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November 1, 2019

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CASE NO.: ZA-2007-1255-ZAD  
ZONING ADMINISTRATOR'S  
DETERMINATION

Address: 22241-22255 Mulholland Drive

Related Case: VTT-67505

Community Plan: Canoga Park-Winnetka-  
Woodland Hills-West Hills

Zone: R1-1

D. M.: 165B101

C. D.: 3 - Blumenfield

CEQA: ENV-2005-2301-EIR (Sch. No.  
2005111054)

Legal Description: Lot 1083, ARB 7,8 , Tract  
1000

FIND, based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Vesting Tentative Tract Map No. 67505 Project Environmental Impact Report No. ENV-2005-2301-EIR (SCH No. 2005111054 ), certified on November 1, 2019; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 X.7, I hereby APPROVE:

A determination to allow Lot 13 approved pursuant to VTT-67505, to include a retaining wall 70 feet in length and up to eight feet in height, in lieu of the three and one-half feet height limit for fences and walls within the required front yard in an R zone otherwise permitted by Section 12.22 C.20(f)(2).

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 X.26, I hereby APPROVE:

A determination to allow five retaining walls on one lot with a maximum height of 11 feet 6 inches from proposed finished grade, in lieu of the maximum one retaining wall per lot with a maximum height of 12 feet or maximum two retaining walls

provided a minimum horizontal distance between walls of three feet and maximum wall height of 10 feet otherwise permitted by LAMC Section 12.21 C 8. After recordation of final map and subdivision into 19 lots, the project will be consistent with the zoning code provisions, and no lot will have more than one retaining wall.

Upon the following additional terms and conditions:

### **CONDITIONS OF APPROVAL**

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.
7. Approved is the construction of five retaining walls on the project site prior to tract map recordation as shown in Exhibit "A" and in the table below, subject to the following maximum retaining wall heights:

Retaining Wall	Retaining Wall Location	Maximum Height from existing grade	Maximum Height from proposed grade
1	Lots 1-4	8 feet	10 feet 11 inches
2	Lots 5-6	9 feet	11 feet 6 inches
3	Lots 9-10	10 feet 6 inches	11 feet
4	Lots 11-12	6 feet	4 feet 6 inches
5	Lot 13	8 feet	9 feet 10 inches

8. **Landscaping.** For retaining walls of eight feet or greater in height, the applicant must submit a landscape plan designed to completely hide the retaining wall from view within a reasonable amount of time. The landscape plan shall be subject to the approval of the Director of Planning in accordance with Sections [12.40](#) through [12.43](#) of this Code and any Landscape Guidelines established by the City Planning Commission. All retaining walls shall be fully screened with vegetation, in compliance with the **Mulholland Scenic Parkway Specific Plan**.
9. The project shall comply with the conditions required in the LADBS Grading Division's Soils Approval Letter dated November 21, 2017 (LOG # 97648-02) and any subsequent LADBS requirements. All conditions of the geology, soils and grading approval shall be incorporated and printed on the plans submitted for plan check.
10. Prior to the issuance of any grading permit, retaining wall permit, or tree removal permit, the project shall comply with any necessary and applicable review required by the **Mulholland Scenic Parkway Specific Plan**.
11. **Mitigation Monitoring Program Implementation.** The Mitigation Monitoring Program (MMP), attached as "Exhibit B" and part of the case file, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.
12. **Construction Monitor.** During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the

Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two business days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

13. **Substantial Conformance and Modification.** After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

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 \$50,000. 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.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This authorization 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 upon you to advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such 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 if the same be 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. The Zoning Administrator's determination in this matter will become effective after **November 18, 2019**, unless an appeal therefrom is filed with the Department of City Planning. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections and 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 the Zoning Administrator's action, 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://planning.lacity.org>**. Public offices are located at:

Figueroa Plaza  
201 N. Figueroa St., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
213 482-7077

Marvin Braude San Fernando Valley  
Development Service Center  
6262 Van Nuys Blvd., Room 251  
Van Nuys, CA 91401  
818 374-5050

West Los Angeles  
Development Service Center  
1828 Sawtelle Blvd., 2<sup>nd</sup> Floor  
Los Angeles, CA 90025  
310 231-2901

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.

### NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the joint public hearing before the Deputy Advisory Agency Zoning Administrator on October 2, 2018, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

### BACKGROUND

The subject property is 6.2-acre Project Site located at 22241-22255 Mulholland Drive in the City of Los Angeles, within the community of Woodland Hills. The irregularly shaped Project Site is bound by San Feliciano Drive to the north and west and Mulholland Drive to the south and southeast. The Girard Reservoir (drained in 1989 and currently empty) is adjacent to and northeast of the Project Site. The site is zoned R1-1, which is a single-family residential zone with a minimum lot size requirement of 5,000 square feet, which permits a building height of up to 33 feet.

The applicant is proposing a 19-lot subdivision of an irregularly-shaped 6.2-acre site, and the subsequent development of 19 single-family residences. Each residence would be comprised of three or four bedrooms and a two-car garage. The maximum height of each building would be limited to two stories or 33 feet, and each residence would be required to be built and designed pursuant to the established regulations and design guidelines of the Mulholland Scenic Parkway Specific Plan. Development on the site would be primarily focused along a new private street, extending from San Feliciano Drive into the Project

Site and terminating in a cul-de-sac. Twelve residences would be accessed from this private street, and three residences would have direct access off San Feliciano Drive. In addition, a separate entrance would extend from Mulholland Drive into the Project Site to provide access to the remaining four residences.

Grading for the Project would involve the excavation (cut) of approximately 3,040 cubic yards. All excavated material would be used as fill on the Project Site. The proposed grading would require approximately 7,240 cubic yards of fill to balance the site, resulting in the proposed import of 4,200 cubic yards of material to the site. The Project would also utilize five retaining walls ranging from 0.5 to 11'6" feet in height in lieu of slopes, to reduce the amount of on-site grading and number of impacted coast live oak trees.

