

LOS ANGELES CITY CLERK APPLICATION FORM FOR CEQA APPEAL TO CITY COUNCIL (LAMC §197.01)

DO NOT USE THIS FORM to initiate an appeal of a determination made under the Planning and Zoning Code (LAMC Chapter 1) or a determination made by a proprietary department (Airports, Harbor or Water and Power). To initiate an appeal of a determination made under the Planning and Land Use Code or by a proprietary department, please contact the department or individual who made the determination.

USE THIS FORM to initiate an appeal to City Council (pursuant to Los Angeles Municipal Code (LAMC) §197.01) of a nonelected decisionmaking body or individual's (1) certification of an environmental impact report; (2) adoption of a negative declaration or mitigated negative declaration; or (3) written determination that a project is not subject to the California Environmental Quality Act (CEQA).

1. LOWER NONELECTED DECISIONMAKING BODY/INDIVIDUAL INFORMATION

Lower Nonelected Decisionmaking Body/Individual (check one):

Board of Public Works Board of Recreation and Parks Commissioners

Bureau of Engineering Department of Transportation

Other (print): _____

Regarding Case Number: BPW-2019-0508

Project Title: 11472 West Laurelcrest Drive

Project Address: 11472 West Laurelcrest Drive, Studio City, CA 91604

Check type of Environmental Determination (only these can be appealed to City Council):

Environmental Impact Report Negative Declaration/Mitigated Negative Declaration

Written Determination That Project Is Not Subject To CEQA

Date of approval of Environmental Determination: September 13, 2019

LOS ANGELES CITY CLERK APPLICATION FORM FOR CEQA APPEAL TO CITY COUNCIL (LAMC §197.01)

2. APPELLANT INFORMATION

Appellant's name (print): Sunshine Hill Residents Association

Company: N/A

Mailing Address: 12400 Ventura Blvd., #601

City: Studio City State: CA Zip: 91604

Telephone: 818.821.6542 Email*: savesunshinehill@gmail.com; sunshinehill.residents@gmail.com

** By submitting this form electronically, you agree to accept communications from the City at the electronic mail address provided.*

- Is the appeal being filed on your behalf or on behalf of another party or organization?

Self Other (print): _____

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Jamie T. Hall

Company: Channel Law Group, LLP

Mailing Address: 8383 Wilshire Blvd., Suite 750

City: Beverly Hills State: CA Zip: 90211

Telephone: 310-982-1760 Email*: jamie.hall@channellawgroup.com

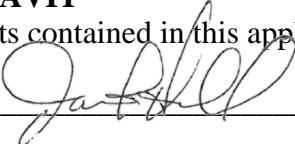
** By submitting this form electronically, you agree to accept communications from the City at the electronic mail address provided.*

4. LEGAL BASIS FOR THE CEQA APPEAL

Attach a separate sheet providing a brief summary of the legal basis for the CEQA Appeal.

5. APPELLANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant's Signature:  Date: September 23, 2019

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- The following documents are required for each appeal filed:
 - Complete appeal application (this form completely filled in)
 - Legal basis for the CEQA Appeal (attached to this form)
 - Copy of the challenged decision to certify an environmental impact report, adopt a negative declaration or mitigated negative declaration, or written determination that the project is not subject to CEQA (attach to this form)

LOS ANGELES CITY CLERK APPLICATION FORM FOR CEQA APPEAL TO CITY COUNCIL (LAMC §197.01)

- All documents comprising this appeal must also be filed concurrently with the nonelected decisionmaking body or individual whose environmental determination is being appealed [LAMC 197.01 D]
- A CEQA Appeal can only be filed if the challenged decision is not otherwise appealable to the City Council [LAMC 197.01 B]
- A CEQA Appeal can only be filed within the earliest of: (i) 10 days following the filing of either a Notice of Exemption or Notice of Determination in compliance with CEQA; or (ii) 180 days following the Environmental Determination if no Notice of Exemption or Notice of Determination is filed [LAMC 197.01 C]
- Within 10 days of filing the CEQA Appeal, Appellant shall submit to the City Clerk all documentary evidence, other supporting material, and argument that Appellant wishes to present to the City Council [LAMC 197.01 E.2]

This Section for City Clerk Staff Use Only	
Reviewed & Accepted by (City Clerk): S. Roberts	Date: 9/24/2019
<input checked="" type="checkbox"/> Internal review completed	
Deemed Complete/Referred for Assignment by (City Clerk):	Date:

2019 251890
 FILED
 Sep 18 2019
 Dean S. Lopez, Registrar - Recorder/County Clerk
 Electronically signed by ANNA WOODRUM

CITY OF LOS ANGELES
 OFFICE OF THE CITY CLERK
 ROOM 395, CITY HALL
 LOS ANGELES, CALIFORNIA 90012
 CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
 (Articles II and III - City CEQA Guidelines)

THIS NOTICE WAS POSTED
 ON September 18 2019
 UNTIL October 18 2019
 REGISTRAR - RECORDER/COUNTY CLERK

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

LEAD CITY AGENCY AND ADDRESS:	City of Los Angeles Bureau of Street Services Urban Forestry Division 1149 S. Broadway, Suite 400 Los Angeles, CA 90015	COUNCIL DISTRICT	2
--------------------------------------	---	-------------------------	---

PROJECT TITLE: 11472 West Laurelcrest Drive	LOG REFERENCE
--	----------------------

PROJECT LOCATION: 11472 West Laurelcrest Drive, Studio City, CA 91604

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
 The project involves proposed construction of a two-story single-family residence measuring approximately 3,800 square feet with an approximate 2,850 square foot footprint on a vacant lot measuring 10,830 square feet. The lot has moderate to steep topography and construction of the proposed residence requires slope stabilization measures including grading and retaining walls. There are nine Coast Live Oak trees including one dead Walnut (previously thought to be an Oak) tree on the property. Six Coast Live Oak trees and one dead Walnut tree will be severely impacted and require removal. The removal of the Oak trees shall be replaced with 24, 24-inch box size Coast Live Oak trees planted on the property and their survival shall be guaranteed by bond.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD AGENCY:

Larry Schlossberg, Owner

CONTACT PERSON	TELEPHONE NUMBER
Larry Schlossberg	(310) 279-2448

EXEMPT STATUS: (Check One)	CITY CEQA GUIDELINES	STATE CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Art. II, Sec. 2.b	Sec. 15268
<input type="checkbox"/> DECLARED EMERGENCY	Art. II, Sec. 2.a(1)	Sec. 15269(a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. II, Sec. 2.a(2)(3)	Sec. 15269(b)(c)
<input type="checkbox"/> GENERAL EXEMPTION	Art. II, Sec. 1	Sec. 15061(b)(3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION*	Art. III, Sec. 1 Class 3 Cat. 1	Sec. 15300.2
<input type="checkbox"/> STATUTORY*	Art. ____, Sec. ____, Class ____, Cat. ____	Sec. ____

* See Public Resources Code Sec. 21080 and set forth state and city guidelines provisions.

JUSTIFICATION FOR PROJECT EXEMPTION:
 On 9/13/19, the Board of Public Works, as reflected in the agenda and staff report, did "FIND that this project is categorically exempt under Article III, Section 1, Class 3, Category 1 of the City's Environmental Quality Act Guidelines and there is no substantial evidence the proposed project will have significant effect on the environment and is in compliance with the California Environmental Quality Act (CEQA) and FIND that none of the exceptions to the use of categorical exemption as set forth in Section 15300.2 of State CEQA Guidelines apply" and approved the project.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING			
SIGNATURE: 	TITLE: Street Tree Superintendent I	DATE: 9/17/2019	
FEE: \$	RECEIPT NO.	REC'D BY	DATE

DISTRIBUTION: (1) County Clerk (2) City Clerk (3) Agency Record

Channel Law Group, LLP

8383 Wilshire Blvd., Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

September 24, 2019

VIA PERSONAL DELIVERY

Los Angeles City Clerk
200 N. Spring Street
Los Angeles, CA 90012-4801

Board of Public Works
200 N. Spring Street, Room 361
Los Angeles, CA 90012-4801

Re: CEQA Appeal for Project Located at 11472 West Laurelcrest Drive; BPW-2019-0508

Dear City Clerk:

This firm represents Sunshine Hill Residents Association ("Association") with respect to the City of Los Angeles's ("City") consideration of the proposed single-family home located at 11472 West Laurelcrest Drive in the hills of Studio City (the "Project"). On or about September 13, 2019, the Board of Public Works ("Board") approved a tree removal permit for the removal of six Coast Live Oak (*Qeурcus agrifolia*) trees to facilitate the Project. The Board also determined that the Project was exempt from the California Environmental Quality Act ("CEQA"). The decision was not sent forthwith and became final at the conclusion of the Board's next regular meeting on Monday, September 16, 2019. A Notice of Exemption ("NOE") was filed with the County Recorder on September 18, 2019.

Pursuant to Ordinance No. 186254 (LAMC Section 197.01) and Public Resources Code Section 21151(c), Association hereby appeals the determination that the Project is exempt from CEQA. This section of the Public Resources Code allows any interested party to file an appeal of a CEQA determination to the public agency's elected decision-making body. PRA Section 21151(c) 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."

My client provides the following information pursuant to Ordinance No. 186254.

