

## RECOMMENDATION REPORT

**Case File No.:** 19-1134

**Board of Public Works File No.:** BPW-2019-0508

**Council Area:** Council District 2 – Council Member Paul Krekorian

**Community Plan Area:** Sherman Oaks-Studio City-Toluca Lake-Cahuenga Pass

**Certified NC:** Studio City

**GPLU:** Low Residential

**Zone:** R1-1

**Owner/Applicant:** Larry Schlossberg

**Project Location:** 11472 W. Laurelcrest Drive, Los Angeles, CA 91604

**Project:** Construction of a single-family home on a vacant lot locate amidst a nearly-fully developed neighborhood, requiring removal and replacement of six oak trees that are subject to the City’s Protected Tree Ordinance, LAMC section 46 *et. seq.* (“Tree Ordinance”).

**Appellant:** Sunshine Hill Residents Association (“Appellant”) submitted an appeal to the City on September 24, 2019 (Report Attachment (“RA”) 4).

**REQUESTED ACTION:** Review of the City’s compliance with the California Environmental Quality Act (CEQA), appealed pursuant to Public Resources Code 21151(c) by Appellant, concerning the City’s approval of the Project.

On September 13, 2019, the Board of Public Works heard Owner’s Application for a permit to remove protected trees, determined that the Project is categorically exempt under Article III, Section 1, Class 3, Category 1 of the City’s Environmental Quality Act Guidelines not subject to any applicable exceptions to the categorical exemption, and approved the Permit. (RA 1 [Agenda] & 2 [Journal].) The BSS recorded a Notice of Exemption (NOE) concerning the Project with the County Recorder’s Office September 18, 2019. (RA 3.)

### RECOMMENDED ACTIONS:

1. **DENY** the appeal.
2. **Determine** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to State CEQA Guidelines sections 15303 and 15332, and that no exception to the categorical exemptions listed in CEQA Guidelines section 15300.2 applies, and instruct the Bureau of Street Services to file a CEQA Notice of Exemption reflecting this determination.

3. **Determine** that the City of Los Angeles Municipal Code does not provide Appellant a legal right to appeal the decision to issue a protected tree permit and that Appellant’s sole right to appeal exists pursuant to CEQA.
  
4. **Sustain** the BPW’s September 13, 2019 approval of the Permit to Remove Protected Trees and Replant (Permit No. 1-1300569631) (RA 5).

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## **A. REPORT ATTACHMENTS**

1. September 13, 2019, Board of Public Works hearing Agenda.
2. September 13, 2019, Board of Public Works hearing Journal.
3. September 18, 2019, Bureau of Street Services Notice of Exemption (NOE).
4. September 24, 2019, Appeal filed by Sunshine Hill Residents Association (Appellants).
5. Permit to Remove Protected Trees and Replant (Permit No. 1-1300569631).
6. Protected Tree Report prepared by Dean Howell ASLA.
7. Urban Forestry Division Report re: 11472 W. Laurelcrest Drive.
8. June 5, 2020, Biological Resources Constraints Analysis prepared by Biological Assessment Services.
9. June 24, 2019, letter in support of appeal filed by Attorney Jamie Hall.
10. October 28, 2019, letter in support of appeal filed by the Santa Monica Mountains Conservancy.
11. August 2, 2019, supplemental letter in support of appeal filed by Attorney Jamie Hall.
12. August 31, 2019, Per Review of Protected Tree Report prepared by Arborist Jan C. Scow.
13. September 9, 2019, Letter re: Potential Impacts to 11470 Laurelcrest from Project prepared by Arborist Jan C. Scow.
14. September 15, 2019, Letter to Board of Public Works from Travis Longcore.
15. Excerpts of the Santa Monica Mountains Comprehensive Plan.
16. May 18, 2018, Geology and Soils Report Approval Letter prepared by the Grading Division of the Department of Building and Safety.
17. City of Los Angeles Ordinance No. 177404.
18. Excerpts of the Conservation Element of the City of Los Angeles General Plan.
19. City of Los Angeles Ordinance No. 153478.

## **B. PROJECT DESCRIPTION**

### **1. BACKGROUND**

The project site consists of an undeveloped vacant lot measuring 10,830 square feet. The lot has moderate to steep topography. The Project is for construction of a two-story single-family residence measuring approximately 3,800 square feet. The footprint (or final building pad) will consist of approximately 2,850 square feet. The Project requires slope stabilization measures including grading and installation of retaining walls. Retaining walls ranging up to 18 feet in height are proposed for the subterranean floor levels, rear yard area, and driveway.

There are eight native Coast Oak trees and one dead Black Walnut tree on the Project site. Six of the eight Oak trees will be severely impacted and require removal because their continued existence at their locations prevents the reasonable development of the Property. Removal of the six live Coast Oak trees shall be replaced with twenty-four, 24-

inch (minimum) size Coast Oak trees planted on the Property and their survival shall be guaranteed by bond.

## **2. PROJECT SUMMARY**

On behalf of the Applicant, Dean Howell, Registered Landscape Architect, provided a Protected Tree Report assessing the Property and the Project's impact to Protected Trees. (RA 6.) StreetsLA reviewed the Protected Tree Report. The Protected Tree Report identified nine protected oak trees as defined by Los Angeles Municipal Code Section 46 et. seq. The Protected Tree Report identified the protected trees as Interior Live Oaks, but City arborists confirmed that the trees are Coast Live Oaks and one dead Southern California Black Walnut. (RA 6.) Both species of trees are protected by the Tree Ordinance, and City arborists have confirmed that the Protected Tree Report is otherwise accurate. (RA 7, Urban Forestry Division Report re: 11472 W. Laurelcrest Drive).

The Protected Tree Report identifies a total of eight growing oak trees and reported one dead (#8) oak (now confirmed to be a dead Walnut tree) on the subject property. (RA 6.) Four (#6, 7, 10, & 13) oak trees are growing within the footprint of the proposed dwelling and two (#11 & 12) oak trees are growing adjacent to the proposed dwelling and within the footprint of the required grading and retaining wall and will require removal. The other protected oak trees identified in the report, are either outside of the Project area (#1 & 4) or growing off site on the adjacent properties (#2, 3, 9, 14, 15, 16) and shall be preserved and protected during the course of construction through use of construction fencing.

A StreetsLA arborist inspected the location on March 28, 2019 using the information in the Protected Tree Report and confirmed the report's assessment and recommendation that removal of the six (# 6, 7, 10, 11, 12, & 13) oak trees and one (#8) dead walnut tree will be required. (RA 7.) The arborist also noted two additional black walnut trees that were outside the scope of work area that were not listed in the Protected Tree Report. (RA 7.) A subsequent biological survey of the Applicant's parcel, performed by Biological Assessment Services (discussed below), determined that there are no black walnut trees on the property, but that there are several on adjacent property. (RA 8.)

On May 5, 2020, Biological Assessment Services visited the Project site and performed a biological survey with the permission of the Applicant. On June 5, 2020, Biological Assessment Services provided the Applicant with a report that cataloged the flora and fauna observed at the site and on the adjacent parcels, analyzed the site's value as habitat for endangered, rare, or threatened species, and analyzed the site's potential to serve as a wildlife movement corridor. (RA 8, Biological Resources Constraints Analysis by Biological Assessment Services.) The report concluded that the site has no value as habitat for endangered, rare, or threatened species, and that site does not contain a wildlife movement corridor. (RA 8, Biological Assessment Services report, p. 7.) As discussed above, the report also determined that there are no black walnut trees on the

project site, but did not address impacts to oaks or mitigation. (RA 8, p. 7.) The Applicant has provided the City with a copy of the report.

The Protected Tree Ordinance required the Applicant to apply for and be granted a permit to remove the 6 Protected Trees (oaks) as part of the Project, and that the Applicant replace those trees as required by the Ordinance.

### **C. PROCEDURAL SUMMARY**

On June 24, 2019, the permit request first came on for hearing before the Board of Public Works (BPW). (RA 2 [Journal].) A Report to the BPW was filed, but no comment was taken concerning the matter and it was continued to July 15, 2019. (*Id.*) At the July 15, 2019 BPW meeting, the permit request was continued to August 5, 2019, again without any comment received. (RA 2 [Journal].)

At the August 5, 2019, BPW Meeting, the matter was called and Bureau of Street Services provided an oral report, the Project applicant spoke, attorney Jamie Hall spoke on behalf of the Sunshine Hill Residents Association (Sunshine Hill), and Travis Longcore, Ph.D spoke upon the invitation of Sunshine Hill. Members of the public made public comment and members of the BPW asked questions. The matter was continued without action being taken to the August 30, 2019 BPW meeting, whereupon the matter was continued to September 13, 2019.

At the September 13, 2019 BPW meeting, BSS staff, the Project applicant, and Attorney Hall made subsequent oral presentations. The BPW then voted 4-1 to adopt staff's recommendation to find the Project categorically exempt under Article III, Section 1, Class 3, Category 1 of the City's CEQA Guidelines not subject to any categorical exemption and granted the Applicant's request for a permit to removal and replace six protected oak trees, to be effective September 16, 2019. (RA 2.)

The BSS recorded a Notice of Exemption concerning the Project with the County Recorder's Office September 18, 2019. (RA 3.)

### **D. APPELLANT COMMENTS**

On September 24, 2019, Appellants appealed the BPW's environmental determination. Appellant submitted its appeal pursuant to Los Angeles Municipal Code section 197.01, but that Code section was not in effect when the challenged BPW environmental determination was made, so the appeal does not proceed pursuant to Section 197.01. (RA 4.) The BSS stayed issuance of the permit pending resolution of this appeal by final action of the City Council.

In addition to its appeal materials, several written comments concerning the Project were submitted by Appellant and others both before and after the BPW acted, including the following:

- June 24, 2019 letter from attorney Jamie Hall on behalf of Sunshine Hill. (RA 9).
- October 28, 2019 letter from Irma R. Munoz, Chairperson of the Santa Monica Mountains Conservancy. (RA 10).
- August 2, 2019 letter from attorney Jamie Hall on behalf of Sunshine Hill (RA 11). The letter attached two documents:

Exhibit 1: July 14, 2019, letter from Travis Longcore, Ph.D and Catherine Rich, J.D. M.A. (Longcore Report). The Longcore letter states that the Project Site should be identified as a Coast Live Oak-California Walnut woodland; that the Applicant's arborist misidentified the site's protected trees as Interior Live Oaks; that the Project's lighting would impact wildlife, that glass in the home to be constructed at the Project site would create a hazard for birds, and that noise would impact wildlife.

Exhibit 2: July 13, 2019 letter from Daniel Cooper reporting observations on July 11, 2019 and concerning the Project site and "the adjacent property to the west, and portions of surrounding properties." (Cooper Report). Mr. Cooper states he observed no deer and that he believes that unspecified areas at or surrounding the Project site would contain a wildlife corridor. The memo states that between 2:05 PM to 3:00 PM on July 11, 2019, Mr. Cooper identified 23 birds at or near "Laurelcrest Drive."

- August 31, 2019 (2<sup>nd</sup> Revised) report of Arborist Jan Scow to Attorney Jamie Hall concerning a "peer review of the Protected Tree Report at 11472 Laurelcrest Drive." This report was a review of three tree reports concerning the Project prepared by an author Mr. Scow presumed to be Arborist Dean Howell. (RA 12).
- September 9, 2019 memo from Arborist Jan Scow to Natasha Garca-Lomas, reporting that based on an August 28, 2019 visit to a property with the street address of 11470 Laurelcrest, the Project would not pose any great risk to 11470 Laurelcrest oak trees. (RA 13).
- September 15, 2019 (dated after the BPW's approval of the tree replacement permits) letter from Mr. Longcore discussing walnut woodlands. (RA 14).

## **E. TREE PERMIT FINDINGS NOT SUBJECT TO APPEAL**

To the extent the appeal challenges the September 13, 2019 Protected Trees and Replant Permit on grounds other than an alleged failure to comply with CEQA, City staff recommends the Committee recommend the City Council deny the appeal as without legal basis. The City's Protected Tree Ordinance, at Municipal Code section 46.05, provides the right to appeal a determination concerning a protected tree removal permit application solely to the permit applicant. Appellant is not the permit applicant here, and

thus, has no standing to challenge the permit pursuant to the terms of the Protected Tree Ordinance. Appellant's challenge, thus, is based solely upon its CEQA arguments.

## **F. CEQA FINDINGS**

City staff recommends the City Council determine that the Project is exempt from the requirements of CEQA for the following reasons:

1. State CEQA Guidelines section 15303 (Class 3) states that the following types of projects are considered Class 3 projects exempt from the requirements of CEQA: "One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption." Here, the Project is a single-family residence in a residential zone, in an urbanized area. It is exempt from the requirements of CEQA pursuant to CEQA Guideline section 15303.

2. State CEQA Guidelines section 15322 (Class 32) states that the following types of projects are considered exempt from the requirements of CEQA:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The proposed Project meets all of the requirements to qualify for a Class 32 CEQA exemption and is therefore exempt.

3. No exception to the applicable categorical CEQA exemptions listed at CEQA Guidelines section 15300.2 applies.

## **G. APPEAL POINTS AND STAFF RESPONSES**

The appeal of the Board's environmental determination concerning the Project contends following, to which Staff responds in turn:

## **1. CEQA Location Exception, Guideline 15300.2 (a): Generally**

### **Appeal Assertion**

- Appellant's June 24, 2019 Notification of CEQA Non-Compliance letter (RA 9), Section II states:

*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:*

*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 to 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.*

### **Staff Response**

First, because this Project qualifies for a Class 32 exemption, urban infill, CEQA Guidelines Section 15300.2 (a) does not apply to the proposed Project because the location exception applies only to a Class 2 through 6 and 11 CEQA exemption.

Second, the location exception does not preclude the City from relying on a Class 3 CEQA exemption applicable to single family homes such as this Project. The City considered the possible application of the location exception when determining that the project was categorically exempt. City Staff recommends the Council determine that the proposed single-family home project is not located in a particularly sensitive environment and that there are no environmental resources of hazardous or critical concern that are designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies that the proposed single-family home may impact.

## **2. CEQA Location Exception: Santa Monica Mountains Conservancy Map**

### **Appeal Assertion**

- Appellant's June 24, 2019 Appellant's June 24, 2019 Notification of CEQA Non-Compliance letter (RA 9), Section III(a) states:

*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 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.*

- Additionally, Appellant’s August 2, 2019 supplemental CEQA objection letter at Sections I and II states that Appellant’s Santa Monica Mountain’s Zone CEQA Location exception argument,

*. . . 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 August 2, 2019 supplemental CEQA objection states that a report by Dr. Travis Longcore and Catherine Rich (RA 11) and a second report by Daniel S. Cooper establish a “fair argument” that the Project will have a significant effect on the environment concerning Appellant’s CEQA Location exception argument.

### **Staff Response:**

First, CEQA Guideline 15300.2 (a), the location exception, does not apply to a Class 32 exemption, urban infill projects such as this Project and provides no basis to find the Project is not exempt from the requirements of CEQA.

To the extent Appellant asserts CEQA Guideline 15300.2 (a) precludes the City from relying on a Class 3 CEQA exemption (single family home), that contention is also without merit.

No evidence exists that the location of the Project site within the SMMC zone defines “an environmental resource of critical concern,” much less “designates” and “precisely maps” such resources. No evidence is presented of any species or biological communities studied or considered by the Legislature in connection to the zone. Public Resources Code section 33001 sets forth the Legislature’s findings concerning the some of the reasons it established the zone, describing it as a vast, “large undeveloped area contiguous to the shoreline within the Greater Los Angeles metropolitan region, comprised of Los Angeles and Ventura Counties.” In no way did the Legislature “precisely” map anything when creating the Zone.

Instead, the Legislature defined the Zone at Public Resources Code section 33105, as a loosely applied jurisdictional boundary over a portion of “the greater Los Angeles

metropolitan region.” Section 33105 does not identify a precisely mapped environmental resource of critical concern, but plots the boundaries of the area in which the SMMC is granted limited powers to obtain and conserve land. Accordingly, the SMMC Zone’s boundary has no relation to environmental resources of critical concern, and precisely maps no environmental resource.

The Legislature, moreover, did not create the SMMC to precisely map environmental resources, and instead empowered it to issue grants and loans and to acquire land within its purview for conservation purposes. Pub. Res. Code § 33204. The SMMC Act does not authorize the SMMC to regulate private property, nor does it supersede or limit a local government’s exercise of the police power over private property or derived from any other provision of existing law. (*Id.*, § 33008, subd. (c).) The sole power conferred upon the SMMC by this State legislation is the authority to administer grants and acquire and manage land in trust for the purposes set forth by the SMMC Act.

Additionally, the Santa Monica Mountains Comprehensive Plan divided the Santa Monica Mountains into six subareas, and the project site is located in Subarea 1: City of Los Angeles East of San Diego Freeway. (RA 15, Santa Monica Mountains Comprehensive Planning Commission, Santa Monica Mountains Comprehensive Plan (1979) p. 61.) The Plan describes this subarea as “predominantly residential” and states that the “major planning objectives in this subarea are to establish substantial public parks with adequate access ... and to maintain the quality of the currently low-density residential areas.” (*Ibid.*) These objectives contrast those of other subareas, such as subarea 4, where the Plan recommends “[c]onservation, open space, compatible recreation, and rural densities” because “development is concentrated in a few, relatively small places.” (*Id.* at p. 67.) The proposed single-family home does not trigger the location exception, and is categorically exempt because it is within the “predominantly residential” Subarea 1 and will not adversely affect “the quality of the currently low-density residential areas.”

The case of *Berkeley Hills Watershed Coalition v. City of Berkeley* (2019) 31 Cal.App.5th 880 (“*Berkeley Hills Watershed*”), cited by Appellant, supports these conclusions. The *Berkeley Hills Watershed* Court held,

Whether a project is located in “a particularly sensitive environment” (Guidelines, § 15300.2, subd. (a)) is essentially a factual inquiry, subject to the substantial evidence standard of review. Thus, in evaluating the agency’s determination whether a project is located where there is “an environmental resource of hazardous or critical concern” (*ibid.*), the court applies a deferential standard of review, “resolving all evidentiary conflicts in the agency’s favor and indulging in all legitimate and reasonable inferences to uphold the agency’s finding”

(*Id.*, p. 890, citing *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1114). Only if an appellant shows that no substantial evidence supports the City’s determination that the project does not involve a designated and precisely mapped environmental resource of hazardous or critical concern, does a court apply a fair

argument standard of review to the second question of whether the project “may impact” on the environmental resource because of its location. (*Id.*) Notably, the *Berkley Hills Watershed* Court did not reach the second inquiry, evaluation of whether a fair argument demonstrating a potential environmental impact had been presented, because the project opponent did not demonstrate a lack of substantial evidence supporting the City of Berkeley’s determination. (*Id.*, at p. 894, “Because we conclude the City’s determination the project is not in an environmentally sensitive area is supported by substantial evidence, we need not reach the second prong of the location exception inquiry—whether substantial evidence supports a “fair argument” that the project “may impact” the mapped resource.”)

Appellant’s contentions fail for the same reason the petitioner’s arguments in *Berkley Hills Watershed* failed. As explained, Appellant has not shown that the SMMC Zone constitutes a designated and precisely mapped environmental resource of hazardous or critical concern as defined by Section 15300.2(a) such that the Board of Public Works’ determination to the contrary is unsupported. Nor do the two reports Appellant submits provide evidence of this issue. As stated above, the “fair argument” test does not apply unless an appellant has shown that there is no substantial evidence supporting the City’s determination that the location exception does not apply.

Moreover, the appeal and attached letters do not establish a fair argument that the project may have a significant impact on the environment. As discussed in the context of the “unusual circumstances” exception in section F.4 below, the Project site is too degraded to constitute a sensitive biological community, due to the routine clearing of the vegetation in the understory, and has no value as habitat for endangered, rare, or threatened species. The appeal and attached letters fail to show that the project may have a significant impact on the environment due to project lighting, residential windows, construction noise, nesting birds, or alleged wildlife corridors. Additionally, the letters do not provide evidence of any impacts to protected species from the single-family home Project.

For all these reasons, City Staff recommends the Council determine that the Legislature’s creation of the Santa Monica Mountains Conservancy Zone and the two reports Appellant submitted August 2, 2019, do not establish a “designated and precisely mapped” environmental resources of hazardous or critical concern that the proposed single-family house may impact. (See CEQA Guidelines, § 15300.2, subd. (a).) Based upon such a determination, the CEQA Location exception does not apply, and the proposed project is categorically exempt both pursuant to CEQA Class 3. Finally, as stated at the outset, City Staff recommends the Council also determine the Project is also exempt pursuant to CEQA Class 32 (urban infill projects), to which Appellant’s CEQA location exception contentions do not apply.

### **3. CEQA Location Exception: Very High Fire Hazard Severity**

#### **Appeal Assertion**

- Appellant’s June 24, 2019 Notification of CEQA Non-Compliance letter (RA 9), Section III(b) states:

*As noted above, CEQA 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.*

*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.*

### **Staff Response**

First, CEQA Guideline 15300.2 (a), the location exception, does not apply to a Class 32 exemption (urban infill projects), an exemption which is applicable to this Project. It provides no basis to find the Project is not exempt from the requirements of CEQA.

To the extent Appellant asserts CEQA Guideline 15300.2 (a) precludes the City from relying on a Class 3 CEQA exemption (single family home), that contention is also without merit.

The fact that the Project site is located in an area designated as a Very High Fire Hazard Severity Zone (VHFHSZ) is not substantial evidence that the Project would have

a significant effect on fire hazards in the area. Because the property is located within a VHFHSZ, the Project must comply with brush clearance requirements as listed in LAMC Section 57.322.1 in order to prevent the spread or intensity of a fire. The Los Angeles Fire Department (LAFD) also maintains a set of brush clearance compliance measures which property owners must follow. Furthermore, projects in VHFHSZs must submit vegetation for landscaping to LAFD's Brush Clearance Unit for verification against the list of prohibited plants in these areas. Appellant has not submitted any substantial evidence that the Project would have a hazardous impact when in compliance with these requirements.

Moreover, Appellant's argument that the VHFHSZ "represent[s] an 'environmental resource of hazardous concern'" is contrary to the plain language of the Guidelines. In *Berkeley Hills Watershed, supra*, in rejecting an argument that an officially designated earthquake fault zone triggered the location exception, the Court held that the term "resource" in Guidelines, section 15300.2 means "a 'natural source of wealth or revenue,' or a 'natural feature or phenomenon that enhances the quality of human life.' [Citation.]" (31 Cal.App.5th at p. 891.) The Court held that while earthquakes and landslides are "hazardous, they are not 'resources.'" (See *ibid.*) The same is true for fires. The VHFHSZ, like the earthquake fault zone in *Berkeley Hills Watershed*, "reflects governmental concern about damage to property and loss of human lives, not protection of a sensitive environmental resource." (See *id.* at p. 892.)

VHFHSZs were established in 1999, and since then development has occurred in other areas of the City located in VHFHSZs, including Pacific Palisades, Silver Lake, Sherman Oaks, and Porter Ranch. Also, the VHFHSZ does not precisely map, or even delineate, a particularly sensitive environment that would support an exception to using categorical exemptions for every single-family property within the zone. The nature of the Project and the particular environment in the vicinity of the Project support the City's conclusion that the Project's location within a VHFHSZ does not preclude the use of a categorical exemption. Similar single-family lots in the surrounding neighborhood have been similarly developed with residences, including the lots surrounding on all side of the Project, except to one side of the Project. Thus, the setting for the Project is not a "particularly sensitive environment" due to the mere presence of the VHFHSZ, and the VHFHSZ does not somehow render normally insignificant impacts from the Project significant. The existence of substantial development of similar lots next to the Project supports a conclusion that the location exception does not apply with respect to the VHFHSZ.

Based upon such a determination, the CEQA Location exception does not apply and City Staff recommends the Council determine the proposed single-family home project is categorically exempt pursuant to Class 3 and 32 CEQA categorical exemptions.

#### **4. CEQA Unusual Circumstances Exception: Oak and Walnut Trees**

The September 15, 2019, Land Protection Partners letter also claims that the presence of a sensitive biological community is an "unusual situation" and that the Project is not

categorically exempt under the “unusual circumstances” exception. (RA 14, pp. 1-2.) The Appeal application does not raise the “unusual circumstances” exception as a legal basis for the CEQA Appeal. Nevertheless, City Staff provide the following response to the merits of this claim.

Guidelines, section 15300.2, subdivision (c) states, in pertinent part, that “[a] categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.”

Unlike the CEQA location exception discussed above, the “unusual circumstances” exception is not limited to only certain categorical exemptions. Thus, if the City Council were to find “unusual circumstances” here, the exception would apply to both the class 3 and class 32 exemptions. Here, however, the Land Protection Partner’s claim of “unusual circumstances” is meritless.

Like the location exception, the Council’s determination that the “unusual circumstances” exception does not apply is judicially reviewed for substantial evidence support. Only if an appellant shows that no substantial evidence supports the City’s determination that the project does not involve “unusual circumstances,” does a court apply a fair argument standard of review to whether the project “may impact” the environment because of unusual circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1114-1115.) Additionally, an appellant may show that unusual circumstances exist by establishing that a project *will* have a significant effect on the environment. (*Id.* at pp. 1105, 1115.) Here, Appellant has not established that the unusual circumstances exception applies by either method.

The presence of oak trees on the site is not an unusual circumstance in the context of the surrounding area. “In context, the City considers the site more commonplace than unusual.” (*Protect Telegraph Hill v. City and County of San Francisco* (2017) 16 Cal.App.5th 261, 272.) These trees are found throughout the Los Angeles hillside area. As Mr. Cooper’s Report states, the trees are scattered throughout the neighborhood. (RA 11, Cooper Report, p. 2; RA 8, Biological Assessment Services report, page 2 [“the canopy of the site is typical of oak woodland in the area”].) Thus, development of the Project would not lead to any impacts that are different from the development on neighboring properties. As discussed above, appellant submitted reports by Land Protection Partners and Daniel Cooper. The reports raise several unsubstantiated claims, each of which are addressed in turn below.

First, the July 14, 2019, Longcore Report claims that the site constitutes an “oak-walnut woodland” which is a combination of oak and walnut trees, along with other native plants in the “understory” forming a sensitive biological community and requiring mitigation under CEQA. (RA 11, p. 21.) The project site, however, is not a sensitive biological community under CEQA because it is in an urbanized area surrounded by residential uses and is too degraded to constitute a sensitive biological community. Specifically, the project site is one of two remaining undeveloped lots in an otherwise

urbanized area surrounded by residential dwellings and roadways. Non-native vegetation makes up the majority of the understory on the site and there are no living walnut trees on the Project site. (RA 11, p. 29 [Report by Daniel Cooper noting that the “understory is largely non-native herbaceous, and appears to be regularly mowed...”]; RA 8, Biological Assessment Services Report, page 2 [“the lack of native understory vegetation has severely reduced the habitat value of the site”], *ibid.* [“No California black walnut were found on the property but there are several on the adjacent properties to the west and south”].)

Land Protection Partners did not visit the site and provides no evidence of their claim that the site contains living southern California black walnut trees. (RA 11.) The July 13, 2019 Report by Daniel Cooper includes a broad description of “[t]he property, as well as the adjacent property to the west, and portions of the surrounding properties, [as] heavily vegetated with native trees, including coast live oak, toyon, and southern California black walnut.” (RA 11, p. 29.) Mr. Cooper did not specifically identify any walnuts on the project site. Similarly, the “Peer Review” of the Protected Tree Report, performed by Arborist Jan C. Scow reviewed the photos in the Protected Tree Report and noted that “[p]hotos of tree 8 and tree 11, labeled as *Q. wislizenii*, appear to be SoCal black walnut. Has site verification been done?” (RA 12, p. 2.) Tree 8 in the Protected Tree Report was identified as a dead Interior Live Oak, but City Staff have confirmed that it is a dead walnut tree. (RA 7.)

Similar to Mr. Cooper, Mr. Scow did not actually identify any walnut trees at the Project site, and instead asks if “site verification” had been performed. (RA 12, p. 2.) Notably, when Mr. Scow visited a neighboring lot to determine if Project construction could impact the neighbor’s trees, Mr. Scow stated that he did not trespass on either vacant lot and had “no construction documents” to determine the project site’s location. (RA 13, p. 1.) Thus, in addition to the lack of the understory component, the Project site does not constitute an “oak-walnut woodland” because there are no living walnut trees.

Additionally, as Appellant acknowledges, the site and surrounding parcels are in a Very High Fire Hazard Severity Zone (VHFHSZ). (RA 11, p. 22 [Longcore Report noting that “Oak woodlands are threatened by fire suppression...”]; RA 8, Biological Assessment Services Report, p. 2.) As such, the landowner has, and must continue to comply with brush clearance requirements listed in LAMC Section 57.322.1 in order to prevent the spread or intensity of a fire. The Los Angeles Fire Department (LAFD) also maintains a set of brush clearance compliance measures which property owners must follow. Thus, the “understory” onsite and on surrounding parcels is largely non-native and has been and will continue to be routinely cleared of the native plants Land Protection Partners’ claim establish a sensitive biological community on site. (RA 11, pp. 21-22.) Since both the walnut tree and understory components are lacking and the surrounding area is urbanized and developed with residential uses, the site does not constitute an oak-walnut woodland. Thus, the site has no value as habitat for endangered, rare, or threatened species. (RA 8, Biological Assessment Services Report, p. 7 [“The project site does not support any Rare, Threatened or Endangered species or habitat (in an extensive enough area) that would support those species”].)

Land Protection Partners also claims that artificial light can harm wildlife generally, and, more specifically, that light from the project could cause harm to moths. (RA 11, pp. 23-24.) Land Protection Partners, however, fails to provide evidence of any biological impact under CEQA. There is no evidence of any “species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service” that will be harmed by Project lighting. Moreover, as stated above, the site is substantially surrounded by existing residential uses and sources of artificial light.

Similarly, the report claims that birds could be harmed by striking project windows. (RA 11, p. 24.) Again, Land Protection Partners identify no protected species that will, or even may be harmed by the Project, and fail to acknowledge that the site is substantially surrounded by existing residences and windows.

Lastly, Land Protection Partners claim that construction noise could impact wildlife. (RA 11, p. 24.) This vague claim fails to identify any species whatsoever that could be impacted by construction noise, much less any protected species that will be affected by project construction, as required to show an impact under CEQA.

Daniel Cooper’s July 13, 2019, Report claims that the Project site is a nesting bird refuge and states that he identified several native bird species at or near the Project site. (RA 11, p. 30.) As with Land Protection Partners, Mr. Cooper provides no evidence of a CEQA impact, as he fails to identify any protected species that will be harmed by the Project. Moreover, mandatory compliance with generally applicable state and federal regulations, including the Migratory Bird Treaty Act and California Fish and Game Code, will avoid any potential impacts to nesting birds. (RA 8, Biological Assessment Services Report, p. 3.)

Mr. Cooper claims that a neighbor told him that mule deer occasionally forage at the Project site and on the neighboring lot, but Mr. Cooper did not observe any deer himself. (RA 11, pp. 30-31.) Mule deer are not a protected species, but Mr. Cooper claims the Project site “contain[s] a wildlife corridor” because it and the adjacent lot are undeveloped parcels on which deer have been sighted. In support of this claim, Mr. Cooper submitted an altered Google Earth © image of the area surrounding the Project site. (RA 11, p. 34.) On the image, Mr. Cooper has drawn a line purportedly connecting the Project site to other forested areas, through multiple developed properties, crossing fences and roadways. No facts identify any evidence regarding any species or biological communities studied or considered in connection to Mr. Cooper’s “map,” nor any biological surveys or habitat connectivity studies performed regarding Mr. Cooper’s “connection” to the Project site. (See RA 8, Biological Assessment Services Report, pp. 5-6 [“Though wildlife will utilize the property now, and in the future, the site is not part of a wildlife movement corridor/habitat linkage”].) Further, Mr. Cooper does not actually claim that the development of this Project would impact a wildlife corridor. Rather, Mr. Cooper states that “it is logical to assume that eventually, one house will be one too

many....” (RA 11, pp. 30-31.) Mr. Cooper provides no evidence of an environmental impact under CEQA.

Land Protection Partners’ September 15, 2019, letter repeats the claim that the site constitutes a sensitive biological community and adds a new legal claim that the presence of an oak-walnut woodland on the site constitutes “unusual circumstances.” (RA 14.) The letter fails to acknowledge that the Project site does not qualify as sensitive biological community, due to the lack of walnut trees, the largely non-native understory, and the highly disturbed condition of the site from routine brush clearance. (See RA 8, Biological Assessment Services Report, pp. 3-4 [assessing the likelihood that the site contained sensitive biological resources and concluding it does not].) As stated in Land Protection Partners’ first letter, the “guide to identifying this vegetation association” includes walnut trees and the understory as components of an oak-walnut woodland. (RA 11, pp. 21-22.) Both components are not present at the Project site.

