

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-2024-0635

Project Title: 10453 Sandal Lane

Project Address: 10453 Sandal Lane, Los Angeles, CA 90077

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: November 13, 2024

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

2. APPELLANT INFORMATION

Appellant's name (print): Bruno Naylor

Company: _____

Mailing Address: 10505 Mars Lane

City: Los Angeles State: CA Zip: 90077

Telephone: 310-502-5354 Email*: bruno.naylor@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

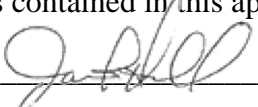
** By submitting this form electronically, you agree to accept communications from the City at the electronic mail address provided.*

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: November 22, 2024

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): MN	Date: 11/22/24
<input type="checkbox"/> Internal review completed	
Deemed Complete/Referred for Assignment by (City Clerk):	Date:

THIS NOTICE WAS POSTED

ON November 15 2024

UNTIL December 16 2024

REGISTRAR - RECORDER/COUNTY CLERK

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)

2024 235969



FILED

Nov 15 2024

Dean S. Logan, Registrar - Recorder/County Clerk

Electronically signed by 2024 235969

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

LEAD CITY AGENCY AND ADDRESS: City of Los Angeles Bureau of Street Services Urban Forestry Division 1149 S. Broadway, Suite 400 Los Angeles, CA 90015	COUNCIL DISTRICT 5
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PROJECT TITLE: 10453 Sandal Lane	LOG REFERENCE BPW-2024-0635
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PROJECT LOCATION: 10453 Sandal Lane Los Angeles Ca. 90077**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:**

Construction of a new 3,036 square-foot single-family dwelling with pool; removal of 1 protected Coast Live Oak tree, 1 protected Southern California black walnut tree and 1 protected Toyon shrub both in the public right-of-way, and 2 unprotected trees; planting of 4 new Coast Live Oak trees, 4 new Southern California black walnut trees, 4 new Toyon shrubs; street widening per City BHO and additional 3-foot emergency pathway as required by the City.

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

Joseph Investments Inc.

CONTACT PERSON

Jennifer Parker, Owner Representative

PHONE NUMBER

(213) 216-3677

EXEMPT STATUS: (Check One)

- ☐ MINISTERIAL
☐ DECLARED EMERGENCY
☐ EMERGENCY PROJECT
☐ GENERAL EXEMPTION
☒ CATEGORICAL EXEMPTION*
☐ STATUTORY*

**CITY CEQA
GUIDELINES**

Art. II, Sec. 2.b
Art. II, Sec. 2.a(1)
Art. II, Sec. 2.a(2)(3)
Art. II, Sec. 1
Class 32
Art. ____, Sec. ____, Class ____, Cat ____

**STATE CEQA
GUIDELINES**

Sec. 15268
Sec. 15269(a)
Sec. 15269(b)(c)
Sec. 15061(b)(3)
Sec. 15332, 15303
Sec. ____

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

JUSTIFICATION FOR PROJECT EXEMPTION:

On November 13, 2024 the Board of Public Works, as reflected in the agenda and staff report, did "FIND that this project is categorically exempt under Section 15332, Class 32 of the State 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. Additional justification attached.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE:	TITLE: Tree Surgeon Supervisor 2 Albert Vera	DATE: 11/14/2024
FEE: \$	RECEIPT NO.	REC'D BY
		DATE

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

2024 235969



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Nov 15 2024

Deen C. Lagan, Registrar - Recorder/County Clerk

Electronically signed by 1333 TIAN

Findings in Support of
A CATEGORICAL EXEMPTION

10453 SANDAL LANE

CITY OF LOS ANGELES

Unofficial

Prepared for:

City of Los Angeles
Department of Public Works
Bureau of Streets & Bridges
Urban Forestry Division
1149 South Broadway, 4th Floor
Los Angeles, CA 90015

Copy

Prepared by:

Meridian
Consultants

860 Hampshire Road, Suite P
Westlake Village, CA 91361
www.meridianconsultantsllc.com

MAY 2024



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Appendices

- A Geology and Soils Report
- B Protected Tree Report

Unofficial Copy



A. INTRODUCTION

A new single-family residence has been proposed to be constructed on an existing vacant property identified as 10453 Sandal Lane (the Project) in the City of Los Angeles (the City). The Project would construct one story over the basement and garage in a single-family dwelling, with a total floor area of 1,697 square feet (sq. ft.), and total living area of 3,036 sq. ft. A pool would also be constructed as part of the Project. The Project would require the removal of one (1) protected tree on the property, as well as one (1) protected tree and one (1) protected shrub within the right-of-way (ROW) on Sandal Lane, which are protected by the City of Los Angeles Native Tree Protection Ordinance (Ordinance 186873). Therefore, the Project triggers the requirement for a tree removal permit from the Urban Forestry Division (Urban Forestry) of the Bureau of Street Services, a division within the City's Department of Public Works (Department). This action is considered by the Department to be a discretionary approval. Additionally, the Project would widen a portion of Sandal Lane fronting the property to a minimum of twenty (20) feet, in compliance with the City's Baseline Hillside Ordinance (BHO);¹ as well as an additional emergency three (3)-foot pathway, required by the City's Bureau of Engineering (BOE).

The California Environmental Review Act (CEQA) requires the review of projects that involve the exercise of discretionary powers by a public agency that would result in a physical change in the environment. Therefore, this Project would be subject to CEQA. However, Section 50100 of the CEQA Guidelines provides that a lead agency shall next determine if a project, otherwise subject to CEQA, may be exempt from CEQA pursuant to one or more of the thirty-three (33) categorical exemption classes and the application of that categorical exemption is not barred by one of the exceptions set that are set forth in CEQA Guidelines Section 15300.2. This document briefly describes the Project, identifies its relationship to the eligibility criteria for a Class 3 Exemption established by CEQA Guidelines Section 15303, and evaluates it against the exemption.