Authorizing Statute: Los Angeles Municipal Code Section 197.01

Nonelected Decisionmaking Body: Board of Public Works

Date of Decisionmaking Body's Environmental Decision: September 13, 2019

Contact Information for Appellant:

Name: Sunshine Hill Residents Association
Address: c/o 8383 Wilshire Blvd., Suite 750, Beverly Hills, CA 90211
Telephone: (310) 982-1760

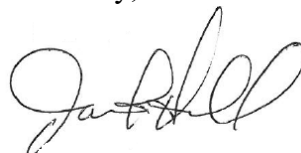
Legal Basis for Appeal: Application of the Class 3 Categorical Exemption (the so-called "single family home exemption") is limited by the factors described in CEQA Guidelines section 15300.2. In this case, the Project is not eligible for the Class 3 Exemption both because of the Project's location in a "particularly sensitive environment" and "unusual circumstances." The Project is located in the Santa Monica Mountains Zone which has been declared by the Legislature to be an environmental resource of critical concern. Moreover, the loss of this habitat constitutes a significant impact on the environment that is not mitigated by the mere replacement of trees. My client submitted several letters justifying its contentions that the Project is not exempt from CEQA. These letters are attached hereto as **Exhibit 1**.

A complete copy of this appeal is being filed concurrently with the Board of Public Works – the nonelected decisionmaking body whose Environmental Determination is being appealed.

The filing of this appeal stays the approval of the Project. The Ordinance states as follows: "*Stay of Project Approval. If a timely CEQA Appeal has been filed, then pending resolution of the CEQA Appeal, the action by the nonelected decisionmaking body or individual shall be stayed and no permits may issue and no work based thereon may proceed.*" This appeal has been timely filed. The NOE for the Project was filed with the County Recorder on September 18, 2019 and this appeal was filed six days later.

My client reserves the right to supplement the basis for appeal submitted herein. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,



Jamie T. Hall

Exhibit 1

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

June 24, 2019

VIA ELECTRONIC MAIL

Board of Public Works
200 N. Spring Street, Room 361
Los Angeles, CA 90012-4801
fernando.campos@lacity.org

Re: Notification of Non-Compliance with CEQA with Regard to Protected Tree Removal Case BPW-2019-0508, located at 11472 West Laurelcrest Drive (CEQA Document

Dear President James and Honorable Commissioners:

This firm represents Sunshine Hill Residents Association with respect to the City of Los Angeles's ("City") consideration of the proposed tree removal located at 11472 West Laurelcrest Drive in the hills of Studio City (the "Project"). This letter is intended to inform the Board of Public Works that the Project is not exempt from the California Environmental Quality Act ("CEQA").

I. Environmental Review Conducted by City

The Notice of Exemption ("NOE") issued by the City describes the Project as follows:

"Construction of a two story single-family residence measuring approximately 3,800 square feet with an approximate 2,850 square feet footprint on a vacant lot measuring 10,830 square feet. The lot has moderate to steep topography and construction of proposed residence requires slope stabilization measures including grading and retaining walls. There are nine native Interior Live Oak (*Quercus wislizeni*) trees including one dead Oak tree on the property. Six Interior Live Oak trees and one dead Oak tree will be severely impacted and require removal. The removal of six live Interior Live Oak trees shall be replaced with twenty-four, 24-inch (minimal) size interior Live Oak trees planted on the property and their survival shall be guaranteed by bond.

The NOE asserts that the Project is categorically exempt from CEQA under Article III, Section 1, Class 3, Category 1 (new construction of small structures – single family residences not in conjunction with the building of two or more units). However, as explained below, the Project is not eligible for the “single family home” exemption because of its location.

II. The Exceptions to the “Single Family Home Exemption”

CEQA Guidelines Section 15300.2 - labeled “Exceptions” - outlines six situations where an exemption may not be used. The Project is not eligible for an 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.*

CEQA Guidelines Section 153002.

III. The Project Is Not Exempt from CEQA

a. The Project is Located Within the Santa Monica Mountains

As explained in the CEQA Guidelines, “a project that is ordinarily insignificant in its impact on the environment may in a *particularly sensitive environment* be significant.” CEQA Guidelines Section 15300.2(a). An exemption does not apply 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.

In this case, the Class 3 single family home exemption cannot be used because the property is located within the Santa Monica Mountains Zone and the legislature has declared that the zone represents an environmental resource of critical concern. The Zone was established by the Legislature via the Santa Monica Mountains Conservancy Act, which is codified at Section 33001 of the Public Resources Code. The Act states as follows:

"The Legislature hereby finds and declares that the **Santa Monica Mountains Zone**, as defined in Section 33105, **is a unique and valuable** economic, **environmental**, agricultural, scientific, educational, and recreational **resource** that should be held in trust for present and future generations; that, as the last large undeveloped area contiguous to the shoreline within the greater Los Angeles metropolitan region, comprised of Los Angeles and Ventura Counties, it provides **essential relief from the urban environment**; that it exists as a single ecosystem in which changes that affect one part may also affect all other parts; and that the preservation and protection of this resource is in the public interest."

So, the Legislature itself declared that the Santa Monica Mountains Zone is a unique and valuable environmental resource that provided essential relief from the urban environment. Notwithstanding the habitat maps, all of the Santa Monica Mountains comprise an

environmental resource of critical concern. The Santa Monica Mountains Conservancy Act goes on to say the following:

“in the absence of a governmental mechanism to perform such evaluations, piecemeal development projects were occurring within the zone which resulted in the irreplaceable loss of open space and recreational resources, in the physical and biological deterioration of air, land, and water systems within the zone, and adversely affected regional life-support systems, including fish and wildlife, therefore being harmful to the needs of the present and future population of the region.”

The Legislature further declared at PRC Section 33008 that:

“there are existing problems of substandard lots, incompatible land uses, conflicts with recreational use, and inadequate resource protection which, in some cases, cannot be addressed in a feasible manner by local government exercise of the police power or federal land acquisition as part of the Santa Monica Mountains National Recreation Area, and that it is necessary to enact the provisions of this division as a complement to the full exercise of the police power by local governments. . .”

The Legislature also stated that “the people of the State of California have an interest in the protection of resources and the use of lands acquired or managed by the conservancy pursuant to this division, and that the conservancy in carrying out its duties pursuant to this division acts on behalf of the State of California.”

In sum, the use of the Class 3 single-family home exemption cannot be used for this project because it is located within the Santa Monica Mountains Zone. Environmental review pursuant to CEQA is required because the mountains are an *environmental resource of critical concern* that have been designed and precisely mapped pursuant to state law.

b. The Project is Located within a Very High Fire Hazard Severity Zone

As noted above, CEQA Guidelines Section 15300.2(a) specifically excepts a project such as this from the single-family home exemption “where the project may impact on an environmental resource of hazardous or critical concern” where officially designated. Here, the property has been officially mapped in a “Very High Fire Hazard Severity Zone” due to its location in a fire-prone hillside area of the City. An official map of the Very High Fire Hazard Severity Zones in the City is attached to this letter as **Exhibit 1**.

The City has defined the “Very High Fire Hazard Severity Zone” as follows:

“Any area within the City of Los Angeles that poses a significant threat of fire from adjoining natural brush hillside areas and which is determined by the following factors: topography, infrastructure, fire protection, population density, types of construction, weather, existing fire codes and ordinances, and fire history.”

LAMC Section 57.202. The City’s Zone Information and Map Access System (“ZIMAS”) describes the Very High Fire Hazard Severity Zone as follows:

“Lands designated by the City of Los Angeles Fire Department pursuant to Government Code 51178 that were identified and recommended to local agencies by the Director of Forestry and Fire Protection based on criteria that includes fuel loading, slope, fire weather, and other relevant factors. These areas must comply with the Brush Clearance Requirements of the Fire Code. The Very High Fire Hazard Severity Zone (VHFHSZ) was first established in the City of Los Angeles in 1999 and replaced the older ‘Mountain Fire District’ and ‘Buffer Zone.’”

There should be no question that this officially designated zone represents a “hazardous” concern.

It simply cannot be disputed that these zones have been officially designated pursuant to law and that they represent an “environmental resource of *hazardous* concern.” Therefore, the Project cannot be exempted from CEQA.

IV. Project is Not Exempt from CEQA Because the City Has Proposed Mitigation Measures in the Form of Specialized Conditions of Approval for the Project

Significantly, in evaluating whether a categorical exemption may apply, the City may not rely on mitigation measures as a basis for concluding that a project is categorically exempt, or as a basis for determining that one of the significant effects exceptions does not apply. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098.

The City has sought to deem this project “exempt” from City by way of an environmental mitigation measure namely, the planting of replacement trees on the property. However, the general requirement to plant replacement trees is not a regulatory compliance measure at all. Rather, it is a discretionary environmental mitigation measure. The City’s Protected Tree Ordinance states as follows:

“The Board of Public Works or its authorized officer or employee *may* [r]equire as a condition of a grant of permit for the relocation or removal of a protected tree, that the permittee replace the tree within the same property boundaries by at least two trees of a protected variety included within the definition set forth in Section 46.01 of this Code, in a manner acceptable to the Board.”

LAMC Section 46.02(c).

The Ordinance uses the word “may” – not “shall.” This is significant. The tree replacements that are traditionally mandated by the Board of Public Works are discretionary environmental mitigation measures. They are not mandatory “regulatory compliance measures.” The City cannot use a mitigation measure to reach a determination that a project is exempt from CEQA. This is fundamental black letter CEQA law.

Further, the Grading Division has issued a Geology and Soils Report Approval Letter for the Project. This letter contains numerous conditions of approval. Many of these conditions are not simply applications of the California Building Code or existing City of Los Angeles regulations. The fact that the Geology Report contains specialized mitigation measures renders the application of a categorical exemption in appropriate and unlawful.

