

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN
PRESIDENT

CAROLINE CHOE
VICE-PRESIDENT

HELEN LEUNG
KAREN MACK

DANA M. PERLMAN
YVETTE LOPEZ-LEDESMA

AJAY RELAN
JENNA HORNSTOCK
VACANT

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

VINCENT P. BERTONI, AICP
DIRECTOR

KEVIN J. KELLER, AICP
EXECUTIVE OFFICER

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

VACANT
DEPUTY DIRECTOR

**MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN
IMPLEMENTATION GUIDANCE**

DATE: MARCH 30, 2021

TOPIC: REVIEW PROCESS FOR PROJECTS NOT VISIBLE FROM MULHOLLAND DRIVE

PURPOSE OF THIS MEMORANDUM

The purpose of this memo is to supersede the 1998 Director of Planning's memorandum and to clarify Project Permit Compliance and Design Review Procedures for Visible and Non-Visible¹ Projects in the Mulholland Scenic Parkway Specific Plan area pursuant to Los Angeles Municipal Code (LAMC) Section 11.5.7 and the Mulholland Scenic Parkway Specific Plan (MSPSP, Ordinance No. 167,943). In Section 2 of the Purposes of the MSPSP, Subsection N states that the MSPSP seeks "To provide a review process of all projects which are visible from Mulholland Drive to assure their conformance to the purposes and development standards contained in the Specific Plan and the Landform Grading Manual." The purpose dates back to a 1972 Report of the Citizens' Advisory Committee on the Mulholland Scenic Parkway, a citizen-led group tasked with shaping plans, design standards and criteria for the Mulholland Scenic Parkway. The Committee's report prioritized development limitations for properties visible from Mulholland Drive, while maintaining flexibility in regulations when a project is not visible due to natural barriers. Additionally, changes to the Los Angeles Municipal Code, the City Charter, and departmental policy over time have tightened development standards in Hillside areas, which now supersede many aspects of the Specific Plan.

This document will:

- 1) Provide history and background regarding the original intent of the Mulholland Scenic Parkway Specific Plan as it pertains to the entitlement process for Visible and Non-Visible Projects; and
- 2) Explain how Visible and Non-Visible Projects shall be processed going forward to align with the original intent of the Mulholland Scenic Parkway Specific Plan.

This implementation guidance shall be applicable to all Projects within the Mulholland Scenic Parkway Specific Plan.

¹ Non-Visible is not defined in the Specific Plan. A Visible Project is defined in the plan as a Project on a lot which can be seen with normal 20-20 vision from a location on Mulholland Drive anywhere within the lot's visibility arc. Non-Visible is inferred to refer to projects that are not visible from Mulholland Drive with 20-20 vision.

HISTORY & BACKGROUND

The purpose of the Mulholland Scenic Parkway Specific Plan (MSPSP), adopted by ordinance in 1992, is to preserve the Mulholland Scenic Parkway corridor viewshed as one with unique views of the mountains, ocean, and City, and to ensure that land uses are compatible with the parkway environment. The Specific Plan spans approximately 20 miles through the Santa Monica Mountains, and includes paved and unpaved portions of Mulholland Drive, as well as privately-owned land within a 0.5 mile-wide buffer on each side of the road. The Specific Plan encompasses an area that is roughly 20 square-miles, and travels through five council districts, six Community Plans, one City-recognized Significant Ecological Area, and the Santa Monica Mountains National Recreation Area which includes state and City-owned parks. The Specific Plan regulates an area larger than nearby municipalities like the City of Burbank and the City of Beverly Hills. The goals of the Specific Plan date back to the inception of Mulholland Drive in 1913 when the parkway was envisioned to be enjoyed by Angelenos as a scenic pleasure drive.