B. QUALIFICATION

Meridian Consultants has been providing environmental planning consulting services to public agencies and private sector clients throughout southern California for over a decade, and is currently on the City of Los Angeles Department of City Planning's List of Consultants for the fiscal year 2024 and beyond. Meridian Consultants is approved to provide Environmental Consulting Services for Development Projects in the City of Los Angeles. Meridian Consultants has prepared numerous environmental review documents, including Environmental Impact Reports (EIRs), Sustainable Community Environmental Assessments (SCEAs), Categorical Exemption Findings, Mitigated Negative Declarations (MNDs), and Negative Declarations (NDs), as well as Addendums to NDs, MNDs, and EIRs for a wide range of projects throughout the City.

1 City of Los Angeles, Bureau of Engineering. "09 - BHO / Hillside Ordinance (Street(s) Along Lot Frontage(s) Minimum 20' Wide)." Accessed May 2024. <https://engpermitmanual.lacity.org/building-safety-clearances/technical-procedures/clearance-summary-worksheet-clearances/09-bho>.



C. FINDINGS

Based on the information provided in this document, the Project meets the criteria for a Class 3 Exemption and is not subject to any of the exceptions set forth in CEQA Guidelines Section 15300.2. Therefore, the Project is exempt from CEQA.

D. PROJECT BACKGROUND

1. Site Location

The property is located on Sandal Lane, which branches off from Bel Air Road to the west and terminates at Lisbon Lane to the east within the City (Project site). The Project site is located on a vacant parcel approximately 0.68 miles southeast of the Stone Canyon Reservoir and approximately 1.1 miles south of Beverly Glen Park. The San Diego 405 Freeway is located approximately 1.9 miles west of the Project site and a neighborhood of single-family residences surround the Project site to the east. The Project site is currently undeveloped and contains a rudimentary dirt driveway along Sandal Lane.

2. Site Conditions

The approximately 5,461.5 sq. ft. Project site is within the Bel Air-Beverly Crest neighborhood in the City of Los Angeles identified as Assessor Parcel Number (APN) 4371-011-020.

The Project site is an existing vacant lot irregular in shape. The Project site is located on the eastern end of Sandal Lane, before the road terminates unto Lisbon Lane, at the top of a natural steep hill sloping in east-west and north-south directions. On the Project site there are a total of nine (9) native trees: three (3) mature Southern California black walnut trees and four (4) mature and two (2) young Coast Live oak trees, all of which are protected by the City's tree ordinance. Another smaller Southern California black walnut tree of non-protected size is also located on the Project site. Within the Sandal Lane ROW there are three (3) trees and one (1) shrub, consisting of one (1) protected Southern California black walnut tree, one (1) protected Toyon (*Heteromeles arbutifolia*) shrub, and two (2) young non-native trees (a Jacaranda tree (*Jacaranda Mimosifolia*) and Silk tree (*Albizia julibrissin*)). The Southern California Black walnut tree, Toyon shrub, and Jacaranda tree are located along Sandal Lane fronting the southeast corner of the Project site, and the Silk tree is located along Sandal Lane fronting the southwest corner of the Project site.

3. Planning and Zoning

In the Bel Air-Beverly Crest Community Plan of the Los Angeles General Plan, the Project site occupies the middle portion of the plan area in Bel-Air, and is designated as Very Low II Residential, or RE-15-1-HCR, which indicates "residential estate" zoning.² The Project site is within the jurisdiction of the Los Angeles Department of Building and Safety (LADBS) regarding grading, hauling, and construction activity

² City of Los Angeles. "Bel Air-Beverly Crest Generalized Zoning Map". Accessed April 2024.
<https://planning.lacity.gov/odocument/8a6ea15f-3a06-486e-9780-52967b83729a/BARplanmap.pdf>.

in residential hillside areas. According to the Los Angeles City Fire Department (LAFD) Fire Zone Map, the Project site is within a Very High Fire Hazard Severity Zone (VHFHSZ), which establishes brush clearance and landscaping requirements.³ Additionally, the Project site is designated within a landslide zone.⁴ A Geology and Soils Report was prepared for the Project by Schick Geotechnical, Inc. (provided as Appendix A). Upon approval by LADBS, no further geotechnical investigations are required.⁵

E. PROJECT DESCRIPTION

1. Program

The Project would construct one story over the basement and garage in a single-family dwelling, with a total floor area of 1,697 sq. ft., and total living area of 3,036 sq. ft. The Project would also include construction of a pool located adjacent to the northern boundary of the Project site. Driveway access would be developed on Sandal Lane.

The Project as proposed is consistent with the planning and zoning designations of the City. To implement the Project, permits have been applied for from LADBS for grading and backfill, and the new single-family residence. As disclosed, due to the proposed removal of one (1) protected tree on the Project site, as well as one (1) protected tree and one (1) protected shrub within the ROW on Sandal Lane, the Project would require a tree removal permit from Urban Forestry. Additionally, the BMD requires street widening of the portion of Sandal Lane fronting the Project site to twenty (20) feet, and the City's BOE would require an additional emergency three (3)-foot pathway.

2. Tree Removal

The City of Los Angeles Protected Tree Preservation Ordinance No. 18-073 (Chapter IV, Article 6 of the Los Angeles Municipal Code) has identified coast live oak, western yellow pine, Southern California black walnut, California bay laurel, Mexican elderberry, and bayon with trunk diameters (measured at 4.5 feet above grade) of four (4) inches or greater as protected species. To remove any of these trees, the City's tree removal permit process must be complied with.