V. The Project is Also Not Exempt from CEQA Because the City Seeks to Defer Application of Mitigation Measures to Another Date

Additionally, many of the conditions of approval in the Geology and Soils Report Approval Letter simply “kick the can” down the road and defer required environmental analysis to another date. This does not comply with CEQA.

Conditioning a project on another agency's future review of environmental impacts, without evidence of the likelihood of effective mitigation by the other agency, is insufficient to support a determination by the lead agency that potentially significant impacts will be mitigated. *Sundstrom v. Cnty. of Mendocino* (1988) 202 Cal.App.3d 296. Further, requiring formulation of mitigation measures at a future time violates the rule that members of the public and other agencies must be given an opportunity to review mitigation measures before a project is approved. PRC § 21080, subd. (c)(2). See *League for Protection of Oakland Architectural & Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396; *Quall Botanical Ganlens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1605, fn. 4; *Oro Fino Gold Mining Corp. v. Cnty. of El Dorado* (1990) 225 Cal.App.3d 872, 884; *Sundstrom v. Cnty. of Mendocino*, supra, 202 Cal.App.3d at p. 306, (condition requiring that mitigation measures recommended by future study to be conducted by civil engineer evaluating possible soil stability, erosion, sediment, and flooding impacts was improper). Moreover, a condition that requires implementation of mitigation measures to be recommended in a future study may conflict the requirement that project plans incorporate mitigation measures before a proposed negative declaration is released for public review. PRC § 21080, subd. (c)(2); 14 Cal Code Regs § 15070(b)(1). Studies conducted after a project's approval do not guarantee an adequate inquiry into environmental effects. Such a mitigation measure would effectively be exempt from public and governmental scrutiny.

VI. Approval of the Tree Removal Permit Would Violate the General Plan

In this case, approval of the Tree Removal Permit would violate the General Plan, specifically, the Conservation Element. Section 6 of the Conservation Element states the following:

“California native oaks. The only plant group specifically protected by city ordinance is native oaks. The ordinance prohibits destruction of the Valley oak (Quercus lobata) and California live oak (Quercus agrifolia) and any tree of the oak genus indigenous to California which measures eight inches or more in diameter four and one-half feet above the ground (Ordinance No. 153,478). It excludes scrub oaks (Quercus dumosa aka Quercus herberidifolia) and nursery grown oaks. The Department of Public Works enforces the ordinance. The Department of City Planning may authorize removal or relocation relative to subdivision permits. Public works, as the primary enforcement agency, has the authority to authorize relocation or removal under certain circumstances, such as public endangerment.”

While out of date (because the General Plan Conservation Element was adopted prior to the latest amendments to the Protected Trees ordinance in 2006), this section of the General Plan clearly demonstrates the City’s intent to prohibit destruction of Protected Trees, especially oaks. Without a necessity determination (which cannot be made in this instance), the Board of Public

Works cannot authorize the instant Tree Removal Permit as it would violate both the Protected Tree Ordinance and the General Plan.

VII. Conclusion

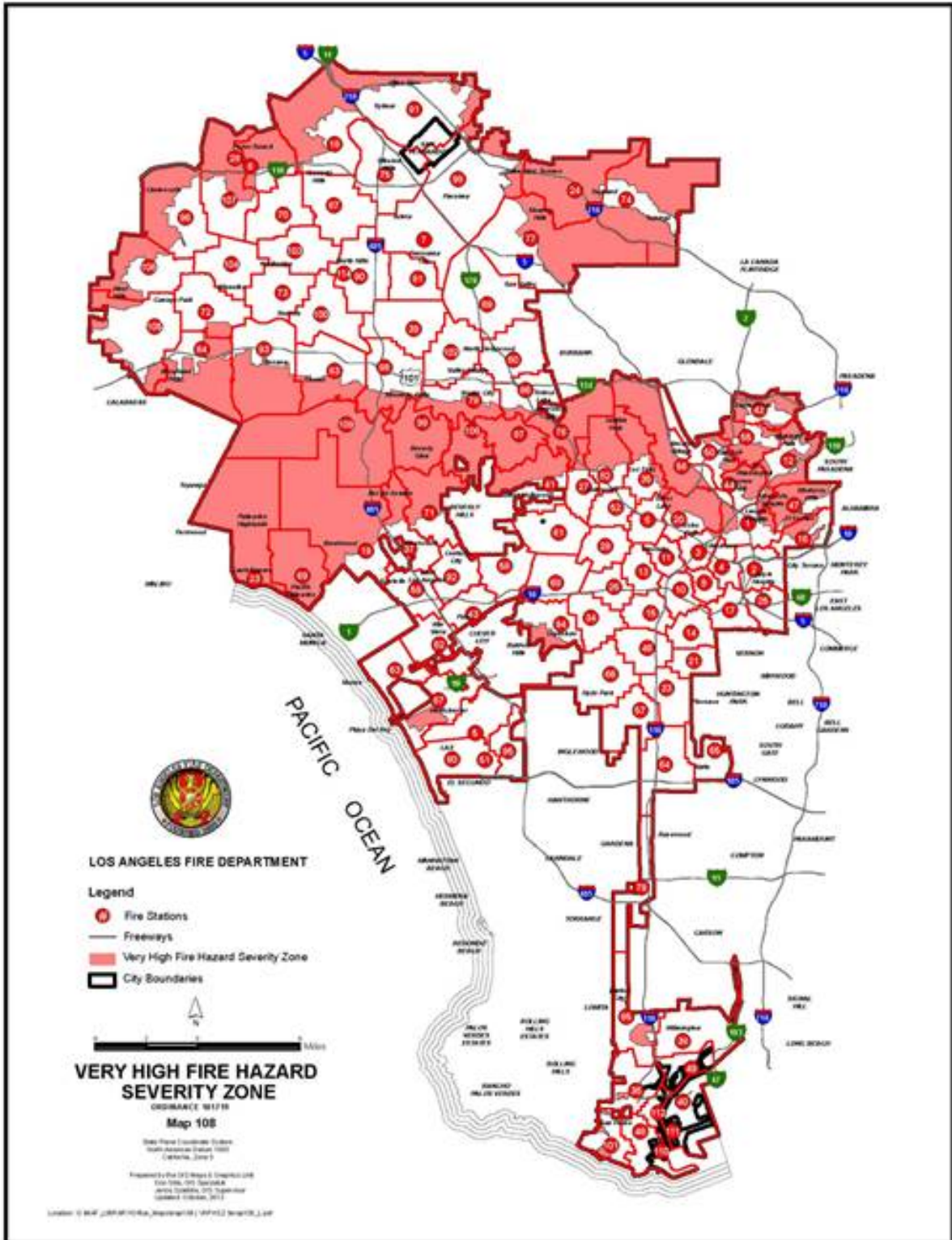
For the reasons outlined above, approval of the Tree Permit as requested would violate CEQA. My client urges the Board of Public Works to either **deny** the Tree Removal Permit or **take no action on the Project** and send the file back to the City’s Environmental Compliance Unit for further environmental review.

Sincerely,



Jamie T. Hall

Exhibit 1



Channel Law Group, LLP

8383 Wilshire Blvd.,
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

August 2, 2019

VIA ELECTRONIC MAIL

Board of Public Works
200 N. Spring Street, Room 361
Los Angeles, CA 90012-4801
fernando.campos@lacity.org

Re: Supplemental CEQA Objection Letter with Regard to Protected Tree Removal Case BPW-2019-0508, located at 11472 West Laurelcrest Drive

Dear President James and Honorable Commissioners:

This firm represents Sunshine Hill Residents Association (“Association”) with respect to the City of Los Angeles’s (“City”) consideration of the proposed tree removal located at 11472 West Laurelcrest Drive in the hills of Studio City (the “Project”). On or about June 24, 2019 this office submitted an initial letter explaining why the Project is not exempt from the California Environmental Quality Act (“CEQA”). This letter is intended to supplement that initial letter.

I. Fair Argument Standard of Review is Applicable

As noted in the prior letter, the Notice of Exemption (“NOE”) issued by the City asserts that the Project is categorically exempt from CEQA under Article III, Section 1, Class 3, Category 1 (new construction of small structures – single family residences not in conjunction with the building of two or more units). However, the Project is not eligible for the “single family home” exemption because of its location in the Santa Monica Mountain Zone (“Zone”). The Legislature has declared that the Zone is an environmental resource of critical concern. The Zone was established by the Legislature via the Santa Monica Mountains Conservancy Act, which is codified at Section 33001 of the Public Resources Code. Under these circumstances (where a project may impact on an environmental resource of critical concern) a party need only demonstrate a “fair argument” that a project may have significant effect on the environment. This standard of review was recently outlined in *Berkeley Hills Watershed Coalition v. City of Berkeley* (2019) 31 Cal.App.5th 880. The court stated that once it is determined that a project is located in an environmentally sensitive area the “fair argument” standard of review applies. *Berkeley Hills Watershed Coalition v. City of Berkeley* (2019) 31 Cal.App.5th 880, 890. As

explained in the prior letter submitted to the Board, there should be no doubt that the Santa Monica Mountains Zone comprises an environmental resource of critical concern. As noted in *Berkeley Hills Watershed Coalition*¹, a “resource” is a “natural source of wealth or revenue,” or a “natural feature or phenomenon that enhances the quality of human life.” *Berkeley Hills Watershed Coalition v. City of Berkeley* (2019) 31 Cal.App.5th 880, 891. The Legislature’s explicit findings regarding the characteristics of the Zone in the Santa Monica Mountains Conservancy Act more than meets this definitional requirement.