Previous zoning related actions on the site/in the area include:

**On-Site Related Cases:**

TT-61553 and APCSV-2005-2381-ZC-SPE - On February 29, 2008, an application for a 37-unit condominium development in the RD6 zone was withdrawn from review.

VTT-67505 and APCSV-2007-1255-HD-SPE-ZAA-ZAD: A tract map and zone change were filed in 2007, proposing a subdivision for the development of 29 single-family residences, a zone change to R1-1D to include "D" development limitations for residential floor area and lot coverage, an exception to the Mulholland Scenic Parkway Specific Plan's ("Specific Plan") viewshed regulations, and deviations from the setback and retaining wall standards of the Municipal Code. Following public hearings in February 2009 and June 2009, the project was placed on hold pending further revisions.

An updated application for a reduced project was submitted in May 2015, and the requests for the zone change, deviations from the Specific Plan, and deviations from setback standards were withdrawn, resulting in an updated case number to ZA-2007-1255-ZAD. The current requests include a Vesting Tentative Tract Map for the subdivision of the lot and development of 19 single-family residences, a new private street, a haul route for the import of soil, and deviations from the front yard fence height limits and the retaining wall standards of the Municipal Code.

**Off-Site Related Cases:**

None

**Public Hearing and Correspondence:**

A joint public hearing was conducted on October 2, 2018 in Van Nuys for Case No. VTT-67505 and the proposed ZA entitlements. At the hearing, the applicant provided additional information regarding the project and over 40 individuals spoke in opposition to the project, including representatives from the Woodland Hills Warner Center Neighborhood Council, Santa Monica Mountains Conservancy, Save Oak Savanna, and Cooper Ecological Monitoring, as well as local residents.

In addition, one letter of support and approximately 200 letters of opposition were



received in regards to the subdivision and development of the site, including letters from the Woodland Hills Warner Center Neighborhood Council, Santa Monica Mountains Conservancy, Save Oak Savanna, and Louisville High School. In response to the environmental analysis disclosed for the project, over 40 additional letters of opposition were submitted, including letters from the Santa Monica Mountains Conservancy, Save Oak Savanna, and local residents. General comments on the project's environmental impacts were also provided by the California Department of Fish and Wildlife (CDFW), Los Angeles Department of Water and Power (LADWP), Los Angeles Fire Department (LAFD), and Louisville High School. Public comments concerning the project are summarized below:

- The subdivision and development are inconsistent with the neighborhood character.
- The project should be reduced in density, height, and massing.
- The proposed access driveways and the private street are dangerous due to the curve and grade of San Feliciano Drive.
- The project will negatively impact the oak savannah on-site through the direct removal of protected trees and indirect impacts such as grading and changes in hydrology which may impact the remaining oak trees.
- The project will impede on the wildlife corridor.
- Construction will cause noise, dust, air pollution, and traffic.
- Hazardous pipelines run along Mulholland Drive and may be impacted by the development.
- The Environmental Impact Report is deficient.

In response to these concerns, following are staff responses:

### ***Neighborhood Compatibility***

Although building plans are not required for the subdivision of land for single-family lot purposes, the environmental analysis for the project limits the scope of development on the site. Therefore, the residences are limited to a maximum of 33 feet in height and are also limited to a maximum two-story height as part of the subdivision. Also, in accordance with the analysis of the Environmental Impact Report, second dwelling units or accessory dwelling units are prohibited on each lot per the Tract Map conditions.

Any potential single-family residence will be subject to the standards of the Municipal Code and the Specific Plan. The maximum floor area to be developed on each lot will be determined by the Baseline Hillside Ordinance. The final height, massing, floor area, and design of each individual residence will be reviewed through a public hearing process by the Mulholland Specific Plan Design Review Board and the Director of City Planning for conformance with the standards of the Specific Plan, including guidance relating to neighborhood compatibility. Through this process, building heights and residential floor area may potentially be further reduced.