For all these reasons, City Staff recommends the Council determine that the appeal and attached letters do not establish that the proposed single-family house will have a significant impact on the environment due to unusual circumstances. (See CEQA Guidelines, § 15300.2, subd. (c).) Based upon such a determination, the unusual circumstances exception does not apply and the proposed project is categorically exempt pursuant to CEQA Class 3, and Class 32 (urban infill projects).

## 5. Improper Specialized Conditions Mitigation Measures

### Appeal Assertion

- Appellant’s June 24, 2019 Notification of CEQA Non-Compliance letter (RA 9), Section IV states:

*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.*

### **Staff Response**

A CEQA mitigation measure is an action designed by an approving authority to reduce likely significant environmental impacts of a project to less than significant. (See, 14 Cal. Code Regs. § 15370, *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 568-569.) A project’s compliance with applicable existing laws and regulations cannot constitute new mitigation that addresses a project’s impacts because such compliance is simply a component of the project which must occur irrespective of any CEQA mitigation designed and imposed by the lead agency. (See e.g., *S.F. Beautiful v. City & Cty. of S.F.*, (2014) 226 Cal. App. 4th 1012, 1032-33 [CEQA requirement for city review of utility cabinets was not CEQA mitigation, but restatement of existing local regulatory requirements]; *Citizens for Environmental Responsibility, supra*, 242 Cal.App.4th at 568-569 [Required compliance with existing local manure management program was not CEQA mitigation, but an existing project obligation]).

Here, the Project’s compliance with existing City regulations does not constitute mitigation. Los Angeles Municipal Code section 46.02 states that, “No person shall relocate or remove any protected tree ... without first having applied for and obtained a permit from the Board of Public Works or its designated officer or employee...” Subdivision (c) of Section 46.02 grants the Board or its authorized officer or employee the authority to “1. Require 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...” The Board of Public Works and City Staff have consistently required replacement of each removed Protected Tree at a 4:1 ratio, as was the case here.

The tree removal permit request was approved, subject to the payment of a fee, the planting of replacement trees, the applicant’s tree expert observing the removal of the protected trees, and the City performing a site inspection. These conditions were

imposed “to address the ordinarily anticipated inconvenience and danger that arises when” trees are removed from private property in compliance with existing City regulation, not to mitigate potential significant effects of the project. (*Protect Telegraph Hill v. City and County of San Francisco* (2017) 16 Cal.App.5th 261, 268.) The determination that the single-family home project was categorically exempt, was not based on any of these conditions of approval. Rather the Project was found exempt because the project “consist[s] of the construction and location of a number of new small facilities or structures.” (CEQA Guidelines, §15303.) Specifically, one single-family residence. Additionally, CEQA Guideline § 13332, Class 32 urban infill exemption equally applies.

Similar to the conditions of approval attached to the tree removal permit, and the conditions of approval in the Geology and Soils Report Approval Letter issued by the Grading Division of the Los Angeles Department of Building and Safety (RA 16), were imposed “to address the ordinarily anticipated inconvenience and danger that arises when significant construction activity occurs” in an urbanized hillside area of the City, like Laurel Canyon. Lastly, the fact that requirements were imposed on the applicant to take precautions for stability and earthquake safety reasons, does not mean that the project will have a significant impact on the environment.

City Staff recommends the Council determine the proposed single-family home project is categorically exempt because the conditions of approval attached to the tree removal permit, and the conditions of approval attached to the Geology and Soils Report Approval Letter are not mitigation measures imposed on the project.

## **6. Improper Delayed Mitigation**

### **Appeal Assertion**

- Appellant’s June 24, 2019 Notification of CEQA Non-Compliance letter (RA 9), Section V states:

*[M]any 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.*

## **Staff Response**

As stated above, the conditions of approval attached to the Geology and Soils Report Approval Letter were not mitigation measures imposed on the Project, but Project compliance with existing regulation. Thus, no matter when the conditions of approval apply, the City did not engage in improper deferral of mitigation.

The conditions of approval in the Geology and Soils Report Approval Letter do not require any future environmental analysis, nor do they condition approval of the Geology and Soils Report on another agency's future review. Where other agencies are noted in the conditions of approval, the Grading Division is simply notifying the applicant that other agencies with jurisdiction over the project (e.g., the State Division of Industrial Safety) may have additional requirements that the applicant will have to comply with.

City Staff recommends the Council determine the proposed single-family home project is categorically exempt because the conditions of approval attached to the Geology and Soils Report Approval Letter are not mitigation measures imposed on the project, nor do such conditions constitute improper deferral of mitigation.

## **7. The Tree Permit Violates the General Plan**

### **Appeal Assertion**

- Appellant's June 24, 2019 Notification of CEQA Non-Compliance letter (RA 9), section VI states:

*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.*

### **Staff Response**

First, as discussed above, Appellant’s claim is not a valid legal basis for their CEQA appeal and the Board’s decision to grant the tree removal permit is not subject to appeal to the City Council. Instead, the argument appears to assert that the City’s current Protected Tree Ordinance (LAMC section 46 et. seq.) is unlawful because it does not comply with the City’s General Plan. In addition to Appellant’s lack of standing to challenge the permit, the argument is entirely without merit and misreads the General Plan’s Conservation Element. Appellant’s apparent challenge to the current Protected Tree Ordinance itself, last revised in 2006, is long-barred by applicable statutes of limitations.

Additionally, the City’s protected tree ordinance was first adopted in 1980, before the Conservation Element was adopted in 2001. The Conservation Element described that ordinance and also stated a policy that the City should review and revise it from time to time. The City did just that in 2006, when the City amended the Protected Tree Ordinance to add species of covered trees. (Ordinance No. 177404. RA 17). Thus, the substance of the Ordinance remains the same today as when it was described in the Conservation Element of the General Plan in 2001. Appellant’s contention is without merit in addition to being time-barred.

Nor does Appellant’s contention specify a purported CEQA violation, which is the only subject of Appellant’s appeal to the City Council pursuant to State CEQA law which authorizes review by an elected body of certain CEQA determinations made by a non-elected decision-maker such as the Board.

Review of the Conservation Element itself demonstrates why Appellant’s contention is factually incorrect. The Conservation Element states its purpose as follows:

This Conservation Element surveys laws, requirements and procedures which have been established for protection of natural resources. It

primarily is an informational document which is designed to help readers understand the context, history and opportunities for protection and improvement of the city's natural resources. (RA 18, at p. viii).

The Conservation Element language quoted by Appellant's objection letter quotes is found within Section 6 of the Conservation Element which catalogues federal, state and City laws and efforts to protect wildlife and vegetation that existed as of 2001, and is not itself a policy. (p. II-12). Thus, because the City's 1980 protected tree ordinance existed in 2001, the Conservation Element describes it. (p. II-13) (Ordinance No. 153478 enacted in 1980 and found at RA 19). The ordinance extended protection only to certain species of oak trees, "to protect the City's native plant life heritage for the benefit of all citizens; and [because] oak trees are unique because of their size and beauty and their relative abundance adds distinction and character to certain communities within the City; and [because] oak trees are associated with the history and development of the City as evidenced by community names such as Sherman Oaks and Encino, which reflect the presence of oak trees" (RA 19.) Notably, that 1980 ordinance authorized removal and replacement of protected oak trees. (*Id.*)

The Conservation Element in no way froze the City's ability to amend or revise the protected tree ordinance, or to change the way trees are protected. In fact, the Conservation Element requires the exact opposite. Section 6 of the Conservation Element contains a "program" to achieve conservation goals, which encourages, "Permit processing, monitoring, enforcement **and periodic revision of regulations and procedures.**" (*Id.*)

The City has acted precisely as the Conservation Element contemplated. The City amended the 1980 protected tree ordinance in 2006. (RA 17). The protected tree ordinance as currently amended is codified at found at LAMC section 46, et. seq. and continues to protect the same oak trees protected by the 1980 protected tree ordinance and described by the 2001 Conservation Element, and continues to authorizing removal and replacement of those trees. As part of its periodic revision envisioned by the Conservation Element, the protected tree ordinance has been amended to now encompass additional species of trees subject to these regulations. The City's protection of the oak trees at issue in this Project, the ability to obtain a permit to remove and replace them, however, remains entirely consistent with the regulations in place when the Conservation Element was first adopted. Appellant's contention that the City's protected tree ordinance and issuance of permits authorized by that ordinance is inconsistent with the Conservation Element of the General Plan is factually without merit, and is of no legal consequence even if it were an accurate statement of fact.

## H. CONCLUSION

Upon review and analysis of the issues raised by the Appellant, no errors or abuse of discretion by the Board of Public Works were found when issuing the challenged tree removal permit or challenged NOE. Additionally, two CEQA categorical exemptions apply, CEQA Guideline sections 15303 and 15302. Appellant has failed to show that the

proposed project will have significant impacts on the environment due to unusual circumstances or any other factor identified by CEQA Guideline § 15300.2 which would create an exception to the City's reliance on both of these CEQA exemptions. As such, the appeal of the CEQA determination for the Project cannot be substantiated and should be denied by the City Council.

Respectfully Submitted,

Timothy Tyson  
Chief Forester, Urban Forestry Division, Bureau of Street Services



# AGENDA

## BOARD OF PUBLIC WORKS

### FRIDAY, SEPTEMBER 13, 2019

#### 10:00 AM

Edward R. Roybal BPW Session Room  
Room 350 City Hall  
200 North Spring Street  
Los Angeles, California 90012

Members: Kevin James, President  
Cecilia Cabello, Vice President  
Dr. Michael R. Davis, Pres. Pro-Tem  
Aura Garcia  
Jessica Caloza

(Dr. Fernando Campos, Executive Officer 213-978-0261)

**Click [here](#) for the entire agenda packet / documents**

Agenda, related board reports and attachments are available on-line at the BPW website at: <http://bpw.lacity.org/> or via link below.

BPW meetings can be listened to by dialing:  
213-621-CITY (Metro), 818-904-9450 (Valley),  
310-471-CITY (Westside), 310-547-CITY (San Pedro Area); or  
Live audio on-line at <https://www.lacity.org/your-government/departments-commissions/boards-and-commissions/board-public-works-meetings>

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Assistive listening devices are available at the meeting; upon advance notice, other accommodations, such as sign language interpretation, and translation services can be provided. Contact the Executive Officer's office at 213-978-0262. TDD available at 213-978-2310.

Written material supporting agenda items can be reviewed prior to each Board meeting at the public counter, 200 North Spring Street Room 355, between the hours of 8:00 a.m. and 4:00 p.m.

**RA-1**

## PUBLIC INPUT AT BOARD MEETINGS:

An opportunity for the public to address the Board on public interest items will be provided for up to two (2) minutes per person for a cumulative total of twenty (20) minutes. Testimony shall be limited in content to matters which are within the subject matter jurisdiction of the Board. The Board may not take any action on matters discussed during the Public Comment period.

The Board will also provide an opportunity for the public to address the Board on agenda items before or during consideration of the item for up to two (2) minutes per person for a cumulative total of up to ten (10) minutes.

Members of the public who wish to speak under Public Comments or on any agenda item are required to submit a speaker card to the Executive Officer prior to the time the item is announced by the Chair for each item they wish to address. Speaker cards are available at the back of the Board Hearing Room. Failure to submit the speaker card in a timely manner may preclude a member of the public from speaking during the subject comment period.

**VOTING AND DISPOSITION OF ITEMS** - Items require a majority vote of the entire membership of the Board (3 votes) for approval.

Any member of the Board may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Board of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the Agenda number, meeting date and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of three members of the Board.

The Board rules provide that all items adopted by the Board will not be distributed or presented to the Mayor, or other designated office, until the adjournment of the regular Board meeting following the date of the Board action. A motion to send an item "forthwith", if adopted by three (3) votes, suspends these rules and requires the Board Secretariat to forward the matter to the Mayor, or other office, without delay.

PUBLIC COMMENTS: Board will hear public testimony on non-agenda items under the Board's Jurisdiction

## NEIGHBORHOOD COUNCIL COMMENTS

Discussion with Neighborhood Council representatives on Neighborhood Council Resolutions or Community Impact Statements filed with the City Clerk which relate to any agenda item listed or being considered on this agenda for the Board of Public Works (LAAC 22.819, Ordinance 184243).

APPROVAL OF THE MINUTES FROM

**FRIDAY, AUGUST 30, 2019**

**WEDNESDAY, SEPTEMBER 4, 2019**

COMMENDATORY RESOLUTIONS, INTRODUCTIONS AND PRESENTATIONS

## AGENDA ITEMS

### BUREAU OF ENGINEERING

[BPW-2019-0728](#)

(1)

CD 6

[BUDGET INCREASE & CHANGE ORDER NO. 39, 40, AND 48 - KDC, INC. DBA DYNALECTRIC - CAPITAL IMPROVEMENT PROJECT 6163 DONALD C TILLMAN WATER RECLAMATION PLANT ELECTRICAL POWER SYSTEM MODIFICATIONS PROJECT](#)

Recommending the Board:

1. AUTHORIZE \$524,000 in additional contingency and approve a revised construction budget of \$9,094,433 for this project; and
2. AUTHORIZE the City Engineer to issue Change Order Nos. 39, 40, and 48 for this project to install additional wiring, provide rental generators to power the influent sewer gates for an extended time, and provide rental generators to power the switchgear for an extended time, respectively.

(W.O SZD11204, C-129307)

[BPW-2019-0729](#)

(2)

CD 15 [CONSTRUCTION SERVICES CONTRACT \(CISCO\) - CAPITAL IMPROVEMENT PROJECT 8547 TERMINAL ISLAND WATER RECLAMATION PLANT 6-INCH FULL HIGH-PRESSURE GAS PIPE REPLACEMENT](#)

Recommending the Board:

1. AUTHORIZE the city engineer to use a CiSCo, and to issue task work orders to the contractor for an amount not-to-exceed \$1,107,000 for the Terminal Island Water Reclamation Project.

(W.O SZT11421)

[BPW-2019-0730](#)

(3)

CD 7 [BUDGET INCREASE AND SUPPLEMENTAL AGREEMENT CHANGE ORDER NO. 3 - LA TUNA CANYON ROAD EMERGENCY STORM DRAIN AND EMBANKMENT REPAIR PROJECT](#)

Recommending the Board:

1. INCREASE the construction budget authority by \$1,600,000 and approve a revised construction budget of \$3,913,362.73 for this project; and
2. AUTHORIZE the City Engineer to issue Supplemental Agreement Change Order No. 3 to John S. Meek Company, Inc. for a not-to-exceed amount of \$1,016,388 for Phase II of the project, which includes reconstruction of the embankment, installation of secondary drainage infrastructure, and other related improvements at the site.

(W.O. E1908378, C-133785)

[BPW-2019-0731](#)

(4)

CD 5 [PROPERTY ACQUISITION - EXPOSITION - WEST BIKEWAY - NORTHVALE SEGMENT PROJECT](#)

Recommending the Board:

1. AUTHORIZE the City Engineer, or his designee, to negotiate for and acquire the real property listed in the attached table (Transmittal No. 1), as required by Council File No. 09-1295-S5 (Transmittal No. 2) and for the completion of the Project; and

2. AUTHORIZE the City Engineer, or his designee, to request the Los Angeles Department of Transportation (LADOT) to draw the necessary demands payable individually to affected property owners for the cost to acquire the 13 parcels listed in the transmittal, up to a total amount of \$735,000.

(W.O. E1907693)

## **BUREAU OF STREET SERVICES**

[BPW-2019-0508](#)

(5)

ADVISEMENT #1

CD 2 [TREE REMOVAL - 11472 WEST LAURELCREST DRIVE](#)

Recommending the Board:

1. 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);
2. FIND that none of the exceptions to the use of categorical exemption as set forth in Section 15300.2 of State CEQA Guidelines apply;
3. SPECIFY that the Bureau of Street Services (StreetsLA), Urban Forestry Division, located at 1149 South Broadway, is custodian of the documents and other material that constitute the record of proceedings upon which the Board's decision is based; and
4. APPROVE the request for a fee permit to remove six Interior Live Oak (*Quercus wislizeni*) trees. Tree replacements are required.

(CONTINUED FROM FRIDAY, AUGUST 30, 2019, MONDAY, AUGUST 5, 2019, JULY 15, 2019; ORIGINAL MEETING DATE: MONDAY, JUNE 24, 2019)

[BPW-2019-0709](#)

(6)

ADVISEMENT #2

CD 11 [TREE REMOVAL - 1830 NORTH MANGO WAY](#)

Recommending the Board:

1. FIND that this project is categorically exempt under Section 15332, Class 32 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);
2. FIND that none of the exceptions to the use of categorical exemption as set forth in Sections 15332 of State CEQA Guidelines apply;
3. SPECIFY that the Bureau of Street Services, Urban Forestry Division, located at 1149 South Broadway, is custodian of the documents or other material that constitute the record of proceedings upon which the Board's decision is based; and
4. REVIEW and APPROVE the request for a fee permit for three Coast Live Oaks. Tree replacements are required.

(CONTINUED FROM ORIGINAL MEETING DATE: FRIDAY, SEPTEMBER 6, 2019)

## JOINT REPORT(S)

[BPW-2019-0732](#)

(7)

BCA + DOT

CD 4,13 [CONTRACT ACCEPTANCE - ECHO PARK / SILVERLAKE ADAPTIVE TRAFFIC CONTROL SYSTEM \(ATCS\) - PHASE 2](#)

Recommending that the Board:

1. ACCEPT this contract.

(W.O. L1502806, C-126654)

[BPW-2019-0733](#)

(8)

BCA + DOT

CD 1,4,8,9,10,14 [CONTRACT ACCEPTANCE - SANTA MONICA FREEWAY CORRIDOR ADAPTIVE TRAFFIC CONTROL SYSTEM \(ATCS\) - PHASE 2](#)

Recommending that the Board:

1. ACCEPT this contract.

(W.O. L1302796)

[BPW-2019-0734](#)

(9)

BOE+BCA

CD ALL [REQUEST FOR QUALIFICATIONS - PERSONAL SERVICES CONTRACTS - PRE-QUALIFIED ON-CALL LIST - VARIOUS PUBLIC WORKS PROJECTS](#)

Recommending the Board:

1. AUTHORIZE the City Engineer to issue and advertise the transmitted Request for Qualifications (RFQ) to environmental documentation and environmental specialty studies consultants;
2. AUTHORIZE the staff from the Department of Public Works to evaluate and pre-qualify the respondents based upon the requirements and procedures set forth in the RFQ;
3. AUTHORIZE the City Engineer to negotiate a personal services contract with each of the highest rated and most responsive firms; and
4. DIRECT the City Engineer to report to the Board of Public Works with his recommendations on executing the negotiated contracts.

## MOTION(S)

[BPW-2019-0735](#)

(10)

CD 11 [AFE - KERN DELTA WATER DISTRICT](#)

Bureau of Sanitation and Office of Accounting requesting Board approval and execution of an Authority for Expenditure in the amount of \$35,000 to encumber funds for the payment of water utility charges to be incurred at Green Acres Farm in Bakersfield, California for the period of July 1, 2019 through June 30, 2020. Water utility charges are established by the Kern County Water District Board of Directors, as permitted by California Water Code section 35423. Fund: Sewer Operations & Maintenance / Council District #11 / No General Fund impact / Authorize the president or two members of the Board of Public Works to execute this service agreement.

(AE 20760664M, Fund 760 - Sewer Operations Maintenance Fund, Department #50, Appropriation Unit 50S2WP)

[BPW-2019-0736](#)

(11)

CD 11 [AFE - SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT](#)

Bureau of Sanitation and Office of Accounting requesting Board approval and execution of an Authority for Expenditure in the amount of \$200,000 for Hyperion Water Reclamation Plant to encumber funds to pay fees and licenses required by the South Coast Air Quality Management District, a state regulatory agency. SCAQMD has the authority to impose fees for equipment, permit renewals, annual emissions, and various other fees as outlined in SCAQMD Rule 301. The total anticipated fees and licenses of Public Works to execute this service agreement.

(AE 20760655M, Fund No. 760 - Sewer Operations and Maintenance Fund, Department #50, Appropriation Unit 50SX82)

[BPW-2019-0737](#)

(12)

CD 11 [AFE - STATE WATER RESOURCES CONTROL BOARD](#)

Bureau of Sanitation and Office of Accounting requesting Board approval and execution of an Authority for Expenditure in the amount of \$675,000 for the encumbrance of funds to pay annual National Pollutant Discharge Elimination System permit fees, as required by the California State Water Resources Control Board under the authority of California Water Code Section 13260. The total anticipated fees for FY 2019-20 are \$675,000. This authority is requested for the period of July 1, 2019 to June 30, 2020.

(AE 20760660M, Fund No 50 - Sewer Maintenance and Operation, Dept No. 50, Appropriation Unit 50SX82)

BPW - September 13, 2019

**\*\*\* END \*\*\***



SUPPLEMENTAL  
**AGENDA**  
**BOARD OF PUBLIC WORKS**  
**FRIDAY, SEPTEMBER 13, 2019**  
**10:15 AM**

Edward R. Roybal BPW Session Room  
Room 350 City Hall  
200 North Spring Street  
Los Angeles, California 90012

Members: Kevin James, President  
Cecilia Cabello, Vice President  
Dr. Michael R. Davis, Pres. Pro-Tem  
Aura Garcia  
Jessica M. Caloza

(Dr. Fernando Campos, Executive Officer 213-978-0261)

Click [here](#) for the entire agenda packet / documents

AGENDA ITEMS

**EXECUTIVE OFFICES**

[BPW-2019-0658](#)

(1)

ADVISEMENT #1

CD 5 [SEWER SERVICE CHARGE APPEAL - 9955 BEVERLY GROVE DRIVE](#)

Recommending the Board:

1. DENY Ms. Bell's appeal of Bureau of Sanitation and Environment's determination that denied her request for a residential Sewer Service Charge refund to her account. Bureau of Sanitation's determination was based on the Los Angeles Municipal Code and the California Government Code Section 911.2.

(CONTINUED FROM ORIGINAL BOARD DATE: WEDNESDAY, AUGUST 14, 2019)

**DISPOSITION: TO BE CONTINUED TO WEDNESDAY, SEPTEMBER 25,**

2019

BPW - September 13, 2019

\*\*\* END \*\*\*



**MANAGEMENT MEETING**  
**AGENDA**  
**BOARD OF PUBLIC WORKS**  
**FRIDAY, SEPTEMBER 13, 2019**  
**10:30 AM**

BPW Conference Room  
Room 361-Q City Hall  
200 North Spring Street  
Los Angeles, California 90012

**AGENDA ITEMS**

(1)

**ORAL REPORT**

Re: General report on status of Commissioner assignments  
**DISPOSITION: NO ACTION TO BE TAKEN**

(2)

**ORAL REPORT**

Re: Commissioner reports on community meetings, contacts with neighborhood councils and other community activities  
**DISPOSITION: NO ACTION TO BE TAKEN**

(3)

**ORAL REPORT**

Re: Discussion of general administrative issues  
**DISPOSITION: NO ACTION TO BE TAKEN**

## BPW - September 13, 2019

**\*\*\* END \*\*\***



# JOURNAL

## BOARD OF PUBLIC WORKS

**FRIDAY, SEPTEMBER 13, 2019**  
**10:00 AM**

Edward R. Roybal BPW Session Room  
Room 350 City Hall  
200 North Spring Street  
Los Angeles, California 90012

Members: Kevin James, President  
Cecilia Cabello, Vice President  
Dr. Michael R. Davis, Pres. Pro-Tem  
Aura Garcia  
Jessica Caloza

(Dr. Fernando Campos, Executive Officer 213-978-0261)

Click [here](#) for the entire agenda packet / documents

Agenda, related board reports and attachments are available on-line at the BPW website at: <http://bpw.lacity.org/> or via link below.

BPW meetings can be listened to by dialing:  
213-621-CITY (Metro), 818-904-9450 (Valley),  
310-471-CITY (Westside), 310-547-CITY (San Pedro Area); or  
Live audio on-line at <https://www.lacity.org/your-government/departments-commissions/boards-and-commissions/board-public-works-meetings>

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Assistive listening devices are available at the meeting; upon advance notice, other accommodations, such as sign language interpretation, and translation services can be provided. Contact the Executive Officer's office at 213-978-0262. TDD available at 213-978-2310.

Written material supporting agenda items can be reviewed prior to each Board meeting at the public counter, 200 North Spring Street Room 355, between the hours of 8:00 a.m. and 4:00 p.m.

## PUBLIC INPUT AT BOARD MEETINGS:

An opportunity for the public to address the Board on public interest items will be provided for up to two (2) minutes per person for a cumulative total of twenty (20) minutes. Testimony shall be limited in content to matters which are within the subject matter jurisdiction of the Board. The Board may not take any action on matters discussed during the Public Comment period.

The Board will also provide an opportunity for the public to address the Board on agenda items before or during consideration of the item for up to two (2) minutes per person for a cumulative total of up to ten (10) minutes.

Members of the public who wish to speak under Public Comments or on any agenda item are required to submit a speaker card to the Executive Officer prior to the time the item is announced by the Chair for each item they wish to address. Speaker cards are available at the back of the Board Hearing Room. Failure to submit the speaker card in a timely manner may preclude a member of the public from speaking during the subject comment period.

**VOTING AND DISPOSITION OF ITEMS** - Items require a majority vote of the entire membership of the Board (3 votes) for approval.

Any member of the Board may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Board of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the Agenda number, meeting date and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of three members of the Board.

The Board rules provide that all items adopted by the Board will not be distributed or presented to the Mayor, or other designated office, until the adjournment of the regular Board meeting following the date of the Board action. A motion to send an item "forthwith", if adopted by three (3) votes, suspends these rules and requires the Board Secretariat to forward the matter to the Mayor, or other office, without delay.

PUBLIC COMMENTS: Board will hear public testimony on non-agenda items under the Board's Jurisdiction

**DISPOSITION: RECEIVED PUBLIC COMMENTARY**

NEIGHBORHOOD COUNCIL COMMENTS

Discussion with Neighborhood Council representatives on Neighborhood Council Resolutions or Community Impact Statements filed with the City Clerk which relate to any agenda item listed or being considered on this agenda for the Board of Public Works (LAAC 22.819, Ordinance 184243).

**DISPOSITION: NO COMMENTARY**

APPROVAL OF THE MINUTES FROM

**FRIDAY, AUGUST 30, 2019 APPROVED - MOVED BY COMMISSIONER JAMES, SECONDED BY COMMISSIONER CABELLO.**

**WEDNESDAY, SEPTEMBER 4, 2019 APPROVED - MOVED BY COMMISSIONER JAMES, SECONDED BY COMMISSIONER CABELLO.**

**DISPOSITION: APPROVED (ALL AYES)**

COMMENDATORY RESOLUTIONS, INTRODUCTIONS AND PRESENTATIONS

AGENDA ITEMS

**BUREAU OF ENGINEERING**

BPW-2019-0728

(1)

CD 6 [BUDGET INCREASE & CHANGE ORDER NO. 39, 40, AND 48 - KDC, INC. DBA DYNALECTRIC - CAPITAL IMPROVEMENT PROJECT 6163 DONALD C TILLMAN WATER RECLAMATION PLANT ELECTRICAL POWER SYSTEM MODIFICATIONS PROJECT](#)

Recommending the Board:

1. AUTHORIZE \$524,000 in additional contingency and approve a revised construction budget of \$9,094,433 for this project; and
2. AUTHORIZE the City Engineer to issue Change Order Nos. 39, 40, and 48 for this project to install additional wiring, provide rental generators to power the influent sewer gates for an extended time, and provide rental generators to power the switchgear for an extended time, respectively.

(W.O SZD11204, C-129307)

**DISPOSITION: REPORT ADOPTED, FORTHWITH****MOVED: KEVIN JAMES****SECONDED: CECILIA CABELLO****AYES: GARCIA, CABELLO, CALOZA, DAVIS, JAMES (5);**

BPW-2019-0729

(2)

CD 15 [CONSTRUCTION SERVICES CONTRACT \(CISCO\) - CAPITAL IMPROVEMENT PROJECT 8547 TERMINAL ISLAND WATER RECLAMATION PLANT 6-INCH FULL HIGH-PRESSURE GAS PIPE REPLACEMENT](#)

Recommending the Board:

1. AUTHORIZE the city engineer to use a CiSCo, and to issue task work orders to the contractor for an amount not-to-exceed \$1,107,000 for the Terminal Island Water Reclamation Project.

(W.O SZT11421)

**DISPOSITION: REPORT ADOPTED, FORTHWITH****MOVED: CECILIA CABELLO****SECONDED: KEVIN JAMES****AYES: GARCIA, CABELLO, CALOZA, DAVIS, JAMES (5);**

BPW-2019-0730

(3)

CD 7 [BUDGET INCREASE AND SUPPLEMENTAL AGREEMENT CHANGE ORDER NO. 3 - LA TUNA CANYON ROAD EMERGENCY STORM DRAIN AND EMBANKMENT REPAIR PROJECT](#)

Recommending the Board:

1. INCREASE the construction budget authority by \$1,600,000 and approve a revised construction budget of \$3,913,362.73 for this project; and
2. AUTHORIZE the City Engineer to issue Supplemental Agreement Change Order No. 3 to John S. Meek Company, Inc. for a not-to-exceed amount of \$1,016,388 for Phase II of the project, which includes reconstruction of the embankment, installation of secondary drainage infrastructure, and other related improvements at the site.

(W.O. E1908378, C-133785)

**DISPOSITION: REPORT ADOPTED, FORTHWITH**

**MOVED: KEVIN JAMES**

**SECONDED: AURA GARCIA**

**AYES: GARCIA, CABELLO, CALOZA, DAVIS, JAMES (5);**

BPW-2019-0731

(4)

CD 5

[PROPERTY ACQUISITION - EXPOSITION - WEST BIKEWAY - NORTHVALE SEGMENT PROJECT](#)

Recommending the Board:

1. AUTHORIZE the City Engineer, or his designee, to negotiate for and acquire the real property listed in the attached table (Transmittal No. 1), as required by Council File No. 09-1295-S5 (Transmittal No. 2) and for the completion of the Project; and
2. AUTHORIZE the City Engineer, or his designee, to request the Los Angeles Department of Transportation (LADOT) to draw the necessary demands payable individually to affected property owners for the cost to acquire the 13 parcels listed in the transmittal, up to a total amount of \$735,000.

(W.O. E1907693)

**DISPOSITION: REPORT ADOPTED, FORTHWITH****MOVED: JESSICA CALOZA****SECONDED: MICHAEL DAVIS****AYES: GARCIA, CABELLO, CALOZA, DAVIS, JAMES (5);****BUREAU OF STREET SERVICES**

BPW-2019-0508

(5)

ADVISEMENT #1

CD 2 [TREE REMOVAL - 11472 WEST LAURELCREST DRIVE](#)

Recommending the Board:

1. 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);
2. FIND that none of the exceptions to the use of categorical exemption as set forth in Section 15300.2 of State CEQA Guidelines apply;
3. SPECIFY that the Bureau of Street Services (StreetsLA), Urban Forestry Division, located at 1149 South Broadway, is custodian of the documents and other material that constitute the record of proceedings upon which the Board's decision is based; and
4. APPROVE the request for a fee permit to remove six Interior \* **COAST** Live Oak (*Quercus wislizeni*) trees. Tree replacements are required.

(CONTINUED FROM FRIDAY, AUGUST 30, 2019, MONDAY, AUGUST 5, 2019, JULY 15, 2019; ORIGINAL MEETING DATE: MONDAY, JUNE 24, 2019)

**DISPOSITION: REPORT ADOPTED - SUBJECT TO CONDITIONS AS AMENDED****\* AMENDED TO REFLECT REMOVAL OF SIX COAST LIVE OAK**

**TREES. ITEM NOT FORTHWITH.****MOVED: CECILIA CABELLO****SECONDED: AURA GARCIA****AYES: GARCIA, CABELLO, CALOZA, DAVIS (4); NAYS: JAMES(1);**

BPW-2019-0709

(6)

ADVISEMENT #2

CD 11 [TREE REMOVAL - 1830 NORTH MANGO WAY](#)

Recommending the Board:

1. FIND that this project is categorically exempt under Section 15332, Class 32 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);
2. FIND that none of the exceptions to the use of categorical exemption as set forth in Sections 15332 of State CEQA Guidelines apply;
3. SPECIFY that the Bureau of Street Services, Urban Forestry Division, located at 1149 South Broadway, is custodian of the documents or other material that constitute the record of proceedings upon which the Board's decision is based; and
4. REVIEW and APPROVE the request for a fee permit for three Coast Live Oaks. Tree replacements are required.