An objector need only demonstrate a “fair argument” that the project “may impact” the mapped resource. *Id.* at 894. Stated another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an Environmental Impact Report (“EIR”) even though it may also be presented with other substantial evidence that the project will not have a significant effect. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68.

A strong presumption in favor of requiring preparation of an EIR is built into CEQA. Again, under the “fair argument” standard an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Friends of “B” St. v. City of Haywood* (1980) 106 Cal.App.3d 988, 1002. This standard sets a “low threshold” for preparation of an EIR. *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.

II. The Project Will Have a Significant Effect on the Environment

The Association has commissioned two expert reports that detail why the Project will have significant effects on the environment – notably, biological resources. *See Exhibit 1 and Exhibit 2.* The City’s existing Regulatory Compliance Measures (“RCMs”) do not reduce these impacts to a level of insignificance. In fact, the City does not even have Regulatory Compliance Measures that address many of the impacts outlined in the attached two reports. Some of the conclusions reached by these two experts include, but are not limited to, the following:

- Mitigation measures that are tied to replacing individual protected trees, such as Coast Live Oak, are ineffective at mitigating impacts to whole vegetation alliances.
- People often imagine that wildlife at a development site will simply move to a new area after development but this is not true; any suitable habitat surrounding will already be occupied and the wildlife numbers are reduced each time habitat is lost through development.
- Replacing individual trees but not habitat area is ineffective.
- Lighting from New Structure Would Impact Wildlife.
- Glass Poses a Collision Hazard for Birds.
- Construction Noise Would Cause Adverse Impacts.
- Property considered part of a “linkage zone” (through the eastern Santa Monica Mountains) and contains a wildlife corridor.

¹ The court cited Merriam-Webster’s Collegiate Dict. (11th ed. 2014) p. 1061.

These reports not only meet the “fair argument” standard (which again, sets a “low threshold”), but they demonstrate the Project will have a significant effect on the environment.

The authors of the two expert reports are well qualified. Dr. Travis Longcore and Catherine Rich are principals of Land Protection Partners. Dr. Longcore is Associate Adjunct Professor in the Institute of the Environment and Sustainability at UCLA. Catherine Rich is Executive Officer of The Urban Wildlands Group. She holds an A.B. with honors from the University of California, Berkeley, a J.D. from the UCLA School of Law, and an M.A. in Geography from UCLA. Daniel S. Cooper is the author of Important Bird Areas of California (Audubon California 2004), and is an authority on California bird ecology, identification and distribution. He has a strong background in natural history and biodiversity, and has designed and managed numerous monitoring and assessment projects for a variety of clients, both in the U.S. and abroad. He worked as an independent consultant and researcher for several years before returning to UCLA to pursue a PhD in 2017.

III. Reasonable Development Does Not Warrant Issuance of Tree Removal Permit

The City cannot approve the requested Tree Removal Permit without first complying with CEQA which in this instance means conducting an environmental analysis. The law is clear that a public agency cannot defer environmental review until after a decision is made on a project – this applies to any approval. CEQA Guidelines, section 15004(a), entitled “Time of Preparation,” states as follows: “Before granting any approval of a project subject to CEQA, every Lead Agency or Responsible Agency shall consider a final EIR or Negative Declaration or another document authorized by these Guidelines to be used in the place of an EIR or Negative Declaration.” (emphasis added). This was long ago established by the California Supreme when it stated “If postapproval environmental review were allowed, EIR’s would likely become nothing more than post hoc rationalizations to support action already taken.” *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 394. An agency has no discretion to define approval so as to make its commitment to a project precede the required preparation of an EIR. *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 132.

However, even if the Project was exempt from CEQA (which it is not), the Board **cannot** make the findings necessary to grant the requested permit. Under the City’s Protected Tree Ordinance (No. 177404) the Board must make an affirmative finding that reasonable development warrants the issuance of the permit. The applicant has proposed a home that is grossly out of scale with the community. The best evidence of this is the fact that the proposed home is the absolute maximum size permitted under the City’s Baseline Hillside Ordinance. If the applicant had proposed a home that was similar in size to the adjacent homes and removed the large flat backyard (which is atypical in the hillsides), then several large mature oak trees would not need to be removed (including Tree No. 13, the largest oak tree). The Board is not required to approve a tree removal permit for a home that is so grossly out of scale with the neighborhood. The Protected Tree Ordinance empowers the Board to make such decisions on a case-by-case basis based on the specific circumstances of each lot and project. Mere compliance with the Baseline Hillside Ordinance is not evidence that a Project necessarily constates “reasonably development.”

IV. Conclusion

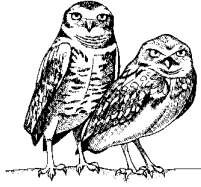
For the reasons outlined above, approval of the Tree Permit would violate CEQA. My client urges the Board of Public Works to either **deny** the Tree Removal Permit or **take no action on the Project** and send the file back to the City's Environmental Compliance Unit.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall". The signature is fluid and cursive, with the first name "Jamie" being the most prominent part.

Jamie T. Hall

Exhibit 1



Land Protection Partners

P.O. Box 24020, Los Angeles, CA 90024-0020
Telephone: (310) 247-9719

July 14, 2019

Kevin James, President
Board of Public Works
City of Los Angeles
200 North Spring Street, Room 361
Los Angeles, CA 90012

Re: BPW-2019-0508, Tree Removal - 11472 Laurelcrest Drive

Dear President James and Commissioners:

City staff has proposed that the Board of Public Works determine that a planned single-family residence at 11472 Laurelcrest Drive should be found to be categorically exempt from analysis under the California Environmental Quality Act. We have reviewed the proposed Categorical Exemption, along with information about the project site, and conclude that the project would have significant impacts on the environment as proposed and that those impacts would not be mitigated through application of the protected tree ordinance or the other existing regulations of the City of Los Angeles.

1 Staff Failed To Recognize Coast Live Oak–California Walnut Woodland

The vegetation association on the property should be identified as Coast Live Oak–California Walnut woodland (Keeler-Wolf and Evens 2006), which has a California Natural Community Code of 71.060.27 (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398>). First, the oak species on site is not Interior Live Oak (*Quercus wislizeni*), but Coast Live Oak (*Quercus agrifolia*) (see details below). Second, it is not simply a Coast Live Oak woodland because the presence of California Walnut on the site, along with the presence of characteristic understory species such as Giant Wild Rye and Poison Oak, are diagnostic for identification of Coast Live Oak–California Walnut woodland. The guide to identifying this vegetation association describes it as follows:

California walnut is subdominant to codominant with coast live oak in the overstory, and the understory may be open and grassy or may have shrub layer with poison oak.

...

Note: Two phases of this association occur: One in which the shrub layer is low in cover (trace cover of poison oak) while the herbaceous layer is usually moderately to highly developed, and another in which the shrub layer has moderate to high cover of poison oak and other shrub species such as toyon and elderberry (Keeler-Wolf and Evens 2006).

The *Quercus agrifolia*–*Juglans californica* association has a global conservation status rank of G3 (“Vulnerable—At moderate risk of extinction due to a restricted range, relatively few populations [often 80 or fewer], recent and widespread declines, or other factors”), and is recognized as a sensitive natural community by the California Department of Fish and Wildlife. Whether or not the proposed building itself would impact walnut trees is irrelevant; the oaks that would be removed are part of the oak–walnut woodland.

Mitigation measures that are tied to replacing individual protected trees, such as Coast Live Oak, are ineffective at mitigating impacts to whole vegetation alliances. Native tree protection ordinances focus on the specimens, but CEQA analysis requires recognition of the whole community of organisms that live within an area, in this instance within the oak–walnut woodland. Replacement of specimen trees on a site that has the habitat area significantly reduced to accommodate a large single-family home and pool does not offset the impacts to the recognized sensitive natural community.

The Coast Live Oak–California Walnut association is a subtype of Coast Live Oak woodland. The strong relationships between oaks generally and wildlife are well established. An oft-cited figure reports that 320 species of vertebrates and 5,000 species of insects are associated with oak woodlands (Block et al. 1990, Pavlik et al. 1991). These totals make oak woodlands the richest overall wildlife habitats in California, and rank among the top three habitats for birds (Wilson et al. 1991). Oak woodlands are threatened by fire suppression, overgrazing, urban development, and disease. It is for this reason that the destruction of oak woodlands in general constitutes a significant environmental impact, and the association at the project site is even more important as a sensitive vegetation community. Again, these impacts are to the total area covered by the woodland, not just the impacts to the individual trees.

Replacing individual trees but not habitat area is ineffective. Scientists have firmly established the predictable relationship between habitat area and the number of species supported by that area (Arrhenius 1921, Preston 1948). The relationship, referred to as the “species–area curve,” is expressed by the equation $S = cA^z$ where S is number of species, A is area, and c and z are constants that vary by the ecosystem type and the geographic configuration of the area. If A decreases, then S also decreases. Because the proposed project would reduce the habitat area on the site considerably (at least by 30%), it will have a resulting impact on the number of species supported by the site. For example, of the rich complement of oak woodland bird species, some will be eliminated from the site as a result of the project and the replacement plantings of trees will be insufficient mitigation because they do not replace the area lost. People often imagine that wildlife at a development site will simply move to a new area after development but this is not true; any suitable habitat surrounding will already be occupied and the wildlife numbers are reduced each time habitat is lost through development.

It is obvious that the proposed project would have a significant adverse impact on the environment through the loss of sensitive native vegetation and that the mechanism of individual oak tree replacement would be insufficient to address such loss.