### ***San Feliciano Drive***

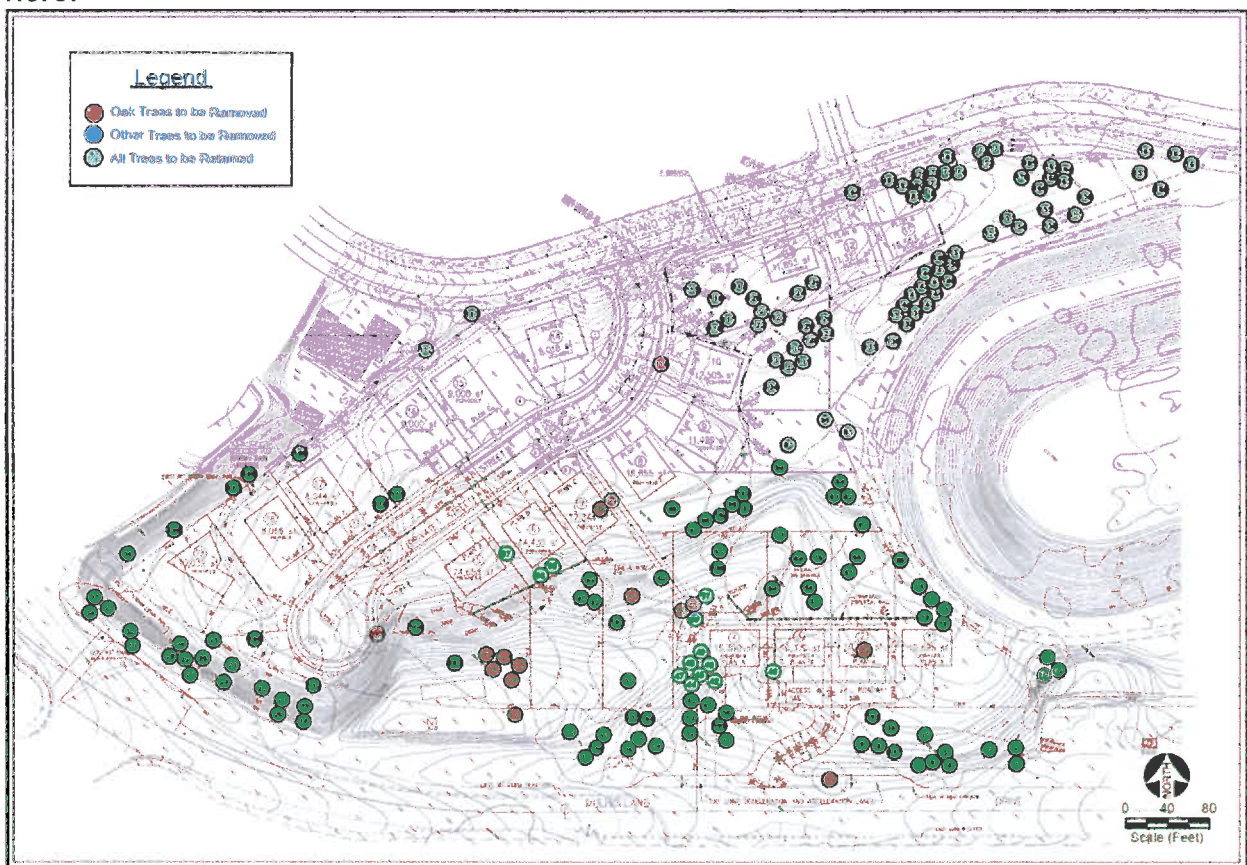
In response to public comments, a site distance analysis was conducted to analyze roadway visibility near the project entrance at San Feliciano. As a result, the red curb on the southeast corner of the internal Project roadway and San Feliciano Drive intersection will be extended by 25 feet to ensure that the project street entrance is visible from

westbound San Feliciano Drive (see Project Design Feature I-1 of Exhibit B – Mitigation Monitoring Program).

### ***Tree Impacts***

A majority of the existing trees on the site would be maintained, including the grouping of trees on the south of the property along Mulholland Drive near the intersection with Mulholland Highway, and tree groupings along the north end of the property adjacent to the City of Los Angeles Department of Water and Power (DWP) property. Currently, the site contains 3.7 acres of coast live oak woodland vegetation communities, including some that is mixed with ornamental trees and vegetation. Under the Project, approximately 3.5 of the 3.7 acres containing most of the site's oak canopy would remain intact. Specifically, of the 199 trees (including 166 protected trees) located on-site, 28 trees (including 15 coast live oaks) are expected to be removed, and would be required to be replaced at a 2:1 ratio on-site with 36"-box trees, consistent with the City's protected tree ordinance and the Mulholland Specific Plan.

A diagram of the impacted trees is viewable on page 115 of the Draft EIR and is shown here:



Additional mitigation measures for tree preservation were included in the Mitigation Monitoring Program for the project (see Exhibit B). These include measures such as:

- Fencing off the driplines of all trees within 50 feet of the construction or grading areas
- Utilizing only hand digging (non-mechanical) methods near the protected drip lines

- A prohibition of installing utilities, irrigation lines, landscaping, or grade changes within the protected oak driplines,
- Protection of trees with special mulch, etc.

In addition, a subsequent review by the project Arborist of the Hydrology Report determined that no additional significant indirect impacts would occur to the remaining trees due to changes in topography, as no significant changes to hydrology on the site would occur.

### ***Wildlife Corridor***

As is discussed in the Draft EIR (in Section V.D, Biological Resources at page V.D-19), although mammals and reptiles may currently cross over Mulholland Drive between the Project Site and the relatively natural habitat areas on the school and park property to the south of Mulholland Drive, the Project Site does not function as part of a true wildlife corridor since wildlife dispersal across the Project Site is currently compromised by vehicle traffic on Mulholland Drive. In addition, the Project Site does not act to connect two significant or large core habitat areas; rather, the Project Site is a relatively small habitat island mostly surrounded by suburban development.

Construction impacts relating to birds and wildlife are discussed in the Draft EIR (Section V.D, pages V.D-17 through V.D-19) and mitigation measures are identified to reduce such impacts to below a level of significance. Nonetheless, it is acknowledged that any development activity on the Project Site has the potential to disturb birds and wildlife that currently utilize the property. It is also acknowledged that such impacts would largely be temporary rather than permanent, as the biota on-site would support recolonization of the Site by wildlife following the completion of construction activities and the implementation of the required landscaping plan and tree replacement. Therefore, the EIR adequately discloses and mitigates potential impacts to wildlife.

### ***Construction***

Impacts related to construction noise, dust, air emissions, and traffic were all adequately disclosed and analyzed in the environmental analysis for the project, and were determined to be less than significant.

### ***Grading***

Grading for the Project would involve the excavation (cut) of approximately 3,040 cubic yards. All excavated material would be used as fill on the Project Site. The proposed grading would require approximately 7,240 cubic yards of fill to balance the site, resulting in the proposed import of 4,200 cubic yards of material to the site. The approved Haul Route limits hauling activities to between 9:00 AM and 3:00 PM to avoid peak travel times and school drop-off and pick-up times. It is estimated that this soil import activity would take approximately fourteen days. The Project's geology and soils report, retaining wall plans, and Haul Route have been adequately prepared and reviewed by the Department of Building and Safety, Grading Division and Department of Transportation, and will be subject to all applicable grading and safety regulations. Grading and the use of retaining walls has been minimized on the site as feasible and no significant impacts in terms of geological and soil hazards would result from this Project.

