



**Issue Identified in Part II.A.** – Challenge to the applicability of the Class 32 Categorical Exemption (CE), based upon inconsistency with Zoning Regulations and General Plan Policies. The appellant argues that use of the Class 32 CE is inappropriate because the project needs to be consistent with City Zoning and the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan.

There are five conditions that must be met for a project to qualify to utilize a Class 32 CE. One of these qualifications, Subsection (a) of California Code of Regulations Title 14, Division 6, Chapter 3, Article 19, Section 15332, states that a project must be "... consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations."

The Supplemental Analysis documents how the project is consistent with the general plan and applicable zoning regulations, and how granting of the adjustment request would not disqualify use of the Class 32 CE.

In the March 4, 2026, SVAPC appeal determination letter, findings were adopted in conjunction with the denial of appeals and the approval of Case No. ZA-2023-2926-ZAA-HCA-1A, determining that the project 1) conforms with the intent of the zoning regulations; 2) that it would be compatible with and not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and 3) that it was in substantial conformance with the purpose, intent and provisions of the General Plan and applicable community plan.

In adopting the findings associated with Case No. ZA-2023-2926-ZAA-HCA-1A, the SVAPC determined that 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," (Finding No. 3) and therefore, exception (a) to the CE does not apply.

As discussed, the project will implement several policies in the General Plan including those calling for more housing in the Housing Element as identified in the adopted findings. While the project may not implement certain policies in the Community Plan, those policies are not mandatory and the General Plan in multiple places recognizes that any given particular project cannot implement all policies and some policies may conflict with each other, like the preservation of open space and the development of housing or creation of jobs. However, the City finds that overall the project is consistent with the General Plan for the reasons stated in the findings adopted by the SVAPC. Additionally, the project is consistent with the Zoning. The City's Zoning Code, like most if not all city and county zoning codes, includes procedures to give adjustments from the zoning regulations. As the Zoning Adjustment is supported by the findings, including the finding that the project conforms to the intent of the zoning regulations, the project is consistent with the zoning.

**Issue Identified in Part II.B.1.** – Challenge to the applicability of the Class 32 Categorical Exemption (CE), based upon Unusual Circumstances. The appellant argues that the use of the Class 32 CE is inappropriate because there are unusual circumstances arising from the creation of a new flag lot, resulting in other violations of Zoning Regulations, loss of animal keeping rights, and impacts to protected and other mature trees.

There are five exceptions to the use of a Class 32 CE. Subsection (c) of California Code of Regulations Title 14, Division 6, Chapter 3, Article 19, Section 15300.2 states 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."

The Supplemental Analysis documents that there are no unusual circumstances arising from the project that would disqualify use of the CE.

The involved property is a level, rectangular-shaped, interior, approximately 35,913 square-foot parcel of land, developed with a single-family dwelling first constructed circa 1953, surrounded by other lots developed with single-family dwellings, and located within a well-established residential neighborhood. There are no physical features on or qualities of the subject property that distinguishes it from the other properties in the surrounding area. The creation of a flag-shaped lot is not an unusual circumstance within the urban environment. Other flag-shaped lots already exist within the immediate community, and many others are located throughout the broader city. The creation of a flag-shaped lot out of the subject property is not considered an unusual circumstance. Similar flag-shaped lots are located at 23112-14 Hatteras Street, 23323 Collins Street, 23346 Collins Street, and 23347 Collins Street, while Case No. AA-1997-7198-PMLA (1997), located at 23130 Hatteras Street, granted a Parcel Map resulting in a flag-shaped lot, and Case Nos. YV 19431 (1977) located at 22955-59 Collins Street, YV 15733 (1968), located at 23045 Burbank Boulevard, and YV 11693 (1961), located at 22948 Hatteras Street, granted yard variances to allow the reduced midpoint lot widths resulting from subdivision actions creating a flag-shaped lot. Additionally, the development of the second lot is not an unusual circumstance. All of the above cited flag-lots are developed with single-family dwellings.

Even if there were an unusual circumstance, appellants have provided no substantial evidence to support that the project may result in a significant impact to the environment. The land use policy to allow horse keeping in this area is not related to the avoidance of environmental hazards or impacts, but a policy to provide additional property rights to certain properties. The appellant's argument that the project negatively impacts animal keeping rights is not a CEQA impact but a social and economic impact and even if horse keeping was a CEQA impact, there are only three properties affected by the project. This is not an impact to the general public, but an impact to private properties. As such, it would not be an impact to the environment.

An Arborist Report, dated October 18, 2023, prepared by Kay J. Greeley, Board Certified Master Arborist WC-1140B, reviewed and approved by the Urban Forestry Division of the Department of Public Works on February 24, 2024, identified three protected trees and nine other mature trees on the property, along with other mature trees that overhang onto the subject property. The project is required to comply with existing City regulations associated with the removal and replacement of protected trees and shrubs, as well as the removal of trees located within the public right-of-way. Existing State and Federal regulations limit when trees can be removed or disturbed in order to protect protected nesting bird species. Further, the Arborist Report makes recommendations on how to limit impacts to trees located on adjoining properties. The impacts to the trees on the property are not the result of unusual circumstances, but are common impacts associated with the development of property.

For these reasons, it cannot be concluded that the location of the property, the resources upon it, or the project itself would result in the "reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances," and therefore, exception (c) to the CE does not apply.

**Issue Identified in Part II.B.2.** – Challenge to the applicability of the Class 32 Categorical Exemption (CE), based upon Cumulative Impacts. The appellant argues that the project will result in additional similar projects and Zoning Regulation violations, resulting in a permanent change to the character of the neighborhood and the elimination of animal keeping rights in the area.

There are five exceptions to the use of a Class 32 CE. Subsection (b) of California Code of Regulations Title 14, Division 6, Chapter 3, Article 19, Section 15300.2 states that “[a]ll exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.”

The appellant’s argument about cumulative impacts to neighborhood character and animal keeping rights are speculative and not supported by evidence.

The appellant has failed to meet their burden as there is no evidence in the record to conclude that the project does not qualify for a Class 32 CE or that the Class 32 CE is deficient. The appellant has also not submitted any substantial evidence for the record to support their claims. Supplemental analysis has been submitted in response to this appeal, further demonstrating that the project appropriately qualifies for a Class 32 CE and that environmental impacts will be reduced to a less than significant level by the City’s Regulatory Compliance Measures (RCMs). Additionally, the Zoning Administrator’s Adjustment entitlement was appropriately granted and is not further appealable following the SVAPC’s decision to sustain the Zoning Administrator’s Determination at its meeting on February 12, 2026.

Therefore, the Class 32 CE, Case No. ENV-2023-2927-CE, adopted in conjunction with Case No. ZA-2023-2927-ZAA-HCA-1A, issued by the SVAPC on March 4, 2026, adequately addresses the impacts of the proposed project.

Conclusion

Planning Staff recommends that the PLUM Committee and City Council deny the appeal and sustain the Determination of the South Valley Area Planning Commission to determine that based on the whole of the administrative record as found in the Zoning Administrator’s case file, and the Supplemental Justification, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32 (Infill Development Project), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Sincerely,

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VPB:JAH