2 Oak Species Is Misidentified

The City's proposed Categorical Exemption reports that Interior Live Oak (*Quercus wislizeni*) grows at the site. This is a misidentification by the landscape architect who prepared the protected tree report. Interior Live Oak is adapted to higher elevations than the project site and is only found as shrubby individuals in the Santa Monica Mountains (Keeler-Wolf and Evens 2006). Two records of this species are found in Griffith Park (reported by the Consortium of California Herbaria) but otherwise it is absent from the eastern Santa Monica Mountains. Were it actually present, it would be a significant and rare occurrence for which removal would constitute a significant adverse impact to biological resources. The Urban Forestry Division apparently lacks the expertise to recognize when a species is outside of its range, highlighting the lack of appropriate environmental review that has been undertaken for this project.

3 Lighting from New Structure Would Impact Wildlife

The impacts of lighting on all types of wildlife and plants are now increasingly well known (Longcore and Rich 2004, Rich and Longcore 2006, Gaston 2013, Gaston et al. 2013, Bennie et al. 2016, Longcore and Rich 2017). Artificial light at night can have a range of lethal and sub-lethal effects on wildlife (Longcore and Rich 2004, Rich and Longcore 2006, Gaston et al. 2012, Gaston et al. 2013, Meyer and Sullivan 2013). Moths are especially attracted to lights and they play a special role in the ecosystem as pollinators. Moths are killed in collisions with the lights or by becoming trapped in housings (Frank 1988, 2006). Short of death, this attraction removes native insects from their natural environments (Meyer and Sullivan 2013) in what Eisenbeis (2006) calls the "vacuum cleaner effect." Some wildlife species will avoid areas with additional lighting (Beier 1995, 2006, Stone et al. 2009, Stone et al. 2012) or otherwise be adversely impacted (Hölker et al. 2010a, Hölker et al. 2010b, Longcore 2010, Gaston et al. 2013).

Without review and mitigation under CEQA, no mechanism exists to protect wildlife from the impacts of lighting. The City's ordinance to address nighttime lighting is only designed to protect people from nuisance glare (LAMC Section 93.0117), which, incidentally, it does poorly. The code, as follows, does not address impacts on wildlife:

No person shall construct, establish, create, or maintain any stationary exterior light source that may cause the following locations to be either illuminated by more than two footcandles (21.5 lx) of lighting intensity or receive direct glare from the light source:

1. Any exterior glazed window or sliding glass door on any other property containing a residential unit or units.
2. Any elevated habitable porch, deck or balcony on any other property containing a residential unit or units.
3. Any ground surface intended for uses such as recreation, barbecue, or lawn areas on any other property containing a residential unit or units.

EXCEPTIONS: This subsection shall not apply to:

1. Any frosted light source emitting 800 lumens or less.

2. Any other light source emitting more than 800 lumens where the light source is not visible to persons on other residential property.

The ordinance excludes from regulation any lighting sources not visible by people and therefore cannot be relied upon to mitigate the many impacts to natural ecosystems and wildlife species from night lighting. It is utterly useless as a means to protect sensitive natural resources. Without appropriate analysis and mitigation measures, it is likely that the proposed new building will produce glare and illumination that will degrade remaining sensitive habitat on the project site following construction.

4 Glass Poses a Collision Hazard for Birds

Bird species that are resident or would use the site as stopover or wintering habitat would collide with windows at the proposed structure (Klem 2009, Loss et al. 2014, Cusa et al. 2015). Glass poses the greatest danger to birds when it is located close to trees and other vegetation. Birds do not perceive reflections of vegetation as being obstructions and fly into the glass (Sheppard and Phillips 2015). Having a structure immediately adjacent to native vegetation would pose a greater danger to birds (which may include sensitive species) than construction that is not immediately adjacent to high-quality vegetation (see discussion in Gelb and Delacretaz 2006, Kensek et al. 2016). The City of Los Angeles does not have any regulations in place that would mitigate the adverse impacts of introducing a new source of bird mortality into a sensitive wildlife habitat.

5 Construction Noise Would Cause Adverse Impacts

Noise has adverse impacts on wildlife as well that are not addressed in the limits on construction hours in place in the City of Los Angeles. A significant scientific literature can be found to document that noise has a range of adverse impacts on wildlife (see e.g., Slabbekoorn and Ripmeester 2008), including interference with communication of songbirds, distraction of prey species (making them more susceptible to predation), and a whole range of other adverse impacts (Chan et al. 2010, Laiolo 2010). The City has never provided evidence that its noise ordinances would reduce impacts on wildlife to a less than significant level by limiting construction hours and therefore it can be assumed that the proposed project would have a significant impact on wildlife from noise when compared with the baseline conditions at the project site.

Please consider these comments in your review of the proposed Categorical Exemption and find that the project does not qualify for such an exemption.

Sincerely,

Travis Longcore, Ph.D.
Certified Senior Ecologist

Catherine Rich, J.D., M.A.

6 Qualifications

Dr. Travis Longcore and Catherine Rich are principals of Land Protection Partners. Dr. Longcore is Associate Adjunct Professor in the Institute of the Environment and Sustainability at UCLA. He has taught, among other courses, Bioresource Management, Environmental Impact Analysis, Field Ecology, and Ecological Factors in Design. He was graduated *summa cum laude* from the University of Delaware with an Honors B.A. in Geography, holds an M.A. and a Ph.D. in Geography from UCLA, and is professionally certified as a Senior Ecologist by the Ecological Society of America and as a GIS Professional by the Geographic Information System Certification Institute. He is Chair of the Los Angeles County Environmental Review Board. Catherine Rich is Executive Officer of The Urban Wildlands Group. She holds an A.B. with honors from the University of California, Berkeley, a J.D. from the UCLA School of Law, and an M.A. in Geography from UCLA. She is lead editor of *Ecological Consequences of Artificial Night Lighting* (Island Press, 2006) with Dr. Longcore. Longcore and Rich have authored or co-authored over 45 scientific papers in top peer-reviewed journals such as *Auk*, *Avian Conservation and Ecology*, *Biological Conservation*, *Conservation Biology*, *Environmental Management*, *Trends in Evolution and Ecology*, and *Frontiers in Ecology and the Environment*. Longcore and Rich have provided scientific review of environmental compliance documents and analysis of complex environmental issues for local, regional, and national clients for 21 years.

7 Literature Cited

- Arrhenius, O. 1921. Species and area. *Journal of Ecology* **9**:95–99.
- Beier, P. 1995. Dispersal of juvenile cougars in fragmented habitat. *Journal of Wildlife Management* **59**:228–237.
- Beier, P. 2006. Effects of artificial night lighting on terrestrial mammals. Pages 19–42 in C. Rich and T. Longcore, editors. *Ecological Consequences of Artificial Night Lighting*. Island Press, Washington, D.C.
- Bennie, J., T. W. Davies, D. Cruse, and K. J. Gaston. 2016. Ecological effects of artificial light at night on wild plants. *Journal of Ecology* **104**:611–620.
- Block, W. M., M. L. Morrison, and J. Verner. 1990. Wildlife and oak-woodland interdependency. *Fremontia* **18**:72–76.
- Chan, A. A. Y.-H., P. Giraldo-Perez, S. Smith, and D. T. Blumstein. 2010. Anthropogenic noise affects risk assessment and attention: the distracted prey hypothesis. *Biology Letters* **6**:458–461.
- Cusa, M., D. A. Jackson, and M. Mesure. 2015. Window collisions by migratory bird species: urban geographical patterns and habitat associations. *Urban Ecosystems* **18**:1427–1446.
- Eisesbeis, G. 2006. Artificial night lighting and insects: attraction of insects to streetlamps in a rural setting in Germany. Pages 281–304 in C. Rich and T. Longcore, editors. *Ecological consequences of artificial night lighting*. Island Press, Washington, DC.
- Frank, K. D. 1988. Impact of outdoor lighting on moths: an assessment. *Journal of the Lepidopterists' Society* **42**:63–93.
- Frank, K. D. 2006. Effects of artificial night lighting on moths. Pages 305–344 in C. Rich and T. Longcore, editors. *Ecological Consequences of Artificial Night Lighting*. Island Press, Washington, D.C.
- Gaston, K. J. 2013. A green light for efficiency. *Nature* **497**:560–561.