(CONTINUED FROM ORIGINAL MEETING DATE: FRIDAY, SEPTEMBER 6, 2019)

**DISPOSITION:****CONTINUED TO FRIDAY, SEPTEMBER 20, 2019**

**NOTE: CONTINUATION TO ALLOW ADDITIONAL NOTICE PERIOD AND FOR BOARD TO CONSIDER REMOVAL OF SIX TREES. TITLE AND BODY OF REPORTS REFLECTS REMOVAL OF SIX TREES YET RECOMMENDATION 4 INDICATES THREE REMOVED TREES. BOARD WILL CONSIDER THE ITEM AS**

**AMENDED ON SEPTEMBER 20, 2019.****JOINT REPORT(S)**

BPW-2019-0732 (7)

BCA + DOT

CD 4,13 [CONTRACT ACCEPTANCE - ECHO PARK / SILVERLAKE ADAPTIVE TRAFFIC CONTROL SYSTEM \(ATCS\) - PHASE 2](#)

Recommending that the Board:

1. ACCEPT this contract.

(W.O. L1502806, C-126654)

**DISPOSITION: REPORT ADOPTED, FORTHWITH****MOVED: JESSICA CALOZA****SECONDED: KEVIN JAMES****AYES: GARCIA, CABELLO, CALOZA, DAVIS, JAMES (5);**

BPW-2019-0733 (8)

BCA + DOT

CD [CONTRACT ACCEPTANCE - SANTA MONICA FREEWAY CORRIDOR ADAPTIVE TRAFFIC CONTROL SYSTEM \(ATCS\) - PHASE 2](#)  
1,4,8,9,  
10,14

Recommending that the Board:

1. ACCEPT this contract.

(W.O. L1302796)

**DISPOSITION: REPORT ADOPTED, FORTHWITH**

**MOVED: JESSICA CALOZA**  
**SECONDED: KEVIN JAMES**  
**AYES: GARCIA, CABELLO, CALOZA, DAVIS, JAMES (5);**

BPW-2019-0734 (9)  
BOE+BCA

CD ALL [REQUEST FOR QUALIFICATIONS - PERSONAL SERVICES CONTRACTS - PRE-QUALIFIED ON-CALL LIST - VARIOUS PUBLIC WORKS PROJECTS](#)

Recommending the Board:

1. AUTHORIZE the City Engineer to issue and advertise the transmitted Request for Qualifications (RFQ) to environmental documentation and environmental specialty studies consultants;
2. AUTHORIZE the staff from the Department of Public Works to evaluate and pre-qualify the respondents based upon the requirements and procedures set forth in the RFQ;
3. AUTHORIZE the City Engineer to negotiate a personal services contract with each of the highest rated and most responsive firms; and
4. DIRECT the City Engineer to report to the Board of Public Works with his recommendations on executing the negotiated contracts.

**DISPOSITION: REPORT ADOPTED, FORTHWITH**

**MOVED: KEVIN JAMES**  
**SECONDED: AURA GARCIA**  
**AYES: GARCIA, CABELLO, CALOZA, DAVIS, JAMES (5);**

**MOTION(S)**

BPW-2019-0735 (10)

**CD 11**      [AFE - KERN DELTA WATER DISTRICT](#)

Bureau of Sanitation and Office of Accounting requesting Board approval and execution of an Authority for Expenditure in the amount of \$35,000 to encumber funds for the payment of water utility charges to be incurred at Green Acres Farm in Bakersfield, California for the period of July 1, 2019 through June 30, 2020. Water utility charges are established by the Kern County Water District Board of Directors, as permitted by California Water Code section 35423. Fund: Sewer Operations & Maintenance / Council District #11 / No General Fund impact / Authorize the president or two members of the Board of Public Works to execute this service agreement.

(AE 20760664M, Fund 760 - Sewer Operations Maintenance Fund, Department #50, Appropriation Unit 50S2WP)

**DISPOSITION: APPROVED, FORTHWITH**

**MOVED: CECILIA CABELLO**

**SECONDED: MICHAEL DAVIS**

**AYES: GARCIA, CABELLO, CALOZA, DAVIS, JAMES (5);**

BPW-2019-0736

(11)

**CD 11**      [AFE - SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT](#)

Bureau of Sanitation and Office of Accounting requesting Board approval and execution of an Authority for Expenditure in the amount of \$200,000 for Hyperion Water Reclamation Plant to encumber funds to pay fees and licenses required by the South Coast Air Quality Management District, a state regulatory agency. SCAQMD has the authority to impose fees for equipment, permit renewals, annual emissions, and various other fees as outlined in SCAQMD Rule 301. The total anticipated fees and licenses of Public Works to execute this service agreement.

(AE 20760655M, Fund No. 760 - Sewer Operations and Maintenance Fund, Department #50, Appropriation Unit 50SX82)

**DISPOSITION: APPROVED, FORTHWITH****MOVED: CECILIA CABELLO****SECONDED: MICHAEL DAVIS****AYES: GARCIA, CABELLO, CALOZA, DAVIS, JAMES (5);**

BPW-2019-0737

(12)

CD 11 [AFE - STATE WATER RESOURCES CONTROL BOARD](#)

Bureau of Sanitation and Office of Accounting requesting Board approval and execution of an Authority for Expenditure in the amount of \$675,000 for the encumbrance of funds to pay annual National Pollutant Discharge Elimination System permit fees, as required by the California State Water Resources Control Board under the authority of California Water Code Section 13260. The total anticipated fees for FY 2019-20 are \$675,000. This authority is requested for the period of July 1, 2019 to June 30, 2020.

(AE 20760660M, Fund No 50 - Sewer Maintenance and Operation, Dept No. 50, Appropriation Unit 50SX82)

**DISPOSITION: APPROVED, FORTHWITH****MOVED: CECILIA CABELLO****SECONDED: KEVIN JAMES****AYES: GARCIA, CABELLO, CALOZA, DAVIS, JAMES (5);**

BPW - September 13, 2019

**\*\*\* END \*\*\***



SUPPLEMENTAL  
**JOURNAL**  
**BOARD OF PUBLIC WORKS**  
**FRIDAY, SEPTEMBER 13, 2019**  
**10:15 AM**

Edward R. Roybal BPW Session Room  
Room 350 City Hall  
200 North Spring Street  
Los Angeles, California 90012

Members: Kevin James, President  
Cecilia Cabello, Vice President  
Dr. Michael R. Davis, Pres. Pro-Tem  
Aura Garcia  
Jessica M. Caloza

(Dr. Fernando Campos, Executive Officer 213-978-0261)

Click [here](#) for the entire agenda packet / documents

AGENDA ITEMS

**EXECUTIVE OFFICES**

BPW-2019-0658 (13)

ADVISEMENT #1

CD 5 [SEWER SERVICE CHARGE APPEAL - 9955 BEVERLY GROVE DRIVE](#)

Recommending the Board:

1. DENY Ms. Bell's appeal of Bureau of Sanitation and Environment's determination that denied her request for a residential Sewer Service Charge refund to her account. Bureau of Sanitation's determination was based on the Los Angeles Municipal Code and the California Government Code Section 911.2.

(CONTINUED FROM ORIGINAL BOARD DATE: WEDNESDAY, AUGUST 14, 2019)

**DISPOSITION:**

**CONTINUED TO WEDNESDAY, SEPTEMBER 25, 2019**

BPW - September 13, 2019

**\*\*\* END \*\*\***



**MANAGEMENT MEETING  
JOURNAL  
BOARD OF PUBLIC WORKS  
FRIDAY, SEPTEMBER 13, 2019  
10:30 AM**

**MANAGEMENT MEETING CANCELLED**

BPW Conference Room  
Room 361-Q City Hall  
200 North Spring Street  
Los Angeles, California 90012

**AGENDA ITEMS**

(1)

**ORAL REPORT**

Re: General report on status of Commissioner assignments  
**DISPOSITION: NO ACTION TO BE TAKEN**

(2)

**ORAL REPORT**

Re: Commissioner reports on community meetings, contacts with  
neighborhood councils and other community activities

DISPOSITION: NO ACTION TO BE TAKEN

(3)

ORAL REPORT

Re: Discussion of general administrative issues

DISPOSITION: NO ACTION TO BE TAKEN

BPW - September 13, 2019

**\*\*\* END \*\*\***

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

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.

<b>LEAD CITY AGENCY AND ADDRESS:</b>	City of Los Angeles Bureau of Street Services Urban Forestry Division 1149 S. Broadway, Suite 400 Los Angeles, CA 90015	<b>COUNCIL DISTRICT</b>	2
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<b>PROJECT TITLE:</b> 11472 West Laurelcrest Drive	<b>LOG REFERENCE</b>
--	----------------------

**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

<b>CONTACT PERSON</b>	<b>TELEPHONE NUMBER</b>
Larry Schlossberg	(310) 279-2448

<b>EXEMPT STATUS: (Check One)</b>	<b>CITY CEQA GUIDELINES</b>	<b>STATE CEQA GUIDELINES</b>
<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.

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

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

# 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

**RA-4**

# 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

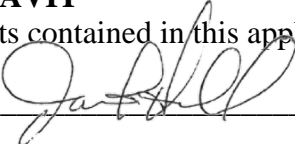
*\* By submitting this form electronically, you agree to accept communications from the City at the electronic mail address provided.*

## 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): <p style="text-align: center; margin: 0;"><b>S. Roberts</b></p>	Date: <p style="text-align: center; margin: 0;"><b>9/24/2019</b></p>
<input checked="" type="checkbox"/> Internal review completed	
Deemed Complete/Referred for Assignment by (City Clerk):	Date:

Service Request #: 1-1300569631


Print

SR Status: Pending - Your request has been sent for review and/or inspection; request pending review/inspection


Summary

Service Type:	Tree Permits
Contact:	Larry Schlossberg 310-279-2448 <a href="#">Edit</a> schlossberg@gruenassociates.com
Location:	11472 W LAURELCREST DR, 91604 <a href="#">Show on Map</a>
Cross Street	Between BERRY DR and DECENTE DR
Council District:	2
Thomas Bros:	562-H6
Maintenance Area:	East Valley
Maintenance District:	216
Source of Request:	Call <a href="#">Edit</a>
Language:	English <a href="#">Edit</a>
Work Order Number:	N/A <a href="#">Edit</a>
Claim Number:	N/A <a href="#">Edit</a>
Submitted By:	Dante Henderson (BSS) 03/01/2019 01:48 PM
Last Updated By:	Elyse Doyle (BSS) 03/04/2019 08:59 AM
Ticket Owner:	BSS
Division:	Urban Forestry
Assigned To:	216, UFD
Assignee:	N/A
Priority Level:	Normal <a href="#">Edit</a> Priority
Service Date:	N/A
Action Taken:	SR Created <a href="#">Edit</a>
Optional Tracking Code:	N/A <a href="#">Edit</a>


Attachments: [Edit](#)



External: Dante Henderson on  
03/01/2019 01:48 PM



Internal: Elyse Doyle on  
03/04/2019 08:59 AM



Internal: Elyse Doyle on  
03/04/2019 08:59 AM

SR Details

Permit Type: Tree Removal  
 Does Constituent need an application mailed?: No

[EDIT SR DETAILS](#)

Additional Location Info:

Comments

Comment	Internal or External	Created By	Created Date
Out for inspection; Gerry Miranda EV.	Internal	Elyse Doyle	03/04/2019 08:59 AM

[ADD COMMENTS](#)

SR Reassignment

Referred From	Referred To	Notes	Initiator	Date
No Reassignments				

[REASSIGN TICKET](#)

[CLONE TICKET](#)

[GAVE CALLER INFO](#)

Parent SR(s)

SR#	SR Type	Link Initiator	Status	Linked Date	Action
No Data Found					

Child SR(s)

SR#	SR Type	Link Initiator	Status	Linked Date	Action
No Data Found					

BSS Inspection

Inspected/Reviewed By:  Inspection/Review Date:

Contact:  Yes  No

Inspection Crew:

Work Required (Reason):

BSS Closeout

Completed By:	<input type="text"/>
Crew:	<input type="text"/>
Approved By:	<input type="text"/>
Work Completed (Resolution):	Select.. ▼
Date Completed:	<input type="text" value="mm/dd/yyyy"/>

SUBMIT

# PROTECTED TREE REPORT:

## 11472 LAURELCREST DRIVE, STUDIO CITY

PREPARED FOR:

Larry Schlossberg  
Contact: 310 279 2448

PREPARED BY:

Dean Howell ASLA,  
851 N. Ogden Dr.  
Los Angeles, CA 90048



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- Protected Tree Report prepared by: **Dean Howell ASLA**, California Licensed Landscape Architect, license number 5765, expires 12/13/20
- Prepared For: **Larry Schlossberg**, owner
- Protected Tree Report location address: **11472 Laurelcrest Drive, Studio City, CA 91604**. Located in the Studio city foothills on a southern facing approximately 1:2 slope approximately 2000 feet south of Ventura Boulevard and 3000 feet east of Laurel Canyon Boulevard.
- Protected Tree Report prepared **February 11, 2019**
- Protected Field Report field inspection conducted **January 28, 2019**
- The **purpose** of this Protected Tree Report is to identify and locate Los Angeles City protected trees per ordinance 177404 on the subject site and on adjacent properties, identify which of those can be protected on site from construction activities and recommend mitigations for those which cannot. This property is under the jurisdiction of the City of Los Angeles and guided by the Native Tree Protection Ordinance No. 177,404. Protected Trees are defined by this ordinance as oaks (*Quercus* sp) indigenous to California but excluding the scrub oak (*Quercus dumosa*); Southern California black walnut (*juglans californica* var. *californica*); Western sycamore (*platanus racemosa*) and California bay laurel (*Umbellularia californica*) trees with a diameter at breast height (DBH) of four (4) inches or greater.
- **Project Description and Background:** The project is the construction of an approximately 3800 square foot, two story house on a previously undeveloped hillside site. The project also includes retaining walls and excavation to create a usable outdoor space to the south of the proposed house and a driveway to the south.
- **Square footage of the entire property:** Approximately **10,830 square feet**. Footprint Square footage of the proposed new structure: approximately **2850 square feet**.
- **Field Observations:**  
This property is under the jurisdiction of the City of Los Angeles and guided by the Native Tree Protection Ordinance No. 177,404. Protected Trees are defined by this ordinance as oaks (*Quercus* sp) indigenous to California but excluding the scrub oak (*Quercus dumosa*); Southern California black walnut (*juglans californica* var. *californica*); Western sycamore (*platanus racemosa*) and California bay laurel (*Umbellularia californica*) trees with a diameter at breast height (DBH) of four (4) inches or greater.

The subject property includes 8 protected trees, all of the species *Quercus Wislizenii* commonly known as Interior Live Oak and identified based on:

**Leaves:** Evergreen, dark, shiny green above, pale, shiny green, and hairless below, with margins varying from smooth to spiny-toothed

**Bark:** Surface texture ranges from almost smooth to well-developed shallow, narrow furrows. The bark is about 0.3 inch (0.8 cm) thick with a small amount of dead bark forming the ridges between the furrows

**Habitat:** This species ranges from Siskiyou County in northern California to Lower California. It is common in coastal valleys, foothills, and mountains, and in foothills and along rivers in the western Sierra Nevada

There were no examples of the acorns visible on the site for examination.

In addition there is one dead example of the species on site (Tree 10 in the tree matrix)

Offsite within the potential zone of influence of onsite construction activities there are 6 specimens of species *Quercus Wislizenii*

- **Arborist's Opinion:** It is the opinion of the report preparer that all of the protected trees referred to in this report are naturally occurring.
- **Findings:** 6 of the onsite protected trees occur as a cluster toward the center of the site. It would be difficult, if not reasonably possible, to develop a single family home of similar size and character to those in the vicinity of the site, and maintain the required 15 flat area on the uphill side of the structure, on the residual site areas outside of the drip lines of this cluster of 6. It is recommended that this cluster be removed and replacement trees planted per the mitigation recommendations below. Three of the onsite protected trees can remain without damage if the Protected Tree Construction Impact Guidelines below are implemented

All of the adjacent off site protected trees will not be in danger of damage if the Protected Tree Construction Impact Guidelines below are implemented

See the Existing Protected Tree Plan included in this report.

- **Mitigation:** It is recommended that for each existing protected tree to be removed 4 new replacement trees of the same species be planted for a total of 24 replacement trees. The minimum size of the replacement trees is a 24 inch box and are to be planted

Replacement trees should be planted at a minimum spacing of 10 feet to promote growth.

See the Replacement Tree planting plan in this report.

- **Protected Tree Construction Impact Guidelines.**

Prior to excavation the contractor should review this report and meet with the owner's arborist to explain how excavation underneath the oak trees' canopy will be removed without damaging the canopy, trunk or roots of the protected oak trees.

The owner's arborist should observe all excavation within the tree's protected zone which extends 5 feet beyond the canopy.

Excavation will probably require heavy equipment and may disturb roots. To the extent possible, during excavation no vehicles or equipment should be allowed within the protected zone to minimize soil compaction.

If during the course of excavation damage is observed, the work should stop and the arborist should assess the damage and recommend any action needed to correct or minimize the injury to the protected trees before work can begin again.

Any roots over 1 inch diameter, damaged by the removal of soil should be assessed by the arborist and pruned if necessary to limit damage.

**Tree protection fencing** must be installed at the edge of the Tree Protection Zone (critical root zone) or beyond prior to the start of any clearing, grading or other construction activity. If space limits the fencing, place at the furthest possible distance from the trunk.


1) Fencing may be of a flexible configuration or chain-link and be a minimum of 4 feet in height supported by vertical posts at a maximum of ten-foot intervals to keep the fence upright and in place.

2) A warning sign should be posted on the fencing which states, "Warning: Tree Protection Zone" and stating the requirements of all workers in the protected zone. Example available upon request.

3) Throughout the course of construction, maintain the integrity of the tree protection zone fencing and keep the site clean and maintained at all times. No construction staging or disposal of construction materials or byproducts including but not limited to paint, plaster, or chemical solutions is allowed in the Tree Protection Zone.

- **Tree Matrix**

Tree	On/Off site	Species	Trunk Diameter	Estimated Height	Estimated Spread	Condition	
1	On Site	Querlus Wizlizenii	14 inch	40 feet	25 feet	leaning, good	Remain
2	Off Site	Querlus Wizlizenii	20 inch	45 feet	30 feet	good	Remain
3	Off Site	Querlus Wizlizenii	18 inch	45 feet	30 feet	good	Remain
4	On Site	Querlus Wizlizenii	18 inch	45 feet	25 feet	good	Remain
5	not used						
6	On Site	Querlus Wizlizenii	16 inch	30 feet	20 feet	good	Remove
7	On Site	Querlus Wizlizenii	12 inch	30 feet	15 feet	good	Remove
8	On Site	Querlus Wizlizenii	12 inch			Dead	Remove
9	Off Site	Querlus Wizlizenii	20 inch	40 feet	30 feet	good	Remain
10	On Site	Querlus Wizlizenii	18 inch	30 feet	25 feet	Declining	Remove
11	On Site	Querlus Wizlizenii	14 inch	30 feet	25 feet	good	Remove
12	On Site	Querlus Wizlizenii	14 inch	35 feet	30 feet	good MT	Remove
13	On Site	Querlus Wizlizenii	24 inch	40 feet	40 feet	good	Remove
14	Off Site	Querlus Wizlizenii	12 inch	25 feet	20 feet	good	Remain
15	Off Site	Querlus Wizlizenii	12inch	25 feet	20 feet	good	Remain
16	Off Site	Querlus Wizlizenii	28 inch	45 feet	40 feet	good	Remain

 Tree to be removed

**RECOMMENDATIONS:**

- **New Tree Planting**

The ideal time to plant trees and shrubs is during the dormant season, in the fall after leaf drop or early spring before budbreak. Weather conditions are cool and allow plants to establish roots in the new location before spring rains and summer heat stimulate new top growth. Before you begin planting your tree, be sure you have had all underground utilities located prior to digging.

If the tree you are planting is balled or bare root, it is important to understand that its root system has been reduced by 90 to 95 percent of its original size during transplanting. As a result of the trauma caused by the digging process, trees commonly exhibit what is known as transplant shock. Containerized trees may also experience transplant shock, particularly if they have circling roots that must be cut. Transplant shock is indicated by slow growth and reduced vigor following transplanting. Proper site

establish in its new location. Carefully follow nine simple steps, and you can significantly reduce the stress placed on the plant at the time of planting.

1. Dig a shallow, broad planting hole. Make the hole wide, as much as three times the diameter of the root ball but only as deep as the root ball. It is important to make the hole wide because the roots on the newly establishing tree must push through surrounding soil in order to establish. On most planting sites in new developments, the existing soils have been compacted and are unsuitable for healthy root growth. Breaking up the soil in a large area around the tree provides the newly emerging roots room to expand into loose soil to hasten establishment.

2. Identify the trunk flare. The trunk flare is where the roots spread at the base of the tree. This point should be partially visible after the tree has been planted (see diagram). If the trunk flare is not partially visible, you may have to remove some soil from the top of the root ball. Find it so you can determine how deep the hole needs for proper planting.

3. Remove tree container for containerized trees. Carefully cutting down the sides of the container may make this easier. Inspect the root ball for circling roots and cut or remove them. Expose the trunk flare, if necessary.

4. Place the tree at the proper height. Before placing the tree in the hole, check to see that the hole has been dug to the proper depth and no more. The majority of the roots on the newly planted tree will develop in the top 12 inches of soil. If the tree is planted too deeply, new roots will have difficulty developing because of a lack of oxygen. It is better to plant the tree a little high, 1-2 inches above the base of the trunk flare, than to plant it at or below the original growing level this planting level will allow for some settling.

5. Straighten the tree in the hole. Before you begin backfilling, have someone view the tree from several directions to confirm that the tree is straight. Once you begin backfilling, it is difficult to reposition the tree.

6. Fill the hole gently but firmly. Fill the hole about one-third full and gently but firmly pack the soil around the base of the root ball. Be careful not to damage the trunk or roots in the process. Fill the remainder of the hole, taking care to firmly pack soil to eliminate air pockets that may cause roots to dry out. To avoid this problem, add the soil a few inches at a time and settle with water. Continue this process until the hole is filled and the tree is firmly planted. It is not recommended to apply fertilizer at time of planting.

7. Stake the tree, if necessary. If the tree is grown properly at the nursery, staking for support will not be necessary in most home landscape situations. Studies have shown that trees establish more quickly and develop stronger trunk and root systems if they

are not staked at the time of planting. However, protective staking may be required on sites where lawn mower damage, vandalism, or windy conditions are concerns. If staking is necessary for support, there are three methods to choose among: staking, guying, and ball stabilizing. One of the most common methods is staking.

With this method, two stakes used in conjunction with a wide, flexible tie material on the lower half of the tree will hold the tree upright, provide flexibility, and minimize injury to the trunk (see diagram). Remove support staking and ties after the first year of growth.

8. Mulch the base of the tree. Mulch is simply organic matter applied to the area at the base of the tree. It acts as a blanket to hold moisture, it moderates soil temperature extremes, and it reduces competition from grass and weeds. A

2- to 3-inch layer is ideal. More than 3 inches may cause a problem with oxygen and moisture levels. When placing mulch, be sure that the actual trunk of the tree is not covered. Doing so may cause decay of the living bark at the base of the tree. A mulch-free area, 1 to 2 inches wide at the base of the tree, is sufficient to avoid moist bark conditions and prevent decay.

- **Tree Maintenance and Pruning**

Some trees do not generally require pruning. The occasional removal of dead twigs or wood is typical. Occasionally a tree has a defect or structural condition that would benefit from pruning. Any pruning activity should be performed under the guidance of a certified arborist or tree expert.

Because each cut has the potential to change the growth of the tree, no branch should be removed without a reason. Common reasons for pruning are to remove dead branches, to remove crowded or rubbing limbs, and to eliminate hazards. Trees may also be pruned to increase light and air penetration to the inside of the tree's crown or to the landscape below. In most cases, mature trees are pruned as a corrective or preventive measure.

Routine thinning does not necessarily improve the health of a tree. Trees produce a dense crown of leaves to manufacture the sugar used as energy for growth and development. Removal of foliage through pruning can reduce growth and stored energy reserves. Heavy pruning can be a significant health stress for the tree.

- **Pruning Techniques - From the I.S.A. Guidelines**

Specific types of pruning may be necessary to maintain a mature tree in a healthy, safe, and attractive condition.

Cleaning is the removal of dead, dying, diseased, crowded, weakly attached, and low-vigor branches from the crown of a tree.

Thinning is the selective removal of branches to increase light penetration and air movement through the crown. Thinning opens the foliage of a tree, reduces weight on heavy limbs, and helps retain the tree's natural shape.

Raising removes the lower branches from a tree to provide clearance for buildings, vehicles, pedestrians, and vistas.

Reduction reduces the size of a tree, often for clearance for utility lines. Reducing the height or spread of a tree is best accomplished by pruning back the leaders and branch terminals to lateral branches that are large enough to assume the terminal roles (at least one-third the diameter of the cut stem). Compared to topping, reduction helps maintain the form and structural integrity of the tree.

How Much Should Be Pruned?

Mature trees should require little routine pruning. A widely accepted rule of thumb is never to remove more than one-quarter of a tree's leaf-bearing crown. In a mature tree, pruning even that much could have negative effects. Removing even a single, large-diameter limb can create a wound that the tree may not be able to close. The older and larger a tree becomes, the less energy it has in reserve to close wounds and defend against decay or insect attack. Pruning of mature trees is usually limited to removal of dead or potentially hazardous limbs.

Wound Dressings

Wound dressings were once thought to accelerate wound closure, protect against insects and diseases, and reduce decay. However, research has shown that dressings do not reduce decay or speed closure and rarely prevent insect or disease infestations. Most experts recommend that wound dressings not be used.

- **Diseases and Insects**

Continual observation and monitoring of your tree can alert you to any abnormal changes. Some indicators are: excessive leaf drop, leaf discoloration, sap oozing from the trunk and bark with unusual cracks. Should you observe any changes, you should contact a Tree specialist or Certified Arborist to review the tree and provide specific recommendations. Trees are susceptible to hundreds of pests, many of which are typical and may not cause enough harm to warrant the use of chemicals. However, diseases and insects may be indication of further stress that should be identified by a professional.

- **Grade Changes**

The growing conditions and soil level of trees are subject to detrimental stress should they be changed during the course of construction. Raising the grade at the base of a tree trunk can have long-term negative consequences. This grade level should be

maintained throughout the protected zone. This will also help in maintaining the drainage in which the tree has become accustomed.

- **Inspection**

The property owner should establish an inspection calendar based on the recommendation provided by the tree specialist. This calendar of inspections can be determined based on several factors: the maturity of the tree, location of tree in proximity to high-use areas vs. low-use area, history of the tree, prior failures, external factors (such as construction activity) and the perceived value of the tree to the homeowner.

• **Verification of Current License**

Remove your new Pocket Certificate from the receipt portion and carry it with you at all times.

**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**  
 2420 DEL PASO ROAD, SUITE 105  
 SACRAMENTO, CA 95834  
 916 575-7230

OUT HERE

↓

**CALIFORNIA ARCHITECTS BOARD**  
**LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**  
 2420 DEL PASO ROAD, SUITE 105  
 SACRAMENTO, CA 95834  
 916 575-7230



EXPIRATION  
12/31/20

OUT HERE

**CERTIFICATE NO.**      **Landscape Architect**  
 E768

**DEAN EDWARD HOWELL**  
**851 N OGDEN DR**  
**LOS ANGELES CA 90046**

**CERTIFICATE NO.**      **EXPIRATION DATE.**      **RECEIPT NO.**

5765                      12/31/20                      83200589

**This is your receipt. Please save for your records.**

PLA 10/31/07

**I M P O R T A N T**

1. Please include your Certificate Number on any correspondence to this office.
2. Notify the Program of any name or address change in writing.
3. Report any loss of this certificate immediately in writing to the Program.
4. Please sign and carry the Pocket Certificate with you.  
 DEAN EDWARD HOWELL