### ***Environmental Impact Concerns***

Public comments regarding the Draft Environmental Impact Report (EIR) for the project are addressed in further detail in the Final EIR:

<https://planning.lacity.org/eir/VT67505/feir/FEIR%20VT67505%20Project.html>

## **FINDINGS**

### **OVER-IN HEIGHT WALL IN FRONT YARD**

In order for a deviation from the zoning regulations to be granted, all of the legally mandated findings delineated in LAMC Section 12.24 X must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject property an irregular-shaped approximately 6.2-acre hillside site located at 22241-22255 Mulholland Drive in the City of Los Angeles, within the community of Woodland Hills. The project proposes the subdivision of the lot and development of 19 single-family residences, a new private street and two new entrances into the site, a haul route for the import of soil, the removal of 28 trees (including 15 protected trees), and the preservation of approximately 3.5 of 3.7 acres of coast live oak woodland vegetation communities on-site. The residential subdivision has been designed to position the building pads and retaining wall locations and heights in areas to minimize grading and tree removal, and for the preservation of the most prominent tree groupings on the site, specifically along Mulholland Drive at the intersection with Mulholland Highway. This subdivision design necessitates the construction of retaining walls, including one retaining wall on Lot 13 which exceeds the standard 3 ½ foot height limit in the front yard setback.

Approval of the requested determination would allow for an over-in-height retaining wall to be located along San Feliciano Drive and along the proposed private street on the northwestern boundary of Lot 13, and has a varying height of one to eight feet. The retaining wall is necessary to allow for the private street entrance into the subdivision to serve 12 of the residences. During the subdivision design process, alternative locations for a private street entrance were investigated and the current proposed location for the private street would require less grading and impacts to protected trees than other options. As shown on Exhibit A, a private street entrance from Mulholland Drive would be less desirable, as it would require significantly more grading, and an entrance further east along San Feliciano Drive would also be problematic, as it would require the removal of a cluster of protected trees in order to accommodate the width of a private street. In lieu of these options, narrower single entrances to a portion of the residences in the subdivision were provided at these locations. These considerations, coupled with policies of the General Plan and Mulholland Scenic Parkway Specific Plan which encourage the minimization of grading and protection of biological resources, therefore resulted in the current subdivision design, proposed private street location, and the need for the over-in-height retaining wall.

The construction of the 19 single-family residences would enhance the built environment, as this development would be compatible with the surrounding



neighborhood, including adjacent single-family residences, a school, a vacant LADWP property, and a two-story commercial shopping center. The request to allow for an over-in-height wall will serve a benefit to the community by minimizing grading and preserving on-site vegetation and protected tree species. In addition, the construction of the development is subject to numerous mitigation measures and conditions of approval required under the tract map and this approval. As conditioned, the residential development will benefit the City by incrementally increasing the for-sale housing stock and improving the project's design, while preserving a majority of the site's biological features. Thus the project will enhance the built environment in the surrounding Woodland Hills neighborhood.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

#### *Project Features*

The project site is located in a hillside area, and contains a vacant single-family residence on a 6.2-acre site. The project proposes the development of 19 single-family dwellings, each with a maximum height of 33 feet (2 stories), on lots averaging approximately 12,500 square feet of lot area. In order to preserve as many trees as possible on the site, lot lines and building pads have been designed to protect trees and minimize grading throughout the site. This necessitates the construction of retaining walls, including one retaining wall on Lot 13 which exceeds the standard 3 ½ foot height limit in the front yard setback, and has a varying height of one to eight feet.

The site contains 199 existing trees (including 166 protected trees), and 28 trees (including 15 protected trees) would be removed in order to develop the project. This includes a subdivision design which takes primary access from a private street off of San Feliciano Drive at a location where there would be minimal impacts to existing trees, positioning the building pads and retaining wall locations and heights in areas to minimize tree removal, and the preservation of the most prominent tree groupings on the site, specifically along Mulholland Drive at the intersection with Mulholland Highway. Currently, the site contains 3.7 acres of coast live oak woodland vegetation communities, and under the subdivision design with the use of retaining walls, 3.5 acres would remain intact. Furthermore, a majority of the trees to be removed have been rated as unhealthy or dead trees, and trees that will be removed are required to be replaced at a minimum 2:1 ratio on-site with 36"-box trees.

Development of the site would also require grading of the site, including 3,040 cubic yards (c.y.) of cut and 7,240 c.y. of fill, resulting in a net of 4,200 c.y. of soil import. Due to previous site disturbance and fill on the site, the proposed grading, fill, and recompaction of soils is necessary to create stable and safe geological conditions for the private street and development of the site. Soil movement and the use of retaining walls (including locations and height) have been balanced in

consideration of other objectives, such as those for the preservation of trees and vegetation. In addition, the Grading Division of the Department of Building and Safety has reviewed and approved the proposed grading and use of retaining walls for conformance with City standards.

In regard to site access, the project has been designed to meet City driveway and private street standards, and includes one entrance from Mulholland Drive (serving four lots), one entrance from San Feliciano Drive (serving three lots), and one private street from San Feliciano Drive (to serve the remaining 12 lots). The central private street was designed as an efficient solution to provide access to the greatest number of lots in the subdivision within the flatter and less tree-dense portions of the lot. The private street also serves as a central access to these lots and therefore also reduces curb cuts from the adjacent right-of-way. In lieu of extending the private street south into the site to the higher and steeper portion, a single entrance was provided along Mulholland Drive to serve the four southernmost residential lots. An extended private street design would have otherwise increased grading, the use of retaining walls, and the potential for tree removal. Similarly, a single entrance was provided for the easternmost lots on San Feliciano Drive, which were clustered and situated to minimize grading, use of retaining walls, and tree removal.