- Gaston, K. J., J. Bennie, T. W. Davies, and J. Hopkins. 2013. The ecological impacts of nighttime light pollution: a mechanistic appraisal. *Biological Reviews* **88**:912–927.
- Gaston, K. J., T. W. Davies, J. Bennie, and J. Hopkins. 2012. Reducing the ecological consequences of night-time light pollution: options and developments. *Journal of Applied Ecology* **49**:1256–1266.
- Gelb, Y., and N. Delacretaz. 2006. Avian window strike mortality at an urban office building. *The Kingbird* **56**:190–198.
- Hölker, F., T. Moss, B. Griefahn, W. Kloas, C. C. Voight, D. Henckel, A. Hänel, P. M. Kappeler, S. Völker, A. Schwoppe, S. Franke, D. Uhrlandt, J. Fischer, R. Klenke, C. Wolter, and K. Tockner. 2010a. The dark side of light: a transdisciplinary research agenda for light pollution policy. *Ecology and Society* **15**:article 13.
- Hölker, F., C. Wolter, E. K. Perkin, and K. Tockner. 2010b. Light pollution as a biodiversity threat. *Trends in Ecology and Evolution* **25**:681–682.
- Keeler-Wolf, T., and J. Evens. 2006. Vegetation classification of the Santa Monica Mountains National Recreation Area and environs in Ventura and Los Angeles counties, California. Report to National Park Service. California Department of Fish and Game and California Native Plant Society, Sacramento, California.
- Kensek, K., Y. Ding, and T. Longcore. 2016. Green building and biodiversity: facilitating bird friendly design with building information models. *Journal of Green Building* **11**:116–130.
- Klem, D., Jr. 2009. Preventing bird–window collisions. *Wilson Journal of Ornithology* **121**:314–321.
- Laiolo, P. 2010. The emerging significance of bioacoustics in animal species conservation. *Biological Conservation* **143**:1635–1645.
- Longcore, T. 2010. Sensory ecology: night lights alter reproductive behavior of blue tits. *Current Biology* **20**:R893–R895.
- Longcore, T., and C. Rich. 2004. Ecological light pollution. *Frontiers in Ecology and the Environment* **2**:191–198.
- Longcore, T., and C. Rich. 2017. Artificial Night Lighting and Protected Lands: Ecological Effects and Management Approaches (Revised August 2017). Natural Resource Report NPS/NRSS/NSNS/NRR—2017/1493. National Park Service, Fort Collins, Colorado.
- Loss, S. R., T. Will, S. S. Loss, and P. P. Marra. 2014. Bird–building collisions in the United States: estimates of annual mortality and species vulnerability. *Condor* **116**:8–23.
- Meyer, L. A., and S. M. P. Sullivan. 2013. Bright lights, big city: influences of ecological light pollution on reciprocal stream–riparian invertebrate fluxes. *Ecological Applications* **23**:1322–1330.
- Pavlik, B. M., P. C. Muick, S. Johnson, and M. Popper. 1991. Oaks of California. Cachuma Press and California Oak Foundation, Los Olivos.
- Preston, F. W. 1948. The commonness, and rarity, of species. *Ecology* **29**:254–283.
- Rich, C., and T. Longcore, editors. 2006. *Ecological Consequences of Artificial Night Lighting*. Island Press, Washington, D.C.
- Sheppard, C., and G. Phillips. 2015. *Bird-Friendly Building Design*, 2nd Ed., American Bird Conservancy, The Plains, Virginia.
- Slabbekoorn, H., and E. A. P. Ripmeester. 2008. Birdsong and anthropogenic noise: implications and applications for conservation. *Molecular Ecology* **17**:72–83.
- Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* **19**:1123–1127.

- Stone, E. L., G. Jones, and S. Harris. 2012. Conserving energy at a cost to biodiversity? Impacts of LED lighting on bats. *Global Change Biology* **18**:2458–2465.
- Wilson, R. A., P. Manley, and B. R. Noon. 1991. Covariance patterns among birds and vegetation in a California oak woodland. Pages 126–135 in R. B. Standiford, editor. *Proceedings of the symposium on oak woodlands and hardwood rangeland management*. Gen. Tech. Rep. PSW-GTR-126. Pacific Southwest Research Station, Forest Service, U.S. Department of Agriculture, Berkeley, California.

Exhibit 2



COOPER ECOLOGICAL MONITORING, INC.
EIN 72-1598095
DANIEL S. COOPER, PRESIDENT
255 SATINWOOD AVENUE
OAK PARK, CA 91377
(323) 397-3562
WWW.COOPERECOLOGICAL.COM
DAN@COOPERECOLOGICAL.COM

MEMO

To: Diana Zogran
From: Daniel S. Cooper
Date: July 13, 2019
Re: Ecological assessment, Laurelcrest

I report on a site visit to a property at 11472 Laurelcrest Dr., Los Angeles (Studio City), CA 91604, for purposes of checking for nesting birds that might be impacted by proposed construction at the site. The site is an undeveloped hillside lot located on the north slope of the eastern Santa Monica Mountains. A single-family home is proposed for the site, and is anticipated to result in the removal of several mature native trees on the site. I was present at the site between 2:05 – 3:00 PM on July 11, 2019. Conditions were ideal for surveying (82F, clear, no wind).

Habitat Description

The property, as well as the adjacent property to the west, and portions of surrounding properties, are heavily vegetated with native trees, including coast live oak (*Quercus agrifolia*), toyon (*Heteromeles arbutifolia*) and southern California black walnut (*Juglans californica*), and (**Figure 1**). Most of these individual trees appear to be in good health (intact bark, lush green foliage), despite years of drought. Several stumps were observed on the property, indicating that trees have been removed on the site. And, several non-native trees are growing on the site, including Shamel ash (*Fraxinus udbei*) and privet (*Ligustrum* sp.), though are not large or numerous enough to detract from the overall native woodland present.

The understory is largely non-native herbaceous, and appears to be regularly mowed/“weed-whipped.” However, I noted two key native understory plant species that – if allowed to persist – would likely be dominant in the understory, poison-oak (*Toxicodendron diversiloba*), and giant wild-rye (*Leymus condensatus*) (**Figure 2**). These species are very common in the understory of native oak woodland in the area (including at Griffith Park and Franklin Canyon Park), and are obviously still present.

Nesting Bird “Refuge”

I detected several native birds that are likely nesting either on-site, or very close by, based on the presence of begging young or calling pairs. While also present in low numbers in more wooded, less-urbanized residential areas of the Santa Monica Mountains, these are highly characteristic of the local oak woodland ecosystem, including oak titmouse, Pacific-slope flycatcher, and orange-crowned warbler. It is unlikely they would be persisting here without the fairly extensive size of the patch of oak woodland on and adjacent to the property. While these tree species are present scattered around the neighborhood, they do not form a woodland as they do on the property surveyed.

Wildlife Corridor

The eastern Santa Monica Mountains are generally considered to lie between Sepulveda Pass in the west and Cahuenga Pass in the east. They represent the most highly-constricted portion of the Santa Monica range, which extends from Pt. Mugu in the west to Griffith Park and the Los Angeles River in the east. In response to a decade of development of small patches of open space that has constricted this corridor even further, on April 23, 2014, Los Angeles City Councilman Paul Koretz proposed a motion (#14-0518), to:

- Issue any building or grading permits only once a project applicant ensures that they will “permanently accommodate wildlife habitat connectivity as part of their development projects”;
- Require easements and deed restrictions in perpetuity to project wildlife habitat connectivity;
- Formally designate the area as a “Regional Wildlife Habitat Linkage Zone” in the Municipal Code; and
- Require that each new building project undergo a “habitat connectivity and wildlife permeability review within areas of concern.”

This motion unanimously passed on April 22, 2016. Building conditions in the eastern Santa Monica Mountains/“Hollywood Hills” are now subject to a review of wildlife connectivity.

The subject property is located within a patch of undeveloped land south of Laurelcrest Dr., that covers at least an acre. Larger open spaces of Wilacre Park, Fryman Canyon Park, and Briar Summit lie to the west, south, and east, resp. A neighbor of the property (pers. comm. to D. Cooper on 11 July 2019) related seeing mule deer (*Odocoileus hemionus*) walk onto the subject property on the regular basis, and observing them moving south across Laurelcrest Dr. up onto the subject property to browse, and that they then continue to other habitat patches (**Figure 3a**). At just over 1 acre, the open space patch occupied by the subject property is large enough to support foraging mule deer, which presumably utilize it and nearby open space patches on steep slopes as they wander through the hills, which feature several similar-sized patches, including larger protected areas (**Figure 3b**).

Thus, even though I did not observe deer during my visit, I would assert that the property would therefore be considered part of a “linkage zone” (through the eastern Santa Monica Mountains), and would itself contain a wildlife corridor. Given how few open habitat patches are left in the Laurelcrest area, it is logical to assume that eventually, one house will

be one too many for this species, and that mule deer will cease using the area, reducing the population in the eastern Santa Monica Mountains.

I recommend conducting a full “habitat connectivity and wildlife permeability review”, as well as a plan to preserve nesting habitat for native oak bird species onsite as part of the conditions of development.

I hereby certify that the information herein is correct.

A handwritten signature in cursive script that reads "Daniel S. Cooper".

Daniel S. Cooper
President, Cooper Ecological Monitoring, Inc.

Figures



Figure 1. Typical view of subject property (view south), showing dense cover of native oak woodland.



Figure 2. View of understory of subject property, showing emergence of native poison-oak, an indicator of intact oak woodland understory.



Figure 3a. Presumed wildlife corridor linking patches of habitat across Laurelcrest Dr. (subject property within area shaded in red).



Figure 3b. Regional view of subject property (red arrow) in relation to other patches of open space in area, including Hirsch property (A), Wilacre Park (B), Fryman Canyon (C), and Briar Summit (D).

Birdlist

Laurelcrest Dr., Los Angeles, California, US

Jul 11, 2019 2:05 PM - 3:00 PM

Comments: 82F, clear/calm

Mourning Dove (*Zenaida macroura*) 4
Pacific-slope Flycatcher (*Empidonax difficilis*) 2
Black Phoebe (*Sayornis nigricans*) 2
Oak Titmouse (*Baeolophus inornatus*) 2
Bushtit (*Psaltriparus minimus*) 5
Bewick's Wren (*Thryomanes bewickii*) 1
House Finch (*Haemorhous mexicanus*) 2
Dark-eyed Junco (Oregon) (*Junco hyemalis* [oreganus Group]) 1
California Towhee (*Melospiza crissalis*) 1
Spotted Towhee (*Pipilo maculatus*) 1
Hooded Oriole (*Icterus cucullatus*) 2
Orange-crowned Warbler (*Oreothlypis celata*) 1

Contact Information

Cooper Ecological Monitoring, Inc.
255 Satinwood Ave.
Oak Park, CA 91377
Cell: 323.397.3562
Email: dan@cooperecological.com
Website: www.cooperecological.com

Overview

Daniel S. Cooper is the author of [Important Bird Areas of California](#) (Audubon California 2004), and is an authority on California bird ecology, identification and distribution. He has a strong background in natural history and biodiversity, and has designed and managed numerous monitoring and assessment projects for a variety of clients, both in the U.S. and abroad. He worked as an independent consultant and researcher for several years before returning to UCLA to pursue a PhD in 2017.