Signature \_\_\_\_\_

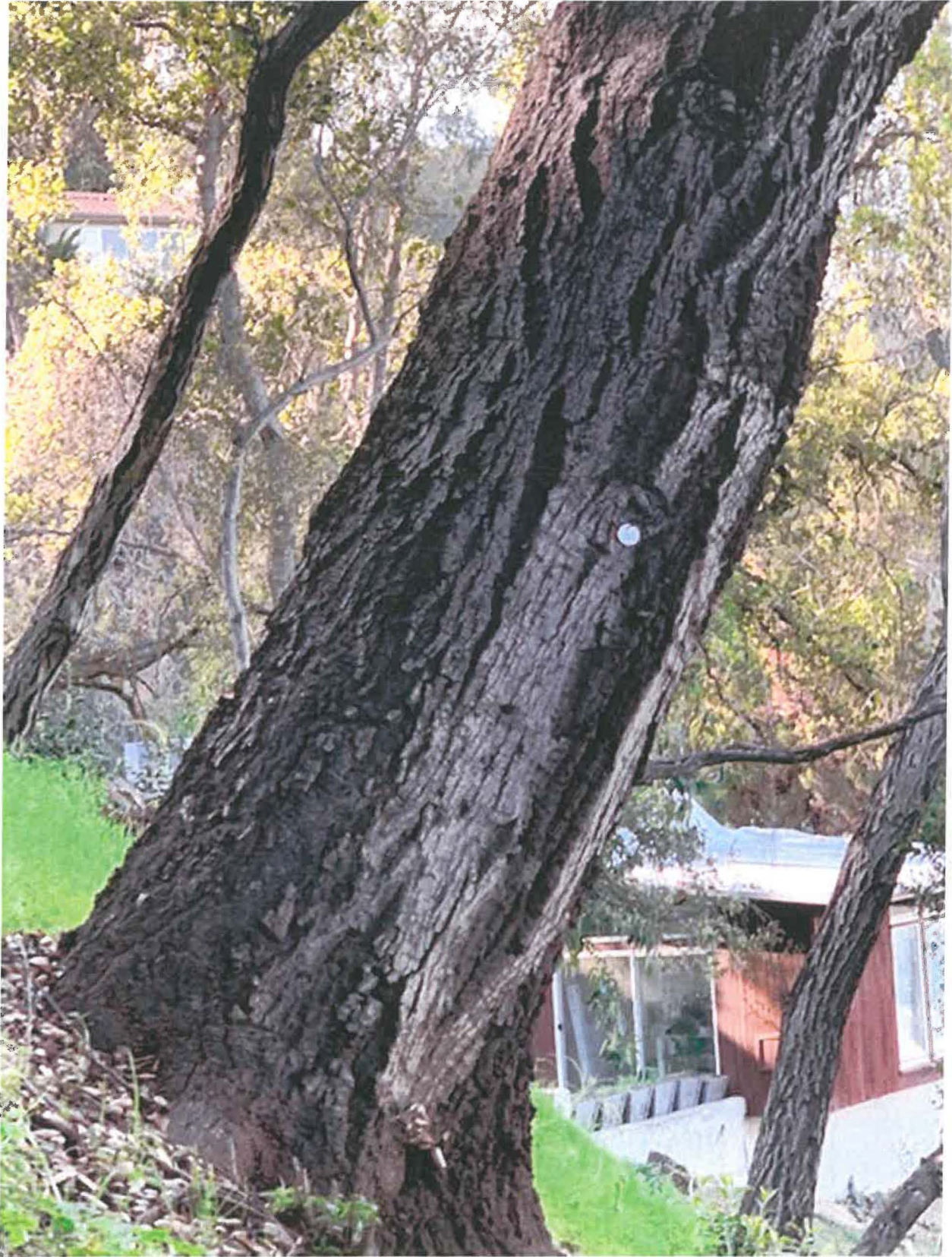
RECEIPT NO.  
83200589



Tree 1



Tree 2, off site



Tree 3, off site



Tree 5



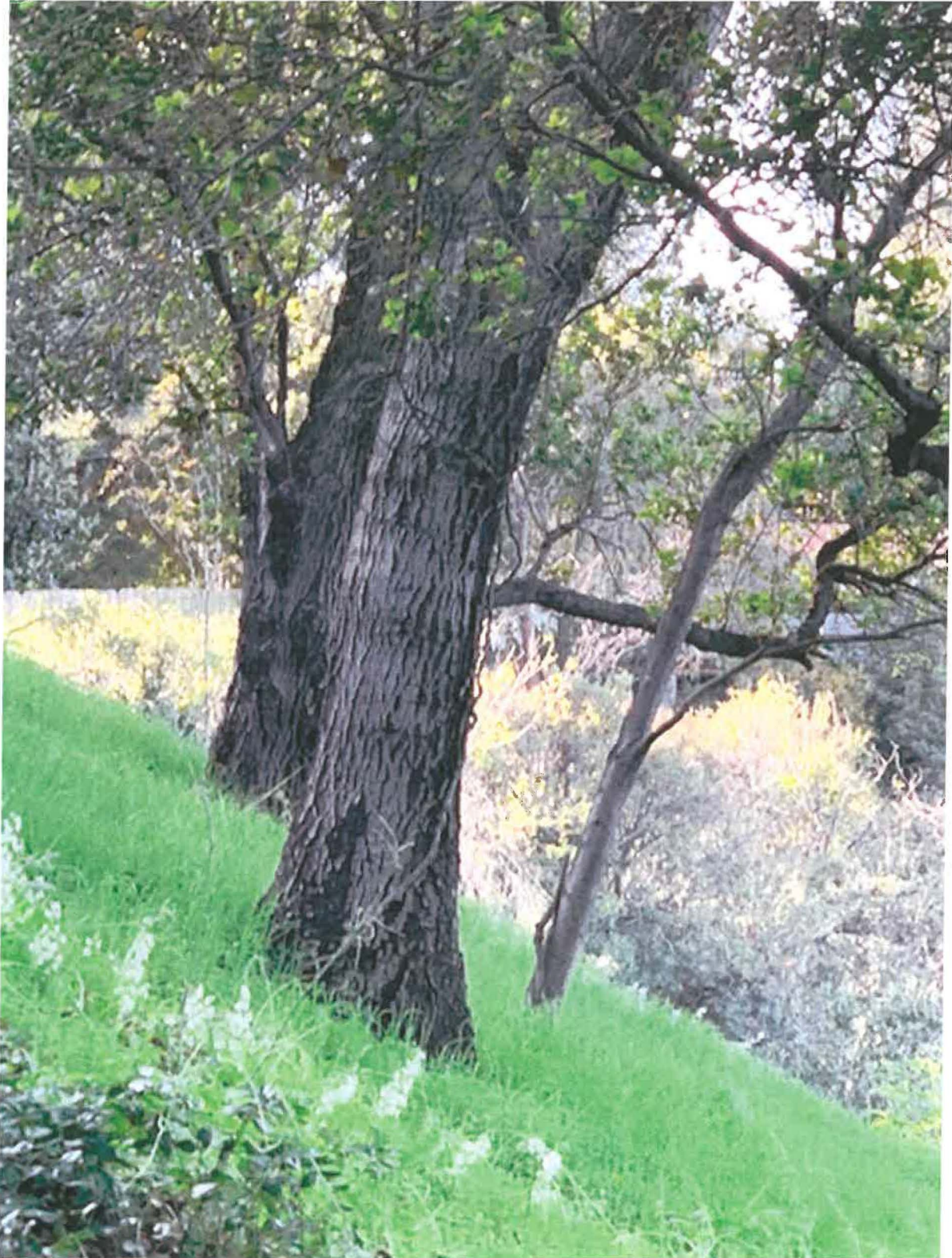
Tree 6



Tree 7



Tree 8, dead



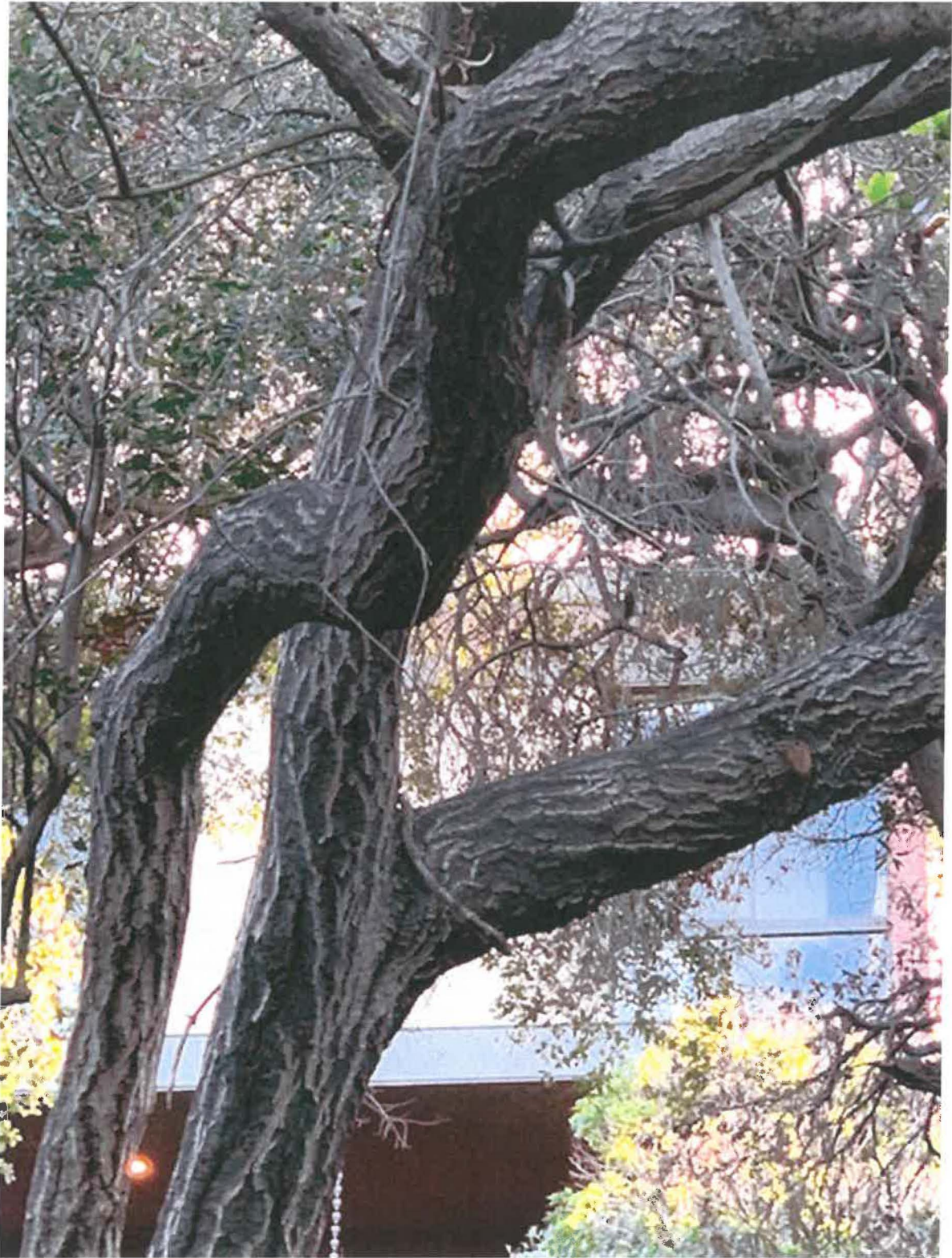
Tree 9, Off Site



Tree 10



Tree 11



Tree 12



Tree13



Tree 14, Left Tree 15, Right, Off Site



Tree 16, Off Site



**Stephen Du Prey**  
Tree Surgeon Supervisor II, Certified Arborist  
Urban Forestry Division

**Report re: 11472 W. Laurelcrest Drive**

Urban Forestry Division staff Stephen Du Prey, Tree Surgeon Supervisor II, Certified Arborist and, Gerald Stephens, Tree Surgeon Supervisor 1, Certified Arborist inspected property during week of Aug 26, 2019.

Scope of work: verify correct species of Quercus on location of subject property to verify if Interior Live Oak (*Quercus wislizeni*) trees in submitted Dean Howell, February 26, 2019, Native Protected tree report was accurate.

Used pole pruner to cut and collect Oak tree branches of subject trees for verification of Oak species in office by Hector Banuelos, Assistant Chief Forester, Street Tree Superintendent I, Certified Arborist and Timothy Tyson, Chief Forester, Street Tree Superintendent II, Certified Arborist.

Mr. Banuelos and Mr. Tyson verified Coast Live Oaks on subject property of 11472 W. Laurelcrest Drive, there are no Interior Live oaks. All Oaks are Coast Live Oaks.

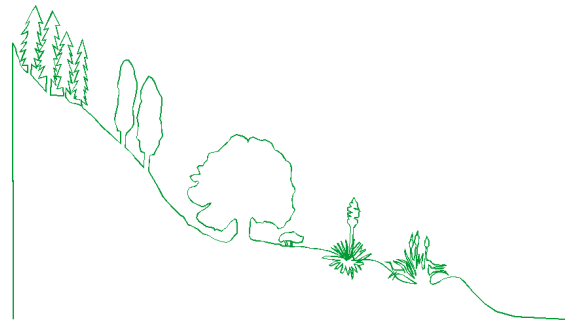
Urban Forestry Division Ronald Tull, Street Tree Superintendent, Certified Arborist, and Supervisor Du Prey revisited 11472 W. Laurelcrest Drive on September 21, 2019 to verify species of dead tree on property as Southern California Black Walnut and identified two S.C. Black Walnut trees on property, outside scope of work area not in Protected tree report.

These two inspections verified the Howell Report is accurate except for identifying the wrong species of protected Oak tree, failing to identify two protected S. C. Black Walnut trees outside the scope of the Project work area, and mis-identifying a dead S.C. Black Walnut as a dead Interior Live oak tree.

Dated: 12/16/2019

June 5, 2020

**Mr. Larry Schlossberg**  
4935 Varna Ave  
Sherman Oaks CA 91423  
[schlossberg@gruenassociates.com](mailto:schlossberg@gruenassociates.com)  
Transmitted Via E-mail



## Biological Assessment Services

Subject: **Biological Resources Constraints Analysis** for your project at 11472  
Laurelcrest Drive, Los Angeles CA

**Dear Mr. Schlossberg:**

### Introduction

This letter reports on the biological conditions present on the property at 11472 Laurelcrest Drive, Los Angeles CA. A brief floral and faunal survey of the site was conducted on May 5, 2020. The purpose of the survey was to determine the general biologic character of the site and attempt to determine the potential for any significant biological impact resulting from change of use on the site. No attempt was made to thoroughly catalogue all of the species present on the property. The site was walked on foot utilizing existing trails, no attempt was made to walk controlled transects that would cover 100% of the site. The path chosen was intended to quickly evaluate the most common species present on the site and then to discover additional species that were located in portions of the site that appeared to support more unique flora. However, the entire site, though steep, was easily accessible on foot and it is unlikely that any species present at the time of the survey were missed. The sky was clear and the weather warm, with temperature steady at around 92°f for the entire midday survey. The California Natural Diversity Database and the California Native Plant Society's lists of sensitive plants were accessed for the nine USGS quadrangle maps surrounding the site. The potential for the occurrence of any species found on these lists was evaluated.

### Site Description

The approximately one-quarter acre property is located in the Studio City area of the heavily developed eastern Santa Monica Mountains. Site elevation ranges from 811' to 881' along the western edge of the property. This equates to a 61% or 31° slope. Situated on the north site of the Santa Monica Mountains the slope is also north-facing, with the San Fernando Valley to the north, the Hollywood Hills to the east, Beverly Crest and West Hollywood to the south and the remainder of the Santa Monica Mountains to the west.

**RA-8**

## Vegetation

Coast live oak woodland is the only vegetation community present on the property as is typical of north-facing slopes in the region, which also support oak/walnut woodland. Oak woodlands are generally characterized as having canopy vegetation and understory. The canopy consists of oak trees and other associated trees and large shrubs and the understory is comprised of low growing shrubs, annuals, and clambering vines. On the project site coast live oaks (*Quercus agrifolia*) and toyon (*Heteromeles arbutifolia*) make up the canopy. No California black walnut were found on the property but there are several on the adjacent properties to the west and south. Understory vegetation is heavily dominated by nonnative weedy species with a few individuals of five native species found. Native species noted include two clambering herbs, fiesta flower (*Pholistima auritum*) is common near the road and bedstraw (*Galium aparine*) is scattered on the lower slopes. Laurel sumac (*Malosma laurina*) is a shrub found resprouting from cut stumps in a few onsite locations. Poison oak (*Toxicodendron diversilobum*) and wild cucumber (*Marah macrocarpus*) are vines beginning to climb the trees after being cut back at some time in the past.

Nonnative plants onsite are a mix of local landscape plants that have spread onto the site and common widespread naturalized weedy forbs and grasses. Nonnative species outnumber the natives in diversity and abundance. Among the nonnative species found on the site are:

Common Name	Scientific Name	Common Name	Scientific Name
Ripgut brome (grass)	<i>Bromus diandrus</i>	Round-leaved geranium	<i>Geranium rotundifolia</i>
Slender wild oat	<i>Avena barbata</i>	Periwinkle	<i>Vinca major</i>
Shortpod mustard	<i>Hirschfeldia incana</i>	Petty spurge	<i>Euphorbia peplus</i>
Prickly sow thistle	<i>Sonchus oleraceus</i>	Tall stock-destroyer	<i>Torilis arvensis</i>
Italian thistle	<i>Carduus pycnocephalus</i>	English ivy	<i>Hedra helix</i>
Chickweed	<i>Stellaria media</i>	Ash	<i>Fraxinus sp.</i>
Privet	<i>Ligustrum sp.</i>	Horehound	<i>Marrubium vulgare</i>

Though the canopy of the site is typical of oak woodland in the area, consisting of coast live oak and toyon, the understory is dominated by nonnative weedy species. Because the majority of the site is dominated by nonnative weedy species the habitat cannot be considered a typical native oak woodland habitat. While partially functioning as an oak woodland, the lack of native understory vegetation has severely reduced the habitat value of the site.

## Wildlife

The cursory nature of the site survey resulted in relatively few wildlife observations. Western fence lizard was the only reptile noted during the survey. The eastern fox squirrel (*Sciurus niger*) was the only mammal directly observed. Diagnostic sign (tracks, scat, burrows, etc.) of the pocked gopher was present on the site. Mule deer have been reportedly seen there as well. Any of the common mammal species found in the suburban areas of southern California may utilize or traverse the site on occasion including numerous small rodent species, California ground squirrel (*Otospermophilus beecheyi*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis virginiana*), and coyote (*Canis latrans*).

Birds were the most abundant wildlife on the site, though the hot weather reduced bird activity during the midday. Seven species were noted on site at the time of the survey, these were lesser goldfinch, house finch, wren, bush tit, American robin, hooded oriole, and northern mockingbird. Sign on the ground indicates that either hawks or owls roost onsite but none were seen at the time of the survey. There are undoubtedly many other avian species that utilize the site as residents or transients among the most common of which are likely California towhee, American crow, Bewick's wren, oak titmouse, and spotted towhee. None of these species are considered particularly sensitive and none are specifically protected by state or federal law. However, all bird species that occur on the site are protected from nest disturbance by the federal Migratory Bird Treaty Act and the California Fish and Game Code. These regulations prohibit the disturbance of nesting birds in any manner that may cause reproductive failure. In general, this means that land clearing must be accomplished during winter months while the birds are not nesting. If clearing cannot be accomplished during the non-nesting season (Currently considered to be from September 30 through January 1 per CDFW) nesting bird surveys must be conducted and any nests discovered must be avoided during construction. In general, nesting bird surveys are required for any construction that takes place between January 1 and September 30. Because the buffer distances recommended by CDFW (500 feet for raptors and 300 feet for all other species) extend far beyond the property limits in many cases, nest detection and avoidance may be difficult or impossible on adjacent private properties. In these cases, appropriate nest avoidance strategies may be determined by a qualified biological monitor who is onsite if land clearance is scheduled during nesting season.

### **Sensitive Biological Resources**

Several species known to occur in the project vicinity are protected pursuant by Federal and/or State endangered species laws, or have been designated as Species of Concern by the USFWS or Species of Special Concern by the CDFW. In addition, Section 15380(b) of the California Environmental Quality Act (CEQA) Guidelines provides a definition of rare, endangered or threatened species that are not included in any listing. Species recognized under these terms are collectively referred to as "special-status species." For purposes of this analysis, special-status species include:

- Plant and wildlife species listed as rare, threatened or endangered under the Federal or State Endangered Species Acts;
- Species that are candidates for listing under either Federal or State law;
- Species designated by the USFWS as Proposed or Candidates for listing and/or species designated as Species of Special Concern by CDFW;
- Species protected by the Federal Migratory Bird Treaty Act (16 U.S.C. 703-711);
- Bald and golden eagles protected by the Federal Bald Eagle Protection Act (16 U.S.C. 668); and
- Species such as candidate species that may be considered rare or endangered pursuant to Section 15380(b) of the CEQA *Guidelines*.

The California Natural Diversity Data Base (CNDDDB May, 2020) and California Native Plant Society's online inventory (accessed May 2020), as well as personal knowledge of the project biologists were used to compile the list of sensitive species with the potential

to occur on the project site. These databases were queried for reports of sensitive biological resources in the following USGS 7.5-minute quadrangle map areas: Van Nuys, San Fernando, Sunland, Canoga Topanga, Oat Mountain, Burbank, Beverly Hills, and Hollywood.

There are 169 biological resources listed as sensitive and reported in the 9-quad area surrounding the project site. Of these, 31 are listed as threatened or endangered or are candidates for listing.

Most of the species listed as protected and occurring in the region require very specific habitat types that do not, and never did, occur on the project site, such as marine aquatic, coastal salt marsh, or vernal pool. As such, these have been eliminated from further consideration. Several protected bird species, such as golden and bald eagles, peregrine falcons, or bank swallows, may fly over the site but would never reside there. These have also been eliminated from consideration.

After these considerations, 26 species remain that have been reported in the region and have habitat requirements similar to, or consistent with, the project site. That is, the required habitat is found in the upland areas of the Santa Monica Mountains.

Only one listed species, the crotch bumble bee (State Candidate Endangered) could occur on the property. However, the information available in the literature indicates that the species colonizes sandy or loose soil in open areas and requires abundant native flowers for feeding and these are not found onsite.

Of the remaining 25 species considered sensitive that might occur on the site, 12 are wildlife and 13 are plants. Among the sensitive wildlife species potentially present onsite, only the southern California legless lizard and the San Bernardino ringneck snake have small enough ranges to potentially reside on the site. Though either of these species could occur there, the long-term development of the surrounding area would make their occurrence there at the present time highly unlikely.

The remaining sensitive wildlife species that could occur onsite are either highly mobile reptiles that are unlikely to be present due to the surrounding development restricting their required range, or birds, that may utilize the site during migration or their local residency. Of these only the Cooper's hawk and oak titmouse are potential nesters on the property.

None of the 13 sensitive plant species whose range and general habitat requirements are found in the vicinity of the property are thought likely to occur there. Many of these species are conspicuous and would have been observed on the site if they were present. Others have specific habitat requirements that are not found onsite, such as streamside riparian. The table attached to this letter report lists each of the sensitive wildlife species reported in the area. Those species State or Federally listed as either Threatened or Endangered are highlighted in yellow. Those species whose habitat requirements and range are found nearby are highlighted in green. A one- or two-word explanation of the potential for occurrence of both the listed and potentially occurring species is given in the right column.

## **Wildlife Movement Corridor**

A wildlife corridor or more accurately, habitat linkage, is a strip of land that connects two, or more, larger land areas and is free of barriers that would seriously curtail or prevent wildlife passage. These corridors can serve as useful habitat in their own right, or, can serve as travel lanes for seasonal movements of wildlife. Their value depends upon width, habitat type and structure, nature of surrounding habitat, human use patterns, and other factors. Typically, a wildlife corridor provides refuge and ease of movement, and often follows ridgelines or drainages. Wildlife movement corridors are important for the free movement of animals between population centers, for access to food and water sources during drought, as escape routes from brush fires, and, in the longer term, for dispersal of genetic traits between population centers.

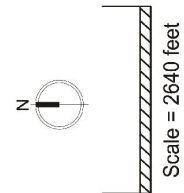
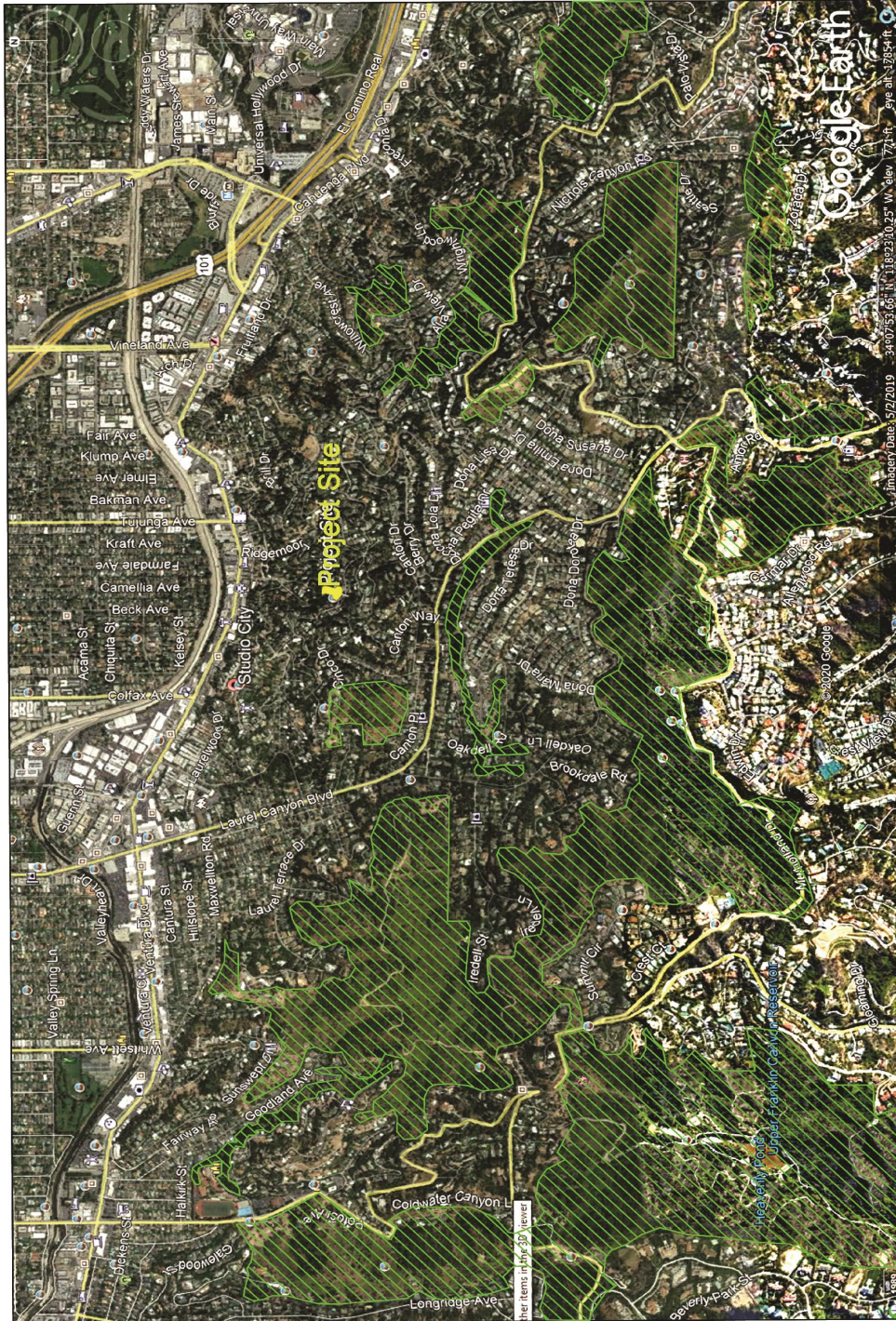
Urban development fragments natural habitats into smaller and more isolated units. In the process, it destroys habitat of many species, modifies habitat of others, and creates new habitat for some (Adams and Dove, 1989). Many studies have indicated that, in general, habitat size is the most important factor in determining land vertebrate species diversity (Adams and Dove 1989). The degree of habitat isolation and percentage of vegetative cover are other major factors in species variety and abundance.

Genetic dispersion is the key factor in maintaining viable wildlife and plant populations as they become more and more fragmented. The smaller the population (as in populations isolated by development), the greater is the likelihood of inbreeding. Inbreeding allows harmful recessive alleles to be paired together, thereby manifesting the trait. Without the presence of the dominant allele that would mask an otherwise fatal inherited disease, the recessive allele for that disease could become predominant in the isolated population, resulting in the eventual extinction of that population. Wildlife corridors can prevent local extinctions by connecting relatively small open space preserves, thereby allowing gene flow and providing for a wide diversity of genetic traits throughout the interconnected populations.

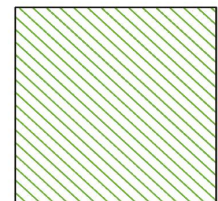
Though the project site and the adjacent lot are undeveloped, they are completely surrounded by developed parcels. The subject property has an easement along the east side that precludes development in this area. That easement will continue to allow the free passage of wildlife across the parcel. Most of the lots in the area are large and on steep slopes, limiting the developable area and providing undeveloped areas on each lot. This allows freedom of movement for many species of wildlife that have become accustomed to suburban areas and have learned to alter their habits to accommodate the urban environment after their natural habitats were developed. Use of the few remaining undeveloped lots and open interstitial areas between structures does not indicate that the area constitutes a wildlife corridor, but does indicate that some local wildlife has acclimated by learning to utilize the remaining travel pathways in the surrounding suburban development. By definition and in practical terms, a wildlife corridor or habitat linkage is an open area that connects larger blocks of habitat that support core populations of native wildlife species.

The map on the following page illustrates the large open space parcels in the area and clearly shows that the project site is separated from these parcels and any potential

habitat linkage by suburban development. Though wildlife will utilize the property now, and in the future, the site is not part of a wildlife movement corridor/habitat linkage.



Open Space in the Vicinity of  
11472 Laurelcrest Drive



## Oak Woodlands

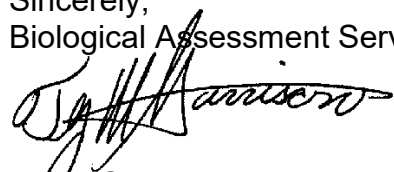
Oak woodlands and individual oak trees are protected by City ordinances and policies and are also considered sensitive resources under CEQA. The project does have the potential to impact oak trees, but as a constraints level analysis, this report does not detail oak impacts or mitigations. An oak tree survey and report has been prepared by the projects landscape architect, Dean Howell, ASLA and should be consulted for a detailed analysis of potential impacts to oaks onsite. There appear to be two errors on in the Oak Tree Report. First, the oaks onsite were misidentified as interior live oak (*Quercus wislizenii*), and thus the species proposed for use in the replacement plan are also incorrect. The species present on site and that should be used for replacement is coast live oak, (*Quercus agrifolia*). Second, there appear to be two coast live oaks in the southwest corner of the property that were overlooked in the initial report. It is recommended that these trees be included in a revised the report and that, if necessary, the replacement tree count be adjusted to remain compliant with the City's ordinance.

## Conclusion

The project site does not support any Rare, Threatened or Endangered species or habitat (in an extensive enough area) that would support those species. No species listed as Rare, Threatened, or Endangered by the state or federal governments were found on the property or are thought likely to occur there. An analysis was made of the likelihood of listed species occurring there based on known range and habitat preferences of these species. Any birds that nest on the site are protected by the Migratory Bird Treaty Act and the California Fish and Game Code. Though several native wildlife species were noted on the site, and the site may be adequate to support a few ground-dwelling mammals and reptiles, the site does not completely support any bird species, though they may utilize portions of the site occasionally and may nest onsite. The project site does not constitute a wildlife corridor or habitat linkage nor is it part of one. The oaks present on the site are protected by City Ordinance and are considered sensitive under CEQA. With adjustments to account for misidentified and overlooked trees, the tree replacement plan will meet the City's requirements for compliance. It should be noted that the City's requirements do not replace oak woodland habitat nor account for the temporal loss of individual tree canopy. There are no definable streamcourses with or riparian habitat elements present. Therefore, no permits or interactions with the agencies that regulate impacts to jurisdictional waters of the U.S. or State are required.

It is a pleasure working with you and I look forward to the opportunity to continue assisting with this project if necessary.

