

Communication from Public

Name: Paul Edelman
Date Submitted: 11/04/2020 11:51 AM
Council File No: 19-1134
Comments for Public Posting: Please accept the attached letter from the Santa Monica Mountains Conservancy.

SANTA MONICA MOUNTAINS CONSERVANCY

LOS ANGELES RIVER CENTER & GARDENS
570 WEST AVENUE TWENTY-SIX, SUITE 100
LOS ANGELES, CALIFORNIA 90065
PHONE (323) 221-8900
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November 4, 2020

Public Works and Gang Reduction Committee
Los Angeles City Council
City of Los Angeles
200 North Spring Street
Los Angeles, California 90012

Council File No. 19-1134
CEQA Appeal for 11472 West Laurelcrest Drive

Hon. Chair Blumenfield and Council Committee Members:

The Santa Monica Mountains Conservancy (Conservancy) revises and supplements comments made in its letter dated July 12, 2019; August 2, 2019; and October 28, 2019 based on updated information. Both the scale and ecological damage of the subject project are antithetical to the public interest. The Conservancy has reviewed the updated expert report authored by Land Protection Partners (November 3, 2020) and fully agrees with the conclusions reached in that report by Dr. Travis Longcore.

The Santa Monica Mountains Conservancy (Conservancy) respectfully urges you to grant the CEQA Appeal filed by Sunshine Hill Residents Association. The proposed project does not qualify for a Categorical Exemption from the California Environmental Quality Act (CEQA). No approvals or clearances for the subject projects should be considered until a Mitigated Negative Declaration, with site-specific mitigation measures, has been issued and publicly circulated.

The planting of replacement trees, as required by the City's Protected Tree Ordinance, is an environmental mitigation measure. Despite the repeated failures of the City to acknowledge it, any project that requires a mitigation measure is inherently a project with significant adverse environmental impacts which must be mitigated, and therefore cannot qualify for a Categorical Exemption from CEQA. A project that requires the removals of Protected Trees is a project that requires, at minimum, an Initial Study of environmental impacts and a publicly circulated Mitigated Negative Declaration. Without this, decision-makers have no basis to find that a project is in compliance with CEQA.

The entirety of the subject property is located within the Santa Monica Mountains Zone (established in Section 33105, California Public Resources Code), an environmental resource of critical concern. The Legislature has concluded – as a matter of law - that the Zone is an

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environmental resource of critical concern which the City cannot simply ignore. Further, contrary to the City's conclusions otherwise, the Zone is "precisely mapped" pursuant to Section 33105, California Public Resources Code . A map showing the location of these parcels in the Santa Monica Mountains Zone is attached to this letter. CEQA Guidelines Section 15300.2(a), which lists Exceptions to Categorical Exemptions makes it clear that that the subject project is ineligible for a Categorical Exemption due to its location:

"(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies."

As explained below and in the expert reports from Land Protection Partners, the Project will have a significant impact on this environmental resource.

The Project is also ineligible for a Class 32 exemption from CEQA. This is because the project site has value as habitat for rare, threatened or endangered species. CEQA Guidelines Section 14 Cal. Code Regs. section 15332. The Project will have a significant impact on a Coast Live-Oak-California Walnut Woodland which has been identified as a Sensitive Natural Community in the 2018 California Natural Community List from the California Department of Fish and Wildlife. This woodland is considered rare and impacts must be mitigated as required by CEQA. The City clearly cannot establish that the project site has "*no value as habitat for rare, threatened or endangered species.*" The presence of the sensitive natural community demonstrates that the parcels in question have such value. The City cannot narrowly look at this singular parcel to determine if the project site contains this woodland – the City must necessarily look at adjacent parcels which contain Southern California Black Walnuts. Further, it is undisputed that the project site contains a dead Southern California Black Walnut - this is prima facia evidence that the project site has value as habitat for a rare species. The Southern n California Black Walnut individually qualifies as a "rare" species.

The mitigation measures proposed by the City (mere replacement of trees) does not mitigate the impacts to this sensitive natural community (or even an oak woodland). Mitigation for impacts to a sensitive natural community should involve on- or off-site permanent protection or restoration of a similar habitat type at a specified mitigation ratio.

The City's standard policy of merely requiring tree replacements is simply not adequate. Successful restorations of both Coast Live Oak Walnut and Oak Woodlands are extremely

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rare. It is relatively easy to plant oak and walnut trees, but the extensive ecological conditions and soils that make a forest from those trees have been thus far almost impossible to recreate in any short or medium timeframe. For these reasons, attempts to recreate these woodlands as mitigation for other developments are most often unsuccessful. It would certainly take more than three years of maintenance to ensure that any replacement trees would survive (especially in this era of extreme weather conditions). The City's standard three-year maintenance condition is thus insufficient. Moreover, planting a boxed tree from a nursery does not mitigate the loss of both terrestrial and soil fauna and plant life that are part of this plant community.

The Conservancy recommends that the CEQA Appeal be granted. An Initial Study should be performed and a Mitigated Negative Declaration with site-specific mitigation measures should be circulated to the public.

Regarding this matter I may be contacted at 310-589-3200, ext. 128, or by e-mail at edelman@smmc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Edelman", written in a cursive style.

PAUL EDELMAN
Deputy Director
Natural Resources and Planning

Communication from Public

Name: Jamie T. Hall
Date Submitted: 11/04/2020 12:08 PM
Council File No: 19-1134
Comments for Public Posting: Please see the attached letter submitted by the Santa Monica Mountains Conservancy.

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