

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CEQA APPEAL	ENV-2016-2415-CE	4 – RYU
PROJECT ADDRESS:		
6825 West Mulholland Drive		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Chad and Taraneh Harrison <input type="checkbox"/> New/Changed	310-722-8272	etaralaura@yahoo.com
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Arshia Architects	310-786-7876	office@arshia.net
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jean-Pierre Dorleac	323-851-1069	pourrie@aol.com
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Dean Wallraff	818-353-4268	dean@wallraff.law
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Will Hughen	818-374-5049	william.hughen@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
NONE.		
FINAL ENTITLEMENTS NOT ADVANCING:		
Project Permit Compliance Review and Design Review – DIR-2016-2414-DRB-SPP-MSP-1A		
ITEMS APPEALED:		
CEQA Appeal of Categorical Exemption – ENV-2016-2415-CE		

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination <input checked="" type="checkbox"/> Findings of Fact <input checked="" type="checkbox"/> Staff Recommendation Report <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> Ordinance <input type="checkbox"/> Zone Change Map <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input type="checkbox"/> Exhibit A - Site Plan <input checked="" type="checkbox"/> Mailing List <input type="checkbox"/> Land Use <input type="checkbox"/> Other _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption <input type="checkbox"/> Negative Declaration <input type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Mitigation Monitoring Program <input type="checkbox"/> Other _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
FISCAL IMPACT STATEMENT:			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p style="text-align: right;">*If determination states administrative costs are recovered through fees, indicate "Yes".</p>			
PLANNING COMMISSION:			
<input type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> Central Area Planning Commission <input checked="" type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission			
PLANNING COMMISSION HEARING DATE:		COMMISSION VOTE:	
April 27, 2017		3 - 0	
LAST DAY TO APPEAL:		APPEALED:	
N/A		June 9, 2017	
TRANSMITTED BY:		TRANSMITTAL DATE:	
Rocky Wiles		September 25, 2017	



SOUTH VALLEY AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

CORRECTED LETTER OF DETERMINATION

MAILING DATE: AUG - 8 2017
CORRECTED

Case No.: DIR-2016-2414-DRB-SPP-MSP-1A
CEQA: ENV-2016-2415-CE
Plan Area: Sherman Oaks – Studio City – Toluca Lake
Cahuenga Pass

Council District: 4 – Ryu

Project Site: 6825 West Mulholland Drive

Applicant: Chad and Taraneh Harrison
Representative: Arshia Architects

Appellant: Jean-Pierre Dorleac; Dean Wallraff

At its meeting of **April 27, 2017**, the South Valley Area Planning Commission took the actions below in conjunction with the approval of the following project:

Construction of a new two-story, 2,990 square-foot, single-family dwelling with an attached two-car garage and basement.

1. **Determined** based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Article III, Section 1, Class 3, 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. **Denied** the appeal, and sustained the Planning Director's Determination in approving the Project Permit Compliance with Design Review;
3. **Adopted** the attached Condition of the Appeal and
4. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Bishop
Seconded: Mather
Ayes: Cochran
Absent: Dierking, Beatty

Vote: 3 - 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.

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: Mulholland Scenic Parkway Specific Plan Project Permit Compliance Review & Design Review dated January 24, 2017.

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

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING COMMISSION

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PRESIDENT

RENEE DAKE WILSON
VICE-PRESIDENT

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COMMISSION EXECUTIVE ASSISTANT
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CITY OF LOS ANGELES
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<http://planning.lacity.org>

**MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN
PROJECT PERMIT COMPLIANCE REVIEW &
DESIGN REVIEW**

January 24, 2017

Representative

Arshia Architects
550 Larchmont Boulevard Unit
100
Hollywood, CA 90024

Owner/Applicant

Chad and Taraneh Harrison
1735 North Fuller Avenue #122
Los Angeles, CA 90046

Case No. DIR-2016-2414-DRB-SPP

CEQA: ENV-2016-2415-CE

Location: 6825 Mulholland Drive

Council District: 4- Ryu

Neighborhood Council: Hollywood Hills West

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

Land Use Designation: Very Low Residential

Zone: RE15-1-H

**Legal Description: Lot: PT 1/4 SW 1/4 SEC 34 T1N
R14W; Block: None; Tract: None**

Last Day to File an Appeal: February 8, 2017

Appeal:

DETERMINATION

Pursuant to LAMC Sections 11.5.7 C and 16.50, and Section 11 of the Mulholland Scenic Parkway Specific Plan (Ordinance No. 167,943), and based upon the recommendation of the Mulholland Design Review Board, I have reviewed the proposed project and as the designee of the Director of Planning, I hereby:

Approve with Conditions a Project Permit Compliance Review and Design Review for the Construction of a new, 1,266 square-foot, two-story, single-family residence with an attached, two-car, 341 square-foot garage. The project includes approximately 174 square-feet of covered porch/patio/breezeway/balcony space, 492 square feet of hardscape, and 1,209 square feet of basement area. This would result in a total structure of 2,990 square feet with a maximum height of approximately 15 feet, 0 inches on an approximately 7,966 square-foot lot.

The project approval is subject to the attached Conditions of Approval, and is based upon the attached Findings:

CONDITIONS OF APPROVAL

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-14", dated October 12, 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 2,990 gross square feet.
3. **Height.** The project shall be limited to a 15-foot height envelope with a maximum height of 22 feet, 6 inches.

Design Review Conditions

4. **Licensed Arborist**

- a. The applicant shall retain a licensed arborist on site during all construction activities.

5. **Landscape Screening**

- a. The applicant shall screen the driveway and driveway bridge with dense plantings selected from the preferred plant list.
- b. The applicant shall screen the pool, deck, and all structure elements visible from Mulholland Drive.

6. **Driveway**

- a. When the driveway is at an elevation between zero (0) and three (3) feet above adjacent finished grade, the applicant shall fill the area under the driveway with dirt and shall not utilize guardrails unless required by City Departments for safety purposes.
- b. The applicant shall utilize textured stucco for all driveway guardrail walls.

Administrative Conditions

7. **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.

8. **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.
9. **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.
10. **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.
11. **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.
12. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
13. **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.
14. **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

The proposed project is the construction of a new, 1,266 square-foot, two-story, single-family residence with an attached, two-car, 341 square-foot garage. The project includes approximately 174 square-feet of covered porch/patio/breezeway/balcony space, 492 square feet of hardscape, and 1,209 square feet of basement area. This would result in a total structure of 2,990 square feet with a maximum height of approximately 15 feet, 0 inches. The project site is in the MSP Inner Corridor, within 100 feet of Mulholland Drive, and on a prominent ridge. The project is subject to the Baseline Hillside Ordinance and on an approximately 7,966 square-foot lot. The applicant has stated that the project is upslope from Mulholland Drive and is visible from Mulholland Drive. The project includes the removal of one protected tree.

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 September 1, 2016 where the board convened a quorum of 5 members and voted unanimously (5-0) to continue the case with the following conditions:

- a. Per Guideline 57, replace Yucca sp. with preferred Hespero yucca whipplei
- b. Per Guideline 57, replace Tecoma capensis and Abe dawei "Yellow" with less brightly colored species from the preferred plant list
- c. A certified arborist shall be present on-site during all construction activities
- d. Retaining walls shall not exceed 16 feet in total height. The lower wall may be 10 feet and the upper wall may be 6 feet. The retaining walls shall include a minimum 3-foot wide planted buffer between the walls and a landscaped area at the base of the lower wall
- e. Verify with the Department of Public Works if the driveway is permitted in the public right-of-way
- f. Integrate the building in to the natural topography
- g. Verify the project height is permitted according to the Specific Plan
- h. Work with the Mountains Recreation and Conservation Authority to complete and agree on a conservation easement
- i. If any portion of any basement daylights the maximum basement size shall be 655 square feet
- j. Verify that the project complies with design guideline 8
- k. Verify that the project complies with design guideline 16
- l. Comply with design guideline 18, viewshed protection
- m. Redesign the building to comply with the Specific Plan in regards to the building's relationship to the prominent ridge
- n. Create an alternative design solution to the driveway bridge
- o. Limit building height to 15 feet per the specific plan