The Protected Tree Preservation Ordinance requires preparation of a Protected Tree Report by a qualified "tree expert." A tree survey was conducted on the Project site in December 2023 and a Protected Tree Report was prepared (See Appendix B: Protected Tree & Shrub Removal Report.)⁶ The survey, performed entirely at ground level as part of Appendix B, identified twelve (12) total trees and one (1) shrub on the Project site and within the ROW on Sandal Lane. Within the Project site, the survey identified nine (9)

3 Los Angeles Fire Department (LAFD). "Fire Zone Map." Accessed April 2024. <https://www.lafd.org/fire-prevention/brush/fire-zone/fire-zone-map>.

4 California Department of Conservation. "Earthquake Zones of Required Investigation." Accessed April 2023. <https://maps.conservancy.ca.gov/cgs/EQZApp/app/>.

5 See Appendix A.

6 Arsen Margossian, ISA, ASCA, CTRA, TRAQ, Bardez Landscape Services, Inc. Protected Tree & Shrub Removal Report 10453 Sandal Lane, Los Angeles. December 14, 2023. (See Appendix B.)

Findings in Support of a Categorical Exemption

protected trees—specifically, three (3) mature Southern California black walnut (*Juglans californica*) trees, and four (4) mature and two (2) young Coast Live oak (*Quercus agrifolia*) trees. Within the public ROW, the survey identified three (3) trees and one (1) shrub, consisting of one (1) protected Southern California black walnut tree, one (1) protected Toyon (*Heteromeles arbutifolia*) shrub, and two (2) young nonnative trees. The arborist concluded that the native trees must all be naturally occurring, because the neighboring lots also have the same trees.⁷ On the abutting properties, there are no visible native shrubs, but there are visible Southern California black walnut trees, which would not be impacted by the Project as they are a significant distance from the land development footprint.

The Project would retain and protect eight (8) of the nine (9) protected trees on the Project site. The retained trees are located along the property line, from the western boundary continuing to the northern and eastern boundaries. A Tree Protection Zone (TPZ), which includes a fence with a minimum of four to five feet high, would be maintained around these retained trees before start of and during the entire construction phase. One (1) protected Coast Live Oak tree located adjacent to the eastern boundary of the Project site would require the presence of a Certified Arborist during excavation.⁸ For these reasons, the retained trees on the Project Site would not be impacted from implementation of the proposed Project.

The Project would only remove one (1) Coast Live Oak (*Quercus agrifolia*) on the Project Site, located centrally toward the street side of Sandal Lane, within the southern portion of the Project site. As mentioned above, eight (8) of the nine (9) protected trees on the Project Site would be retained. The Coast Live Oak tree to be removed was observed to be in average condition.⁹ Within the ROW on Sandal Lane, the Project would remove one (1) protected Southern California black walnut tree, one (1) protected Toyon native shrub, and two (2) young nonnative trees. No trees or shrubs would be retained within the ROW on Sandal Lane adjacent to the Project Site. The Toyon shrub and Southern California Black Walnut trees were observed to be in average condition, while the other two nonnative street trees were observed as being in fair or average condition.¹⁰ Of the trees that would be removed by the Project, three (3) are protected trees and shrubs: one (1) within the Project site and two (2) within the ROW. The Arborist concluded that it is not practical to incorporate these trees and shrub on the Project site or public ROW into the design of the Project due to their location, which would conflict with the building footprint and development of the Project.¹¹

In order to comply with the Protected Tree Preservation Ordinance, new trees would be planted in a ratio of four new trees or shrubs for each protected tree or shrub that is removed. The Protected Tree and Shrub Removal Report recommends four (4) Coast Live oak, four (4) Southern California Black Walnut

- 7 See Appendix B.
- 8 See Appendix B.
- 9 See Appendix B.
- 10 See Appendix B.
- 11 See Appendix B.

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Don C. Logan, Registrar—Relevant County Clerk

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trees, and four (4) Toyon shrubs be planted on the Project site. The four (4) Coast Live Oak trees would be planted along the northwest boundary of the Project Site; four (4) Southern California Black Walnut trees would be planted along the western boundary of the Project Site; and four (4) Toyon shrubs would be planted on the southeast corner of the proposed residence, fronting the concrete driveway and Sandal Lane. There is sufficient area for all eight (8) mitigation trees and four (4) mitigation shrubs to be planted and have a viable future.¹² Therefore, with the planting of these trees and shrubs, the conditions of the tree removal permit would be met.

3. Street Widening

The BHO applies to all properties that are zoned R1, RS, RE (9, 11, 15, 20, and 40), and RA and are designated as Hillside Area on the Department of City Planning Hillside Area Map, as defined in Section 12.03 of the Los Angeles Municipal Code (LAMC).

New structures will not be permitted unless they comply with the development standards on Street Access and Minimum Roadway Width of the BHO.¹³ The BHO requires that for any new construction of, or addition to, a one-family dwelling on a lot fronting on a Substandard Hillside Limited Street that is improved with a roadway width of less than 20 feet, no building permit or Grading permit shall be issued unless the construction or addition has been approved pursuant to the LAMC.¹⁴ The BHO applies to the Project site as it is zoned RE 15-1-CP and designated as Hillside Area. Therefore, the Project would require street widening of the portion of Sandal Lane fronting the Project site to 20 feet to meet the development standards of the BHO, as well as an additional emergency 3-foot pathway to comply with the requirements of the City's BOE.