#### *Neighborhood Compatibility*

Surrounding uses include single-family residences, the former Girard Reservoir and the City of Los Angeles Department of Water and Power Pumping Station (currently vacant site), Louisville High School, a two-story shopping center, and a two-story commercial office building, and surface parking. The Project's density is appropriately scaled and situated given the uses in the surrounding area. The subject site is located in the Hillside Area of the City and has slightly varying elevation levels throughout the irregular shape of the lot, and the amount of grading and use and height of retaining walls is appropriate and compatible with adjacent developments.

Furthermore, any potential single-family residence developed on the site will be subject to the standards of the Municipal Code and the Mulholland Scenic Parkway Specific Plan. The maximum floor area to be developed on each lot will be determined by the Baseline Hillside Ordinance. The final height, massing, floor area, and design of each individual residence, as well as design of retaining walls, will be reviewed through a public hearing process by the Mulholland Specific Plan Design Review Board and the Director of City Planning for conformance with the standards of the Specific Plan, including guidance relating to neighborhood compatibility. Through this process, building heights and residential floor area may potentially be further reduced, and additional screening conditions may be imposed for the retaining wall design.

Therefore, the physical characteristics of the site and the proposed retaining walls are generally compatible with existing development and the single-family residential character of the surrounding community.

*Adverse Effects and Public Health, Welfare, and Safety*

Regarding adverse effects or impacts to public health, welfare, and safety, the Environmental Impact Report (EIR) prepared for the project identifies no substantial environmental damage or adverse impacts on the surrounding properties, public health, welfare, and safety. The project site, as well as the surrounding area, are developed with a mix of uses, including single-family residences, a school, and commercial/office buildings. Under the project's improvements, approximately 3.5 of the 3.7 acres containing coast live oak woodland vegetation communities and most of the site's oak canopy would remain intact, and 28 of the existing 199 trees would be removed and replaced at a minimum 2:1 ratio on-site. In addition, as is discussed in the Draft EIR for the project (in Section V.D, Biological Resources at page V.D-19), the Project Site does not function as part of a wildlife corridor and the Project Site is a relatively small habitat island mostly surrounded by suburban development. Nonetheless, additional mitigation measures for tree preservation and for construction impacts relating to birds and wildlife are included in the Mitigation Monitoring Program for the project (Exhibit B), which is included as a condition of approval. The retaining walls would further serve to minimize grading on-site and therefore also minimize impacts to trees and wildlife.

Furthermore, the proposed project and retaining walls are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management). The project is not located over a hazardous materials site, flood hazard area and is not located on unsuitable soil conditions. The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. However, the project is located in State of California liquefaction zone. According to the memo from the Department of Building and Safety – Grading Division, dated November 21, 2017, the Department of Building and Safety has proposed the use of mat foundations for Lots 5 through 19 of the project site as a mitigation measure and acknowledges that the requirements of the City of Los Angeles Building Code have been satisfied. Additionally, the memo has imposed conditions to ensure that the soil foundation of the project site is suitable and would not cause serious public health problems for the project. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site, and the use and height of retaining walls. Therefore, the design of the subdivision and the proposed retaining walls are not likely to adversely affect or degrade surrounding properties or cause public health or safety problems.

3. **The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The General Plan sets forth a citywide comprehensive long-range growth strategy and defines citywide policies regarding such issues as land use, housing, urban

form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. Elements of the General Plan establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of LAMC requirements. Except for the entitlement described herein, the project does not propose to deviate from any other LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements adopted by the City Council. The Framework Element establishes the broad overall policy and direction for the General Plan. Objective 3.5 of the Framework Elements states: "ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development."

The Housing Element of the General Plan further promotes the development and preservation and enhancement of quality residential neighborhoods. The project is consistent with the following:

**Goal 1:** A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy, sanitary and affordable to people of all income levels, races, ages, and suitable for their various needs.

**Objective 1.5:** Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.

The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan designates the subject property Low Residential with corresponding zones of RE9, RS, R1, RU, RD5 and RD6. The Community Plan also contains residential policies applicable to hillside developments located in the Community Plan.

**Policy 1-5.1:** Limit development according to the adequacy of the existing and assured street circulation system within the Plan Area and surrounding areas.

**Policy 1-5.3:** Consider the steepness of the topography and suitability of the geology in any proposal for development within the Plan area.

**Policy 1-5.4:** Require that any proposed development be designed to enhance and be compatible with adjacent development.

The proposed project is consistent with the density and use designations in the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan. The Community Plan designates the project site as Low Residential, with a corresponding R1-1 zone, subject to a minimum lot area of 5,000 square feet and a minimum lot width of 50 feet. The proposed residential subdivision of a 6.2-acre

lot into 19 single-family lots provides lot areas and lot widths greater than the minimum required by the land use designation and zoning.

In addition, a central goal of the Community Plan is the need to preserve existing residential neighborhoods. The proposed project at 19-lots on 6.2 acres is developed with homes and lot sizes similar to the surrounding neighborhood. The goal is further emphasized in the Community Plan's objectives which seek to preserve and enhance the character and integrity of existing single-family neighborhoods. The proposed development will be compatible with the adjacent single-family dwellings and will preserve and enhance the character of the area by utilizing retaining walls to minimize grading and reduce the number of impacted coast live oak trees, and implementing landscaping to screen both the retaining walls and reduce visibility of the single-family residences. The project and retaining walls would not adversely affect the characteristics of this area or the General Plan.

Further, the proposed project is consistent with the purpose, intent and provisions of the Mulholland Scenic Parkway Specific Plan, which encourages projects to minimize grading, removal of trees, and other disturbance to the natural topography. In order to preserve as many trees as possible on the site, lot lines and building pads have been designed to protect trees and minimize grading around protected trees. This necessitates the construction of retaining walls in a total of five locations across the site, including one which exceeds the standard 3 ½ foot height limit in a front yard setback. Without retaining walls, grading on several lots would potentially damage several protected trees.