Throughout the 1930s and 1950s, efforts were made to expand Mulholland Drive as a scenic corridor while also balancing an interest in providing housing in the hills and valley; Outpost Estates in the Hollywood Hills portion of the MSPSP dates back to the 1920s. In the 1960s, the Mulholland Drive Scenic Development Plan was conceived. In addition to extending the paved portion of the parkway west from the Sepulveda Pass, it proposed an access route to enable the development of the surrounding land. Several unsuccessful attempts were also made during this time to have Mulholland Drive declared a state and federal scenic highway, and to limit adjacent building heights.

In the 1970s, a Citizens' Advisory Committee on the Mulholland Scenic Parkway was created by City Council to assist in shaping plans, design standards, and criteria for the parkway with the goal of preserving the viewshed of a unique resource in Los Angeles. The committee produced the Report of the Citizens' Advisory Committee on the Mulholland Scenic Parkway in 1972, which was forward thinking in its vision. It was written at a time early in the use of California Environmental Quality Act (CEQA), before the creation of the Santa Monica Mountains Conservancy to preserve land in the area, and before local regulations were adopted that limited grading and implemented building standards for the hillside.

The 1972 Report of the Citizens' Advisory Committee on the Mulholland Scenic Parkway noted an early concept created by the Olmsted Brothers of Mulholland Drive as a parkway, and called for a plan that encouraged a pattern of use that is dispersed, non-intensive, and at a human scale. The Citizens' Advisory Committee (CAC) report also called for flexible regulations and standards aimed at protecting visible topographic features and views. For example, the Citizens' Advisory Committee thought that where a natural barrier exists within the Corridor blocking a distant view from the Parkway, the Non-Visible area beyond the barrier need not be subject to the Corridor's protective standards.

The spirit and intent of many of the recommendations and guidelines contained in the report were eventually included in the MSPSP 20 years later and referenced in the Plan's preamble. The 1972 Report addressed preserving viewshed and creating a park-like setting for visitors to Mulholland Drive. The Citizens Advisory Committee report also differs from the MSPSP in that the report proposed a permanent moratorium on new structures and further grading for the Inner Corridor, which was not in the adopted MSPSP ordinance.

The MSPSP is a product of its time, and local and state environmental regulations have evolved over the past four decades. For example, in 1970 the state passed, and continually refines, CEQA,

which has become a powerful tool for evaluating and disclosing whether development can affect the environment. In 1980, the CA State Legislature established the Santa Monica Mountains Conservancy, which has focused on preserving open space in the MSPSP area through land purchases and conservation easements.

While citywide and state regulations have changed over time, only the MSPSP's Guidelines (the non-regulatory companion piece to the Specific Plan) have been updated: once in 2003 with the initial approval of the Design and Preservation Guidelines by the City Planning Commission, and again in 2009 with an amendment to the Guidelines. The guidelines, however, do not create regulations for discretionary entitlements, nor are they mandatory requirements. They provide direction on how the Mulholland Scenic Parkway can best be preserved while allowing appropriate development, and clarify what can be expected when a project is reviewed by the Design Review Board of the Specific Plan and the Director of Planning. The guidelines use words such as "should," "avoid," "as possible," or "preferred" and are not to be confused with mandatory requirements except where they mirror language in the Specific Plan's regulations.

The regulations in the Specific Plan have not been amended since the original adoption of the ordinance in 1992. Ambiguities in the text of the MSPSP, combined with conflicting or outdated regulations in an era of overlapping citywide and state-level regulations, create a specific plan that is challenging to enforce and difficult for stakeholders to understand. This has led to gradual changes to procedures and broadened the scope of the Specific Plan to include Non-Visible projects, resulting in inconsistencies and departures from the original spirit and intent of the Specific Plan.