F. CATEGORICAL EXEMPTION CRITERIA

Public Resources Code Section 21064 provides that the CEQA Guidelines shall include a list of classes of projects that have been determined not to have a significant effect on the environment and that shall be exempt from CEQA. Sections 15300 to 15333 of the CEQA Guidelines sets forth the list of exemption classes.

Class 3, described in Section 15303 of the CEQA Guidelines, consists of construction of small structures. Section 15303(a) of the CEQA Guidelines states that this exemption includes "One single-family residence, or a second dwelling unit in a residential zone."¹⁵

The Project is the construction of a new single-family residence in a residential zone. As such, the Project meets the criteria for a Class 3 Categorical Exemption.

¹² See Appendix B.

¹³ City of Los Angeles. Los Angeles Municipal Code (LAMC). Section 12.21 C.10.(1)(2).

¹⁴ City of Los Angeles. LAMC. Section 12.24 X.28.

¹⁵ California Environmental Quality Act (CEQA) Statute and Guidelines. Section 15303(a). 2024.





G. EXCEPTIONS TO CATEGORICAL EXEMPTIONS

A project that meets the criteria for an exemption can nonetheless be subject to CEQA if it falls within one of the six exceptions listed in CEQA Guidelines Section 15300.2. The following identifies each exception as listed in the CEQA Guidelines and evaluates its applicability to the Project.

1. Location

CEQA Guidelines Section 15300.2(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 in 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.

The Project site is located on a vacant lot within an existing residential area of the Bel Air-Beverly Crest neighborhood within the Santa Monica Mountains. Therefore, the Project site is within locally designated areas of environmental concern associated with its setting in the Santa Monica Mountains.

The Project site is within the jurisdiction of the City of Los Angeles regarding grading, building, and construction activity in residential hillside areas. Development of the Project would comply with the requirements of the LADBS, as well as other zoning requirements. As such, the Project would not have an impact relative to its location within the City and the Santa Monica Mountains.

As mentioned previously, the Project would retain most protected trees and would plant four (4) new trees and four (4) new shrubs for each of the two protected trees and one protected shrub to be removed—for a total of eight (8) new trees and four (4) new shrubs—which meets the minimum 4:1 replacement standard as outlined by current Department policy. As mentioned previously, there is sufficient area on the Project site for all eight (8) mitigation trees and four (4) mitigation shrubs to be planted and have a viable future. Additionally, according to the LAFD Fire Zone Map, the Project site is within the City's VHFHSZ.¹⁶ Therefore, the Project would comply with specific requirements relative to landscaping and brush clearance by the LAFD and other local, State, and federal regulations. For these reasons, the Project would not have an impact relative to its location within the VHFHSZ.

Moreover, the Project site is within the boundaries of the Santa Monica Mountains Conservancy Zone.¹⁷ The Eastern Santa Monica Mountains Natural Resource Protection Plan was adopted by the Santa Monica Mountains Conservancy (SMMC) in December 2021.¹⁸ This plan provides a baseline for land and habitat protection within the portion of Santa Monica Mountains between Griffith Park and Topanga Canyon. The

¹⁶ LAFD. "Fire Zone Map." Accessed April 2024.

¹⁷ Santa Monica Mountains Conservancy. Eastern Santa Monica Mountains Natural Resource Protection Plan. Accessed April 2024. <https://smmc.ca.gov/wp-content/uploads/2021/12/ESSM-NRPP.pdf>.

¹⁸ Santa Monica Mountains Conservancy. "Document Library - Santa Monica Mountains Conservancy". Accessed April 2024. <https://smmc.ca.gov/document-library/>.



plan focuses on connectivity of existing habitat blocks and pathways that wildlife might use to reach them. The SMMC has prepared maps of these habitat blocks and pathways and, while the City has not adopted these maps or generally considered them in its development review, the combined Natural Resource Protection Plan (NRPP) map provides a baseline to consider parcel-specific impacts.

Based on the NRPP maps, the Project site is not within a habitat block or wildlife corridor, nor is it positioned in a connecting gap between these areas. The NRPP does show a wildlife corridor, approximately 0.2 miles south of the Project Site, connecting habitat blocks at the end of the cul-de-sac of Bel Air Road traveling east across Beverly Glen Road an adjacent habitat block. A second wildlife corridor is located approximately 0.2 miles north of the Project site, connecting habitat blocks at the end of the cul-de-sac on Rial Lane to an adjacent habitat block traveling east across Beverly Glen Boulevard. These identified habitat blocks begin at the base of the Santa Monica Mountains within the Bel Air-Beverly Crest Community Plan area and continue north towards Stone Canyon Reservoir, surrounding the residential neighborhood along Beverly Glen Boulevard and Angelo Drive, which travel in a generally north-south direction. Development of the new single-family dwelling would be contained on the Project site and would not alter or impact the habitat blocks surrounding the Project site. Therefore, the Project location would not have an impact relative to habitat blocks or wildlife corridors.

In 2016, the City of Los Angeles initiated a Wildlife Pilot Study to create an ordinance with land use that would maintain wildlife connectivity in the City. On June 24, 2022, the proposed Wildlife Ordinance was approved by the City's Council's Planning and Land Use Committee (PLUM) with some additional modifications and is now under review by the City's Attorney's Office.¹⁹ While not yet adopted, this effort is indicative of the location of environmental resource concern within the City's portion of the Santa Monica Mountains. Based on mapping provided by the Department of City Planning for the Wildlife Ordinance, the Project site is not within a Resource Buffer or Edge-in Buffer.²⁰ An Open Space Resource Buffer is located 0.04 miles east of the Project site, at the eastern end of Sandal Lane; and a second Open Space Resource Buffer is approximately 0.3 miles north of the Project site, at the end of Viretta Lane which branches off of Bel Air Road in an eastward direction. Implementation of the Project, including construction activities, would be confined to the development footprint of the Project site and would not intersect with nearby open space resource buffers. Therefore, impacts to open space resource buffers would be less than significant.