The design and improvement of the residential subdivision is intended to balance the various goals of the General Plan and Specific Plan, especially as they relate to site design, grading, and protection of trees. Therefore, as conditioned, the design and improvement of the proposed subdivision, including grading and retaining walls, would be consistent with the intent and purpose of the applicable General Plan and Specific Plan.

4. **The environmental effects and appropriateness of materials, design and location of any proposed fence or wall, including any detrimental effects on the view which may be enjoyed by the occupants of adjoining properties, and security to the subject property which the fence or wall would provide.**

The design of this project was carefully considered to provide an appropriate infill development which would complement the surrounding area (in terms of land use, architecture, and density) while addressing the need to preserve existing protected trees on the property. The front setback retaining wall height regulations are unnecessarily restrictive to this type of development considering the number of protected trees on the site and the intent of the Zoning Code to allow property to be developed consistent with the density parameters in the Community Plan. In order to most efficiently use the lot area, a front setback wall height adjustments is needed for one of the 19 lots as part of the subdivision. The retaining wall would not block any scenic vista or scenic views of adjacent properties and would not



create security issues. Regarding adverse effects or impacts to scenic views, public health, welfare, and safety, the Environmental Impact Report (EIR) prepared for the project identifies no substantial environmental damage or adverse impacts on the surrounding properties, scenic views, public health, welfare, and safety.

The strict application of the retaining wall height regulations would directly impact the quality of the proposed project because it would require the removal of additional protected trees on the site. One general purpose of the zoning regulations is to protect the public health, welfare safety, and the proposed retaining wall height adjustment does not impair this guideline.

## **RETAINING WALLS (NUMBER AND HEIGHT)**

In order for a deviation from the zoning regulations to be granted, all of the legally mandated findings delineated in LAMC Section 12.28 C.4 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

5. **While site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations.**

The project proposes the subdivision of the lot and development of 19 single-family residences, a new private street and two new entrances into the site, a haul route for the import of soil, the removal of 28 trees (including 15 protected trees), and the preservation of approximately 3.5 of 3.7 acres of coast live oak woodland vegetation communities on-site. The residential subdivision has been designed to position the building pads and retaining wall locations and heights in areas to minimize grading and tree removal, and for the preservation of the most prominent tree groupings on the site, specifically along Mulholland Drive at the intersection with Mulholland Highway. This subdivision design necessitates the construction of retaining walls, including five retaining walls on the site up to heights of 10 feet 6 inches.

### **Maximum number of retaining walls**

LAMC Section 12.24X.26 authorizes the ZA, upon formal application, to permit retaining walls in the hillside areas that exceed the maximum number allowed under Section 12.21 C.8(a), subject to the procedures set forth in Section 12.28C.1 through 5. The undeveloped site is in an essentially natural condition, consisting of a fairly uniform sloping, grass-covered hillside. The retaining walls proposed are necessary to create a building pads, minimize grading, protect existing trees, and to preserve undisturbed natural areas. The Project would utilize five retaining walls ranging up to 10 feet 6 inches in height.

The zoning regulations permit a maximum of two walls with a height of 10 feet. The larger and more steeply sloped the property is, the more difficult it is to develop

a hillside property with only two retaining walls. The Project Site would need to be graded to prepare the site for a subdivision of the site. However, building pads for the subdivision can't be constructed without exceeding the maximum number of retaining walls. However, after recordation of final map and subdivision into 19 lots, the project will be consistent with the zoning code provisions, and no lot will have more than one retaining wall. Therefore, it will be in compliance with the LAMC regulations. The property's large, irregular shape, steep slopes along Mulholland Drive and portions of San Feliciano, and locations of protected tree groupings, makes strict adherence to the retaining wall regulations impractical and infeasible. The retaining walls will be covered with landscaping which is consistent with the intent of the regulations to reduce the visual mass of retaining walls. The design of the subdivision and use of retaining walls will result in less grading and fewer tree impacts, and will eventually comply with the regulation once the tract map records, which is consistent with the intent of the regulations.

### **Height**

LAMC Section 12.21 C.8 requires a maximum of one retaining wall per lot with a maximum height of 12 feet or 2 retaining walls provided a minimum horizontal distance between walls of 3 feet and maximum wall height of 10 feet. There are special circumstances unique to the subject property when compared to surrounding properties in the same zone and vicinity.

Approval of the requested determination would allow for a retaining wall up to 10 feet 6 inches above existing grade to be located Lots 9 and 10. The retaining wall is necessary to allow for the preservation of a cluster of protected trees in order to accommodate both building pads for Lots 9 and 10 and the width of the private street. These considerations, coupled with policies of the General Plan and Mulholland Scenic Parkway Specific Plan which encourage the minimization of grading and protection of biological resources, therefore resulted in the current subdivision design, proposed private street location, and the need for the over-in-height retaining wall.

Therefore, while the unique size of the project site, topography, and site characteristics necessitating level areas for building pads and a private street, make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms with the intent of those regulations, and the retaining walls will serve to minimize grading on the site and protect biological resources.

6. **In light of the project as a whole including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

### *Project Features*

The project site is located in a hillside area, and contains a vacant single-family

residence on a 6.2-acre site. The project proposes the development of 19 single-family dwellings, each with a maximum height of 33 feet (2 stories), on lots averaging approximately 12,500 square feet of lot area. In order to preserve as many trees as possible on the site, lot lines and building pads have been designed to protect trees and minimize grading throughout the site. This necessitates the construction of five retaining walls, including a retaining wall which exceeds the standard 10 foot height limit, and has a varying height of up to 10 feet 6 inches.

