

SANTA MONICA MOUNTAINS CONSERVANCY

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April 3, 2018

Los Angeles City Council
Via Los Angeles City Clerk
City of Los Angeles
200 North Spring Street, Room 360
Los Angeles, California 90012

**CEQA Appeal to City Council of Board of Public Works Adoption of Mitigated Negative Declaration ENV-2015-1843-MND and Its Addendum, and Appeal of Approval of Tree Removal Permit BPW-2017-1178 for Removal of Five Protected Trees Located at 2251 Nichols Canyon Road
Public Resources Code Sections 21100 et seq; 21151(c)**

Honorable Councilmembers:

The Santa Monica Mountains Conservancy (Conservancy) hereby appeals the City of Los Angeles Board of Public Works (BPW) March 23, 2018 adoption of a ENV-2015-1843-MND and its Addendum, as well as BPW's March 23, 2018 approval of a tree removal permit request for the removal of one Southern California Black Walnut (*Juglans californica*), one Western Sycamore (*Platanus racemosa*), and three California Bay Laurel (*Umbellularia californica*) trees from 2251 Nichols Canyon Road (Tree Removal Permit).

The Conservancy is the chief State planning agency for the Santa Monica Mountains Zone that includes the subject property. The Conservancy respectfully urges the City Council to set aside BPW's adoption of the MND and its Addendum, and deny approval of the subject tree removal permit until the California Environmental Quality Act (CEQA) documentation is revised to adequately disclose the subject project's significant adverse impacts, and until all feasible alternatives and mitigation measures have been adopted as required by CEQA. While this appeal is pending, we further request that the Council place an immediate stay on all tree removal permit and tree removal-related activities related to the property. The grounds for the Conservancy's appeal are summarized below.

BPW exceeded its powers, erred, and abused its discretion when it adopted the MND and its Addendum and approved the Tree Removal Permit in violation of the California Environmental Quality Act, California Public Resources Code Section 21100 et seq

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(CEQA). Public Resources Code Section 21151(c) allows any interested party to file an appeal of a CEQA determination to the public agency's elected decision-making body. This section of the Public Resources Code states as follows:

“If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any.”

Issuance of a Tree Removal Permit and Adoption of an MND Violated CEQA

The approval of the tree removal permit and adoption of the MND and its Addendum violated CEQA in the following ways, as stated by the Conservancy in letters to BPW, dated February 21, 2018, and March 22, 2018, respectively.

The applicant proposes to build an 8,183 square foot house on a never-before developed 22,898 steep hillside parcel at 2251 Nichols Canyon Road. The subject property contains a year-round, spring-fed blueline stream, and serves as a vital wildlife corridor between the Mountains Recreation and Conservation Authority parkland to the east (the Trebek Open Space) and open space to the west. (The term “blueline stream” is a designation of the United States Geological Service.)

The subject MND is deficient for its failure to adequately address potential significant impacts to the onsite blueline stream, Nichols Canyon Creek. The subject project proposes the removal of one California black walnut tree, one western sycamore trees, and three California bay laurel trees for the construction of a residence of more than 8,000 square feet with a swimming pool. It is impossible for the subject project to not result in substantial adverse impacts to the onsite riparian habitat. The subject MND and its Addendum refers to, but does not describe, mitigation measures that are specified in the Protected Tree Report for the subject project.

The subject MND is further deficient for its failure to address potentially significant adverse impacts to wildlife movement that would result from the proposed project. The subject property lies within a designated habitat block (No. 44) on the Santa Monica Mountains Conservancy's Eastern Santa Monica Mountains Habitat Linkage Planning

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Map (2017). Habitat block No. 42, which encompasses Trebek Open Space, is located directly across Nichols Canyon Road. The MND must analyze how to maintain adequate habitat connectivity for large mammals through the subject property to an interface point on Nichols Canyon Road. The MND must also include mitigation that permanently protects that sufficient level connectivity through the subject property. The property itself contains riparian and woodland habitat that is rare in the eastern Santa Monica Mountains and constitutes the most ecologically significant habitat in lower Nichols Canyon based on riparian canopy width and height and integration with upland habitat.

The development of an 8,000 square-foot residence and appurtenant elements on the subject property, with its associated retaining walls, would irrevocably remove a section of habitat that is fundamental to the function of the eastern Santa Monica Mountains ecosystem. Permanent impacts from Fire Department-required fuel modification (brush clearance), night time lighting, and chain link (or other) fencing would further degrade the surrounding habitat and impede wildlife access.

Each of these above-described adverse ecological impacts can be reduced, and be more easily mitigated, with a smaller, customized overall project footprint.

Tree Removal Permit Should Not be Issued Until City Council Has Reviewed the Board of Public Works Determination Adopting the MND and Its Addendum

CEQA requires that consideration and adoption of a project's CEQA environmental document occur prior to project approval so that the CEQA environmental document informs the agency's decisionmaking. (Cal. Pub. Res. Code § 21151.)

For the above reasons, the City must ensure the subject Tree Removal Permit is not issued, or revoke said permit if already issued, until the City Council has made the final administrative determination on the adoption or otherwise of the MND and Addendum.

This appeal is made to exhaust administrative remedies concerning the MND and its Addendum adoption and subject Tree Removal Permit approval and adopts and incorporates by reference all Project objections raised during the environmental review process and Board of Public Works hearings, including all objections and evidence submitted by all other appellants in these proceedings.

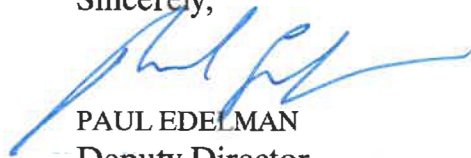
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In particular, we adopt the objections found in letters submitted to the Board of Public Works by attorney Jamie Hall of Channel Law Group and those found in public comment letters submitted by the Santa Monica Mountains Conservancy, the Sierra Club, the Federation of Hillside and Canyon Associations, and Citizens for Los Angeles Wildlife.

The Conservancy reserves the right to supplement the justifications for appeal presented.

Any questions or correspondence should be addressed to my attention at the above letterhead address, by phone at (310) 589-3200, ext. 128, or by e-mail at edelman@smmc.ca.gov.

Sincerely,



PAUL EDELMAN
Deputy Director
Natural Resources and Planning

cc: Hon. Councilmember David Ryu
City of Los Angeles Board of Public Works