Based on the above, the Project would not have an impact on an environmental resource of hazardous or critical concern that has been officially designated, mapped, or listed by federal, State, or local agencies. Therefore, this exception does not apply.

¹⁹ Los Angeles City of Planning. Wildlife Ordinance. Accessed April 2024. <https://planning.lacity.gov/node/133058>.

²⁰ Los Angeles City Planning. Wildlife Pilot Study. Accessed April 2024. <https://planning.lacity.gov/plans-policies/wildlife-pilot-study>.



2. Cumulative Impact

CEQA Guidelines Section 15300.2(b) Cumulative Impact. All 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.

This exception applies when the impact of successive projects of the same type and in the same place is significant over time. This definition of cumulative impacts considers whether repeated occurrences of the same action within the same area would have effects that should be considered as a whole.

The Project consists of development of an existing vacant residential lot with a new single-family residence within an existing single-family residential neighborhood. The construction of a new single-family residence would not change the general land use pattern or density of the neighborhood. In fact, the Project is the form of development envisioned by the zoning and planning framework applied to the location by the City. In addition, newer residences would be designed to the current energy and seismic codes.

Removal of existing protected trees, street widening, and other development within existing residential lots in the neighborhood would be subject individually to the City's permit process and the planting of replacement trees. Successive projects of the same type in the same place could result in gradual replacement of existing mature trees with an increased number of new trees. Given that the Project replaces two (2) protected trees and one (1) protected shrub with eight (8) additional new trees and four (4) additional new shrubs consistent with the minimum 4:1 replacement standard as outlined by current Department policy, the Project would not have a substantial effect on the inventory of the neighborhood. As discussed under the previous exception, the Project site does not intersect with defined wildlife corridors or habitat areas. As such, the Project would not have a substantial effect on the biological resources of the neighborhood. Additionally, the components of the Project (removal of the two (2) protected trees and one (1) protected shrub, street widening, and construction of a new single-family residence) are site-specific and would not contribute to significant cumulative impacts in the area.

Based on the above, the Project would not have a considerable contribution to significant cumulative impacts within the area and successive projects of the same type within the same neighborhood would not result in significant effects. Therefore, this exception does not apply.

3. Unusual Circumstances

CEQA Guidelines Section 15300.2(c) Significant Effect. 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 Project site is located on an existing vacant lot and proposes construction of a new single-family residence within an existing single-family residential neighborhood. As the Project is zoned RE-15-1-HCR (single-family "residential estate"), the Project complies with the existing zoning. The surrounding



properties have been developed in a similar manner with similar uses. Construction of a new single-family residence would not change the general land use pattern or density of the neighborhood. Additionally, as discussed, the Project also includes street widening as well as an additional emergency 3-foot pathway to comply with the requirements of the City's BOE. As compared to the surrounding lots and uses, there are no unusual circumstances associated with the Project site or the proposed changes to the Project site. Therefore, this exception does not apply.

4. Scenic Highways

CEQA Guidelines Section 15300.2(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

Beverly Glen Boulevard, approximately 0.1 miles east of the Project site; the 405 Freeway heading north, approximately 1.9 miles west of the Project site; Mullholand Drive, approximately 2.2 miles north of the Project site; and Pacific Crest Highway, or California State Route 1, approximately 6.5 miles south of the Project site are classified as scenic highways.²¹ The Project, which includes the development of the new single-family residence and the other site work as discussed, is not visible from Beverly Glen Boulevard, as the Project sits on a vacant lot that slopes downward in an eastern direction towards Beverly Glen Boulevard, blocked by existing single-family residences and mature trees. Moreover, the Project would not be visible from other listed scenic highways at these distances and thus would not obstruct or alter any views from these roadways. The proposed alteration of the Project site would not create substantial enough visual change to affect any visual resource. Therefore, this exception does not apply.

5. Hazardous Waste Sites

CEQA Guidelines Section 15300.2 Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

California Government Code Section 65962.5 requires State agencies, including but not limited to the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB), to compile a list of hazardous waste disposal facilities, unauthorized releases from underground storage tanks, contaminated drinking water wells and solid waste facilities where there is known migration of hazardous waste, and submit such information to the Secretary for Environmental Protection. Based on a review of the databases compiled in accordance with Section 65962.5 by the DTSC and SWRCB,^{22,23} the Project site is not located on a hazardous waste site. There is one (1) Leaking Underground Storage Tank

²¹ City of Los Angeles. "Map A3 – West Subarea." *Mobility Plan 2035, An Element of the General Plan*. 2016.

²² Department of Toxic Substances Control. "EnviroStor." Accessed April 2024. <https://geotracker.waterboards.ca.gov/>.

²³ State Water Resources Control Board. "GeoTracker." Accessed April 2024. <https://www.envirostor.dtsc.ca.gov/public/>.

Findings in Support of a Categorical Exemption

(LUST) Cleanup Site, located 0.7 miles north of the Project site on Beverly Glen Boulevard, that has been completed and closed as of December 1994, indicating that the site has been remediated and no further regulatory oversight activities are required.²⁴ Additionally, the LUST Cleanup Site's impact is site-specific and, at this distance to the Project site, would not result in impacts on the Project site. Therefore, this exception does not apply.