The site contains 199 existing trees (including 166 protected trees), and 28 trees (including 15 protected trees) would be removed in order to develop the project. This includes a subdivision design which takes primary access from a private street off of San Feliciano Drive at a location where there would be minimal impacts to existing trees, positioning the building pads and retaining wall locations and heights in areas to minimize tree removal, and the preservation of the most prominent tree groupings on the site, specifically along Mulholland Drive at the intersection with Mulholland Highway. Currently, the site contains 3.7 acres of coast live oak woodland vegetation communities, and under the subdivision design with the use of retaining walls, 3.5 acres would remain intact. Furthermore, a majority of the trees to be removed have been rated as unhealthy or dead trees, and trees that will be removed are required to be replaced at a minimum 2:1 ratio on-site with 36"-box trees.

Development of the site would also require grading of the site, including 3,040 cubic yards (c.y.) of cut and 7,240 c.y. of fill, resulting in a net of 4,200 c.y. of soil import. Due to previous site disturbance and fill on the site, the proposed grading, fill, and recompaction of soils is necessary to create stable and safe geological conditions for the private street and development of the site. Soil movement and the use of retaining walls (including locations and height) have been balanced in consideration of other objectives, such as those for the preservation of trees and vegetation. In addition, the Grading Division of the Department of Building and Safety has reviewed and approved the proposed grading and use of retaining walls for conformance with City standards.

In regard to site access, the project has been designed to meet City driveway and private street standards, and includes one entrance from Mulholland Drive (serving four lots), one entrance from San Feliciano Drive (serving three lots), and one private street from San Feliciano Drive (to serve the remaining 12 lots). The central private street was designed as an efficient solution to provide access to the greatest number of lots in the subdivision within the flatter and less tree-dense portions of the lot. The private street also serves as a central access to these lots and therefore also reduces curb cuts from the adjacent right-of-way. In lieu of extending the private street south into the site to the higher and steeper portion, a single entrance was provided along Mulholland Drive to serve the four southernmost residential lots. An extended private street design would have otherwise increased grading, the use of retaining walls, and the potential for tree removal. Similarly, a single entrance was provided for the easternmost lots on San Feliciano Drive, which were clustered and situated to minimize grading, use of retaining walls, and tree removal.

### *Neighborhood Compatibility*

Surrounding uses include single-family residences, the former Girard Reservoir and the City of Los Angeles Department of Water and Power Pumping Station (currently vacant site), Louisville High School, a two-story shopping center, and a two-story commercial office building, and surface parking. The Project's density is appropriately scaled and situated given the uses in the surrounding area. The subject site is located in the Hillside Area of the City and has slightly varying elevation levels throughout the irregular shape of the lot, and the amount of grading and use and height of retaining walls is appropriate and compatible with adjacent developments.

Furthermore, any potential single-family residence developed on the site will be subject to the standards of the Municipal Code and the Mulholland Scenic Parkway Specific Plan. The maximum floor area to be developed on each lot will be determined by the Baseline Hillside Ordinance. The final height, massing, floor area, and design of each individual residence, as well as design of retaining walls, will be reviewed through a public hearing process by the Mulholland Specific Plan Design Review Board and the Director of City Planning for conformance with the standards of the Specific Plan, including guidance relating to neighborhood compatibility. Through this process, building heights and residential floor area may potentially be further reduced, and additional screening conditions may be imposed for the retaining wall design.

Therefore, the physical characteristics of the site and the proposed retaining walls are generally compatible with existing development and the single-family residential character of the surrounding community.

### *Adverse Effects and Public Health, Welfare, and Safety*

Regarding adverse effects or impacts to public health, welfare, and safety, the Environmental Impact Report (EIR) prepared for the project identifies no substantial environmental damage or adverse impacts on the surrounding properties, public health, welfare, and safety. The project site, as well as the surrounding area, are developed with a mix of uses, including single-family residences, a school, and commercial/office buildings. Under the project's improvements, approximately 3.5 of the 3.7 acres containing coast live oak woodland vegetation communities and most of the site's oak canopy would remain intact, and 28 of the existing 199 trees would be removed and replaced at a minimum 2:1 ratio on-site. In addition, as is discussed in the Draft EIR for the project (in Section V.D, Biological Resources at page V.D-19), the Project Site does not function as part of a wildlife corridor and the Project Site is a relatively small habitat island mostly surrounded by suburban development. Nonetheless, additional mitigation measures for tree preservation and for construction impacts relating to birds and wildlife are included in the Mitigation Monitoring Program for the project (Exhibit B), which is included as a condition of approval. The retaining walls would further serve to minimize grading on-site and therefore also minimize impacts to trees and wildlife.

Furthermore, the proposed project and retaining walls are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management). The project is not located over a hazardous materials site, flood hazard area and is not located on unsuitable soil conditions. The project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. However, the project is located in State of California liquefaction zone. According to the memo from the Department of Building and Safety – Grading Division, dated November 21, 2017, the Department of Building and Safety has proposed the use of mat foundations for Lots 5 through 19 of the project site as a mitigation measure and acknowledges that the requirements of the City of Los Angeles Building Code have been satisfied. Additionally, the memo has imposed conditions to ensure that the soil foundation of the project site is suitable and would not cause serious public health problems for the project. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site, and the use and height of retaining walls. Therefore, the design of the subdivision and the proposed retaining walls are not likely to adversely affect or degrade surrounding properties or cause public health or safety problems.

7. **The project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The General Plan sets forth a citywide comprehensive long-range growth strategy and defines citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. Elements of the General Plan establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of LAMC requirements. Except for the entitlement described herein, the project does not propose to deviate from any other LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements adopted by the City Council. The Framework Element establishes the broad overall policy and direction for the General Plan. Objective 3.5 of the Framework Elements states: “ensure that the character and scale of stable single-family residential neighborhoods is maintained, allowing for infill development provided that it is compatible with and maintains the scale and character of existing development.”