Sincerely,  
Biological Assessment Services



Ty M. Garrison  
Principal

Sensitive Biological Resources in the Studio City Vicinity CNDDDB – CNPS 5/2020							
	Common Name	Scientific Name	Federal Status	State Status	CDFW	CNPS	Occurrence Onsite / Note
<b>Gastropods</b>							
1.	California floater mussel	<i>Anodonta californiensis</i>	None	None	-	-	No
2.	Oregon floater mussel	<i>Anodonta oregonensis</i>	None	None	-	-	No
<b>Invertebrates</b>							
3.	Gertsch's socialchemmis spider	<i>Socalchemmis gertschi</i>	None	None	-	-	Too little known to evaluate
4.	Crotch bumble bee	<i>Bombus crotchii</i>	None	Candidate Endangered	-	-	Too little known to evaluate
5.	sandy beach tiger beetle	<i>Cicindela hirticollis gravida</i>	None	None	-	-	No
6.	Busck's gallmoth	<i>Carolella busckana</i>	None	None	-	-	No
7.	monarch - California overwintering population	<i>Danaus plexippus pop. 1</i>	None	None	-	-	No
8.	globose dune beetle	<i>Coelus globosus</i>	None	None	-	-	No
9.	Santa Monica shieldback katydid	<i>Aglaothorax longipennis</i>	None	None	-	-	No
<b>Fish</b>							
10.	Santa Ana sucker	<i>Catostomus santaanae</i>	Threatened	None	-	-	No
11.	arroyo chub	<i>Gila orcuttii</i>	None	None	SSC	-	No
12.	Santa Ana speckled dace	<i>Rhinichthys osculus ssp. 3</i>	None	None	SSC	-	No
13.	tidewater goby	<i>Eucyclogobius newberryi</i>	Endangered	None	SSC	-	No
14.	steelhead - southern California DPS	<i>Oncorhynchus mykiss irideus pop. 10</i>	Endangered	None	-	-	No
<b>Amphibians</b>							
15.	arroyo toad	<i>Anaxyrus californicus</i>	Endangered	None	SSC	-	No
16.	California red-legged	<i>Rana draytonii</i>	Threatened	None	SSC	-	No

Sensitive Biological Resources in the Studio City Vicinity CNDDDB – CNPS 5/2020							
	Common Name	Scientific Name	Federal Status	State Status	CDFW	CNPS	Occurrence Onsite / Note
	frog						
17.	southern mountain yellow-legged frog	<i>Rana muscosa</i>	Endangered	Endangered	WL	-	No
18.	Coast Range newt	<i>Taricha torosa</i>	None	None	SSC	-	No
19.	western spadefoot	<i>Spea hammondi</i>	None	None	SSC	-	No
Reptiles							
20.	southern California legless lizard	<i>Anniella stebbinsi</i>	None	None	SSC	-	Possible/unlikely
21.	California glossy snake	<i>Arizona elegans occidentalis</i>	None	None	SSC	-	No/No habitat
22.	San Bernardino ringneck snake	<i>Diadophis punctatus modestus</i>	None	None	-	-	Possible/unlikely
23.	coast patch-nosed snake	<i>Salvadora hexalepis virgultea</i>	None	None	SSC	-	Unlikely
24.	western pond turtle	<i>Emys marmorata</i>	None	None	SSC	-	No
25.	two-striped gartersnake	<i>Thamnophis hammondi</i>	None	None	SSC	-	No
26.	south coast gartersnake	<i>Thamnophis sirtalis pop. 1</i>	None	None	SSC	-	No
27.	coast horned lizard	<i>Phrynosoma blainvillii</i>	None	None	SSC	-	No
28.	coastal whiptail	<i>Aspidoscelis tigris stejnegeri</i>	None	None	SSC	-	Unlikely
Birds							
29.	Cooper's hawk	<i>Accipiter cooperii</i>	None	None	WL	-	Likely
30.	northern goshawk	<i>Accipiter gentilis</i>	None	None	SSC	-	No
31.	golden eagle	<i>Aquila chrysaetos</i>	None	None	FP; WL	-	No
32.	Swainson's hawk	<i>Buteo swainsoni</i>	None	Threatened	-	-	No
33.	bald eagle	<i>Haliaeetus leucocephalus</i>	Delisted	Endangered	FP	-	No

Sensitive Biological Resources in the Studio City Vicinity CNDDDB – CNPS 5/2020							
	Common Name	Scientific Name	Federal Status	State Status	CDFW	CNPS	Occurrence Onsite / Note
34.	Vaux's swift	<i>Chaetura vauxi</i>	None	None	SSC	-	No
35.	black swift	<i>Cypseloides niger</i>	None	None	SSC	-	No
36.	great egret	<i>Ardea alba</i>	None	None	-	-	No
37.	great blue heron	<i>Ardea herodias</i>	None	None	-	-	No
38.	snowy egret	<i>Egretta thula</i>	None	None	-	-	No
39.	black-crowned night heron	<i>Nycticorax nycticorax</i>	None	None	-	-	No
40.	northern cardinal	<i>Cardinalis cardinalis</i>	None	None	WL	-	No
41.	summer tanager	<i>Piranga rubra</i>	None	None	SSC	-	No
42.	California condor	<i>Gymnogyps californianus</i>	Endangered	Endangered	FP	-	No
43.	western snowy plover	<i>Charadrius alexandrinus nivosus</i>	Threatened	None	SSC	-	No
44.	mountain plover	<i>Charadrius montanus</i>	None	None	SSC	-	No
45.	western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	Threatened	Endangered	-	-	No
46.	merlin	<i>Falco columbarius</i>	None	None	WL	-	No
47.	prairie falcon	<i>Falco mexicanus</i>	None	None	WL	-	No
48.	American peregrine falcon	<i>Falco peregrinus anatum</i>	Delisted	Delisted	FP	-	No
49.	Lawrence's goldfinch	<i>Spinus lawrencei</i>	None	None	-	-	Possible
50.	lesser sandhill crane	<i>Antigone canadensis canadensis</i>	None	None	SSC	-	No
51.	bank swallow	<i>Riparia riparia</i>	None	Threatened	-	-	No
52.	tricolored blackbird	<i>Agelaius tricolor</i>	None	Threatened	SSC	-	No
53.	yellow-breasted chat	<i>Icteria virens</i>	None	None	SSC	-	No
54.	loggerhead shrike	<i>Lanius ludovicianus</i>	None	None	SSC	-	No

Sensitive Biological Resources in the Studio City Vicinity CNDDDB – CNPS 5/2020							
	Common Name	Scientific Name	Federal Status	State Status	CDFW	CNPS	Occurrence Onsite / Note
55.	Caspian tern	<i>Hydroprogne caspia</i>	None	None	-	-	No
56.	California gull	<i>Larus californicus</i>	None	None	WL	-	No
57.	California least tern	<i>Sternula antillarum browni</i>	Endangered	Endangered	FP	-	No
58.	elegant tern	<i>Thalasseus elegans</i>	None	None	WL	-	No
59.	osprey	<i>Pandion haliaetus</i>	None	None	WL	-	No
60.	oak titmouse	<i>Baeolophus inornatus</i>	None	None	-	-	Likely
61.	yellow warbler	<i>Setophaga petechia</i>	None	None	SSC	-	No
62.	southern California rufous-crowned sparrow	<i>Aimophila ruficeps canescens</i>	None	None	WL	-	Possible
63.	grasshopper sparrow	<i>Ammodramus savannarum</i>	None	None	SSC	-	No
64.	gray-headed junco	<i>Junco hyemalis caniceps</i>	None	None	WL	-	No
65.	Brewer's sparrow	<i>Spizella breweri</i>	None	None	-	-	No
66.	American white pelican	<i>Pelecanus erythrorhynchos</i>	None	None	SSC	-	No
67.	California brown pelican	<i>Pelecanus occidentalis californicus</i>	Delisted	Delisted	FP	-	No
68.	double-crested cormorant	<i>Phalacrocorax auritus</i>	None	None	WL	-	No
69.	red-breasted sapsucker	<i>Sphyrapicus ruber</i>	None	None	-	-	No
70.	coastal California gnatcatcher	<i>Polioptila californica californica</i>	Threatened	None	SSC	-	No
71.	yellow rail	<i>Coturnicops noveboracensis</i>	None	None	SSC	-	No
72.	Yuma Ridgway's rail	<i>Rallus obsoletus yumanensis</i>	Endangered	Threatened	FP	-	No
73.	long-eared owl	<i>Asio otus</i>	None	None	SSC	-	No
74.	burrowing owl	<i>Athene cunicularia</i>	None	None	SSC	-	No
75.	California Spotted Owl	<i>Strix occidentalis occidentalis</i>	None	None	SSC	-	No

Sensitive Biological Resources in the Studio City Vicinity CNDDDB – CNPS 5/2020							
	Common Name	Scientific Name	Federal Status	State Status	CDFW	CNPS	Occurrence Onsite / Note
76.	Costa's hummingbird	<i>Calypte costae</i>	None	None	-	-	No
77.	rufous hummingbird	<i>Selasphorus rufus</i>	None	None	-	-	Likely transient
78.	Clark's marsh wren	<i>Cistothorus palustris clarkae</i>	None	None	SSC	-	No
79.	olive-sided flycatcher	<i>Contopus cooperi</i>	None	None	SSC	-	No
80.	willow flycatcher	<i>Empidonax traillii</i>	None	Endangered	-	-	No
81.	southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	Endangered	Endangered	-	-	No
82.	least Bell's vireo	<i>Vireo bellii pusillus</i>	Endangered	Endangered	-	-	No
<b>Mammals</b>							
83.	Los Angeles pocket mouse	<i>Perognathus longimembris brevinasus</i>	None	None	SSC	-	No
84.	San Diego black-tailed jackrabbit	<i>Lepus californicus bennettii</i>	None	None	SSC	-	No
85.	western mastiff bat	<i>Eumops perotis californicus</i>	None	None	SSC	-	No
86.	big free-tailed bat	<i>Nyctinomops macrotis</i>	None	None	SSC	-	No
87.	south coast marsh vole	<i>Microtus californicus stephensi</i>	None	None	SSC	-	No
88.	San Diego desert woodrat	<i>Neotoma lepida intermedia</i>	None	None	SSC	-	No
89.	southern grasshopper mouse	<i>Onychomys torridus ramona</i>	None	None	SSC	-	No
90.	American badger	<i>Taxidea taxus</i>	None	None	SSC	-	No
91.	California leaf-nosed bat	<i>Macrotus californicus</i>	None	None	SSC	-	No
92.	pallid bat	<i>Antrozous pallidus</i>	None	None	SSC	-	No
93.	Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	None	None	SSC	-	No

Sensitive Biological Resources in the Studio City Vicinity CNDDDB – CNPS 5/2020							
	Common Name	Scientific Name	Federal Status	State Status	CDFW	CNPS	Occurrence Onsite / Note
94.	silver-haired bat	<i>Lasionycteris noctivagans</i>	None	None	-	-	No
95.	hoary bat	<i>Lasiurus cinereus</i>	None	None	-	-	No
96.	western yellow bat	<i>Lasiurus xanthinus</i>	None	None	SSC	-	No
Plants							
97.	marsh sandwort	<i>Arenaria paludicola</i>	Endangered	Endangered	-	1B.1	No/No habitat
98.	Braunton's milk-vetch	<i>Astragalus brauntonii</i>	Endangered	None	-	1B.1	No/No habitat
99.	Ventura Marsh milk-vetch	<i>Astragalus pycnostachyus var. lanosissimus</i>	Endangered	Endangered	-	1B.1	No/No habitat
100.	coastal dunes milk-vetch	<i>Astragalus tener var. titi</i>	Endangered	Endangered	-	1B.1	No/No habitat
101.	Coulter's saltbush	<i>Atriplex coulteri</i>	None	None	-	1B.2	No
102.	south coast saltscale	<i>Atriplex pacifica</i>	None	None	-	1B.2	No
103.	Parish's brittle-scale	<i>Atriplex parishii</i>	None	None	-	1B.1	No
104.	Davidson's saltscale	<i>Atriplex serenana var. davidsonii</i>	None	None	-	1B.2	No
105.	Nevin's barberry	<i>Berberis nevinii</i>	Endangered	Endangered	-	1B.1	No/conspicuous
106.	Brewer's calandrinia	<i>Calandrinia breweri</i>	None	None	-	4.2	No/conspicuous
107.	Catalina mariposa-lily	<i>Calochortus catalinae</i>	None	None	-	4.2	No/conspicuous
108.	slender mariposa-lily	<i>Calochortus clavatus var. gracilis</i>	None	None	-	1B.2	No/conspicuous
109.	Plummer's mariposa-lily	<i>Calochortus plummerae</i>	None	None	-	4.2	No/conspicuous
110.	lucky morning-glory	<i>Calystegia felix</i>	None	None	-	1B.1	No
111.	Peirson's morning-glory	<i>Calystegia peirsonii</i>	None	None	-	4.2	No
112.	Lewis' evening-primrose	<i>Camissoniopsis lewisii</i>	None	None	-	3	No
113.	white pygmy-poppy	<i>Canbya candida</i>	None	None	-	4.2	No
114.	southern tarplant	<i>Centromadia parryi ssp.</i>	None	None	-	1B.1	No

Sensitive Biological Resources in the Studio City Vicinity CNDDDB – CNPS 5/2020							
	Common Name	Scientific Name	Federal Status	State Status	CDFW	CNPS	Occurrence Onsite / Note
		<i>australis</i>					
115.	island mountain-mahogany	<i>Cercocarpus betuloides var. blanchaeae</i>	None	None	-	4.3	No/conspicuous
116.	salt marsh bird's-beak	<i>Chloropyron maritimum ssp. maritimum</i>	Endangered	Endangered	-	1B.2	No/No habitat
117.	San Fernando Valley spineflower	<i>Chorizanthe parryi var. fernandina</i>	Proposed Threatened	Endangered	-	1B.1	No/No habitat
118.	small-flowered morning-glory	<i>Convolvulus simulans</i>	None	None	-	4.2	No
119.	Santa Susana tarplant	<i>Deinandra minthornii</i>	None	Rare	-	1B.2	No
120.	western dichondra	<i>Dichondra occidentalis</i>	None	None	-	4.2	No/not observed
121.	Johnston's monkeyflower	<i>Diplacus johnstonii</i>	None	None	-	4.3	No
122.	beach spectaclepod	<i>Dithyrea maritima</i>	None	Threatened	-	1B.1	No/No habitat
123.	slender-horned spineflower	<i>Dodecahema leptoceras</i>	Endangered	Endangered	-	1B.1	No/No habitat
124.	Blochman's dudleya	<i>Dudleya blochmaniae ssp. blochmaniae</i>	None	None	-	1B.1	No
125.	Santa Monica dudleya	<i>Dudleya cymosa ssp. ovatifolia</i>	Threatened	None	-	1B.1	No/habitat not present
126.	San Gabriel Mountains dudleya	<i>Dudleya densiflora</i>	None	None	-	1B.1	No
127.	many-stemmed dudleya	<i>Dudleya multicaulis</i>	None	None	-	1B.2	No
128.	Santa Barbara bedstraw	<i>Galium cliftonsmithii</i>	None	None	-	4.3	No
129.	Palmer's grapplinghook	<i>Harpagonella palmeri</i>	None	None	-	4.2	No
130.	Los Angeles sunflower	<i>Helianthus nuttallii ssp. parishii</i>	None	None	-	1A	No

Sensitive Biological Resources in the Studio City Vicinity CNDDDB – CNPS 5/2020							
	Common Name	Scientific Name	Federal Status	State Status	CDFW	CNPS	Occurrence Onsite / Note
131.	urn-flowered alumroot	<i>Heuchera caespitosa</i>	None	None	-	4.3	No
132.	mesa horkelia	<i>Horkelia cuneata var. puberula</i>	None	None	-	1B.1	No
133.	vernal barley	<i>Hordeum intercedens</i>				3.2	No
134.	San Gabriel Mountains hulsea	<i>Hulsea vestita ssp. gabrielensis</i>	None	None	-	4.3	No
135.	California satintail	<i>Imperata brevifolia</i>	None	None	-	2B.1	No
136.	southern California black walnut	<i>Juglans californica</i>	None	None	-	4.2	No
137.	southwestern spiny rush	<i>Juncus acutus ssp. leopoldii</i>	None	None	-	4.2	No
138.	Coulter's goldfields	<i>Lasthenia glabrata ssp. coulteri</i>	None	None	-	1B.1	No
139.	fragrant pitcher sage	<i>Lepechinia fragrans</i>	None	None	-	4.2	No/conspicuous
140.	Robinson's pepper-weed	<i>Lepidium virginicum var. robinsonii</i> (now <i>L.v. menziesii</i> )	None	None	-	4.3	Species not accepted
141.	ocellated humboldt lily	<i>Lilium humboldtii ssp. ocellatum</i>	None	None	-	4.2	No/conspicuous
142.	San Gabriel linanthus	<i>Linanthus concinnus</i>				1B.2	No
143.	Payne's bush lupine	<i>Lupinus paynei</i>	None	None	-	1B.1	No
144.	Davidson's bush-mallow	<i>Malacothamnus davidsonii</i>	None	None	-	1B.2	No
145.	white-veined monardella	<i>Monardella hypoleuca ssp. hypoleuca</i>	None	None	-	1B.3	No/conspicuous
146.	California spineflower	<i>Mucronea californica</i>	None	None	-	4.2	No
147.	mud nama	<i>Nama stenocarpa</i>	None	None	-	2B.2	No
148.	Gambel's water cress	<i>Nasturtium gambelii</i>	Endangered	Threatened	-	1B.1	No/No habitat

Sensitive Biological Resources in the Studio City Vicinity CNDDDB – CNPS 5/2020							
	Common Name	Scientific Name	Federal Status	State Status	CDFW	CNPS	Occurrence Onsite / Note
149.	prostrate vernal pool navarretia	<i>Navarretia prostrata</i>	None	None	-	1B.2	No
150.	California Orcutt grass	<i>Orcuttia californica</i>	Endangered	Endangered	-	1B.1	No/No habitat
151.	Hubby's phacelia	<i>Phacelia hubbyi</i>	None	None	-	4.2	No, conspicuous
152.	lobed ground-cherry	<i>Physalis lobata</i>	None	None	-	2B.3	No
153.	white rabbit-tobacco	<i>Pseudognaphalium leucocephalum</i>	None	None	-	2B.2	No/no habitat
154.	Nuttall's scrub oak	<i>Quercus dumosa</i>	None	None	-	1B.1	No/out of range
155.	San Gabriel oak	<i>Quercus durata var. gabrielensis</i>	None	None	-	4.2	No/conspicuous
156.	salt spring checkerbloom	<i>Sidalcea neomexicana</i>	None	None	-	2B.2	No
157.	western bristly scaleseed	<i>Spermolepis lateriflora</i>	None	None	-	2A	No/No habitat, species not accepted
158.	San Bernardino aster	<i>Symphyotrichum defoliatum</i>	None	None	-	1B.2	No
159.	Greata's aster	<i>Symphyotrichum greatae</i>	None	None	-	1B.3	No
160.	Sonoran maiden fern	<i>Thelypteris puberula var. sonorensis</i>	None	None	-	2B.2	No
<b>Habitats</b>							
161.	Southern California Arroyo Chub/Santa Ana Sucker Stream	Southern California Arroyo Chub/Santa Ana Sucker Stream	None	None	-	-	No
162.	California Walnut Woodland	California Walnut Woodland	None	None	-	-	No
163.	Riversidian Alluvial Fan Sage Scrub	Riversidian Alluvial Fan Sage Scrub	None	None	-	-	No

Sensitive Biological Resources in the Studio City Vicinity CNDDDB – CNPS 5/2020							
	Common Name	Scientific Name	Federal Status	State Status	CDFW	CNPS	Occurrence Onsite / Note
164.	Southern Coast Live Oak Riparian Forest	Southern Coast Live Oak Riparian Forest	None	None	-	-	No
165.	Southern Cottonwood Willow Riparian Forest	Southern Cottonwood Willow Riparian Forest	None	None	-	-	No
166.	Southern Mixed Riparian Forest	Southern Mixed Riparian Forest	None	None	-	-	No
167.	Southern Sycamore Alder Riparian Woodland	Southern Sycamore Alder Riparian Woodland	None	None	-	-	No
168.	Southern Willow Scrub	Southern Willow Scrub	None	None	-	-	No
169.	Valley Oak Woodland	Valley Oak Woodland	None	None	-	-	No

Footnotes for Table

OCCURRENCE

- O Species **O**ccurs onsite.  
O-T Species **O**ccurs onsite as a **T**ransient  
V Species **V**ery likely occurs onsite.  
P-T Species **P**ossibly **O**ccurs onsite as a **T**ransient  
P Species **P**ossibly may occur onsite.  
U Species is **U**nlikely to occur onsite.  
N **N**o occurrence onsite.

STATUS

- E Endangered; Species is in immediate danger of extirpation or extinction from existing pressures.  
SC Species of **C**oncern, formerly a candidate for federal listing but that category was eliminated but these species are thought to warrant special attention due to suspected declines.  
3A Species withdrawn from candidacy for federal listing; believed to be extinct.  
3B Species withdrawn from candidacy for federal listing; believed not to be taxonomically valid given current information.  
3C Species withdrawn from candidacy for federal listing; proven to be more widespread than previously believed and/or not subject to any identifiable threat.  
FP **F**ully **P**rotected by special ordinance or statute.  
CT / CE State candidate for listing as threatened (T) or Endangered (E).  
PT **P**roposed **T**hreatened; Species for which a proposed rule to list as endangered or threatened has been published in the Federal Register (exclusive of taxa for which the proposed rule has been withdrawn or finalized).  
T **T**hreatened; Species not presently threatened with extinction, but is likely to become an Endangered species in the foreseeable future in the absence of special protection and management efforts.  
1A CNPS Priority List 1A; plant presumed extinct in CA.  
1B CNPS Priority List 1B; plant Rare, Threatened, or Endangered in CA and elsewhere; eligible for State listing.  
2 CNPS Priority List 2; plant rare, threatened, or Endangered in CA, but more common elsewhere; eligible for state listing.  
3 CNPS Priority List 3; more information is needed about this species.  
4 CNPS Priority List 4; on watch list for plants of limited distribution.  
\* CA has no authority to legally list invertebrate species; however, a legal agreement (1988) requires the state to monitor the status of federally listed species for threats of extinction and/or extirpation.  
m Though not protected by the state or federal government, oaks are protected by a number of local ordinances and are invariably defended vehemently by public and private special interest groups.  
SC CDFW Species of **S**pecial **C**oncern; native species not having state or federal Threatened or Endangered Species status, but thought to warrant monitoring due to declining population numbers. Includes those species tracked in the CNDDDB but not given any other special status.  
SLC Species of **L**ocal **C**oncern as reported in the FWS Sacramento region's Species of concern list.  
CSC1 CDFW Species of **S**pecial **C**oncern, **H**ighest **P**riority; species appears to face a high probability of extinction or extirpation from their entire geographic range in CA if current trend continues.  
c CDFW Species of **S**pecial **C**oncern, **S**econd **P**riority; population is definitely in jeopardy and declining, but the threat of extinction or extirpation is not immediate.  
d CDFW Species of **S**pecial **C**oncern, **T**hird **P**riority; species does not appear to face extinction soon, but populations are declining seriously or they are otherwise highly vulnerable to human developments.  
FSS **F**ederal (Bureau of Land Management and US Forest Service) **S**ensitive **S**pecies.  
CNDDDB ranks are shorthand formulas that provide information on the rarity of a species or subspecies, both throughout its global range and its range within the State. We use the best information available to assign these ranks and they are regularly updated as new information becomes available.  
GLOBAL RANKS: Worldwide status of a full species: G1 to G5  
G1 = Extremely endangered: <6 viable occurrences (EO's) or <1,000 individuals, or < 2,000 acres of occupied habitat  
G2 = Endangered: about 6-20 EO's or 1,000 - 3,000 individuals, or 2,000 to 10,000 acres of occupied habitat  
G3 = Restricted range, rare: about 21-80 EO's, or 3,000 – 10,000 individuals, or 10,000 – 50,000 acres of occupied habitat  
G4 = Apparently secure; some factors exist to cause some concern such as narrow habitat or continuing threats  
G5 = Demonstrably secure; commonly found throughout its historic range  
STATE RANKS: Statewide status of a full species or a subspecies: S1 to S5

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Same general definitions as global ranks, but just for the range of the taxa within California.

T-RANKS: Status of a subspecies throughout its range: T1 to T5

A subspecies is given a T-rank. This is attached to the G-rank for the full species. The S-rank, in this case, will refer to the status of the subspecies within California. The T-rank has the same general definitions as the global ranks.

- RR T&D Partners in Flight (PIF) watch list is produced by a coalition of non governmental organizations including the National Audubon Society, American Bird conservancy, American Birding Association, National Fish and Wildlife Foundation, Colorado Bird Observatory, Cornell Lab of Ornithology and others. Watched species are those that are faced with population decline, limited geographic range, and/or threats such as habitat loss on their breeding and wintering grounds. The list excludes species listed under the ESA. HC – **Highest Concern** – Species that are in imminent danger of extinction in the wild (may include listed species) RR **Range Restricted** - indicates a species whose range is limited and which might be vulnerable to catastrophic events. T&D **Threatened and Declining** – Indicates a species for which existing data indicates that ongoing threats are resulting in a decline of the species throughout its range.
- W **Watch List**; Location information for this species not computerized. The CNDDDB is currently collecting distribution information.
- \* Protected by County Ordinance (all oak species)
- \*\* Protected by CDFW Code Chapter 1600 and Section 404 of the Clean Water Act (U.S. Army Corps of Engineers (USACE)).

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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](mailto: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**

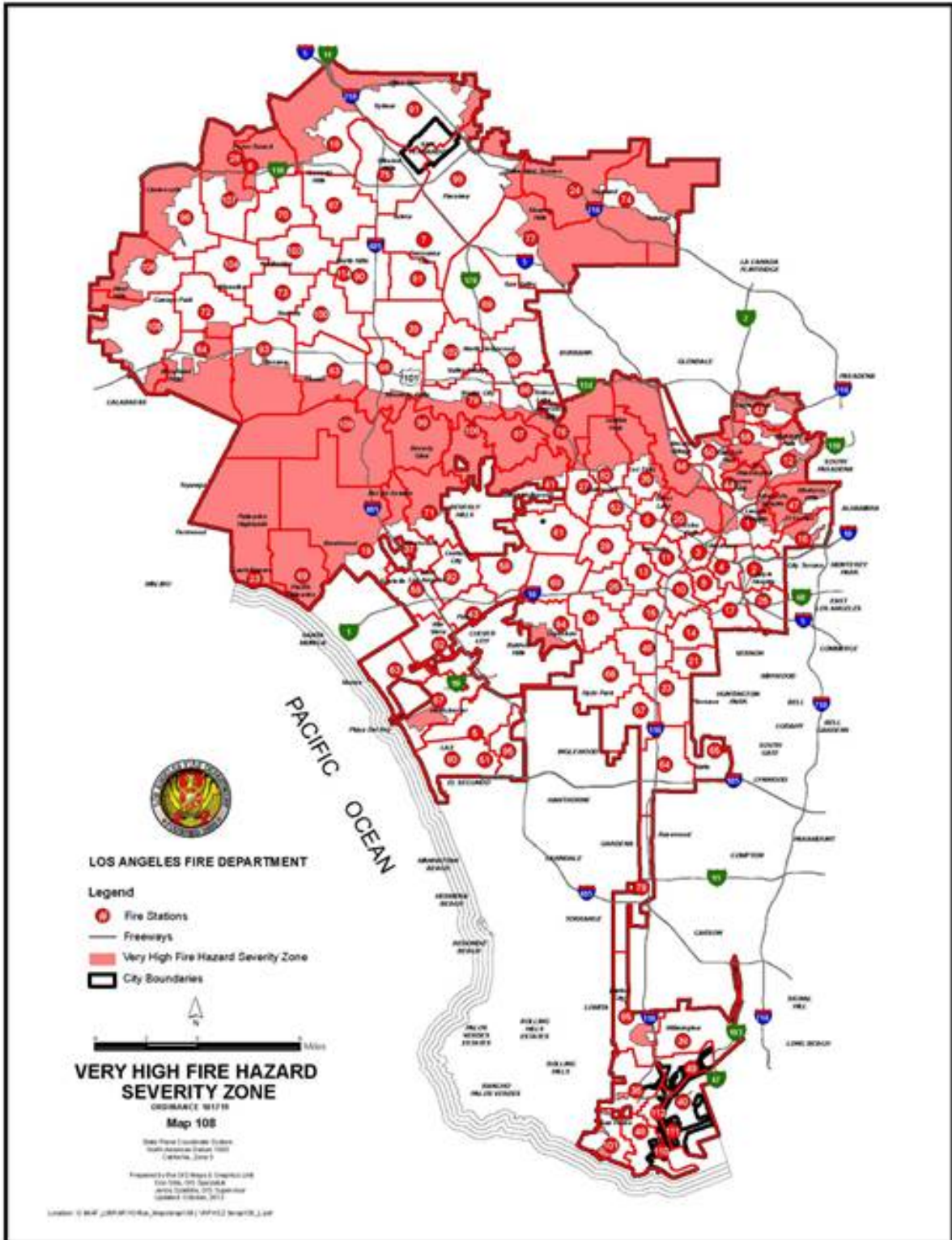
For the reasons outlined above, approval of the Tree Permit as requested would violate CEQA. My client urges the Board of Public Works to either **deny** the Tree Removal Permit or **take no action on the Project** and send the file back to the City’s Environmental Compliance Unit for further environmental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

Sincerely,



Jamie T. Hall

# **Exhibit 1**



**SANTA MONICA MOUNTAINS CONSERVANCY**

LOS ANGELES RIVER CENTER & GARDENS  
570 WEST AVENUE TWENTY-SIX, SUITE 100  
LOS ANGELES, CALIFORNIA 90065  
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October 28, 2019

Los Angeles City Council  
c/o Ms. Holly L. Wolcott, City Clerk  
City of Los Angeles  
200 North Spring Street, Room 360  
Los Angeles, California 90012

**Council File No. 19-1134, BPW-2019-0508, 11472 West Laurelcrest Drive**

Hon. Councilmembers:

The Santa Monica Mountains Conservancy (Conservancy) supports the appeal of the above-referenced Tree Removal Permit (BPW-2019-0508) at 11472 West Laurelcrest Drive. The Conservancy is the principal State planning agency in the Santa Monica Mountains Zone. The scale and ecological damage of the subject proposed project are antithetical to the public interest.

The California Environmental Quality Act (CEQA) requires for such a proposed project with significant adverse impacts that an Initial Study and Mitigated Negative Declaration (MND) be prepared and circulated for public comment. The extensive removal of protected trees alone prevents the subject project from qualifying for a Categorical Exemption.

Conservancy staff supports the points raised by the appellant's consultants in both the letter provided by Land Protection Partners (July 14, 2019), and the memorandum from Cooper Ecological Monitoring, Inc. (July 13, 2019). The proposed removal of six established Coast Live Oak trees (*Quercus agrifolia*) is potentially significant biological impact that must be addressed in an MND. The requirement to plant replacement trees, which is a mitigation measure required under the City's Protected Tree Ordinance, should serve to demonstrate that such an action is ineligible for a Categorical Exemption from CEQA.

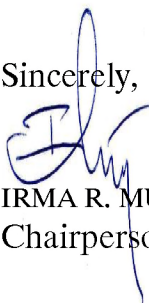
The subject property and the adjacent undeveloped property at 11476 Laurelcrest Drive, currently support more than a half-acre of Coast Live Oak and California Black Walnut (*Juglans californica*) woodland habitat of a density that is found nowhere else in an otherwise completely developed hillside neighborhood. The existing Oak and Walnut woodland habitat on these two properties is a valuable refuge and foraging area for deer and other wildlife that can otherwise only traverse this area on paved streets. The proposed

removal of a portion of this habitat would be a potentially significant adverse biological impact that must be addressed in an MND. No analysis of the site as a habitat refuge has been conducted.

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. 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."

Further correspondence and notice regarding this project should be sent to the attention of Paul Edelman, Deputy Director of Natural Resources and Planning, at King Gillette Ranch, 26800 Mulholland Highway, Calabasas, California 91302.

Sincerely,  
  
IRMA R. MUÑOZ  
Chairperson

# Channel Law Group, LLP

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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](mailto: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*<sup>1</sup>, 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.

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<sup>1</sup> 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**

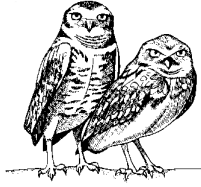
For the reasons outlined above, approval of the Tree Permit would violate CEQA. My client urges the Board of Public Works to either **deny** the Tree Removal Permit or **take no action on the Project** and send the file back to the City's Environmental Compliance Unit.

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 more prominent than the last name "Hall".

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.

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# **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

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255 Satinwood Ave.  
Oak Park, CA 91377  
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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](http://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.

# Jan C. Scow Consulting Arborists, LLC

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

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Santa Monica, CA 90404  
(818) 789-9127

8/31/19 (2<sup>nd</sup> 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



# 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.

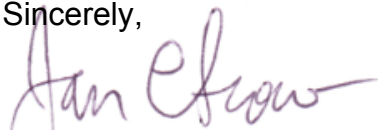
4) If you desire to have two of the many mitigation oaks planted on your property below your house that would be an excellent location, if the City will allow it.

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.

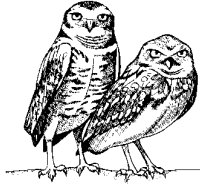
Please let us know if we can be of any further assistance or if you have any additional questions. Our goal is to satisfy our clients and help them to better care for their trees in the most effective way possible. We look forward to working with you toward that goal!

Sincerely,



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





## 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.

**SANTA MONICA MOUNTAINS COMPREHENSIVE PLAN**

**Adopted February 1979**

**Revised for Submission to the Secretary of the  
Interior, August 1979**



**State of California  
SANTA MONICA MOUNTAINS  
COMPREHENSIVE PLANNING COMMISSION  
107 South Broadway, Room 7106  
Los Angeles, California  
(213/620-2021)**

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The Commission expresses deep appreciation to the California Environmental Intern program for support of the study and to James Pepper, Associate Professor of Environmental Planning, University of California at Santa Cruz, for his assistance and encouragement.

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The Commission gratefully acknowledges the assistance of the Office of Planning and Research:

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Donna Rivers, Graphics

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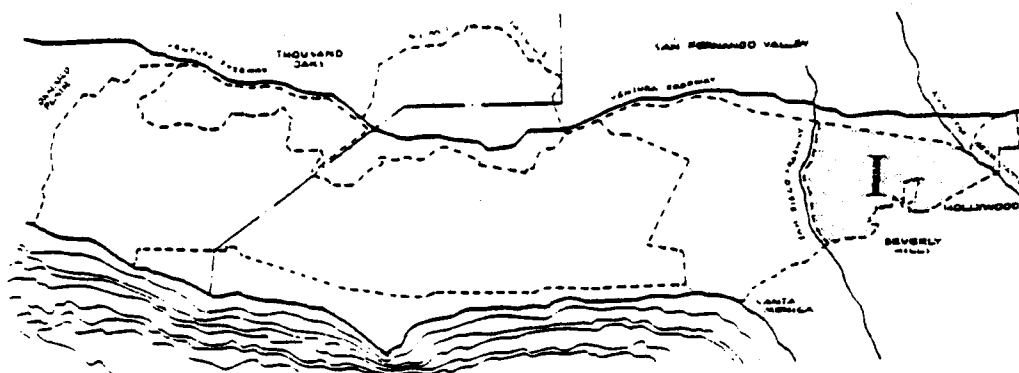
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## CHAPTER III: SPECIFIC AREA RECOMMENDATIONS

The Santa Monica Mountains have been divided into six planning areas for more detailed recommendations. These areas are: (1) City of Los Angeles East of San Diego Freeway; (2) City of Los Angeles West of San Diego Freeway; (3) The Agoura Vicinity and Simi Hills; (4) The Interior of the Mountains in Los Angeles and Ventura Counties; (5) The City of Thousand Oaks; and, (6) the Coastal Corridor. As discussed in the Introduction, no specific land use recommendations have been prepared for the Coastal Corridor.