Since the adoption of the MSPSP, the City has passed Citywide zoning regulations focused on addressing common concerns in hillside neighborhoods (timeline in the attachments of this memo) such as: 1) a Landform Grading Manual in 1983 to address grading and density in the hillsides; 2) a Hillside Regulations Ordinance in 1992 addressing substandard streets, parking, and fire safety in hillside neighborhoods; 3) a Baseline Hillside Ordinance in 2011 and updated in 2017 limiting height, footprint, grading, and Residential Floor Area to address out-of-scale development of single-family dwellings in hillside neighborhoods; 4) the Protected Tree Ordinance in 1980 and updated in 2006 limiting removals of Oak trees and other native trees important to Los Angeles; and 5) a Hillside Construction Regulation (HCR) District in 2017 imposing more restrictive grading limits and hauling standards for areas in Council Districts 4 and 5. Future regulations to create and maintain Wildlife Corridors and Ridgeline protection are currently being drafted by the Department.

On October 15, 1998, the Director of Planning issued a memo interpreting the Exemptions in Section 3.D of the Mulholland Scenic Parkway Specific Plan. The interpretation required all projects within the boundaries of the Mulholland Scenic Parkway Specific Plan to be subject to the Specific Plan's provisions if filed after June 29, 1992. That interpretation was based on a City Council Interpretation of Section 3.D of the Specific Plan that arose out of appeals to an earlier Director's Interpretation on the same subject. The Department's assessment or summary approach to the City Council's Interpretation was overly broad. That, in combination with Citywide Code Amendments of Sections 11.5.7 and 16.50 of the Los Angeles Municipal Code (LAMC) a couple years later, inadvertently created additional procedures where they did not previously exist. It resulted in Non-Visible, Outer Corridor projects being subject to the Project Permit Compliance and Design Review Board procedures where previously they had not been.

ANALYSIS

The Mulholland Scenic Parkway Specific Plan requires that certain projects go through a Specific Plan Project Permit Compliance Procedure solely, and certain other projects obtain a Design Review from the Design Review Board and a Specific Plan Project Permit Compliance Procedure. Currently in the Specific Plan, a Project as defined in Section 4 includes all properties within the MSPSP, whether they are visible from Mulholland Drive or not. A “Project” is defined in the MSPSP as the:

“construction of any building or structure, or the addition to, alteration, conversion, or change of use of any land, building, or structure on a lot located in whole or in part within the Specific Plan Area; or any construction, alteration, conversion or change of use of any building, structure or land in the right-of-way. For purposes of this Specific Plan, the term project shall not include interior remodeling.”

Design Review Board Procedures

Section 11.J of the MSPSP exempts certain projects from Design Review Board procedures such as projects consisting of remodeling, repair, or additions to a single-family dwelling and/or accessory structure that conform to all the following:

1. Color, materials, and design of exterior changes, including landscaping, are consistent with the intent and provisions of the MSPSP;
2. Total cumulative floor area of all additions does not exceed 900 square feet;
3. The building height does not exceed standards set forth in the MSPSP;
4. The project involves no change of access onto the Mulholland Drive right-of-way;
5. The project is not on a prominent ridge, and/or does not break an existing skyline;
6. The project is not located on a lot which contains a stream;
7. The project does not propose grading.

However, within the broad regulations for Projects, it is clear that the Specific Plan contemplates and places emphasis on Projects that are “Visible,” as described below. For example, Sections 5.A. and 6.A provide the land use controls for the Specific Plan. In these sections, the allowed “Uses” refer to Projects being visible from Mulholland Drive. In addition, the height limits in Section 5.D and 6.D are only prescribed for Projects that are visible from Mulholland Drive; Sections 5.C and 6.C limit grading only for lots that are visible from Mulholland Drive. Any Projects on “Prominent Ridges” are only regulated according to Sections 5.B.1 and 6.B. if they are visible from Mulholland Drive. While Section 11.J (the section that exempts certain projects from Project Permit Compliance procedures) makes no distinction between Visible and Non-Visible Projects exempted from the Project Permit Compliance procedures, the majority of the criteria that relate to regulations are only triggered if the project is Visible. Furthermore, in Section 2 of the Purposes of the MSPSP, Subsection N states that the MSPSP seeks “To provide a review process of all projects which are visible from Mulholland Drive to assure their conformance to the purposes and development standards contained in the Specific Plan and the Landform Grading Manual.” This purpose aligns with the Report of the Citizens’ Advisory Committee’s concern for properties visible from Mulholland Drive, and the report’s advocacy for flexibility in regulations if a project was not visible due to natural barriers.