Areas of Expertise

- Biological assessments for public and private lands;
- Bird and wildlife surveys, including protocol-level surveys;
- Environmental compliance (CEQA/NEPA) and monitoring

Years of Experience

CEM, Inc.: 12 years
Audubon California: 5 years

Education

BA/1995/Harvard University
MSc (Biogeography)/1999/UC Riverside
PhD (currently enrolled)/UCLA

Certifications

U.S. Fish and Wildlife Permit No. TE-100008-2 (Yellow-billed Cuckoo, Southwestern Willow Flycatcher, California Gnatcatcher).
CDFG Scientific Collecting Permit SC-10615 (as above; add: San Diego Cactus Wren)
USGS Master Station Banding Permit #23049 (2001-2004)

Recent Boards

Associate Editor, *Western Birds*, 2014 -
Southern California Academy of Sciences, 2012 - 2015
Los Angeles Co. Dept. of Regional Planning - Sensitive Environmental Areas Tech. Adv. Com., 2009 - 2014.
Southern California Beach Metrics Working Group, 2009 -

Teaching/Advising

California State University, Los Angeles, CA. Advisor, graduate student committee member.
Loyola Marymount Univ. (CUREs), Westchester, CA. Co-taught BIO 398 (field biology); advisor, graduate student committee member.
UCLA Extension School, Los Angeles, CA. Instructor (conservation biology and bird monitoring)
University of California, Riverside, CA. Graduate Teaching Assistant, geomorphology, natural disasters, & astronomy.

Daniel S. Cooper

President, Cooper Ecological Monitoring, Inc.

Long-term Projects

Griffith Park Natural History Survey

Researched and co-authored Griffith Park Wildlife Management Plan. Supervised development of website (www.griffithparkwildlife.org; with Cartifact, Inc.). Developed first-ever study of wildlife of Griffith Park, focusing on the 2007 burn area, including plants, breeding/wintering birds, reptiles/amphibians, and bats (ongoing).

Local Coastal Plan updates, Los Angeles Co. Worked with County Department of Regional Planning to develop conservation & management plan for Marina del Rey's LCP update, and to inventory and map biodiversity hotspots in central Santa Monica Mountains for the L.A. Co. Coastal Zone LCP update (2009-2014).

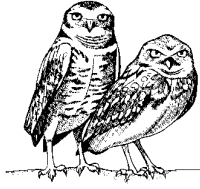
Baseline Bird Survey, Ballona Wetlands, Los Angeles.

Designed, organized and carried-out first major all-bird survey of entire Ballona Wetlands Ecological Reserve and adjacent lands for Santa Monica Bay; coordinated protocol-level and volunteer-led surveys for sensitive species, waterbirds, raptors, and breeding songbirds of the 500-acre site (2009-2012).

Harvard Forest, Petersham, MA. Visiting researcher in 2011, 2013, and 2016, studying the changes in avifauna and lepidoptera since 1993 surveys (as an undergraduate student) (ongoing).

Selected Publications

- Cooper, D.S. and A.E. Muchlinski. 2015. Recent decline of lowland populations of the western gray squirrel in the Los Angeles area of southern California. *Bull. Southern California Acad. Sci.* 114(1):42-53.
- Bonebrake, T.C. and D.S. Cooper. 2014. A Hollywood drama of butterfly extirpation and persistence over a century of urbanization. *Journal of Insect Conservation* 18(4):683-692.
- Cooper, D.S., L.S. Hall and A.J. Searcy. 2014. A population census of the cactus wren in Ventura County, California. *Western Birds* 45(1):43-56
- Cooper, D.S. 2012. Rare plants of Griffith Park, Los Angeles, California. *Fremontia* 38(4)/39(1):18-24.
- 2008. The use of historical data in the restoration of the avifauna of the Ballona Wetlands, Los Angeles County, California. *Natural Areas Journal* 28:83-90.



Land Protection Partners

P.O. Box 24020, Los Angeles, CA 90024-0020
Telephone: (310) 247-9719

September 15, 2019

Kevin James, President
Board of Public Works
City of Los Angeles
200 North Spring Street, Room 361
Los Angeles, CA 90012

Re: BPW-2019-0508, Tree Removal - 11472 Laurelcrest Drive

Dear President James and Commissioners:

I appreciate that the proposed project at 11472 Laurelcrest Drive will be reviewed one more time by the Board before a final decision is made. Because I testified on the project before, I offer a summary of the factors and standards involved so that the record is clear.

First, the vegetation type at 11472 Laurelcrest Drive is Coast Live Oak–California Walnut woodland. Coast Live Oak–California Walnut woodland has a global conservation status rank of G3 (“Vulnerable—At moderate risk of extinction due to a restricted range, relatively few populations [often 80 or fewer], recent and widespread declines, or other factors”), and is recognized as a sensitive natural community by the California Department of Fish and Wildlife expressly for the purpose of consideration in CEQA analysis.

The vegetation is Coast Live Oak–California Walnut woodland because it has Coast Live Oak as the dominant species with California Walnut as the subdominant species. The presence of Poison Oak in the understory is also characteristic. The City’s Urban Forestry Division would not have identified this vegetation community because they are arborists, not botanists or ecological scientists. Arboriculture is a different and important field, but the City should have qualified botanists or ecologists to address the question of vegetation communities. For the record, I am professionally certified as a Senior Ecologist by the Ecological Society of America.

Second, impacts to a sensitive natural community are generally considered to be significant impacts under CEQA. The Los Angeles CEQA Thresholds Guide (p. C-6) recognizes loss of a sensitive natural community recognized by the California Department of Fish and Wildlife as a significant impact. Therefore, the project would be found to have a significant adverse impact on the environment were it to be reviewed under CEQA.

Third, the presence of a sensitive natural community is an unusual situation for a single-family residential lot. Coast Live Oak woodland alone is not a sensitive natural community; it is the presence of California Walnuts that makes this site fit the definition of a sensitive natural

community. The importance of this type of woodland is summarized by this quote from the interpretation plan for Chino Hills State Park (it does not refer to the vegetation with the same terminology, which is relatively new, but it describes the same vegetation):

Southern California black walnut trees join coast live oaks to form woodlands above the creeks, often on north facing slopes. These walnut woodlands are another important and rare plant community preserved in the park. Only a few thousand acres of this California habitat still exist, with about 1500 acres in preserves. (See <https://www.parks.ca.gov/pages/735/files/chino%20hills%20final%20ipp.pdf>)

Fourth, under CEQA, a Categorical Exemption cannot be used “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances” (CEQA Guidelines 15300.2(c)). Such is the case with the Laurelcrest Drive property and other properties in the limited area of the City where State-recognized sensitive natural communities occur on single-family parcels.

Chairman James is correct to recognize the limits of Categorical Exemptions. They are designed for projects that clearly fall within a defined, specific type of activity that has been carefully analyzed and found not to have an individual or cumulative significant impact on the environment. For the Board to find that this project is exempt from CEQA, it would need to determine that there is not a “reasonable possibility” that the project would have a significant adverse impact on the environment. I am confident that the record submitted to the Board makes it impossible to reach that conclusion. Once the project is found to be subject to analysis under CEQA, then proper analysis can be done, and mitigations can be put into place for the potentially significant impacts that would occur.

Finally, a requirement for replacement trees under the City’s protected tree ordinance does not qualify as a mitigation for impacts to a sensitive natural community under CEQA. Impacts to sensitive natural communities are measured in terms of the area affected, not the number of trees. Mitigation for impacts to a sensitive natural community might involve on- or off-site permanent protection or restoration of a similar habitat type at a specified mitigation ratio. A typical mitigation ratio for loss of a Coast Live Oak–California Walnut woodland would be 2:1 (in area). This is not accomplished through provision of replacement trees on-site through the protected tree ordinance.

Thank you for considering these comments. I urge the Board to find that as a result of the unusual circumstance of a single-family home property supporting a State-designated sensitive natural community, there is a reasonable possibility that the project would have a significant effect on the environment by impacting that natural community and therefore the project is not categorically exempt from review under CEQA.

Sincerely,
Travis Longcore, Ph.D.