### Subarea I: City of Los Angeles East of San Diego Freeway

Population:	1977 Estimate	60,319
	1990 Santa Monica Mts. Plan Estimate	61,469



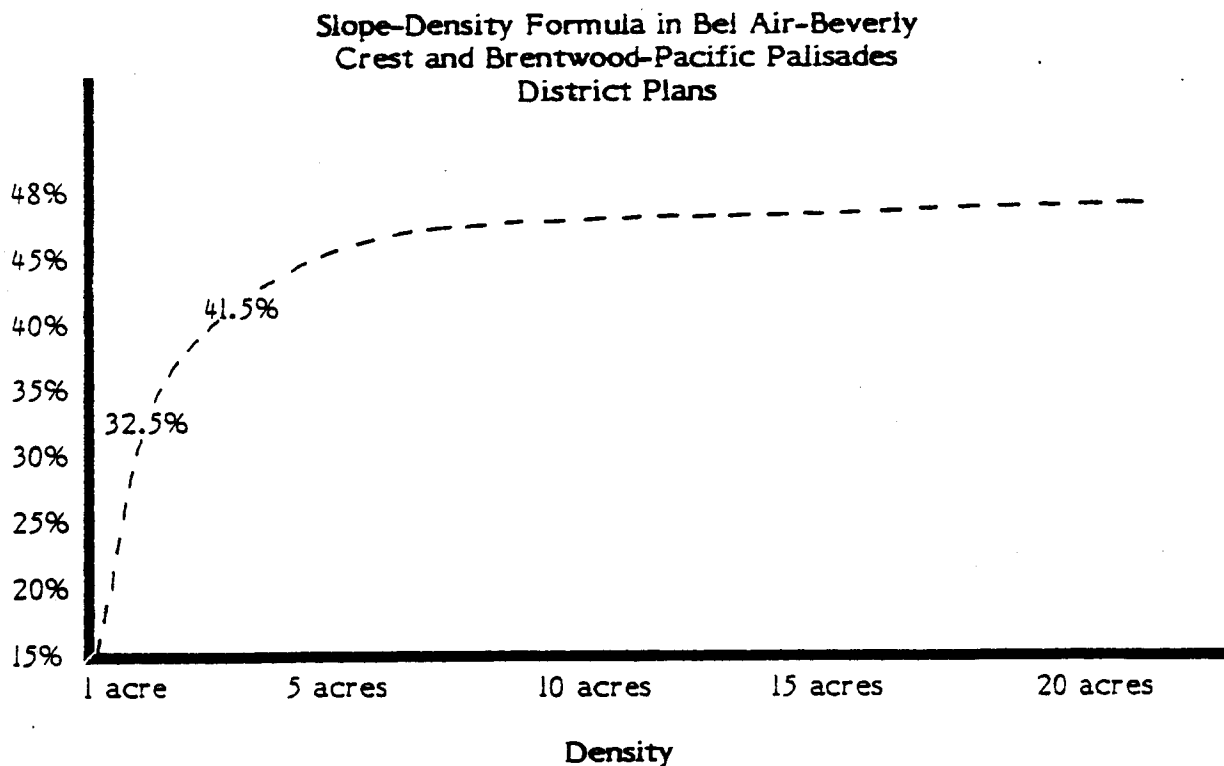
This predominantly residential subarea includes the City's District Plan for Beverly Crest-Bel Air and portions of the District Plans of Sherman Oaks-Studio City and Hollywood. The Commission's major planning objectives in this subarea are to establish substantial public parks with adequate access (discussed in the Recreation Section) and to maintain the quality of the current low-density residential areas. In line with the latter goal, grading ordinances should be adopted to protect the land from excessive grading and removal of brush.

Densities in the Beverly Crest-Bel Air District Plan are subject to a slope-density formula in areas designated as "minimum density." Approximately 3,580 acres of residential land are designated as minimum density (1-to-2 acres per dwelling unit); this acreage amounts to about 37% of the entire residential land in the District Plan. The minimum density areas are found mainly between the San Diego Freeway and Stone Canyon Reservoir and between Beverly Glen Boulevard and the Franklin Reservoirs. Under this formula, the density will be reduced on slopes of 15% or over. The lowest density will be reached at 48% slope when 20 acres are required per dwelling unit.

### Subarea I: Recommendations

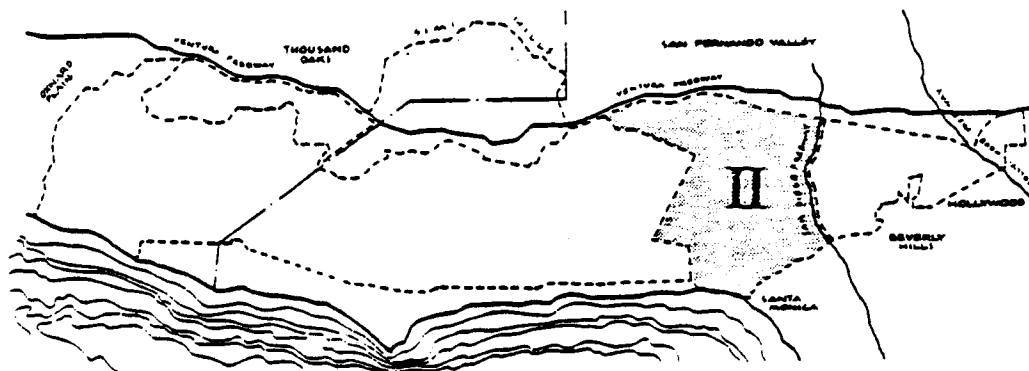
1. Grading ordinances should be adopted to protect the land from excessive grading and removal of brush.
2. The "Beverly Crest-Bel Air" formula should be applied to all land designated "minimum density" in the City District Plans and the Franklin Canyon Zoned District within the Santa Monica Mountains.

A slope density formula will reduce the need for extensive grading by decreasing density as the slope increases. Lower densities allow the clustering of development on flatter, more accessible land not requiring excessive grading and may result in shorter and narrower roads. Reducing the number of public buildings and services required by high density development will indirectly lower the need to grade.



## Subarea II: City of Los Angeles, West of San Diego Freeway

Population:	1977 Estimate	69,827
	1990 Santa Monica Mts. Plan Estimate	76,787



Like Subarea I, the principal planning objectives for Subarea II are to protect the residential quality of the area and preserve the natural resources.

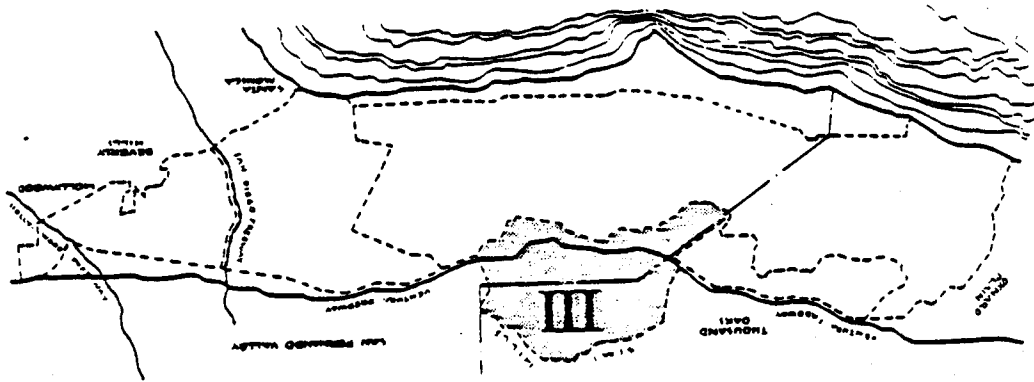
Approximately half of Subarea II is already in public ownership, including Topanga State Park, Rustic and Sullivan Canyons, and the Mission Canyon landfill site. About half of the private land remains undeveloped. Existing densities range from 2 acres per dwelling unit in the interior canyons and ridges to about 7 dwelling units per acre in the flatter, more accessible areas in Tarzana-Encino.

### **Subarea II: Recommendations**

1. Grading ordinances should be adopted to protect the land from excessive grading and removal of brush.
2. The "Beverly Crest-Bel Air" formula should be adopted and applied to the entire subarea where the District Plan designation of "minimum density" applies. The formula is presently not applied in the District Plans of Canoga Park-Winnetka-Woodland Hills and Encino-Tarzana. The areas in the Brentwood-Pacific Palisades District Plan presently exempted from the formula should be reclassified to "minimum density" and become subject to the formula.

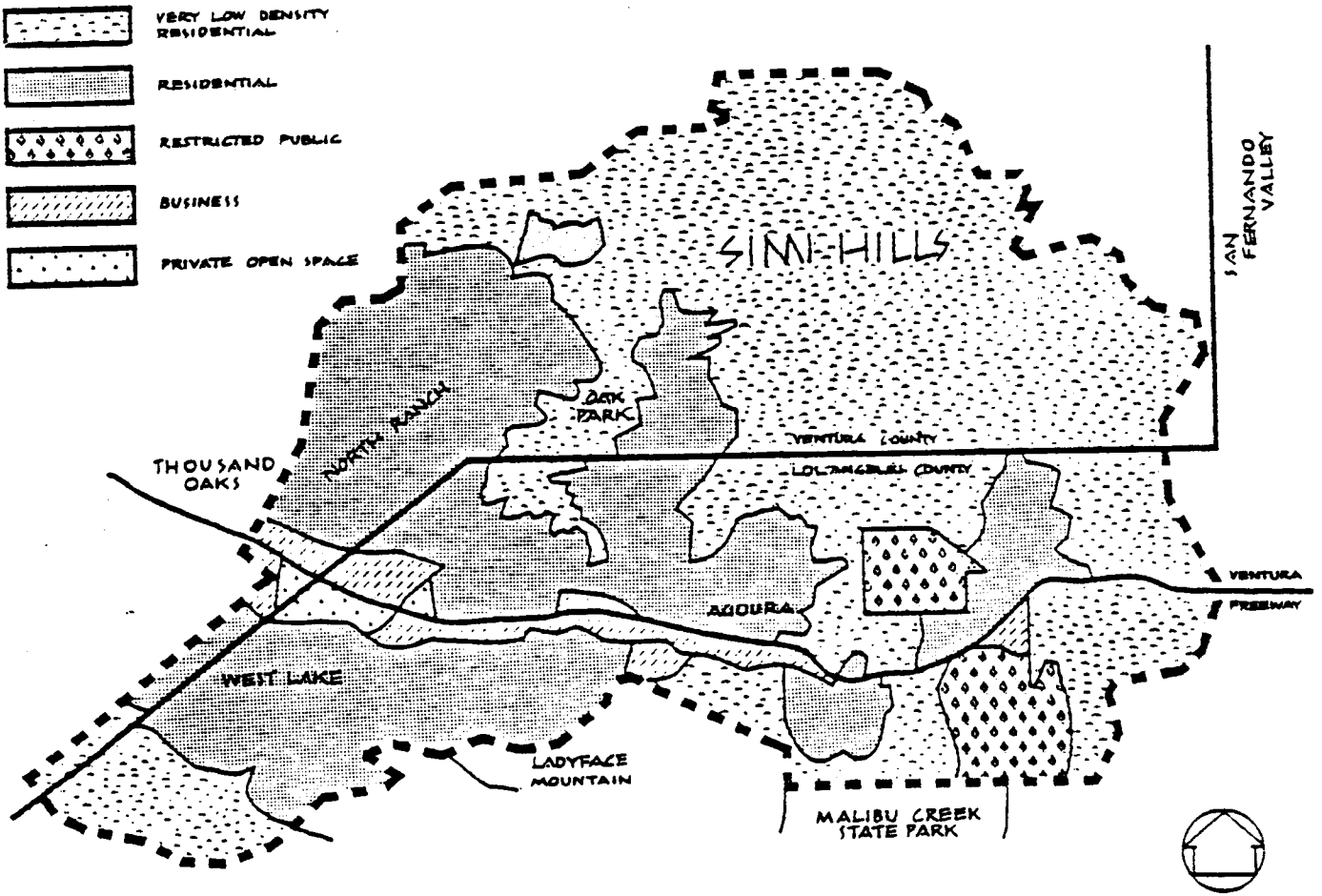
### Subarea III: The Agoura Vicinity and Simi Hills

Population:	1977 Estimate	18,356
	1990 Santa Monica Mts. Plan Estimate	34,716



This subarea includes the Agoura and Westlake vicinity in Los Angeles County, the Simi Hills portion of Ventura County, and a section of the North Ranch in the City of Thousand Oaks. A major objective in the planning area is to allow existing and future residential, commercial, and industrial tracts to become a harmonious community while each retains a distinct identity and is defined by natural areas separating them from one another where the steeper slopes dictate. Also, greenbelts should separate the Agoura area from adjacent, large urban concentrations. The area has already attracted a number of "clean industries"; this trend should be supported and encouraged. The Commission proposes that commercial development be allowed in a total of approximately 897 acres. Large regional shopping centers already exist in San Fernando Valley and in the City of Thousand Oaks. Therefore, the shopping facilities recommended for the Agoura area will be primarily for local or neighborhood needs.

The Ventura Freeway serves as the major transportation artery. Several roads exit from the freeway and run north and south. There is no complete network of east-west roads connecting the various neighborhoods nor is it anticipated that a well developed system will ever be physically or economically feasible. Most public services are available or can be extended, with the possible exception of sanitary sewage treatment. Schools are presently filled to capacity. A new school district was recently created to serve the existing and future population in the Oak Park area of Ventura County.



**SUBAREA III : THE AGOURA VICINITY AND SIMI HILLS**

The area is relatively free of natural constraints. Much of this land is on relatively flat slopes (less than 20%) along the Freeway, Kanan Road, Chesebro Road, in the Westlake area, and along Las Virgenes Road. These favorable conditions have already attracted several large developments, such as Westlake, Lake Lindero, and Oak Park. There are, however, several areas with serious constraints within the subarea, generally on steep high ground. These should be kept at rural densities, so that they provide greenbelt separations between the residential neighborhoods. Examples are the hills between Liberty Canyon and Las Virgenes Road and the hills between Oak Park and upper Lindero Canyon.

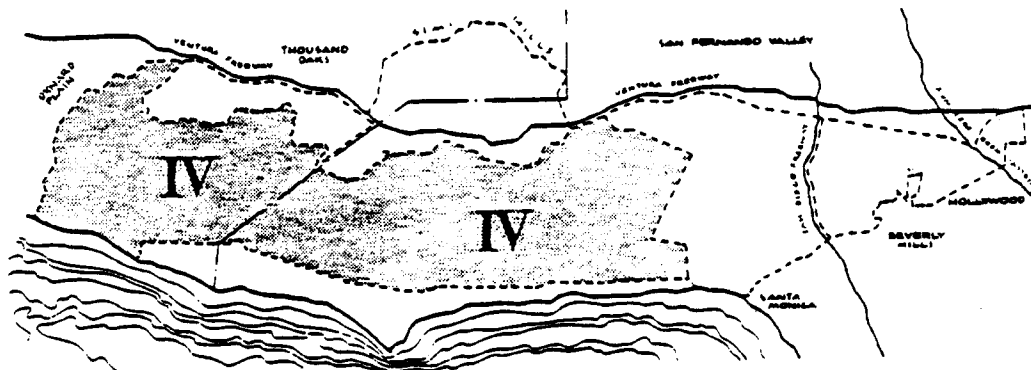
Presently Agoura is cluttered with a variety of large signs and billboards along both sides of the Ventura Freeway. The resulting visual blight lowers the residential and commercial quality of the area. This becomes apparent when the Agoura area is compared with Thousand Oaks and Westlake where signs and billboards are under much stricter control. Subarea III recommendations will allow a strong community with several, distinct neighborhoods divided by greenbelts or low-density rural sections. The feeling of overcrowding and total development would be avoided and the sense of community strengthened.

### **Subarea III: Recommendations**

1. Central Agoura should have planned growth for a community with a strong sense of identity and with opportunities to live and work in the same area.
2. Residential neighborhoods should be developed with densities ranging from 1-to-5 dwelling units per acre in the flat portions, and in selected locations, townhouses and apartment densities should be allowed.
3. On the edge of the relatively dense residential areas, lower densities should be required (1-to-5 acres per dwelling unit) because two constraints are prevalent. Developments should be clustered away from serious hazards.
4. Residential densities should be further reduced in the more remote sections, generally in the canyons and on the ridges proposed as greenbelts for the Agoura-Simi Hills community.
5. Better standards for sign control and procedures to phase out billboards should be adopted for this area.

### Subarea IV: The Interior of the Mountains in Los Angeles and Ventura Counties

Population:	1977 Estimate	18,614
	1990 Santa Monica Mts. Plan Estimate	25,614



This is the largest and least developed subarea, the heart of the Mountains, reaching from the westerly boundary of Topanga State Park to the Oxnard Plain. It is bounded on the north by the Agoura-Simi Hills subarea and Thousand Oaks and on the south by the Coastal Corridor. The planning options are still open because development is concentrated in a few, relatively small places. Therefore, the Commission's recommendations can and will have a more far-reaching effect on the future of the Mountains than in the other subareas. The natural resources and scenic beauty can and should be preserved. If California fails to take this opportunity, the loss of the natural openness of the Mountains will be sorely felt by future generations. Conservation, open space, compatible recreation, and rural densities are, therefore, the major land uses recommended for the interior Mountains.

In some existing small communities development should be allowed by in-filling at the ~~prevailing~~ prevailing density, provided that the road network and urban services have the necessary capacity. The feasibility of expanding existing commercial services or establishing new commercial areas should also be investigated. In principle, commercial services to fulfill the residents' daily needs are to be encouraged.

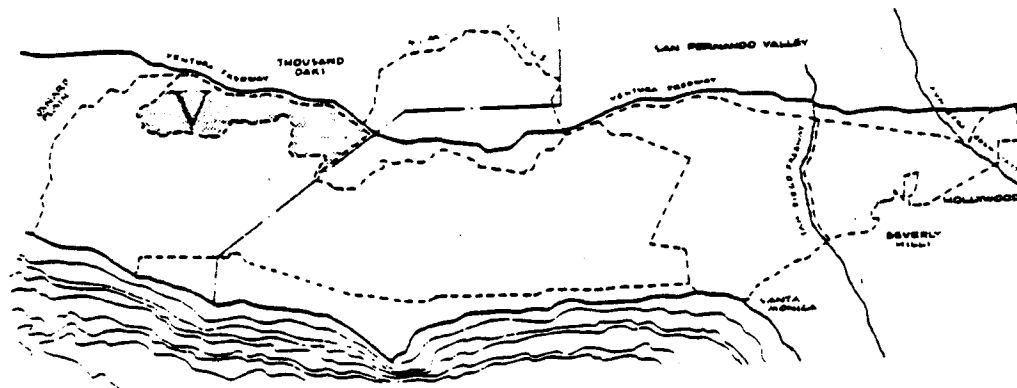
In the more remote portions of this subarea, clustering should be the preferred development pattern. However, in Ventura County, the Commission finds that due to the existing base level of low-density zoning (10-40 acres per unit), the lack of adequate water and road service, and the need for large building sites for septic systems, clustering is not appropriate for this area. In the remainder of this subarea where services exist, cluster development is appropriate. Clustering will reduce hazardous grading for access roads, allow wildlife to move freely in the recommended wildlife network, and at the same time preserve the rural character of the land.

#### Subarea IV: Recommendations

1. Retain existing private open space. For example, the Commission recommends that an agreement can be made with the Salvation Army Camp and the Boy Scouts Camp east of Point Mugu State Park to give the public the right of first refusal if the property is sold. The agreement should also provide for trail easements through these properties and stipulate that no development take place.
2. Detailed plans for the existing communities within the interior of the Mountains (Calabasas, Topanga, Monte Nido, Malibu Lake, and Sherwood Lake) should be prepared in cooperation with neighborhood groups.
3. Most private land in this subarea should be devoted to low-residential use (from 5-to-40 acres per dwelling unit). In areas where slopes are generally less than 33% and the constraints are less severe, 5-to-20 acres per dwelling unit are recommended.
4. Media Creek Valley should be used for grazing and other agricultural uses, combined with low-density residential development. The feasibility of bringing treated water from the Tapia Plant to this valley for irrigation should be investigated.

### Subarea V: The City of Thousand Oaks

Population:	1977 Estimate	23,275
	1990 Santa Monica Mts. Plan Estimate	53,470



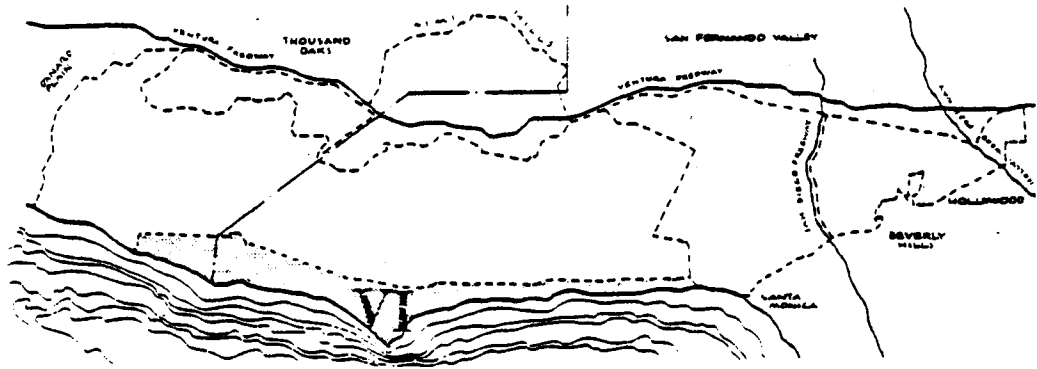
Newbury Park and the western section of Westlake Village fall within the Commission's planning zone. Both these areas are included in the General Plan for the City of Thousand Oaks.

#### **Subarea V: Recommendations**

1. Commercial and industrial uses are recommended south of the Ventura Freeway as indicated in the Thousand Oaks General Plan.
2. Residential densities ranging from 1-to-5 units per acre are recommended for most of the area.
3. Very low densities are recommended for the Danielson Ranch and portions of the Broome and Dos Vientos Ranches.
4. Along the ridge towards Hidden Valley, open spaces and the low-density residential development are recommended.

Subarea VI: Coastal Corridor

Population:	1977 Estimate	15,685
	1990 Santa Monica Mts. Plan Estimate	22,500



This subarea covers the entire coastline from Topanga State Park to Calleguas Creek in Ventura County. No specific land use recommendations have been prepared for the Coastal Corridor, but Local Coastal Programs should be reviewed for their impact on the remaining portion of the Santa Monica Mountains. The 1990 population estimate was derived from the proposed Los Angeles County Plan and adopted Ventura County Plan.

CITY OF LOS ANGELES  
CALIFORNIA

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BUILDING AND SAFETY  
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**GEOLOGY AND SOILS REPORT APPROVAL LETTER**

May 18, 2018

LOG # 103199  
SOILS/GEOLOGY FILE - 2

Larry Schlossberg  
3207 Laurel Canyon Blvd.  
Studio City, CA 91604

TRACT: Record of Survey (RS 38-10)  
LOT: 4 (Arb. 100)  
LOCATION: 11472 W. Laurelcrest Drive

<u>CURRENT REFERENCE REPORT/LETTER(S)</u>	<u>REPORT No.</u>	<u>DATE OF DOCUMENT</u>	<u>PREPARED BY</u>
Geology/Soils Report	GH18227-G	04/18/2018	Grover Hollingsworth
Oversized Docs.	"	"	"

<u>PREVIOUS REFERENCE REPORT/LETTER(S)</u>	<u>REPORT No.</u>	<u>DATE OF DOCUMENT</u>	<u>PREPARED BY</u>
Dept. Correction Letter	46282	01/12/2005	LADBS
Geology/Soils Report	G-2112-FG	06/29/2004	Technosoil, Inc.
Dept. Approval Letter	16727	04/02/1990	LADBS
Geology/Soils Report	KB 12931-G	10/31/1989	Kovacs-Byer & Associates

The Grading Division of the Department of Building and Safety has reviewed the referenced report that provides recommendations for the proposed two-story residence, swimming pool, and carport. The lower level of the residence and carport will be partially subterranean. Retaining walls ranging up to 18 feet in height are proposed for the subterranean floor levels, rear yard area, and driveway. The subject property is vacant and undeveloped. A slope ascends about 125 feet in height from the Laurelcrest Drive to the adjacent property at the rear and up to Laurelcrest Road at gradients of about 1½:1 to 2¼:1 (H:V). Subsurface exploration performed by the consultant consisted of two test pits to a maximum depth of 15½ feet. The earth materials at the subsurface exploration locations consist of up to 1 feet of uncertified fill underlain by soil and siltstone and sandstone bedrock. Geologic structure observed by the consultant consisted of east and southeast dipping bedding between 32 and 70 degrees. The consultants recommend to support the proposed structures on conventional and/or drilled-pile foundations bearing in competent bedrock.

The subject property had been previously investigated by Pacific Soils Engineering (1967), Kovacs-Byer & Associates (1989), and Technosoil, Inc. (2004) to address various residential development on the property. PSE excavated four test pits to a maximum depth of 10½ feet. KBA drilled three deep borings to a maximum depth of 40 feet. TI excavated four test pits to a maximum depth of 17¾ feet. The bedrock structure reported by the various consultants indicated variable and folded bedding. Past reports had been reviewed and conditionally approved by the Department. However, the most recent report by TI was not approved in a letter dated 01/12/2005, Log #46282. No subsequent response had been provided and the property has remained undeveloped.



The referenced report is acceptable, provided the following conditions are complied with during site development:

(Note: Numbers in parenthesis ( ) refer to applicable sections of the 2017 City of LA Building Code. P/BC numbers refer the applicable Information Bulletin. Information Bulletins can be accessed on the internet at LADBS.ORG.)

1. Conformance with the Zoning Code Section 12.21 C8, which limits the heights and number of retaining walls, will be determined during structural plan check.
2. Approval shall be obtained from the Department of Public Works, Bureau of Engineering, Development Services and Permits Program for the proposed removal of support and/or retaining of slopes adjoining to public way (3307.3.2).

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3. Secure the notarized written consent from all owners upon whose property proposed grading/construction access is to extend, in the event off-site grading and/or access for construction purposes is required (7006.6). The consent shall be included as part of the final plans.
4. The geologist and soils engineer shall review and approve the detailed plans prior to issuance of any permits. This approval shall be by signature on the plans that clearly indicates the geologist and soils engineer have reviewed the plans prepared by the design engineer; and, that the plans include the recommendations contained in their reports (7006.1).
5. All recommendations of the report that are in addition to or more restrictive than the conditions contained herein shall be incorporated into the plans.
6. A copy of the subject and appropriate referenced reports and this approval letter shall be attached to the District Office and field set of plans (7006.1). Submit one copy of the above reports to the Building Department Plan Checker prior to issuance of the permit.
7. A grading permit shall be obtained for all structural fill and retaining wall backfill (106.1.2).
8. All graded, brushed or bare slopes shall be planted with low-water consumption, native-type plant varieties to protect slopes against erosion (7012).
9. All new graded slopes shall be no steeper than 2H:1V (7010.2 & 7011.2).
10. Prior to the issuance of any permit, an accurate volume determination shall be made and included in the final plans, with regard to the amount of earth material to be exported from the site. For grading involving import or export of more than 1000 cubic yards of earth materials within the grading hillside area, approval is required by the Board of Building and Safety. Application for approval of the haul route must be filed with the Board of Building and Safety Commission Office. Processing time for application is approximately 8 weeks to hearing plus 10-day appeal period.
11. All man-made fill shall be compacted to a minimum 90 percent of the maximum dry density of the fill material per the latest version of ASTM D 1557. Where cohesionless soil having less than 15 percent finer than 0.005 millimeters is used for fill, it shall be compacted to a minimum of 95 percent relative compaction based on maximum dry density. Placement of gravel in lieu of compacted fill is only allowed if complying with LAMC Section 91.7011.3.
12. Existing uncertified fill shall not be used for support of footings, concrete slabs or new fill (1809.2, 7011.3).



13. Drainage in conformance with the provisions of the Code shall be maintained during and subsequent to construction (7013.12).
14. Grading shall be scheduled for completion prior to the start of the rainy season, or detailed temporary erosion control plans shall be filed in a manner satisfactory to the Grading Division of the Department and the Department of Public Works, Bureau of Engineering, B-Permit Section, for any grading work in excess of 200 cubic yards (7007.1).

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15. The applicant is advised that the approval of this report does not waive the requirements for excavations contained in the General Safety Orders of the California Department of Industrial Relations (3301.1).
16. Temporary excavations that remove lateral support to the public way, adjacent property, or adjacent structures shall be supported by shoring. Note: Lateral support shall be considered to be removed when the excavation extends below a plane projected downward at an angle of 45 degrees from the bottom of a footing of an existing structure, from the edge of the public way or an adjacent property. (3307.3.1)
17. Where any excavation, not addressed in the approved reports, would remove lateral support (as defined in 3307.3.1) from a public way, adjacent property or structures, a supplemental report shall be submitted to the Grading Division of the Department containing recommendations for shoring, underpinning, and sequence of construction. Report shall include a plot plan and cross-section(s) showing the construction type, number of stories, and location of adjacent structures, and analysis incorporating all surcharge loads that demonstrate an acceptable factor of safety against failure. (7006.2 & 3307.3.2)
18. Prior to the issuance of any permit that authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Department with evidence that the adjacent property owner has been given a 30-day written notice of such intent to make an excavation (3307.1).
19. The soils engineer shall review and approve the shoring plans prior to issuance of the permit (3307.3.2).
20. Unsurcharged temporary excavations exposing unsupported geology and/or unsupported bedding planes may be cut vertical up to 4 feet in height. Excavations above 4 feet shall be trimmed back along the bedding plane or at a 1H:1V slope inclination, whichever is flatter, or shored, as recommended.
21. Unsurcharged temporary excavations exposing fill, soil, and/or weathered bedrock shall be trimmed back at a gradient not exceeding 1:1, as recommended.
22. Unsurcharged temporary excavations in favorably-oriented bedrock may be cut vertical up to 8 feet. For excavations over 8 feet, the lower 8 feet may be cut vertically and the portion of the excavation above 8 feet shall be trimmed back at a gradient not exceeding 1:1, as recommended.
23. Shoring shall be designed for the lateral earth pressures specified starting on page 42 of the 04/18/2018 report; all surcharge loads shall be included into the design. Total lateral load on shoring piles shall be determined by multiplying the recommended EFP by the pile spacing.
24. Shoring shall be designed for a maximum lateral deflection of 1 inch, provided there are no structures within a 1:1 plane projected up from the base of the excavation. Where a structure is



within a 1:1 plane projected up from the base of the excavation, shoring shall be designed for a maximum lateral deflection of ½ inch, or to a lower deflection determined by the consultant that does not present any potential hazard to the adjacent structure.

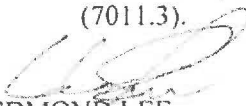
25. A shoring monitoring program shall be implemented to the satisfaction of the soils engineer.
26. All foundations shall derive entire support from competent bedrock, as recommended and approved by the geologist and soils engineer by inspection.
27. Foundations adjacent to a descending slope steeper than 3:1 (horizontal to vertical) in gradient shall be a minimum distance of one-third the vertical height of the slope but need not exceed 40 feet measured horizontally from the footing bottom to the face of the slope (1808.7.2); for pools the foundation setback shall be one-sixth the slope height to a maximum of 20 feet (1808.7.3).
28. Buildings adjacent to ascending slopes steeper than 3H:1V in gradient shall be setback from the toe of the slope a level distance measured perpendicular to slope contours equal to one-half the vertical height of the slope, but need not exceed 15 feet (1808.7.1); for pools the setback shall be one-fourth the vertical height of the slope, but need not exceed 7.5 feet (1808.7.3).
29. Pile caisson and/or isolated foundation ties are required by LAMC Sections 91.1809.13 and/or 91.1810.3.13. Exceptions and modification to this requirement are provided in Information Bulletin P/BC 2014-030.
30. Pile and/or caisson shafts shall be designed for a lateral load of 1000 pounds per linear foot of shaft exposed to soil and weathered bedrock, as recommended.
31. The design passive pressure shall be neglected for a portion of the pile with a horizontal setback distance less than five feet from fill, soil or weathered bedrock.
32. When water is present in drilled pile holes, the concrete shall be tremied from the bottom up to ensure minimum segregation of the mix and negligible turbulence of the water (1808.8.3).
33. Existing uncertified fill and soil shall not be used for lateral support of deep foundations.
34. Slabs placed on approved compacted fill shall be at least 3½ inches thick and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.
35. Concrete floor slabs placed on expansive soil shall be placed on a 4-inch fill of coarse aggregate or on a moisture barrier membrane. The slabs shall be at least 3½ inches thick and shall be reinforced with ½-inch diameter (#4) reinforcing bars spaced a maximum of 16 inches on center each way.
36. Slabs on uncertified fill or soil shall be designed as a structural slab.
37. The seismic design shall be based on a Site Class C as recommended. All other seismic design parameters shall be reviewed by LADBS building plan check.
38. Retaining walls shall be designed for the lateral earth pressures specified in the section titled "Retaining Walls" starting on page 39 of the 04/18/2018 report. Note: Where two separate stacked retaining walls (the upper wall surcharges the lower wall) are proposed, the lower of the two walls shall be designed for the combined height of the two walls. All surcharge loads shall be included into the design.
39. Retaining walls higher than 6 feet shall be designed for lateral earth pressure due to earthquake motions as specified on page 39 of the 04/18/2018 report (1803.5.12).




