmental review pursuant to Article III, Section 1, and Class 3 and Category 1 of the City of Los Angeles CEQA Guidelines.