6. Historical Resources

CEQA Guidelines Section 15300.2(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The Project site is not identified as a potential historic resource in SurveyLA,²⁵ HistoricPlacesLA,²⁶ or on other parcel reports or references. The surrounding neighborhood does include residences considered to be historic resources. Historic resources within approximately 1/2-mile of the Project include: 1609 N Beverly Glen Boulevard, 909 Beverly Glen Boulevard, 1811 Bel Air Road, 10274 Chrysanthemum Lane, 1053 Stone Canyon Road, 10575 Vestone Way, and 1231 Stone Canyon Road.

Of these, 1609 North Beverly Glen Boulevard, commonly known as Glen Market, is the closest historic resource, as it is at the base of the eastward slope of the Project fronting Beverly Glen Boulevard, approximately 0.05 miles northeast of the Project site. Glen Market at 1609 North Beverly Glen Boulevard is considered significant as it was developed in 1926 and is the only local market serving the neighborhood.²⁷ Though within the surrounding area of the Project site, the Project would not directly alter the features of this off-site property and would not indirectly affect the character, integrity, or design of 1609 North Beverly Glen Boulevard. Given the intervening residences and topography, the development of the Project site would not have any effect on this property or other historic resources in the neighborhood. Specifically, the Project as a whole would not alter any physical characteristics or context of any historic resources in the surrounding community.

For these reasons, the Project is consistent with CEQA 15300.2(f), as there would be no substantial adverse change in the significance of a historical resource. Therefore, this exception does not apply.

2024 235969



FILED
Nov 15 2024

Dean C. Logan, Registrar - Recorder/County Clerk

Electronically signed by 1000 TRAM

²⁴ Department of Toxic Substances Control. "EnviroStor." Accessed May 2024.

²⁵ Historic Resources Group. SurveyLA. Los Angeles Historic Resources Survey Report. Brentwood - Pacific Palisades Community Plan Area. November 2013. Accessed April 2024. [https://planning.lacity.gov/odocument/e4a918f7-e513-4e69-9ec4-21342262f232/Brentwood_Pacific_Palisades_Report_\(2\).pdf](https://planning.lacity.gov/odocument/e4a918f7-e513-4e69-9ec4-21342262f232/Brentwood_Pacific_Palisades_Report_(2).pdf).

²⁶ City of Los Angeles. Los Angeles Historic Resources Inventory. HistoricPlacesLA. Accessed April 2024. <https://hpla.lacity.org/search>.

²⁷ Historic Resources Group. SurveyLA. Los Angeles Historic Resources Survey Report. Bel Air - Beverly Crest Community Plan Area. Accessed April 2024. https://planning.lacity.gov/odocument/8653ceb3-0d57-4e95-8659-cf0a867bbc26/Final_Survey_Report_-_Bel_Air-Beverly_Crest_HPLAEdit.pdf.

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*ALSO Admitted in Texas

November 22, 2024

VIA ELECTRONIC MAIL

Los Angeles City Clerk
200 N. Spring Street
Los Angeles, CA 90012-4801
clerk.cps.ceqa@lacity.org

Board of Public Works
Room 350 City Hall
200 North Spring Street
Los Angeles, California 90012-4801

**Re: CEQA Appeal for Project Located at 10453 Sandal Lane;
BPW-2024-0635**

Dear City Clerk:

This firm represents Bruno Naylor ("Appellant") with respect to the City of Los Angeles's ("City") consideration of the proposed single-family home located at 10453 Sandal Lane in Mars Canyon ("Project"). On or about November 13, 2024, the Board of Public Works ("Board") approved a tree removal permit for the removal of six trees including three protected native trees to facilitate the Project. The Board also determined that the Project was exempt from the California Environmental Quality Act ("CEQA").

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

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division,

that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."

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

Authorizing Statute: Los Angeles Municipal Code Section 197.01

Nonelected Decision-making Body: Board of Public Works

Date of Decision-making Body's Environmental Decision: November 13, 2024

Contact Information for Appellant:

Name: Bruno Naylor

Address: c/o 8383 Wilshire Blvd., Suite 750, Beverly Hills, CA 90211

Telephone: (310) 982-1760

Legal Basis for Appeal: Application of the Class 3 Categorical Exemption (the so-called "single family home exemption") is limited by the factors described in CEQA Guidelines section 15300.2. In this case, the Project is not eligible for the Class 3 Exemption both because of the Project's location in a "particularly sensitive environment" and "unusual circumstances." The Project is located in the Santa Monica Mountains Zone which has been declared by the Legislature to be an environmental resource of critical concern. Moreover, the loss of this habitat constitutes a significant impact on the environment that is not mitigated by the mere replacement of trees. The Project also fails to conform with [LAMC 12.21.C.10\(i\)\(3\)](#) which requires, for any new construction of, or addition to, a one-family dwelling on a lot that does not have a vehicular access route from a street, a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area. The City has failed to disclose this fact in the project description as required by CEQA or evaluate the "whole of the action." As such, the City has engaged in unlawful piecemealing. My client's objection letter justifying its contentions that the Project is not exempt from CEQA is attached hereto as **Exhibit 1**.

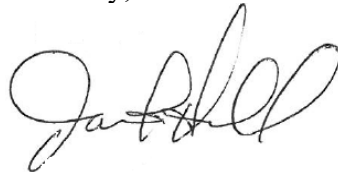
A complete copy of this appeal is being filed concurrently with the Board of Public Works – the nonelected decision-making body whose Environmental Determination is being appealed.