The Design Review Board met on January 19, 2017 where the board convened a quorum of 7 members. The vote was unanimous (7-0) 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. A certified arborist shall be present on-site during all construction activity
 - b. Screen the driveway bridge with dense plantings from the preferred plant list
 - c. Screen the pool, deck, and all structure elements visible from Mulholland Drive
 - d. When the driveway is at an elevation between zero and three feet above adjacent finished grade, the area under the driveway shall be filled with dirt and shall utilize the minimum height required for guardrails
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-14, dated October 12, 2016, DIR-2016-2414-DRB-SPP, 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 defined as a prominent ridge as per the definition in Section 4 since a ridgeline appears on the subject property on the map of the Specific Plan Area: Map 12 of 12. As per Section 5.B.1.a, the Plan states that:

Notwithstanding Subsection C below, prominent ridges shall not be graded, altered or removed without the prior written approval of the Director pursuant to Section 11. The Director may approve up to 1,000 cubic yards of grading of a prominent ridge after making the following findings:

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

On Page 18 of the conditionally approved proposed project plans, the applicant indicates that 160 cubic yards of grading will occur on the Prominent Ridge. The grading is necessary for the reasonable development of the site for the proposed single-family residence and to ensure that the project does not extend above the prominent ridge. A project that does not include a reasonable amount of grading on the prominent ridge would be incompatible with other Mulholland Scenic Parkways Specific Plan requirements related to the maximum height of structures and would be inharmonious with several Design Guidelines. Furthermore, the applicant made major design changes to the project per the Design Review Board recommendations from the September 1, 2016 hearing. The changes to the project include reductions in grading quantity on the prominent ridge, grading fill and compaction that mimics the natural slope of the prominent ridge, a redesigned project that remains lower than the prominent ridge at all points, and the removal of one retaining wall from the project. The applicant has also prepared a Geotechnical and Soils report that will be reviewed by the Department of Building and Safety for compliance with Los Angeles Municipal Code regulatory compliance measures. As such, the project will minimize erosion to the subject site.

As per Section 5.B.1.b, the Plan states that:

Buildings and structures visible from Mulholland Drive shall not be constructed on the top of a prominent ridge. Buildings and structures visible from Mulholland Drive shall not be constructed within 50 vertical feet of the top of a prominent ridge without the prior written approval of the Director pursuant to Section 11. The Director may approve construction of a building and/or structure within 50 vertical feet of the top of a prominent ridge, but not exceeding the top after making the following findings:

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

The proposed project plans indicate that the structure does not exceed the top of the prominent ridge and that the structure is not built on the top of the prominent ridge. The applicant made major design changes to the project per the Design Review Board recommendations from the September 1, 2016 hearing. In order to comply with Section 5.B.1.b., the applicant revised the project to follow the ridgeline. To accomplish this, the applicant eliminated one retaining wall, revised the flat roof to a pitched roof that mimics the natural site topography, stepped back the upper floor by an additional two feet, and lowered the entire structure in to the hillside by three feet. The proposed structure is also designed to complement the view from Mulholland Drive in that the building is sunk in to the hillside environment, is planted with native landscaping, utilizes a pitched roof that mimics the natural site topography, and utilizes dark, earth tone colors and materials that blend in to the hillside. The applicant also investigated a variety of designs for the proposed structure driveway and concluded that the conditionally approved option minimizes access to the right-of-way. Furthermore, the Design Review Board conditioned the driveway to remove the guardrails (except when required for safety purposes) and fill the area under the driveway with dirt, further reducing the impact of the driveway. As such, the conditionally approved project has taken every measure possible to ensure the proposed project results in no impact to the prominent ridge and is not constructed above the prominent ridge.