40. Basement walls and other walls in which horizontal movement is restricted at the top shall be designed for at-rest pressure as specified on page 40 of the 04/18/2018 report (1610.1). All surcharge loads shall be included into the design.
41. Retaining walls at the base of ascending slopes shall be provided with a minimum 18 inches of freeboard, as recommended.
42. The recommended equivalent fluid pressure (EFP) for the proposed retaining wall shall apply from the top of the freeboard to the bottom of the wall footing.
43. All retaining walls shall be provided with a standard surface backdrain system and all drainage shall be conducted in a non-erosive device to the street in an acceptable manner (7013.11).
44. With the exception of retaining walls designed for hydrostatic pressure, all retaining walls shall be provided with a subdrain system to prevent possible hydrostatic pressure behind the wall. Prior to issuance of any permit, the retaining wall subdrain system recommended in the soils report shall be incorporated into the foundation plan which shall be reviewed and approved by the soils engineer of record (1805.4).
45. Installation of the subdrain system shall be inspected and approved by the soils engineer of record and the City grading/building inspector (108.9).
46. Basement walls and floors shall be waterproofed/damp-proofed with an LA City approved "Below-grade" waterproofing/damp-proofing material with a research report number (104.2.6).
47. Prefabricated drainage composites (Miradrain, Geotextiles) may be only used in addition to traditionally accepted methods of draining retained earth.
48. The pool shall be designed for expansive soil conditions in accordance with Information Bulletin P/BC 2014-014.
49. The proposed swimming pool shall be designed for a freestanding condition. The portion of the pool wall within a horizontal distance of 7 feet from the top of the slope shall be capable of supporting the water in the pool without soil support (1808.7.3).
50. Pool deck drainage shall be collected and conducted to an approved location via a non-erosive device (7013.10).
51. The structure shall be connected to the public sewer system per P/BC 2017-027.
52. All roof, pad, and deck drainage shall be conducted to the street in an acceptable manner in non-erosive devices or other approved location in a manner that is acceptable to the LADBS and the Department of Public Works; water shall not be dispersed on to descending slopes without specific approval from the Grading Division and the consulting geologist and soils engineer (7013.10).
53. An on-site storm water infiltration system at the subject site shall not be implemented, as recommended.
54. Sprinkler plans for irrigation shall be submitted and approved by the Mechanical Plan Check Section (7012.3.1).
55. Any recommendations prepared by the geologist and/or the soils engineer for correction of geological hazards found during grading shall be submitted to the Grading Division of the Department for approval prior to use in the field (7008.2, 7008.3).



56. The geologist and soils engineer shall inspect all excavations to determine that conditions anticipated in the report have been encountered and to provide recommendations for the correction of hazards found during grading (7008 & 1705.6).
57. All friction pile or caisson drilling and installation shall be performed under the inspection and approval of the geologist and soils engineer. The geologist shall indicate the distance that friction piles or caissons penetrate into competent bedrock in a written field memorandum. (1803.5.5, 1704.9)
58. Prior to pouring concrete, a representative of the consulting soils engineer shall inspect and approve the footing excavations. The representative shall post a notice on the job site for the LADBS Inspector and the Contractor stating that the work inspected meets the conditions of the report. No concrete shall be poured until the LADBS Inspector has also inspected and approved the footing excavations. A written certification to this effect shall be filed with the Grading Division of the Department upon completion of the work. (108.9 & 7008.2)
59. Prior to excavation an initial inspection shall be called with the LADBS Inspector. During the initial inspection, the sequence of construction, shoring, pile installation, protection fences, and dust and traffic control will be scheduled (108.9.1).
60. Installation of shoring, underpinning, slot cutting excavations and/or pile excavation shall be performed under the inspection and approval of the soils engineer and deputy grading inspector (1705.6).
61. Prior to the placing of compacted fill, a representative of the soils engineer shall inspect and approve the bottom excavations. The representative shall post a notice on the job site for the LADBS Inspector and the Contractor stating that the soil inspected meets the conditions of the report. No fill shall be placed until the LADBS Inspector has also inspected and approved the bottom excavations. A written certification to this effect shall be included in the final compaction report filed with the Grading Division of the Department. All fill shall be placed under the inspection and approval of the soils engineer. A compaction report together with the approved soil report and Department approval letter shall be submitted to the Grading Division of the Department upon completion of the compaction. In addition, an Engineer's Certificate of Compliance with the legal description as indicated in the grading permit and the permit number shall be included (7011.3).

  
EDMOND LEE  
Engineering Geologist Associate III

  
GLEN RAAD  
Geotechnical Engineer I

Log No. 103199  
213-482-0480

cc: Grover Hollingsworth and Associates, Project Consultant  
VN District Office



## FOOTING/BUILDING SETBACKS FROM SLOPES

The placement of buildings and structures on or adjacent to slopes steeper than 3 horizontal to 1 vertical shall be in accordance with Section 1808.7 of the Building Code. When a geology and/or soils report is required by the Department, the setbacks prescribed by the code shall be considered sufficient only when the report has addressed the following:

1. The static, seismic (when required), and surficial stability of the slope. The factor of safety must meet a minimum of 1.5 for static and 1.0 for seismic.
2. The erosion potential of the soils. Appropriate mitigation measures must be provided as necessary.
3. The adequate performance of similar slopes in the general area.
4. Appropriate surface water drainage provisions.
5. Debris/mud flow, and/or rock fall potential.

Figures 1 through 8 show standard methods of providing the code required setback for buildings and footings for all structures except pools.

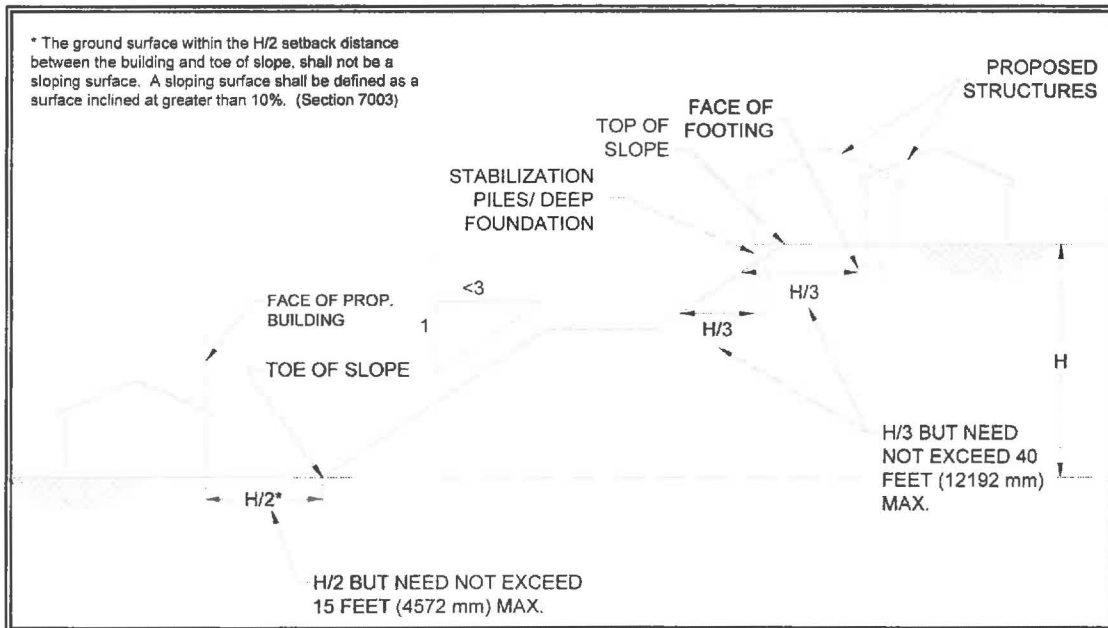


Figure 1 (Section 1808.7.1)

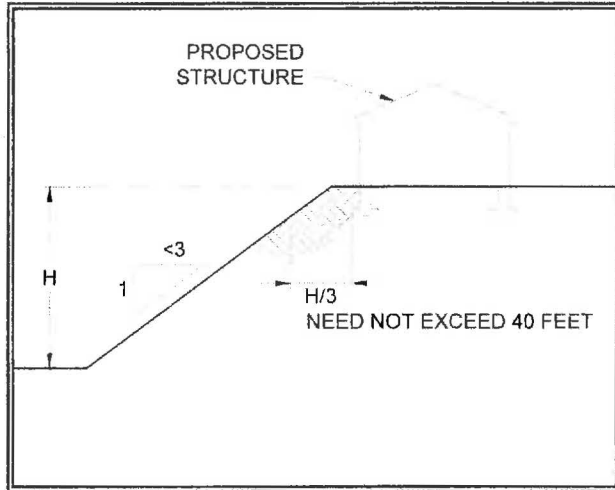


Figure 2 (Section 1808.7.2)

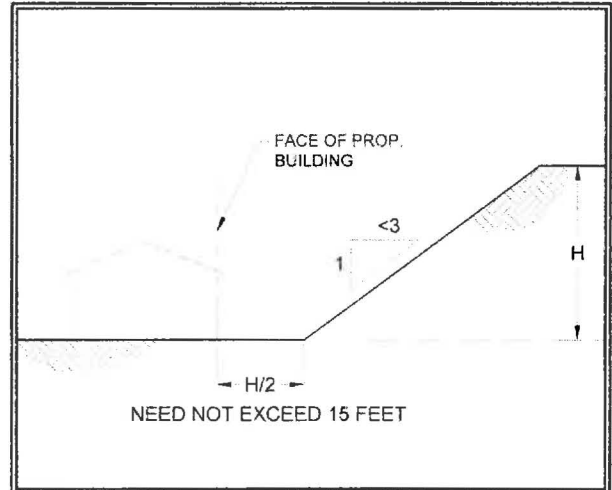


Figure 3 (Section 1808.7.1)

Where the slope is steeper than 1:1 (45 degrees), then the setback is measured from an imaginary line projected at an angle of 45 degrees and tangent to the slope (see Figures 4 & 5).

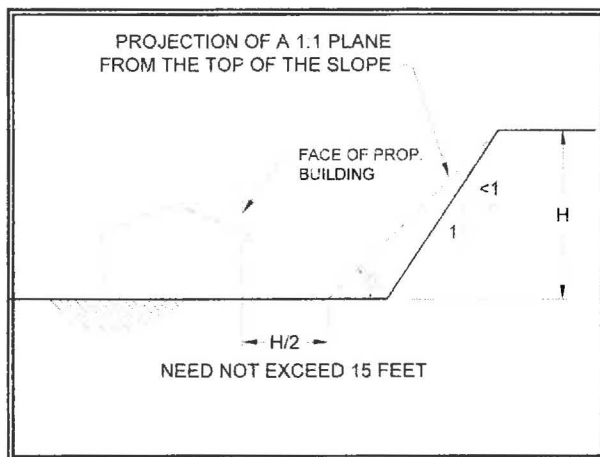


Figure 4 (Section 1808.7.1)

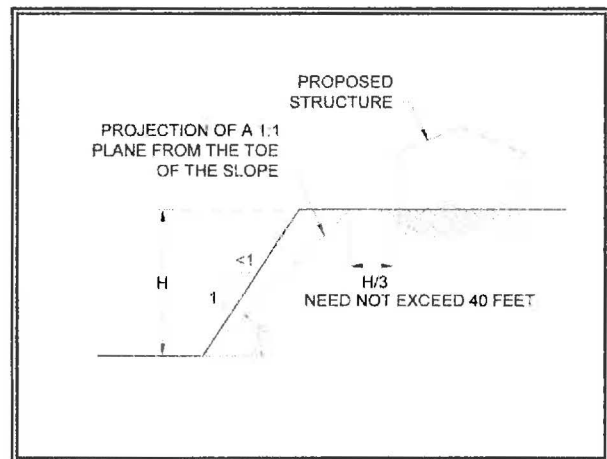


Figure 5 (Section 1808.7.2)

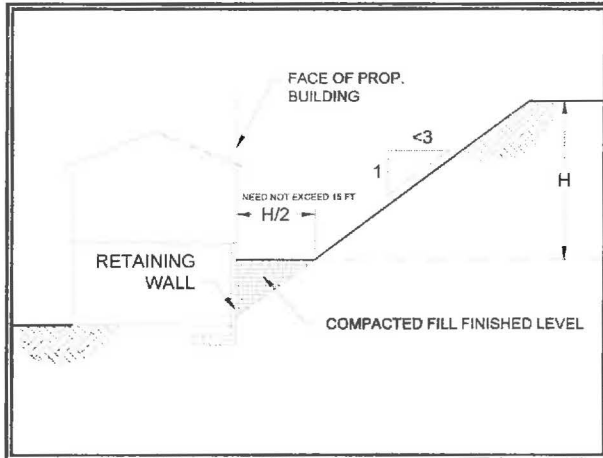


Figure 6 (Section 1808.7.1)

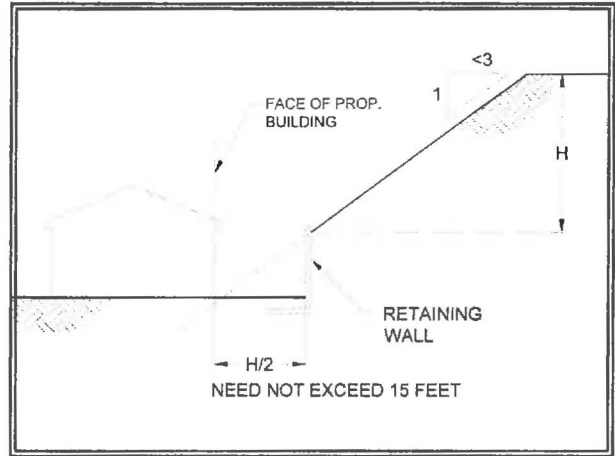


Figure 7 (Section 1808.7.1)

The H/2 level setback may be partitioned into a maximum of two adjoining levels by the use of retaining walls, such that when the two levels are added together they equal the distance "H/2" (as shown in Figure 8). Where the H/2 distance is less than or equal to 5 feet, only one level is allowed.

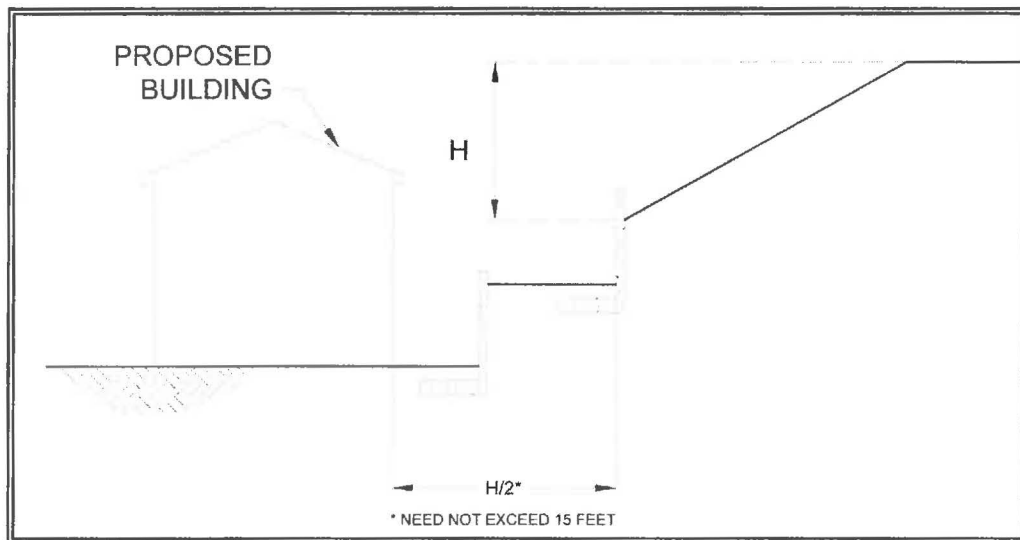


Figure 8 (Section 1808.7.1)

Figures 9, 10, 11, and 12 show how the standard setback can be provided for pools adjacent to a slope steeper than 3 horizontal to 1 vertical but less than 1 horizontal to 1 vertical. Where the slope is steeper than 1:1, the setback shall be measured from an imaginary plane projected at an angle of 45 degrees and tangent to the slope. In addition to the footing setback, any portion of the pool wall within 7 feet of the top of the slope shall be designed for a freestanding condition, without soil support (see Figure 10).

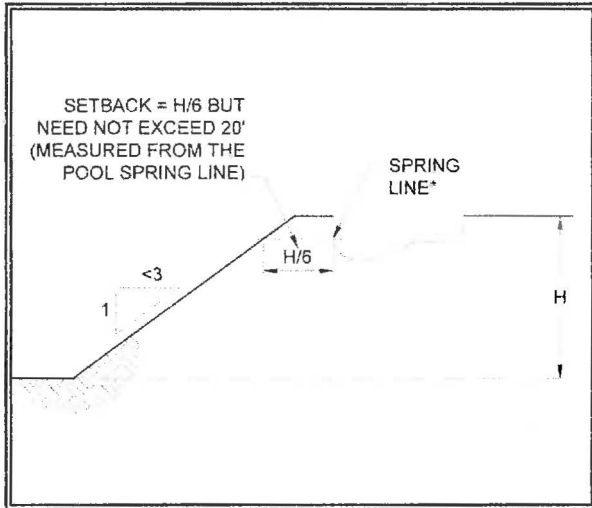


Figure 9 (Section 1808.7.3)

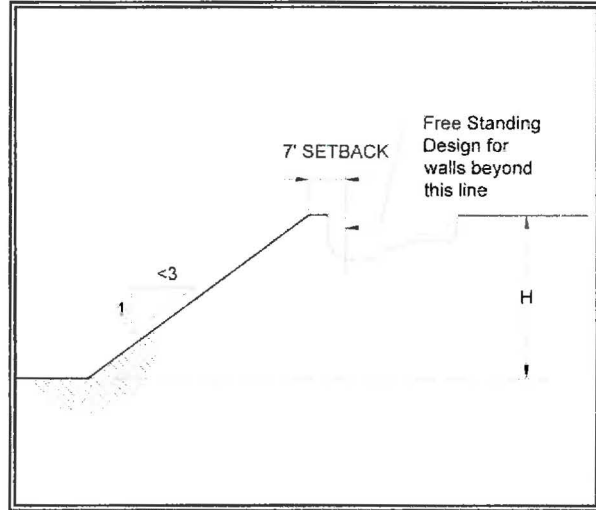


Figure 10 (Section 1808.7.3)

\* The spring line is defined as the location on the pool shell where it changes curvature away from the adjacent slope. In addition, the pool clearance dimension is measured to the outside of the pool shell not the inside finished surface.

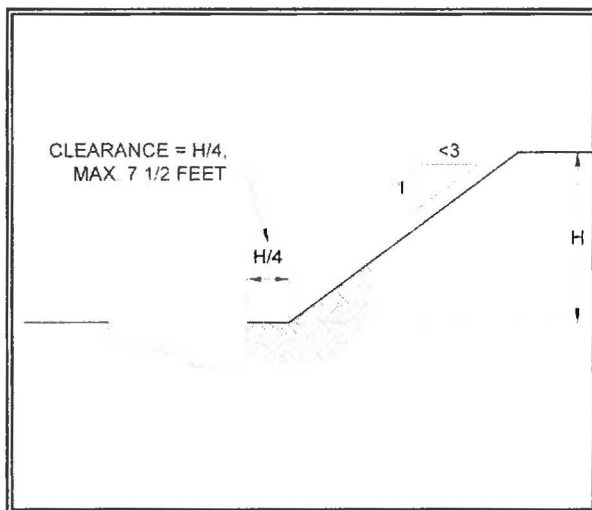


Figure 11 (Section 1808.7.3)

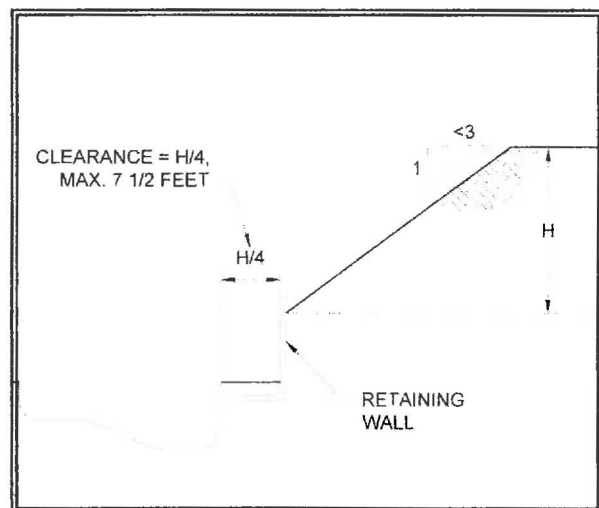


Figure 12 (Section 1808.7.3)

ORDINANCE NO. 177404

An ordinance amending various provisions of Articles 2 and 7 of Chapter I and Article 6 of Chapter IV and Section 96.303.5 of the Los Angeles Municipal Code to assure the protection of, and to further regulate the removal of, protected trees

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Subdivision 12 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

**12. Protected Tree Relocation and Replacement.** All existing protected trees and relocation and replacement trees specified by the Advisory Agency in accordance with Sections 17.02, 17.05, 17.06, 17.51 and 17.52 of this Code shall be indicated on a plot plan attached to the building permit issued pursuant to this Code. In addition, the trees shall be identified and described by map and documentation as required by the Advisory Agency. A Certificate of Occupancy may be issued by the Department of Building and Safety, provided the owner of the property or authorized person representing the owner of the property (licensed contractor) obtains from the Advisory Agency in consultation with the City's Chief Forester, prior to the final inspection for the construction, a written or electronic document certifying that all the conditions set forth by the Advisory Agency relative to protected trees have been met.

Sec. 2. Section 17.02 of the Los Angeles Municipal Code is amended by deleting the paragraph defining "Oak Tree" in Section 17.02 and adding the following paragraph to read:

**Protected Tree** - Any of the following Southern California native tree species, which measures four inches or more in cumulative diameter, four and one-half feet above the ground level at the base of the tree:

(a) Oak tree including Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California but excluding the Scrub Oak (*Quercus dumosa*).

(b) Southern California Black Walnut (*Juglans californica* var. *californica*)

(c) Western Sycamore (*Platanus racemosa*)

(d) California Bay (*Umbellularia californica*)

This definition shall not include any tree grown or held for sale by a licensed nursery, or trees planted or grown as a part of a tree planting program.

Sec. 3. The term "Tree Expert" set forth in Section 17.02 of the Los Angeles Municipal Code is amended to read:

**Tree Expert** - A person with at least four years of experience in the business of transplanting, moving, caring for and maintaining trees and who is (a) a certified arborist with the International Society of Arboriculture and who holds a valid California license as an agricultural pest control advisor or (b) a landscape architect or (c) a registered consulting arborist with the American Society of Consulting Arborists.

Sec. 4. Subdivision 7 of Subsection H of Section 17.05 of the Los Angeles Municipal Code is amended to read:

7. Where the Advisory Agency finds the project is consistent with the dwelling unit density permitted by the General Plan, and that the public health, safety or welfare and good subdivision design will be promoted by the preservation of protected trees, the Advisory Agency may permit the required area of one or more of the lots in a subdivision in an "RA," "RE," "RS" or "R1" Zone to be reduced by an amount sufficient to provide for protected tree preservation in accordance with Section 17.05 R of this Code. Provided, however, that in no event shall the reduction exceed 50 percent of the required lot area; no "RA" or "RE" lot shall be reduced below 50 feet in width; no "RS" or "R1" lot shall be reduced below 40 feet in width; and no lot in a designated "K" Horsekeeping District shall be reduced below 17,500 square feet.

Sec. 5. Subsection R of Section 17.05 of the Los Angeles Municipal Code is amended to read:

**R. Protected Tree Regulations.** No protected tree may be relocated or removed except as provided in this article or Article 6 of Chapter IV of this Code. The term "removed" or "removal" shall include any act that will cause a protected tree to die, including but not limited to acts that inflict damage upon the root system or other parts of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

**1. Required Determinations.** Subject to historical preservation requirements set forth in Subdivision 3 of this subsection, when a protected tree exists within a proposed subdivision, the tree may be relocated or removed if the Advisory Agency, in consultation with the City's Chief Forester, determines the existence of either (a) or (b) below:

(a) There has been prior applicable government action in which:

(i) The removal of the tree had been approved by the Advisory Agency; or

(ii) The property upon which the protected tree is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator, or an Area Planning Commission, the appeal period established by this Code with respect to the determination has expired, the determination is still in effect, and pursuant to the

determination, the protected tree's removal would be permissible; or

(iii) A building permit has been issued for the property upon which the protected tree is located, the permit is still in effect, and the removal or relocation is not prohibited by the permit.

(b) The removal of the protected tree would not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters that cannot be mitigated to the satisfaction of the City's Chief Forester, and the physical condition or location of the tree is such that:

(i) Its continued presence in its existing location prevents the reasonable development of the property; or

(ii) According to a report required pursuant to Section 17.06 C, acceptable to the Advisory Agency and prepared by a tree expert, there is a substantial decline from a condition of normal health and vigor of the tree, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable; or

(iii) It is in danger of falling due to an existing and irreversible condition.

(iv) Its continued presence at its existing location interferes with proposed utility services or roadways within or without the subject property, and the only reasonable alternative to the interference is the removal of the tree; or

(v) It has no apparent aesthetic value, which will contribute to the appearance and design of the proposed subdivision; or it is not located with reference to other trees or monuments in such a way as to acquire a distinctive significance at the location.

**2. Supplemental Authority.** In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to Subdivision 1(b) above, that a protected tree may be removed or relocated, the Advisory Agency may:

(a) Require relocation elsewhere on the same property where a protected tree has been approved for removal, and where the relocation is economically reasonable and favorable to the survival of the tree. Relocation to a site other than upon the same property may be permitted where there is no available or appropriate location on the property and the owner of the proposed off-site relocation site consents to the placement of a tree. In the event of relocation, the Advisory Agency may designate measures to be taken to mitigate adverse effects on the tree.

(b) Permit protected trees of a lesser size, or trees of a different species, to be planted as replacement trees for protected trees permitted by this Code to be removed or relocated, if replacement trees required pursuant to this Code are not available. In that event, the Advisory Agency may require a greater number of replacement trees.

**3. Historical Monuments.** The Advisory Agency, except as to Subdivision 1(b)(iii) above, shall require retention of a protected tree at its existing location, if the tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone.

**4. Requirements.** In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to Subdivision 1(b) above that a protected tree may be removed or relocated, the Advisory Agency shall require that:

(a) The protected tree be replaced within the property by at least two trees of a protected variety included within the definition set forth in Section 17.02 of this article, except where the protected tree is relocated pursuant to Subdivision 2(a) above. The size of each replacement tree shall be a 15-gallon, or larger, specimen, measuring one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

(b) The subdivider record those covenants and agreements approved by the Advisory Agency necessary to assure compliance with conditions imposed by the Advisory Agency and to assure protected tree preservation.

(c) The subdivider provide protected tree maintenance information to purchasers of lots within the proposed subdivision.

(d) The subdivider post a bond or other assurance acceptable to the City Engineer to guarantee the survival of trees required to be replaced or permitted or required to be relocated, in a manner to assure the existence of continuously living trees at the approved replacement or relocation site for three years from the date that the trees are replaced or relocated. The City Engineer shall use the provisions of Section 17.08 G as its procedural guide in satisfaction of the bond requirements and processing. Any bond required shall be in a sum estimated by the City Engineer to be equal to the dollar value of the replacement tree or of the tree that is to be relocated. In determining value for these purposes, the City Engineer shall consult with the Advisory Agency, the City's Chief Forester, the evaluation of trees guidelines approved and adopted for professional plantsmen by the International Society of Arboriculture, the American Society of Consulting Arborists, the National Arborists Association and the American Association of Nurserymen, and other available, local information or guidelines.

**5. Grading.** The Advisory Agency is authorized to prohibit grading or other construction activity within the drip line of a protected tree.

Sec. 6. Subdivision 13 of Subsection B of Section 17.06 of the Los Angeles Municipal Code is amended to read:

**13.** The approximate location and general description of any large or historically significant trees and of any protected trees and an indication as to the proposed retention or destruction of the trees.

Sec. 7. Subsection C of Section 17.06 of the Los Angeles Municipal Code is amended to read:

**C. Protected Tree Reports for Tentative Tract Maps.** No application for a tentative tract map approval for a subdivision where a protected tree is located shall be considered complete unless it includes a report, in a form acceptable to the Advisory Agency and the City's Chief Forester, which pertains to preserving the tree and evaluates the subdivider's proposals for the preservation, removal, replacement or relocation of the tree. The report shall be prepared by a tree expert and shall include all protected trees identified pursuant to Section 17.06 B 13 of this Code.

In the event the subdivider proposes any grading, land movement, or other activity within the drip line of a protected tree referred to in the report, or proposes to relocate or remove any protected tree, the report shall also evaluate any mitigation measures proposed by the subdivider and their anticipated effectiveness in preserving the tree.

Sec. 8. Subsection D of Section 17.51 of the Los Angeles Municipal Code is amended to read:

**D. Protected Tree Reports for Parcel Maps.** No application for a preliminary parcel map approval for a parcel where a protected tree is located shall be considered complete unless it includes a report pertaining to preserving the tree. The report shall be prepared by a tree expert and shall evaluate the subdivider's proposals for protected tree preservation, removal, replacement and/or relocation. In the event the subdivider proposes any grading, land movement, or other activity within the drip line of any protected tree referred to in the report, or proposes to relocate or remove any tree, the report shall also evaluate any mitigation measures proposed by the subdivider and the anticipated effectiveness in preserving the tree.

Sec. 9. Subsection I of Section 17.52 of the Los Angeles Municipal Code is amended to read:

**I.** When a protected tree exists on a proposed parcel, the preservation of the tree at its existing location, its relocation for preservation purposes, or the removal of the tree shall be regulated in the same manner as that provided under subdivision

regulations set forth in this chapter.

Sec. 10. Article 6 of Chapter IV of the Los Angeles Municipal Code is amended by amending the title and Section 46.00 to read:

## **ARTICLE 6**

### **PRESERVATION OF PROTECTED TREES**

#### **SEC. 46.00. PROTECTED TREE REGULATIONS.**

No protected tree may be relocated or removed except as provided in Article 7 of Chapter 1 or this article. The term "removed" or "removal" shall include any act that will cause a protected tree to die, including but not limited to acts that inflict damage upon the root system or other part of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

Sec. 11. Section 46.01 of the Los Angeles Municipal Code is amended to read:

#### **SEC. 46.01. DEFINITION.**

**"PROTECTED TREE"** means any of the following Southern California native tree species which measures four inches or more in cumulative diameter, four and one-half feet above the ground level at the base of the tree:

(a) Oak tree including Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California but excluding the Scrub Oak (*Quercus dumosa*).

(b) Southern California Black Walnut (*Juglans californica* var. *californica*)

(c) Western Sycamore (*Platanus racemosa*)

(d) California Bay (*Umbellularia californica*)

This definition shall not include any tree grown or held for sale by a licensed nursery, or trees planted or grown as a part of a tree planting program.

Sec. 12. Section 46.02 of the Los Angeles Municipal Code is amended to read:

#### **SEC. 46.02. REQUIREMENTS FOR PUBLIC WORKS PERMITS TO RELOCATE OR REMOVE PROTECTED TREES.**

No person shall relocate or remove any protected tree, as that term is defined in Section 46.01, where the protected tree is not regulated pursuant to Article 7 of Chapter I of this Code, without first having applied for and obtained a permit from the Board of

Public Works or its designated officer or employee, except as otherwise provided in this section.

An application for a permit shall indicate, in a manner acceptable to the Board of Public Works, by number on a plot plan, the location of each protected tree, and shall identify each protected tree proposed to be retained, relocated or removed. If any grading is proposed that may affect the protected tree, a copy of the grading permit plan in compliance with Division 70 of Article 1 of Chapter IX of this Code shall be submitted with the application.

**(a) Exemptions.** The Board of Public Works shall exempt from and not require issuance of a permit for the relocation or removal of a protected tree where the Board is satisfied that:

1. The proposed relocation or removal of the protected tree has been approved by the Advisory Agency pursuant to Article 7 of Chapter I of this Code; or

2. The land upon which the protected tree is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator or an Area Planning Commission, the appeal period established by this Code with respect to the determination has expired, the determination is still in effect, and pursuant to the determination the protected tree's removal would be permissible; or

3. A building permit has been issued for any property and is still in effect with respect to the property under consideration and its implementation would necessitate the removal or relocation.