Jan C. Scow Consulting Arborists, LLC

Disease and Pest Diagnosis, Hazard Evaluation, Restorative Pruning Advice, Value Assessment

1744 Franklin Street Unit B
Santa Monica, CA 90404
(818) 789-9127

Date: 9/10/19

To: Natasha Garca-Lomas

Info: Diana Zogran

From: Jan Scow

Subject: Potential impacts to 11470 Laurelcrest from project at 11472 Laurelcrest

Reference: Email dated 8/13/19 at 1:40 PM (online form), Garcia-Lomas

I visited the site on 8/28/19 to evaluate whether the proposed project at 11472 Laurelcrest would substantially impact the protected trees on your property. I offer the following comments:

1) I do not think that the proposed construction next to your property poses any great risk to your oak trees **except as noted here**:

- The work at the top of the project will probably not cause significant damage to the oaks (including 14 and 15) that you showed me above that site **as long as the excavations do not come closer than about 10 feet from the trunks**. (I have not yet seen any helpful plans for evaluating this project).
- Planting of a few mitigation oaks between the new building and your oaks will probably not hurt your oaks, but the mitigation trees will struggle in this location due to the proximity to already established oaks that will overshadow them.
- I am a bit concerned about potential root damage to the large oak (16), that had the rope attached to it near the east side of the project, from proposed construction. Since I have no actual construction documents showing grading, depth and exact location of excavations near the tree, etc. I cannot say for sure that work near the tree would not affect the tree's stability. This is a concern that should be addressed by the project arborist before the project is approved. **Any significant soil disturbance with 10-15 feet of the trunk could be a concern** since the tree is leaning away from where roots would be disturbed and significant disturbance could destabilize this large oak, causing it to fall.

2) I also noted several other protected trees that may not have been accounted for in the area just below your house, as we discussed. At least two native walnuts and an additional oak are present here and have no tags, so I assume they were ignored. **This should be brought to UFD's attention**.

3) From what I observed on your property, all the oaks near the proposed project that belong to you are in generally good health.

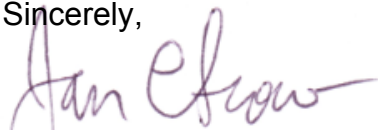
4) If you desire to have two of the many mitigation oaks planted on your property below your house that would be an excellent location, if the City will allow it.

5) I did see evidence on the vacant property next to the development site of trees sprouting from possible stumps that appeared to be walnuts and at least one oak but could not confirm without trespassing.

6) The large oak (16) that had the rope attached to it seems to be stable for now and I saw no evidence of damage or movement of the tree. However I could not really see the root crown and it would be wise to uncover it so that the tops of major structural roots where they depart the trunk are exposed. This will allow you to see if any movement occurs in the future.

Please let us know if we can be of any further assistance or if you have any additional questions. Our goal is to satisfy our clients and help them to better care for their trees in the most effective way possible. We look forward to working with you toward that goal!

Sincerely,



Jan C. Scow
ASCA Registered Consulting Arborist #382
Board Certified Master Arborist # WE-1972B



Jan C. Scow Consulting Arborists, LLC

Disease and Pest Diagnosis, Hazard Evaluation, Restorative Pruning Advice, Value Assessment

1744 Franklin Street Unit B
Santa Monica, CA 90404
(818) 789-9127

8/31/19 (2nd rev.)

Jamie T. Hall

Channel Law Group, LLP
8383 Wilshire Blvd., Suite 750
Beverly Hills, CA 90211

SUBJECT: Peer review of Protected Tree Report at 11472 Laurelcrest Drive

REFERENCES:

- 1) "Existing Protected Trees" plan, undated, unstamped, unsigned (Howell?)
- 2) "Replacement Tree Plan", undated, unstamped, unsigned (Howell?)
- 3) Protected Tree Report, 2/26/19, Dean Howell
- 4) DPW/BSS Recommendation for Approval of protected tree removals at 11472 Laurelcrest Drive (and transmittals)

BACKGROUND: We were asked to review the first three referenced items and comment on any deficiencies. We discovered what we consider significant deficiencies and errors within this body of work. We have listed our comments below.

DOCUMENT REVIEW:

"Existing Protected Trees" (Plan):

- 1) The Plan is a very poor document, at least in the format provided by the City Transmittals provided in reference 4. It is virtually illegible.
- 2) Oak tree canopies are not accurately depicted. Showing a simple radius, while sometimes adequate, is probably insufficient in this case to allow for proper understanding and assessment of the impacts.
- 3) The survey of existing trees "on or near the property" — trees that will probably be impacted by this project — is incomplete. I was at the property immediately upslope from the southern boundary of the proposed development site and observed additional protected trees that are either on the adjacent property or on the subject property and which are not shown on the Plan.
- 4) The basic elements required to evaluate impacts to protected trees are not shown adequately. Typically required:
 - Protected tree locations (oaks, sycamores, walnuts, Calif. bay)
 - Canopy spread
 - Footprint of:
 - proposed buildings
 - retaining walls
 - pools
 - patios
 - sidewalks
 - driveways
 - streets
 - sewer, drain lines, and utilities (if known)
 - type and location of perimeter fencing (if any)
 - all other planned improvements
 - Grading (topo lines visible both for existing grade and proposed new grade)

"Replacement Tree Plan" (Mitigation Plan):

- 1) The Mitigation Plan is also a very poor document, at least in the format provided by the City Transmittals provided in reference 4. It is virtually illegible.
- 2) Depending on where the information is collected, the spacing between mitigation trees is either 10' apart (see PTR page 5) or 12' apart as shown on the Mitigation Plan. In any case this is extremely close and does not allow for successful tree development. This is a structural problem with how the mitigation is directed by the City (all mitigation trees must be planted onsite). None-the-less, this project's mitigation is unsatisfactory as there is insufficient room to plant all mitigation requirements.
- 3) Although it is common practice to show mitigation tree canopies as small, in this case, due to the issues about overcrowding it may be more appropriate to actually depict the mitigation trees at their full potential mature size. If this were done accurately, it would depict canopies on the mitigation oaks as at least 50-60 feet in diameter.
- 4) Mitigation trees are specified to be *Quercus wislizenii*. This is not a suitable species for this location, nor is it "in-kind" mitigation, as the trees on the property being removed are *Q. agrifolia*.

"Protected Tree Report" (Report):

- 1) Pg. 4- Trees are mis-identified in the Report as "Quercus Wislizenii" when they are actually *Q. agrifolia*. *Quercus wislizenii* does not typically grow in the Santa Monica Mountains.
- 2) Pg. 5- "minimum spacing of 10 feet to promote growth" is an erroneous statement. These trees (regardless of which species) need at least a 30-foot spacing, and preferably even more. (See also 2 above).
- 3) Pg. 5- The "Tree protection fencing" section is vague and inadequate. Fencing should be shown in detail on the plans as to its required location. Fencing should be required to be chain-link, not "flexible fencing". Flexible fencing offers virtually no protection as it is easily (and frequently) pushed aside on construction projects.
- 4) Pg. 6- "Tree Matrix"
 - a. There are numerous errors, including incorrect species, and spelling errors as to genus and species.
 - b. Tree numbering (trees are numbered as 1-4, skip 5, and then 6-16) is inconsistent with tree numbering on the Plan (trees are numbered 2-16).
- 5) Pg. 6-10- "Recommendations" section has almost no recommendations for actual protection of the trees during construction and is generally not relevant to the protection of the existing oak trees that will remain during construction. Recommendations typically should include specific instructions regarding all activities around each protected tree (e. g. grading, trenching, soil compaction, etc.). Recommendations should also include information about maintain mitigation trees until established and landscaping restrictions around existing oak trees.
- 6) Photos-
 - a. Photo numbering is 1-3, then 5-16. This is inconsistent with the numbering on the Plan (2-16), as well as the numbering from the "Tree Matrix" (1-4, skip 5, and 6-16).
 - b. "Tree 2" (pg. 13) shows 3 trees and it is difficult to know which tree is being referred to.
 - c. Photo of tree 3 (pg. 14), tree 5 (pg. 15), tree 9 (pg. 19), tree 10 (pg. 20), and tree 11 (pg. 21) show only a small portion of the trunk, and are as such not very useful in evaluating the tree or recognizing it in the field.
 - d. Photos of tree 8 and tree 11, labeled as a *Q. wislizenii*, appear to be a SoCal black walnut. Has site verification been done?
- 7) Important content is not included- Several important sections of a typical Report are missing or inadequate.
 - a. Site description
 - b. Project description

- c. Impact assessment
- d. Tree protection measures (see also item 5 above).
- e. Site location map

Staff report (see reference 4):

- 1) In my experience, the staff report's treatment of "Alternative Methods and Options Explored" was wholly inadequate. (See page 2 of staff report).
- 2) I find it troubling as well that staff was not aware of the fact that the species listed as on the property was incorrect. (See also 6.d. above).


ADDITIONAL COMMENTS:

- 1) The applicant has reportedly offered to plant fewer, much larger mitigation trees to address the problem created by the City requiring all mitigation trees be planted on an overcrowded developed property. This is not an acceptable solution. The goal of mitigation should be the successful establishment of trees that will grow to successfully replace the removed trees. Larger trees are much less likely to survive and thrive than smaller trees. In reality, the smallest tree possible would be the best choice. Acorn seedlings are ideal, not large boxed trees.

CONCLUSIONS: It is our opinion, based on a careful review of the document submitted under the heading of "Tree Protection Report" and additional plan sheets provided in the transmittals, that this project has not yet had a proper evaluation and assessment of the impacts to the protected trees on the site, including trees on adjacent properties. The documents reviewed are full of errors and inaccuracies and have significant omissions of important information and instruction. Without a careful evaluation of potential impacts, it is impossible to provide a report that successfully addresses the impacts and arrives at adequate measures to protect the trees during construction. Additionally, the proposed mitigation is not practical, nor could it be successful due the limited space available and the number of trees required to be planted on the site. Before this project is approved it should be required, at a minimum, to present an adequate report addressing all the of issues identified above.

Please let us know if we can be of any further assistance or if you have any additional questions. Our goal is to satisfy our clients and help them to better care for their trees in the most effective way possible. We look forward to working with you toward that goal!

Sincerely,


Jan C. Scow
ASCA Registered Consulting Arborist #382
ISA Board Certified Master Arborist #WE-1972B