Section 4 of the MSPSP also defines a Visible Project: “A project on a lot which can be seen with normal 20-20 vision from a location on Mulholland Drive anywhere within the lot’s visibility arc.” Projects that are not Visible have no impact on the viewshed from Mulholland Drive due to the inability to see them. Additionally, many of the regulations that Non-Visible projects are subject to, for example, Residential Floor Area limitations, Hillside grading, and retaining wall limitations, are regulated by other sections of the LAMC or Regulatory Compliance Measures. Many of the regulations in the citywide Zoning Code are duplicative or more stringent than the regulations of the Specific Plan. According to Section 3.B on Specific Plan Application, regulations that are more restrictive in other parts of the LAMC shall prevail and supersede those outlined in the MSPSP. As noted in the background section, many additional regulations have become effective since the adoption of the Specific Plan, as shown in the timeline in the attachments to this memo.

Below is an example of the way in which Section 5, the section of the Mulholland Scenic Parkway Specific Plan regulating development standards for Non-Visible projects, has been superseded by more restrictive regulations:

Development Standards	Superseding Regulations
A. Permitted Uses	Community Plans, Zoning Code, and General Plan Land Use Maps for the following areas: Bel Air – Beverly Crest; Brentwood – Pacific Palisades; Canoga Park – West Hills – Winnetka – Woodland Hills; Encino – Tarzana; Hollywood; Sherman Oaks – Studio City – Toluca Lake – Cahuenga Pass
B. Oak Tree Removal	Protected Tree Ordinance (1980; updated 2006)
C. Grading Restrictions	Baseline Hillside Ordinance (2011; updated 2017) and Landform Grading Manual requirements (1983)
D. Allowable Building Heights	Baseline Hillside Ordinance (2011; updated 2017)

Project Permit Compliance

Non-Visible construction of any building or structure, additions, alterations, conversions, or changes of use qualify as Projects within the parameters of the Specific Plan (except interior remodeling). When the Specific Plan was adopted in 1992, it contained no procedures for Projects that fully complied with all applicable regulations. This is because at that time, the Los Angeles Municipal Code (LAMC) did not contain such procedures. Projects that did not comply were required to obtain a Specific Plan Exception, Adjustment, or Amendment, the procedures of which were contained in LAMC Section 11.5.7 (Sections 11.5.7 E, F, and G in the current code, at the time of this drafting). In 1992, LAMC Section 11.5.7 did not contain Project Permit Compliance procedures, therefore, projects at the time that complied with the regulations of the Specific Plan were only required to acquire a Building Permit sign-off from the Department of City Planning in order to construct the project; Department of City Planning staff ministerially cleared Mulholland Specific Plan projects that complied with the plan. The Department of City Planning still reviewed these projects to ensure adherence to applicable simple, objective regulations, but no Project Permit Compliance entitlement was required. In 2000, when the City Council adopted Ordinance No. 173455, an ordinance amending LAMC Section 11.5.7 as a part of the updates arising from City Charter Reform, a new Project Permit Compliance process was introduced applicable to all

Specific Plans for Projects to demonstrate compliance with the regulations of the plan through mandated Findings, which ceased ministerial review of compliance.

In the Mulholland Scenic Parkway Specific Plan, the result was that Specific Plan compliant projects were considered to be subject to a Project Permit Compliance entitlement process whereas previously they were not. What were once ministerial, objective regulations pertaining to projects in the Specific Plan were incidentally elevated in process to a discretionary entitlement. Additionally, in 2003, all projects subject to Project Permit Compliance in this Specific Plan were subject to the newly-established, non-regulatory Design and Preservation Guidelines.