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.

According to the same map and <http://zimas.lacity.org> the project is further than 100 feet from a watercourse and is in compliance with Section 5.B.2, which limits grading within 100 feet of a stream bank.

According to the same map and <http://zimas.lacity.org> the project is within 200 feet of public parkland. As per Section 5.B.3, the Plan states that:

No project shall be erected and no earth shall be graded within 200 feet of the boundaries of any public parkland without the prior written approval of the Director pursuant to Section 11. The Director may approve the construction of a project or grading within 200 feet of public parkland after making the following findings:

- a. The project preserves the residential character along the right-of-way.*
- b. The project will minimize erosion.*
- c. The project preserves the natural vegetation and the existing ecological balance.*
- d. The project protects identified archaeological and paleontological sites.*

e. The project minimizes driveway access into the right-of-way.

The proposed project is for the construction of a new, single-family residence. The applicant has also prepared a Geotechnical and Soils report that will be reviewed by the Department of Building and Safety for compliance with Los Angeles Municipal Code regulatory compliance measures. As such, the project will minimize erosion to the subject site. The proposed project includes the removal of one protected tree with a proposed mitigation of four trees. The applicant also proposes a full landscape plan with low water use native species that will complement the ecological balance of the adjacent parkland to the north. In addition, there are no known archaeological or paleontological findings on the subject site. However, 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. The applicant also investigated a variety of designs for the proposed structure driveway and concluded that the conditionally approved option minimizes access to the right-of-way. Furthermore, the Design Review Board conditioned the driveway to remove the guardrails (except when required for safety purposes) and fill the area under the driveway with dirt, further reducing the impact of the driveway. As such, the conditionally approved project has taken every measure possible to ensure the proposed project results in no adverse impacts to the adjacent public parkland.

As such, the project complies with Section 5.B.3., which requires findings be made for projects and grading proposed within 200 feet of the boundaries of any public parkland.

The project does propose to remove one protected tree, in accordance with Section 5.B.4. As per Section 5.B.4., the Plan states that:

No oak tree (*quercus agrifolia*, *lobata*, *q. virginiana*) shall be removed, cut down or moved without the prior written approval of the Director. The Director may approve the removal, cutting down or moving of an oak tree after making the following findings:

- a. The removal, cutting down or moving of an oak tree will not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters.*
- b. The oak tree is not located with reference to other trees or monuments in such a way as to acquire a distinctive significance at said location.*

The removal of the one Oak tree will allow for reasonable development of the property for the proposed single-family residence. This home is subject to the Low Impact Development Ordinance that will require capturing and slowing the flow of water from a storm event. As such, the tree removal will not create undesirable, irreversible soil erosion for the project. Furthermore, the oak tree on this site does not have distinctive significance at its location, and as per the project plans and protected tree ordinance, will be replaced on site at a ratio of four (4) new trees for every one (1) tree removed.

As such, the project complies 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.C: Grading

The project requires 1,225 cubic yards to be cut, 428 of which will be used for fill, and 797 cubic yards will be exported; zero cubic yards will be imported. In Section 5.C the Plan states that:

The Director may approve grading up to two cubic yards of earth per four square feet of lot area per lot after making the following findings:

- a. *The Department of Building and Safety or the Bureau of Engineering has determined that such grading is required to provide access driveways, pedestrian accessways, drainage facilities, slope easements, and/or dwelling foundations.*
- b. *All grading conforms to the standards set forth in the Landform Grading Manual, unless the Department of Building and Safety has determined that landform grading will conflict with the provisions of Divisions 29 and 70 of Article 1 of Chapter IX of the Code.*
- c. *The graded slopes have a natural appearance compatible with the characteristics of the Santa Monica Mountains.*
- d. *The Department of Building and Safety has determined that grading will minimize erosion.*