The Housing Element of the General Plan further promotes the development and preservation and enhancement of quality residential neighborhoods. The project is consistent with the following:



Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy, sanitary and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.5: Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.

The Land Use Element of the City's General Plan divides the City into 35 Community Plan areas. The Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan designates the subject property Low Residential with corresponding zones of RE9, RS, R1, RU, RD5 and RD6. The Community Plan also contains residential policies applicable to hillside developments located in the Community Plan.

Policy 1-5.1: Limit development according to the adequacy of the existing and assured street circulation system within the Plan Area and surrounding areas.

Policy 1-5.3: Consider the steepness of the topography and suitability of the geology in any proposal for development within the Plan area.

Policy 1-5.4: Require that any proposed development be designed to enhance and be compatible with adjacent development.

The proposed project is consistent with the density and use designations in the Canoga Park – Winnetka – Woodland Hills – West Hills Community Plan. The Community Plan designates the project site as Low Residential, with a corresponding R1-1 zone, subject to a minimum lot area of 5,000 square feet and a minimum lot width of 50 feet. The proposed residential subdivision of a 6.2-acre lot into 19 single-family lots provides lot areas and lot widths greater than the minimum required by the land use designation and zoning.

In addition, a central goal of the Community Plan is the need to preserve existing residential neighborhoods. The proposed project at 19-lots on 6.2 acres is developed with homes and lot sizes similar to the surrounding neighborhood. The goal is further emphasized in the Community Plan's objectives which seek to preserve and enhance the character and integrity of existing single-family neighborhoods. The proposed development will be compatible with the adjacent single-family dwellings and will preserve and enhance the character of the area by utilizing retaining walls to minimize grading and reduce the number of impacted coast live oak trees, and implementing landscaping to screen both the retaining walls and reduce visibility of the single-family residences. The project and retaining walls would not adversely affect the characteristics of this area or the General Plan.

Further, the proposed project is consistent with the purpose, intent and provisions of the Mulholland Scenic Parkway Specific Plan, which encourages projects to minimize grading, removal of trees, and other disturbance to the natural

topography. In order to preserve as many trees as possible on the site, lot lines and building pads have been designed to protect trees and minimize grading around protected trees. This necessitates the construction of retaining walls in a total of five locations across the site, including one which exceeds the standard 10 foot height limit. Without retaining walls, grading on several lots would potentially damage several protected trees.

The design and improvement of the residential subdivision is intended to balance the various goals of the General Plan and Specific Plan, especially as they relate to site design, grading, and protection of trees. Therefore, as conditioned, the design and improvement of the proposed subdivision, including grading and retaining walls, would be consistent with the intent and purpose of the applicable General Plan and Specific Plan.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of implementation of Vesting Tentative Tract Map No. 67505 Project by preparing an environmental impact report (EIR) (Case No. ENV-2005-2301-EIR/SCH No. 2005111054). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The Vesting Tentative Tract Map No. 67505 Project EIR, consisting of the Draft EIR and Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and impacts of the Vesting Tentative Tract Map No. 67505 Project (Project), located at 22241-22255 Mulholland Drive (Site or Project Site). The Project is a subdivision of a 6.2-acre property (two parcels) into 19 lots and the subsequent development of 19 detached, single-family residences. Each residence would have three to four bedrooms and a two-car garage, and a maximum height of two stories or 36 feet. The project would construct a new private street from San Feliciano Drive to access 12 of the homes, one new entrance on San Feliciano Drive to access three of the homes, and one new entrance off of Mulholland Drive to access the remaining four homes. The Project includes demolition and removal of one existing vacant single-family residence with its associated structures, grading of 7,240 cubic yards of soil, and the removal of 28 (15 protected) trees..

The Draft EIR was circulated for a 45-day public comment period from March 17, 2016 to May 2, 2016. The Final EIR was then distributed on August 30, 2018. The Advisory Agency certified the EIR on November 1, 2019 ("Certified EIR") in conjunction with the approval of the Project (VTT-67505). In connection with the certification of the EIR, the Advisory Agency adopted CEQA findings and a mitigation monitoring program. The Advisory Agency adopted the mitigation monitoring program in the EIR as a condition of approval. All mitigation measures in the previously adopted Mitigation Monitoring Program attached as Exhibit "B", are imposed on the project through Conditions of Approval, Conditions No. 11, 12, and 13, to mitigate or avoid significant effects of the proposed Project on the environment and to ensure compliance during Project implementation.

**NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED**

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors has arisen since the Project approval. There are no substantial changes to the Project, and the Project is substantially the same as the approved Project. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the Project. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the project.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the Project's conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Project.

Therefore, as the Project was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required for the Project, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the

project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

## RECORD OF PROCEEDINGS

The record of proceedings for the decision includes the Record of Proceedings for the original CEQA Findings, including all items included in the case files, as well as all written and oral information submitted at the hearings on this matter. The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA Findings are based are located at the Department of City Planning, 221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90021. This information is provided in compliance with CEQA Section 21081.6(a)(2).

In addition, copies of the Draft EIR and Final EIR are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for the environmental case number). The Draft and Final EIR are also available at the following Library Branches:

- Central Library, 630 West Fifth Street, Los Angeles, CA 90071
- Woodland Hills Branch Library, 22200 Ventura Boulevard, Woodland Hills, CA 91364
- Platt Branch Library, 23600 Victory Boulevard, Woodland Hills, CA 91367

Inquiries regarding this matter shall be directed to Milena Zasadzien at (213) 847-3636.



DAVID S. WEINTRAUB  
Associate Zoning Administrator

DW:MZ:ja

### Attachments:

Exhibit A – Retaining Wall Plans  
Exhibit B – Mitigation Monitoring Program

cc: Councilmember Bob Blumenfield  
Third District  
Adjoining Property Owners