The filing of this appeal stays the approval of the Project. The Ordinance states as follows: "*Stay of Project Approval. If a timely CEQA Appeal has been filed, then pending resolution of the CEQA Appeal, the action by the nonelected decision-making body or individual shall be stayed and no permits may issue and no work based thereon may proceed.*" This appeal has been timely filed.

Los Angeles City Clerk
November 22, 2024

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

Sincerely,

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

Encl: Exhibit 1 CEQA Objection Letter

EXHIBIT 1

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*ALSO Admitted in Texas

November 22, 2024

VIA PERSONAL DELIVERY

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Los Angeles, CA 90012-4801
clerk.cps.ceqa@lacity.org

Board of Public Works
Room 350 City Hall
200 North Spring Street
Los Angeles, California 90012
tj.knight@lacity.org

**Re: CEQA Appeal for Tree Removal Project Located at 10453 Sandal Lane;
BPW-2024-0635**

Dear City Clerk:

This firm represents Bruno Naylor, a resident in the immediate neighborhood of the proposed new one-story 3,036 square foot single-family dwelling with a pool, on a vacant lot of approximately 5,469 square feet ("Project"). On or about November 13, 2024 the Board of Public Works ("BPW") or "Board") approved a request to remove three protected trees and two street trees which include one Southern California Black Walnut tree, one Coast Life Oak tree, one Toyon tree, one Jacaranda tree, and one Silk tree for the construction of the Project and required street widening. Mr. Naylor and his counsel appeared at the hearing and objected to the approval of the Project on environmental grounds. This letter is intended to inform the City Council that the Project is not exempt from the California Environmental Quality Act ("CEQA") and is inconsistent with local law.

I. The Location of the Project is in a Sensitive Natural Community and The City Has Failed to Provide Sufficient Mitigation

California Department of Fish and Wildlife (“CDFW”) has prepared a list of “sensitive natural communities” in California and their need for preservation.¹ CDFW states that all natural communities on its list with ranks of 1-3 are considered “sensitive.” Notably, California Black Walnut woodlands, including Coast Live Oak woodlands, are on the list and are designated as “sensitive.”

California Natural Community List				Thursday, June 1, 2023
This document provides the current list of vegetation Alliances, Associations, and Special Stands. State and Global rarity ranks are indicated for Alliances and some Associations; those with ranks of 1-3 are considered Sensitive. Associations considered Sensitive are marked with a Y in the rightmost column. A “?” indicates our best estimate of the rank when we know we have insufficient samples over the full expected range of the type, but existing information points to this rank. Semi-Natural Stands are included but not ranked and are denoted as GNA/SNA (global/state rank not applicable). Pending additions are at the bottom of the list. For more information, or to check for updates, please see: https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities https://explorer.natureserve.org/AboutTheData/Statuses				
<i>Juglans californica</i>				Alliance
72.100.00	California walnut groves	G3	S3	
72.100.03	<i>Juglans californica</i> / annual herbaceous	G3	S3	Y
72.100.04	<i>Juglans californica</i> / <i>Artemisia californica</i> / <i>Leymus condensatus</i>	G3	S3	Y
72.100.05	<i>Juglans californica</i> / <i>Ceanothus spinosus</i>	G3	S3	Y
72.100.06	<i>Juglans californica</i> / <i>Heteromeles arbutifolia</i>	G3	S3	Y
72.100.07	<i>Juglans californica</i> / <i>Malosma laurina</i>	GNR		Y
72.100.08	<i>Juglans californica</i> – <i>Quercus agrifolia</i>	G3	S3	Y

Figure 1.0 – Natural Communities List of Life Forms from
www.wildlife.ca.gov/data/vegcamp/natural-communities via CDFW website

As noted in Staff Report for the Project, there are multiple Southern California Black Walnut trees (five) located either on the lot itself or on the public right-of-way. There are also multiple Coast Live Oaks (seven) located either on the lot itself or within the public right-of-way. The abundance of such native trees within such a confined area constitutes a **woodland** and the Staff Report fails to take into consideration the existence of both a Southern California Black Walnut woodland and a Coast Live Oak/Walnut Woodland in the area and the irreparable harm of disturbing such an area. My client commissioned a qualified biologist to map the habitat of his adjacent properties, Dr. Dan Cooper, a biologist with the Resource Conservation District of the Santa Monica Mountains, and Dr. Cooper determined that the adjacent properties contain both a walnut woodland and an oak-walnut woodland on it (both sensitive natural communities). It stands to reason – based on the abundance of native trees on the property in question – that they also contain such woodlands. A screenshot from the habitat mapping prepared by my client is shown below. As you can see, the property on the other side of Sandal Lane contain both Oak-Woodlands and Oak Walnut Woodlands.

¹ <https://wildlife.ca.gov/data/vegcamp/natural-communities#sensitive%20natural%20communities>