Director of Planning Authority

Finally, Section 11.5.7 C.1 of the LAMC states that for Project Permit Compliance Review:

***“Director’s Authority.** The Director shall have the initial decision-making authority to decide whether an application for a project within a specific plan area is in conformance with the regulations established by this subsection and in compliance with applicable regulations of the specific plan. **In addition, the Director shall have the authority to determine what type of projects are exempt from these Project Permit Compliance procedures based on exemption provisions and other regulations contained in individual specific plans”** (emphasis added).*

Under this authority, the Director has determined that Non-Visible projects are to be subject to Project Permit Compliance, but exempt from Design Review Procedures. This interpretation restores the original intent to prioritize review of the projects that are visible, and yet supports and acknowledges the value in the process and practice of issuing determination letters to document project review. Non-Visible Projects that do not conform to Sections 11.J.1.b.v through 11.J.1.b.vii of the MSPSP, however, are subject to Design Review Procedures.

CONCLUSION

The Mulholland Scenic Parkway Specific Plan’s purpose is to preserve the viewshed from Mulholland Drive. The Specific Plan does not include specific provisions for Non-Visible Projects from Mulholland Drive. Non-Visible Projects prior to the release of the October 1998 memo were ministerially approved and not subject to discretionary review. Subjecting Non-Visible Projects that neither trigger Section 5 or 6 Use standards, Environmental Protection Measure regulations, Grading regulations, nor Building standards to a Design Review Board process conflicts with the original intent of the Specific Plan. Therefore, under the authority granted to the Director of Planning by 11.5.7, Non-Visible Projects are subject to Project Permit Compliance Procedures but not Design Review Procedures of this Specific Plan if they fully comply with the MSPSP’s regulations. Furthermore, Projects that conform to all of the exemption criteria in Section 11.J.b will continue to be exempt from Design Review Procedures. The Director of Planning reserves the right to require the filing of a Design Review Board Procedures entitlement in instances where a Non-Visible Project’s compliance with regulations or guidelines may be unclear or indeterminate.

In summary, consistent with the purpose of the MSPSP, all Projects in areas of the Mulholland Scenic Parkway Specific Plan that can be proven to be Non-Visible and clearly comply with: all applicable Specific Plan regulations, applicable Design Guidelines; and conform with Specific

Plan Sections 11.J.b.v through 11.J.b.vii regarding prominent ridges, streams, and grading, are required to file for only Project Permit Compliance Procedures unless otherwise stated in this memo.

A handwritten signature in black ink, appearing to read 'VPB', is written over a horizontal line.

VINCENT P. BERTONI, AICP
Director of Planning

ATTACHMENTS

A. Mulholland Scenic Parkway Specific Plan Regulatory Framework Timeline

B. Historical Reports and Interpretations

September 1972 Report of the Citizens' Advisory Committee on the Mulholland Scenic Parkway

May 1998 Director's Interpretation of Section 3.D

October 7, 1998 City Council Plan Interpretation

October 15, 1998 Director of Planning Memo on Section 3.D

LAMC Section 11.5.7 from 1989 and 1996

Mulholland Scenic Parkway Specific Plan Regulatory Framework Timeline

1970: CEQA codified

1972: Report of the Citizens' Advisory Committee on the Mulholland Scenic Parkway produced

1979: Santa Monica Mountains Conservancy created through AB 1312

1980: City of LA adopts first Protected Tree Ordinance

1983: City adopts Landform Grading Manual

1992: City's Hillside Regulations Ordinance adopted

1992: City adopts Mulholland Scenic Parkway Specific Plan

2003 CPC adopts Mulholland Specific Plan's Design and Preservation Guidelines

2006: City expands Protected Tree Ordinance

2009 CPC amends Mulholland Specific Plan's Design and Preservation Guidelines

2011: City adopts Baseline Hillside Ordinance

2013: City motion to expand Protected Tree Ordinance more

2014: Motion to create a Wildlife Corridor Ordinance

2017: Baseline Hillside Ordinance updated

2017: City adopts Hillside Construction Regulation District