**(b) Board Authority.** The Board of Public Works may grant a permit for the relocation or removal of a protected tree, unless otherwise provided in this section or unless the tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone, if the Board determines that the removal of the protected tree will not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters, which cannot be mitigated to the satisfaction of the City; and

1. It is necessary to remove the protected tree because its continued existence at the location prevents the reasonable development of the subject property; or

2. The protected tree shows a substantial decline from a condition of normal health and vigor, and restoration, through appropriate and economically reasonable preservation procedures and practices, is not advisable; or

3. Because of an existing and irreversible adverse condition of the

protected tree, the tree is in danger of falling, notwithstanding the tree having been designated an Historical Monument or as part of an Historic Preservation Overlay Zone.

**(c) Additional Authority.** The Board of Public Works or its authorized officer or employee may:

1. Require 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. In size, each replacement tree shall be at least a 15-gallon, or larger, specimen, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

2. Permit protected trees of a lesser size or trees of a different species to be planted as replacement trees, if replacement trees of the size and species otherwise required pursuant to this Code are not available. In that event, a greater number of replacement trees may be required.

3. Permit a protected tree to be moved to another location on the property, provided that the environmental conditions of the new location are favorable to the survival of the tree and there is a reasonable probability that the tree will survive.

Sec. 13. Section 46.04 of the Los Angeles Municipal Code is amended to read:

#### **SEC. 46.04. FEES.**

A fee shall be charged for issuance of any permit pursuant to this article, which permits the removal of one or more protected trees. The fee shall be determined and adopted in the same manner as provided in Section 12.37 I 1 of the Los Angeles Municipal Code for establishing fees.

Sec. 14. A new Section 46.06 is added to the Los Angeles Municipal Code to read:

#### **SEC. 46.06. WITHHOLDING OR REVOCATION OF BUILDING PERMITS FOR ILLEGAL REMOVAL OR RELOCATION OF PROTECTED TREES.**

**(a)** The Bureau of Street Services, after notice and hearing pursuant to Subsections (b) and (c) of this section, shall have the authority to request the Superintendent of Building to withhold issuance of building permits, except for permits that are necessary to comply with a Department of Building and Safety order, for a period of time up to a maximum of ten years as requested by the Bureau and to revoke

any building permit issued for which construction has not commenced with respect to any property on which any protected tree has been removed or relocated in violation of Section 46.00 of this Code.

The request shall be made in writing by the Director of the Bureau of Street Services or his/her designee and shall specifically state the start date and end date of the period of time the Bureau, or the Board of Public Works on appeal, have deemed necessary pursuant to Subsection (c) of this section. The period shall commence on the date the Bureau first becomes aware of the removal of the tree. Provided, however, the authority of the Bureau to act shall not apply to a purchaser, or to his or her agent, who in good faith and for valuable consideration has acquired title to the property subsequent to the illegal removal or relocation of any protected trees and prior to the recordation of the notice of intent as provided for in Subsection (b) of this section.

**(b)** The Bureau shall notify the applicant or permittee in writing of its intent to act pursuant to this section. The notice shall state that the applicant or permittee may submit any evidence it deems relevant on this matter, the hearing to be held on a date specified in the notice. A copy of the notice shall also be mailed to the owner of the property, if different from the applicant or permittee, as shown on the last equalized assessment roll, and to any person holding a deed of trust, mortgage or other security interest in the property as revealed by a title search with respect to the property. A copy of the notice shall also be recorded by the Bureau with the County Recorder.

**(c)** The Bureau hearing shall be set on a date no earlier than 20 days after the date of the mailing of the notice provided for in Subsection (b) above. At the hearing, if the facts indicate, the Bureau shall make a finding that the applicant or permittee is not a purchaser in good faith and for valuable consideration who acquired title to the property subsequent to the illegal removal or relocation of the protected tree and prior to the recordation of the notice of intent as provided for in Subsection (b) above. In the event the Bureau finds that a protected tree was removed or relocated in violation of Section 46.00 of this Code, it shall specify to the Superintendent of Building the length of time the issuance of building permits shall be withheld and whether building permits for which construction has not commenced shall be revoked. In making its determination, the Bureau shall consider the following factors: the number of trees removed or relocated, the size and age of the trees removed or relocated, the knowledge and intent of the owners of the property with respect to the removal or relocation and prior violations of law with respect to removal or relocation of protected trees. The applicant or permittee shall be notified in writing of the Bureau's determination within 30 days of the hearing.

**(d)** The applicant or permittee may appeal to the Board of Public Works any determination by the Bureau to request the Superintendent of Building to revoke or withhold issuance of building permits, including the length of time imposed. The appeal must be filed with the Board of Public Works within 30 days of the date of mailing of the notice of determination as provided for in Subsection (c) above. Further, any action by the Department of Building and Safety resulting from any of the provisions of this section, including building permit revocation, shall not be appealable to the Board of

Building and Safety Commissioners.

(e) Any final determination of the Bureau or the Board of Public Works on appeal, to request the Superintendent of Building to withhold issuance of building permits or to revoke a building permit, shall be forwarded to the Superintendent within ten days of the Bureau or Board's determination and shall also be set forth in an affidavit, which shall be recorded by the Bureau with the County Recorder within ten days of the Bureau or Board's determination.

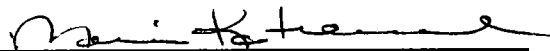
Sec. 15. Subsection 5. of Section 96.303 of the Los Angeles Municipal Code is amended to read:

5. The owner must also provide a declaration under penalty of perjury that he or she has inspected the property for the existence of protected trees and the number of protected trees, if any, located on the subject property. For the purposes of this section, the definition of "protected tree" set forth in Section 46.01 this Code shall apply. The declaration shall also authorize the Bureau of Street Services within the Department of Public Works to verify this information by entry upon the subject property. A fee may be collected for any inspection required to verify the declaration. The fee shall be determined and adopted in the same manner as provided in Section 12.37 | 1 of this Code for establishing fees.

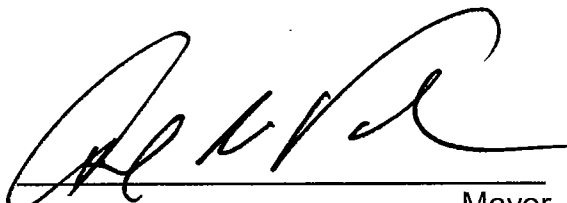
Sec. 16. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of FEB 28 2006.

FRANK T. MARTINEZ, City Clerk


By   
Deputy

Approved MAR 13 2006

  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

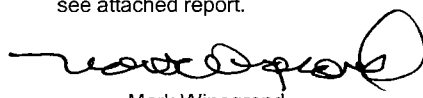
By   
KEITH W. PRITSKER  
Deputy City Attorney

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend it be adopted . . . . .

EB.S, 2006

see attached report.

Date: Feb. 8, 2006

  
Mark Winogrand  
Interim Director of Planning

File Nos. 03-1459 and 03-1459-S1

**DECLARATION OF POSTING ORDINANCE**

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 177404 - Amending various provisions of Articles 2 and 7 of Chapter 1 and Article 6 of Chapter IV and Section 96.303.5 of the Los Angeles Municipal Code to assure the protection of, and to further regulate the removal of, protected trees - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on February 28, 2006, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on March 14, 2006, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on March 14, 2006 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 14th day of March 2006 at Los Angeles, California.

  
\_\_\_\_\_  
Maria C. Rico, Deputy City Clerk

**Ordinance Effective Date:** April 23, 2006 **Council File No.** 03-1459 & S1

**CONSERVATION ELEMENT**  
**OF THE**  
**CITY OF LOS ANGELES GENERAL PLAN**

City Plan Case No. 2001-0413-GPA  
Council File No. 01-1094

Adopted by the City Council September 26, 2001  
Approved by the City Planning Commission March 10, 2001

**An Equal Employment Opportunity/Affirmative Action Employer**

**As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.**



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Responsibility: departments of Building and Safety, \*City Planning and Cultural Affairs and the Community Redevelopment Agency.

**For related information see:**

N Archaeological/Paleontological Section;

N "Cultural and Historical Monuments Plan, an Element of the Master Plan of the City of Los Angeles," Department of City Planning and Cultural Heritage Board, 1969.

N "Cultural Heritage Master Plan," under preparation by the Cultural Affairs Department.

N Historic-Cultural Monuments list, Cultural Heritage Commission, City of Los Angeles Cultural Affairs Department;

N "Historic Preservation and Cultural Resources Element," City of Los Angeles General Plan (to be prepared); and

N "Public Facilities and Services Element," City of Los Angeles General Plan (under preparation) for cultural and historical facilities within city parks.

**SECTION 6: ENDANGERED SPECIES**

Without protection of habitats suitable for species propagation, entire species of native plants and animals gradually will decline or become extinct. A couple of hundred plants and animals that live in Los Angeles habitats are listed on the federal and/or state endangered, threatened or species of special concern lists. Within the Santa Monica Mountains National Recreation Area alone 26 plants and animals are classified as rare, threatened or endangered and 58 more have been placed on the list of species of special concern by the National Park Service. Within the city more than 180 plant and animal species are listed by the Environmental Affairs Department for the city as a whole.

**Definitions:**

Endangered species. In danger of extinction throughout all or a significant portion of their range.

Sensitive species. All the plant and animal species classified as endangered, threatened, rare or of special concern.

Threatened species. Likely to become an endangered species in the foreseeable future.

Species of special concern. Rare, very restricted distribution, declining or at a critical life cycle stage when residing in California.

**Species protection.** Under the federal Endangered Species Act of 1973 (Public Law 93-205, 16 United States Code 1531 et seq.) the Secretary of the Interior or Secretary of Commerce determines which species are to be listed on the endangered or threatened species registers. Any species on these lists is protected. The current registries are available from the U.S. Fish and Wildlife Service which also maintains lists of sensitive species and species of special concern. Some of the animal species are further protected through international treaties, such as the migratory bird treaties that have been signed between the United States and Canada, Mexico and Japan and the Migratory Bird Treaty Act, which is administered by the U.S. Fish and Wildlife Service. The latter protects all common wild birds except house sparrows, starlings, feral pigeons and resident game birds. Under this act it is unlawful to kill, capture, collect, possess, import or export any migratory bird or items associated with them, such as feathers, parts, nests and eggs, except by permit for scientific purposes, falconry, Native American ceremonial purposes or taxidermy.

Under the California Endangered Species Act (Fish and Game Code, Division 3, Chapter 1.5) the California Fish and Game Commission establishes endangered and threatened species lists and lists of species classified as "of special concern."

The California Native Plant Protection Act (NPPA) prohibits the taking, import or sale of rare, threatened or endangered plant species, except as exempted by the act. Even where exceptions apply, where the Department of Fish and Game (DFG) has notified a property owner of the presence of such a plant, the property owner must notify the DFG before destroying the plant. This provides an opportunity for the state to salvage the plant.

With the passage of the National Environmental Policy Act (NEPA) in 1969, protection of significant features of the natural environment was mandated. NEPA applies only to projects in which federal funds are involved or where a major federal permit is required. The California Environmental Quality Act (CEQA) of 1970 established environmental protection procedures for processing land development projects within

the state. It provides the primary local means of identifying and protecting species listed in any of the sensitive species categories; protecting local species diversity and numbers; and evaluating potential impacts on and protecting habitats, wildlife dispersal and migration corridors.

If a protected species is identified as potentially impacted by a proposed development project, the developer is required by CEQA to provide protection of the species. Protection may involve project design to avoid disturbing, damaging or destroying the habitat; acquisition of all or part of the site by an environmental conservation or governmental agency for purposes of resource management; agreement to contribute to the protection of a habitat at another site; or some other mitigation measure. The DFG and/or U.S. Fish and Wildlife Service, often with the assistance of local environmental conservation organizations, works with the developer and city to devise a mitigation plan.

**Protection/propagation enhancement programs.** A few examples of sensitive species protection and propagation enhancement programs that exist within the city are described below.

Belding's Savannah Sparrow. The endangered sparrow lives in the Ballona wetlands. The Playa Vista development project mitigation measures include restoration of the wetlands. Restoration will include increasing the flow of water which will enhance the survival and growth of pickleweed upon which the sparrow depends for foraging, breeding and perching.

California condor and other endangered captive species. Zoos, including the Los Angeles Zoo, have joined with other organizations in efforts to research and carry out programs for propagation of endangered species, some of which no longer exist in the wild. For example, the Los Angeles and San Diego zoos have joined with the Peregrine Fund and U.S. Fish and Wildlife Service in a condor breeding program. The program includes mating of birds in captivity, hatching eggs, raising young condors, releasing captive birds into local mountain ranges, monitoring their survival, and evaluating carcasses of dead condors to assess how to better protect them in the wild.

California Least Tern. The endangered terns nest at two sites within the city, on the Venice Beach and within the Los Angeles Harbor. Both sites are restricted to public access during nesting season. It is estimated that the breeding pairs at the Venice beach site have increased from 165 pairs to 375 pairs since 1988.

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.

El Segundo Blue butterfly. The largest known population of the endangered butterfly is located in a portion of El Segundo Dunes, which lie west of the Los Angeles International Airport. The butterfly was threatened with extinction due to urban encroachment, including homes and introduction of non-native plants that threatened to eliminate the buckwheat and other native vegetation on which the butterfly thrives. Two preserves were created on airport and Chevron refinery lands in the 1980s. The sites are restricted from general public access. They have been cleared of much of the introduced vegetation and replanted, resulting in a regeneration of the native plants. The airport department estimates that the butterfly population on its property has increased from 500 to between 40,000 and 50,000 El Segundo Blues since 1985. The figure fluctuates annually depending upon the weather and growth of the plants on which the blues depend.

**Conclusion.** The city has a primary role in protecting endangered and other at risk plant and animal species.

**Continuing issues:**

N Loss of native species unique to the Los Angeles environs.

N Loss of sensitive species.

N Loss of habitats that contribute to the healthy propagation of unique native and migratory species.

**Endangered species objective, policies and programs (see also Habitats Section):**

Objective: protect and promote the restoration, to the greatest extent practical, of sensitive plant and animal species and their habitats.

Policy 1: continue to require evaluation, avoidance, and minimization of potential significant impacts, as well as mitigation of unavoidable significant impacts on sensitive animal and plant species and their habitats and habitat corridors relative to land development activities.

Program: Permit processing, monitoring, enforcement and periodic revision of regulations and procedures.

Responsibility: departments of \*Building and Safety and \*City Planning, Environmental Affairs and the \*lead agency responsible for city project implementation.

Policy 2: continue to administer city-owned and managed properties so as to protect and/or enhance the survival of sensitive plant and animal species to the greatest practical extent.

Program 1: environmentally sensitive property management.

Responsibility: \*agencies responsible for property management, especially the departments of Airports, Harbor, Public Works and Recreation and Parks, and Water and Power.

Program 2: local, state and international endangered species protection, propagation and survival enhancement programs.

Responsibility: \*Los Angeles Zoo and \*agencies that participate specific programs (e.g., departments of Airports and Harbor).

Policy 3: continue to support legislation that encourages and facilitates protection of endangered, threatened, sensitive and rare species and their habitats and habitat corridors.

Program: City legislative program.

Responsibility: \*Mayor and \*City Council (and City Legislative Analyst).

**For related information see:** Habitats Section.

## **SECTION 7: EQUINE AREAS**

One of the unique features of highly urbanized Los Angeles is its equine areas, which are located mostly on the fringes of the San Fernando Valley and Santa Monica Mountains, where there is access to mountain trail systems. Horsepower was the primary means of locomotion until the early part of the 20th century when automotive and rail

[B1013]

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ORDINANCE NO. 153478

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3 An ordinance amending Sections 12.07.1, 12.08, 12.21,  
4 17.02, 17.05, 17.06, 17.51 and 17.52 of Chapter 1 and adding  
5 Sections 46.00, 46.01, 46.02, 46.03, 46.04 and 46.05 to Chapter  
6 IV of the Los Angeles Municipal Code to regulate and encourage  
7 preservation of oak trees within the City of Los Angeles.

8  
9 WHEREAS, oak trees have thrived in abundance within  
10 the City of Los Angeles in the past; and

11 WHEREAS, economic development within the City has  
12 resulted in the removal of large numbers of oak trees  
13 and threatens to diminish still further the number  
14 of existing oak trees and to imperil the continued  
15 existence of oak trees as a life form within the  
16 City; and

17 WHEREAS, oak trees are worthy of protection in  
18 order to preserve the natural environment and to  
19 protect the City's native plant life heritage for the  
20 benefit of all citizens; and

21 WHEREAS, oak trees are unique because of their  
22 size and beauty and their relative abundance adds  
23 distinction and character to certain communities  
24 within the City; and

25 WHEREAS, oak trees are associated with the  
26 history and development of the City as evidenced by

1 community names such as Sherman Oaks and Encino,  
2 which reflect the presence of oak trees; and

3 WHEREAS, proper and necessary steps must be taken  
4 in order to curb the destruction of oak trees;

5 NOW THEREFORE:

6

7 THE PEOPLE OF THE CITY OF LOS ANGELES

8 DO ORDAIN AS FOLLOWS:

9

10 Section 1. Subdivision 4 of Subsection C of  
11 Section 12.07.1 of the Los Angeles Municipal Code is hereby  
12 amended to read:

13 4. Lot Area -- Every lot shall have a minimum  
14 width of 60 feet and a minimum area of 7,500 square  
15 feet. The minimum lot area per dwelling unit shall  
16 also be 7,500 square feet, except for two-family  
17 dwellings on lots having a side lot line adjoining  
18 a lot in a commercial or industrial zone as provided  
19 for in Subsection A of this section.

20 Provided, however, that on property located  
21 within the "RS" Zone and also within a "H" Hillside  
22 or Mountainous Area for which a General Plan including  
23 dwelling unit densities has been adopted by the City  
24 Council, the number of lots may be limited and the  
25 minimum required areas may be increased so that the  
26 number of dwelling units permitted will not substantially

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exceed the densities shown on the Plan.

There may be lots with less than the minimum required width and area, as provided by Section 17.05-H of this Code, and there may be a single-family dwelling on each such lot if the lot is shown with a separate letter or lot number on a recorded Subdivision Tract Map or Parcel Map.

Further exceptions to area regulations are provided for in Section 12.22-C.

Sec. 2. Subdivision 4 of Subsection C of Section 12.08 of the Los Angeles Municipal Code is hereby amended to read:

4. Lot Area -- Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet. The minimum lot area per dwelling unit shall also be 5,000 square feet, except for two-family dwellings on lots having a side lot line adjoining a lot in a commercial or industrial zone as provided for in Subsection A of this section.

There may be lots with less than the minimum required area and there may be a single dwelling on each such lot if the lot is shown with a separate letter or lot number on a recorded Subdivision Tract Map or a Parcel Map.



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ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

OAK TREE -- Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*) or any other tree of the oak genus indigenous to California, which measures eight inches or more in diameter four and one-half feet above the ground level at the base of the tree. This definition shall not include the Scrub Oak (*Quercus dumosa*) or any oak tree grown or held for sale in a licensed nursery, or trees planted or grown as a part of a tree planting program.

~~TREE~~ EXPERT -- A person with at least four years experience in the business of transplanting, moving, caring for and maintaining trees and who holds a valid agricultural pest control advisor's license.

Sec. 5. Subdivision 7 of Subsection H of Section 17.05 of the Los Angeles Municipal Code is hereby added to read:

7. Where the Advisory Agency finds the project is consistent with the dwelling unit density permitted by the General Plan, and that the public health, safety or welfare and good subdivision design will be promoted by the preservation of oak trees, the Advisory Agency may permit the required area of one or more of

1 the lots in a subdivision in an "RA," "RE," "RS" or  
2 "R1" Zone to be reduced by an amount sufficient to  
3 provide for oak tree preservation in accordance with  
4 Section 17.05-R of this Code. Provided, however,  
5 that in no event shall such a reduction exceed 50  
6 percent of the required lot area; no "RA" or "RE"  
7 lot shall be reduced below 50 feet in width; no "RS"  
8 or "R1" lot shall be reduced below 40 feet in width;  
9 and no lot in a designated "K" Horsekeeping District  
10 shall be reduced below 17,500 square feet.

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Sec. 6. Subsection R of Section 17.05 of the Los Angeles Municipal Code is hereby added to read:

R. OAK TREE REGULATIONS. No oak tree may be relocated or removed except as provided in Article 7 of Chapter I or Article 6 of Chapter IV of this Code. The term "removal" shall include any act which will cause an oak tree to die, including but not limited to acts which inflict damage upon the root system or other parts of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

1. Required Determinations. Subject to historical preservation requirements set forth herein at Subdivision 3 when an oak tree exists

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within a proposed subdivision, the tree may be  
relocated or removed if the Advisory Agency  
determines the existence of either (a) or (b)  
below:

(a) There has been prior applicable  
government action in which:

(i) The removal of the tree had  
been approved by the Advisory Agency  
prior to the effective date of this  
Code Section; or

(ii) The property upon which the oak  
tree is located has been the subject of  
a determination by the City Planning  
Commission, the City Council, a Zoning  
Administrator, or the Board of Zoning  
Appeals prior to the effective date of  
this Code Section, the appeal period  
established by this Code with respect to  
said determination has expired, the  
determination is still in effect, and  
pursuant thereto the oak tree's removal  
would be permissible; or

(iii) A building permit has been  
issued prior to the effective date of  
this Code Section, for the property  
upon which the oak tree is located,

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the permit is still in effect, and such removal or relocation is not prohibited thereby.

(b) The removal of the oak tree would not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters which cannot be mitigated to the satisfaction of the City, and the physical condition or location of the tree is such that:

(i) Its continued presence in its existing location prevents the reasonable development of the property; or

(ii) According to a report, required pursuant to Section 17.06-C, acceptable to the Advisory Agency, and prepared by a tree expert, there is a substantial decline from a condition of normal health and vigor of the tree, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable; or

(iii) It is in danger of falling due to an existing and irreversible condition; or

(iv) Its continued presence at its

. . .

1 existing location interferes with  
2 proposed utility services or roadways  
3 within or without the subject property,  
4 and the only reasonable alternative to the  
5 interference is the removal of said tree;  
6 or

7 (v) It has no apparent aesthetic  
8 value which will contribute to the  
9 appearance and design of the proposed  
10 subdivision; or it is not located with  
11 reference to other trees or monuments in  
12 such a way as to acquire a distinctive  
13 significance at said location.

14 2. Supplemental Authority. In the event the  
15 Advisory Agency determines, pursuant to Subdivision  
16 1(b) above, that an oak tree may be removed or  
17 relocated, the Advisory Agency may:

18 (a) Require relocation elsewhere on the  
19 same property where an oak tree has been  
20 approved for removal, and where the relocation  
21 is economically reasonable and favorable to  
22 the survival of said tree. Relocation to a  
23 site other than upon the same property may  
24 be permitted where there is no available or  
25 appropriate location on the property and the  
26 owner of the proposed off-site relocation site  
27 consents to the placement of a tree thereon.  
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In the event of relocation, the Advisory Agency may designate measures to be taken to mitigate adverse effects on the tree.

(b) Permit oak trees of a lesser size, or trees of a different species, to be planted as replacement trees for oak trees permitted by this Code to be removed or relocated, if replacement trees required pursuant to this Code are not available. In such event, the Advisory Agency may require a greater number of replacement trees.

3. Historical Monuments. The Advisory Agency, except as to Subsection R-1(b)(iii) above, shall require retention of an oak tree at its existing location, if said tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone.

4. Requirements. In the event the Advisory Agency determines pursuant to Subdivision 1(b) above that an oak tree may be removed or relocated, the Advisory Agency shall require that:

(a) The oak tree be replaced within said property by at least two oak trees of a variety included within the definition set forth in Section 17.02 of this Code, except where the oak tree is relocated pursuant to

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Section 17.05-R2(a). Each replacement tree shall be a 15-gallon, or larger, specimen in size, measuring one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

(b) The subdivider record those covenants and agreements necessary to assure compliance with conditions imposed by the Advisory Agency and to assure oak tree preservation.

(c) The subdivider provide oak tree maintenance information to purchasers of lots within the proposed subdivision.

(d) The subdivider post a bond or other assurance acceptable to the City Engineer to guarantee the survival of trees required to be replaced or permitted or required to be relocated, in such a fashion as to assure the existence of continuously living trees at the approved replacement or relocation site for three years from the date that such trees are replaced or relocated. The City Engineer shall use the provisions of Section 17.08-G as its procedural guide in satisfaction of said bond

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requirements and processing. Any bond required shall be in a sum estimated by the City Engineer to be equal to the dollar value of the replacement tree or of the tree which is to be relocated. In determining value for these purposes, the City Engineer shall consult with the Advisory Agency and shall also consult the evaluation of trees guidelines approved and adopted for professional plantsmen by the International Society of Arboriculture, the American Society of Consulting Arborists, the National Arborists Association and the American Association of Nurserymen, and other available, local information or guidelines.

5. Grading. The Advisory Agency is authorized to prohibit grading or other construction activity within the drip line of an oak tree.

Sec. 7. Subdivision 13 of Subsection B of Section 17.06 of the Los Angeles Municipal Code is hereby amended to read:

13. The approximate location and general description of any large or historically significant trees and of any oak trees and an indication as to the proposed retention or destruction of such trees.

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Sec. 8. Subsection C of Section 17.06 of the Los Angeles Municipal Code is hereby added to read:

C. OAK TREE REPORTS. No application for a tentative tract map approval for a subdivision wherein an oak tree is located shall be considered complete unless it includes a report, in a form acceptable to the Advisory Agency, which pertains to preserving the tree and evaluates the subdivider's proposals for the preservation, removal, replacement or relocation thereof. The report shall be prepared by a tree expert and shall include all oak trees identified pursuant to Section 17.06-B 13 of this Code.

In the event the subdivider proposes any grading, land movement, or other activity within the drip line of an oak tree referred to in the report, or proposes to relocate or remove any such tree, the report shall also evaluate any mitigation measures proposed by the subdivider and their anticipated effectiveness in preserving such tree.

Sec. 9. Subsection D of Section 17.51 of the Los Angeles Municipal Code is hereby added to read:

D. OAK TREE REPORTS:

No application for a preliminary parcel map approval for a parcel wherein an oak tree is located shall be considered complete unless it includes a

1 report pertaining to preserving said tree. The  
2 report shall be prepared by a tree expert and shall  
3 evaluate the subdivider's proposals for oak tree  
4 preservation, removal, replacement and/or relocation.  
5 In the event the subdivider proposes any grading, land  
6 movement, or other activity within the drip line of  
7 any oak tree referred to in the report, or proposes  
8 to relocate or remove any such tree, the report shall  
9 also evaluate any mitigation measures proposed by the  
10 subdivider and the anticipated effectiveness thereof  
11 in preserving such tree.

12

13 Sec. 10. Subsection I of Section 17.52 of the Los  
14 Angeles Municipal Code is hereby added to read:

15 I. When an oak tree exists on a proposed parcel,  
16 the preservation thereof at its existing location, its  
17 relocation for preservation purposes, or the removal  
18 of said tree shall be regulated in the same manner as  
19 that provided under subdivision regulations set forth  
20 in this Chapter.

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22 Sec. 11. Article 6 of Chapter IV of the Los  
23 Angeles Municipal Code is hereby added to read:

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ARTICLE 6  
PRESERVATION OF OAK TREES

SEC. 46.00. OAK TREE REGULATIONS:

No oak tree may be relocated or removed except as provided in Article 7 of Chapter I or Article 6 of Chapter IV of this Code. The term "removal" shall include any act which will cause an oak tree to die, including but not limited to acts which inflict damage upon the root system or other part of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

SEC. 46.01. DEFINITION:

"OAK TREE" means Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California which measures eight inches or more in diameter four and one-half feet above the ground level at the base of the tree. This definition shall not include the Scrub Oak (*Quercus dumosa*) or any oak tree grown or held for sale by a licensed nursery, or trees planted or grown as a part of a tree planting program.

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SEC. 46.02. REQUIREMENTS FOR PERMITS:

No person shall relocate or remove any oak tree, as that term is defined in Section 46.01, where said oak tree is located on a lot larger than one acre in size and is not regulated pursuant to Article 7 of Chapter I of this Code, without first having applied for and obtained a permit from the Board of Public Works or its designated officer or employee, except as otherwise provided herein.

An application for a permit shall indicate, in a manner acceptable to the Board of Public Works, by number on a plot plan, the location of each oak tree, and shall identify each oak tree proposed to be retained, relocated or removed. If any grading is proposed which may affect such a tree, a copy of the grading permit plan shall be submitted with the application.

(a) EXEMPTIONS. The Board of Public Works shall exempt from and not require issuance of a permit for the relocation or removal of an oak tree where said Board is satisfied that:

1. The proposed relocation or removal of the oak tree has been approved by the Advisory agency pursuant to Article 7 of Chapter I of this Code, or has been approved by the Advisory Agency prior to the effective date of this Code Section; or

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2. The land upon which the oak tree is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator or the Board of Zoning Appeals prior to the effective date of this Code Section, the appeal period established by this Code with respect to said determination has expired, the determination is still in effect, and pursuant thereto the oak tree's removal would be permissible; or

3. A building permit has been issued for any property prior to the effective date of this Code Section and is still in effect with respect to the property under consideration and its implementation would necessitate such removal or relocation.

(b) Board Authority. The Board of Public Works may grant a permit for the relocation or removal of an oak tree, unless otherwise provided herein or unless said tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone, if said Board determines that the removal of the oak tree will not result in an undesirable, irreversible soil erosion through diversion or increased flow

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of surface waters which cannot be mitigated to the satisfaction of the City; and

1. It is necessary to remove the oak tree because its continued existence at said location prevents the reasonable development of the subject property; or

2. The oak tree shows a substantial decline from a condition of normal health and vigor, and restoration, through appropriate and economically reasonable preservation procedures and practices, is not advisable; or

3. Because of an existing and irreversible adverse condition of the oak tree, the tree is in danger of falling, notwithstanding said tree having been designated an Historical Monument or as part of an Historic Preservation Overlay Zone; or

4. The presence of the oak tree interferes with utility services and roadways within or without the subject property and the only reasonable alternative to the interference is the removal of the tree; or

5. It has no apparent aesthetic value which will contribute to the appearance and design of the surrounding properties, or is not located with reference to other trees or

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monuments in such a way as to acquire a distinctive significance at said location.

(c) ADDITIONAL AUTHORITY. The Board of Public Works or its authorized officer or employee may:

1. Require as a condition of a grant of permit for the relocation or removal of an oak tree, that the permittee replace said tree within the same property boundaries by at least two oak trees of a variety included within the definition set forth in Section 46.01 of this Code, in a manner acceptable to the Board. Each replacement tree shall be at least a 15-gallon, or larger, specimen in size, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

2. Permit oak trees of a lesser size or trees of a different species to be planted as replacement trees, if replacement trees of the size and species otherwise required pursuant to this Code are not available. In such event, a greater number of replacement trees may be required.

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3. Permit an oak tree to be moved to another location on the property, provided that the environmental conditions of said new location are favorable to the survival of the tree and there is a reasonable probability that the tree will survive.

SEC. 46.03. PERMIT CONDITIONS:

(a) A permit issued pursuant to this Article shall (1) specify and approve the location or locations to which said tree may be relocated, (2) designate the species, number, and size of any replacement tree or trees, and (3) set forth any other conditions or requirements deemed necessary by the Board of Public Works, or its authorized officer or employee, to implement the provisions of this Article.

(b) It shall be a misdemeanor for any person to fail or refuse to comply with, or to wilfully violate, any condition or requirement imposed in a permit issued pursuant to this Article.

SEC. 46.04. FEES:

A fee of \$15.00 shall be charged for issuance of any permit pursuant to this Article which permits the removal or relocation of five or less oak trees. Any permit for the removal or relocation of more than five . . .

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such trees shall require an additional fee of \$6.00 for each additional unit of five or fewer trees.

SEC. 46.05. APPEAL:

In the event an application for a permit under this Article is denied, the applicant shall be notified of such denial in writing, said applicant's right to file an appeal with the Board of Public Works, the time limits, and other requirements for the filing of said appeal.

No appeal shall be considered by the Board unless said appeal has been filed with the Board no greater than 10 days after the date said notice of denial is mailed.

The Board shall conduct a hearing within 30 days after receiving an appeal, and shall render a written decision approving, conditionally approving, or disapproving the issuance of the permit applied for.

Sec. 12 ..... The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAR 5 - 1980 .....

REX E. LAYTON, City Clerk,

By, *Edward W. Wilson*  
Deputy.

Approved.....

*Tom Bradley*  
Mayor.

Approved as to Form and Legality

FEB 25, 1980  
BURT PINES, City Attorney,

By *H. G. Morris*  
HENRY G. MORRIS, Deputy City Attorney

Pursuant to Sec. 97.8 of the City Charter, approval of this ordinance recommended for the City Planning Commission.....

See attached report. *Calvin S. Jones*  
Director of Planning

File No. 77-1145 & 77-1145 S-1