Per this Section, the applicant would be limited to 3,983 cubic yards of grading for the 7,966 square-foot lot. This grading is necessary for the reasonable development of the property for the single-family residence, conforms to the Landform Grading manual, and as conditioned in this determination letter the design of the home will be compatible with the Santa Monica Mountains. Furthermore the applicant is required to obtain grading permits and follow all practices imposed on them during the process of grading from the Building and Safety Grading Division. As such, the project complies with Section 5.C of the Specific Plan.

Section 5.D: Building Standards

The project is visible from Mulholland Drive. As per Section 5.D.1 of the Specific Plan:

The Director may approve a project's penetration into the viewshed after making the following findings:

- a. *The Department of Building and Safety has determined that the height of the project does not exceed the height limit in lowed in paragraphs a, b or c of subdivision 2.*
- b. *The project is designed to complement the view from Mulholland Drive.*

The project is upslope and is furthermore located on a lot within 100 feet of the Mulholland right-of-way. As such, the project's height is restricted to 15 feet. As proposed the project is 15 feet high, and complies with Sections 5.D.1.a and 5.D.2.a.

While the project abuts the right-of-way, the lot depth is less than 100 feet. As such, Section 5.D.3 does not apply to the project.

The project proposes a driveway guardrail/wall visible from Mulholland Drive. The gaurdrail has been conditioned to be constructed of earth tone stucco textured materials, and is therefore in compliance with Section 5.D.4, which requires a finish such as rough-cut, unfinished wood; native-type stone; split face concrete block; textured plaster walls; black or dark green chain link or wrought iron; or a combination thereof.

The roof, which is visible from Mulholland Drive, will not have any equipment placed on it, with the exception of solar panels, and will be surfaced with non-glare materials. As such, the project complies with Section 5.D.7.

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 1,266 square feet, 2,990 gross square feet, and a 15.9% Floor Area Ratio. Nearby homes have an average of 1,718 square feet and an FAR of 14.81%. Finally, the project's finish materials of stucco, concrete, and aluminum 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 54: Protection of Native and/or Significant Trees

Design Guideline 55: Replacement of Native Trees

To ensure existing protected trees are maintained, the project is conditioned to require a certified arborist be present during all construction activities. As such, the project complies with Design Guideline 54 and 55.

Design Guideline 63: Landscape Screening

The project is conditioned to screen the driveway, driveway bridge, pool, deck, and all structures visible from Mulholland Drive by plantings selected from the current preferred list. As such, the project complies with Design Guideline 63.

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 Exhibits E-2. As such, the project complies with sustainable building practice Design Guideline 71.

- 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.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://www.planning.lacity.org/forms.htm>.

Planning Department public offices are located at:

Downtown Office
Figueroa Plaza
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

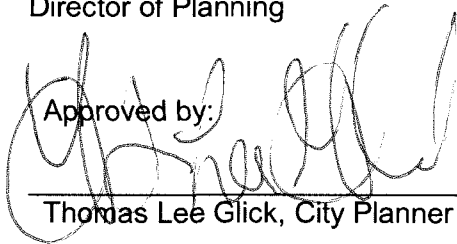
Valley Office
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077 or (818) 374-5050 or through the Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

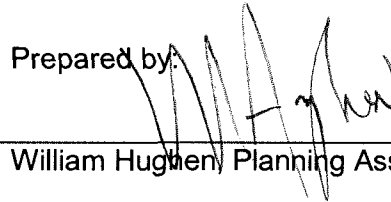
VINCENT P. BERTONI, AICP
Director of Planning

Approved by:



Thomas Lee Glick, City Planner

Prepared by:



William Hugueny, Planning Assistant