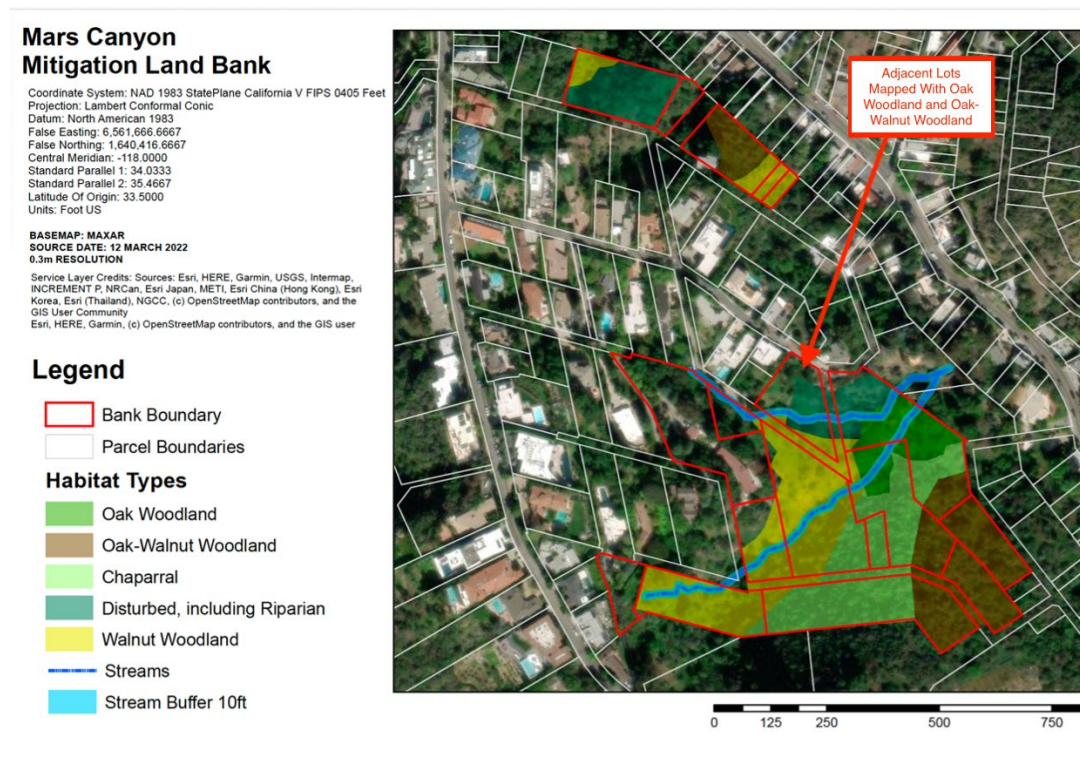


Figure 1.1- Mars Canyon Mitigation Land Bank Image

Woodlands provide a unique ecosystem for local habitat and are also extremely difficult to recreate with simple replacement tree because mitigation takes the form of “area” not just replacement trees. Dr. Travis Longcore has authored a report entitled "*Conservation of California Walnut in the Eastern Santa Monica Mountains*" that is highly relevant². This report details the failings of the City’s current procedures to mitigate for the loss of walnut woodlands. As noted by Dr. Longcore, meaningful mitigation for impacts to a Sensitive Natural Community should involve on-or off-site permanent protection or restoration of the same habitat type at a specified mitigation ratio. A typical mitigation ratio for loss of a Sensitive Natural Community ranked S3 (all of those with *Juglans californica*) as usually recommended by CDFW would be 5:1 (in area/acreage). Avoidance of significant impacts on rare species and Sensitive Natural Communities is always the most desirable outcome. If impacts are unavoidable, an area-based mitigation scheme is required, with permanent protection, performance criteria, and enforceability, as part of CEQA compliance. The current mitigation measures proposed by staff do not require area-based mitigation.

Again, California Department of Fish and Wildlife (“CDFW”) has repeatedly advised the City that replacement trees alone do not provide adequate mitigation for impacts to sensitive

² This report can be accessed at <https://www.urbanwildlands.org/Resources/ConservationCaliforniaWalnutUWG.pdf>

natural communities. A screenshot from a comment letter from CDFW for a project in Northeast Los Angeles³ is shown below:

Comment #1: Impacts to Sensitive Plant Species

Issue: The Initial Study recognizes the need for mitigation for the Southern California black walnut trees due to the required removal of numerous individuals to conduct Project activities. However, Mitigation Measures IV-01 and IV-80 in the Initial Study do not determine a specific replacement ratio for each of the **indivual Southern California black walnut (*Juglans californica*)** trees that will be removed during Project activities.

Specific impacts: Mitigation Measure IV-01 states, "California black walnut trees covered under the **City's Protected Tree Ordinance** and that would be removed, replace them on a 1:1 basis with the same species trees." However, **Mitigation Measure IV-80** states, "A minimum of four trees (tree size to be determined by the City) shall be planted for each protected tree that is removed." If the replacement ratio is 1:1, this **may not be sufficient when accounting for the temporal loss of mature Southern California black walnut trees. CDFW considers walnut woodlands distinct biological communities, consisting of trees, shrubs, vines, and herbaceous understory vegetation. The MND only considers the value of the trees and does not appear to characterize the value of these unique communities in a biological setting. Removal or thinning of an understory in walnut woodland directly impacts the functions and values of the entire walnut woodland.**

Figure 1.2 – CDFW Comment Letter for Northeast Los Angeles Project

Without adequate mitigation, the Project *will* have a significant effect on the environmental and therefore the Project is not eligible for a categorical exemption from CEQA.

II. The City Owes a Duty to Consult with CDFW and Failed to Do So

The CDFW is a trustee agency and the City owes a duty to consult with and notify CDFW. Per California Code of Regulations § 15386, a trustee agency "*means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee agencies include: (a) The California Department of Fish and Game with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department.*"

The Southern California Black Walnut is assigned a California Rare Plant Rank (CRPR) of 4.2 by the California Native Plant Society. The CDFW, a trustee agency, has concluded that the Southern California Black Walnut meets the definition of a "rare, threatened or endangered species. CDFW has published a documented entitled "*Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Nature Communities.*"⁴ CDFW states at page three of that document that plants tracked by the California Natural Diversity Database and California Native Plant Society as California Rare Plant Rank 3 or 4 meet the definition of rare or endangered under CEQA Guidelines 15380, subdivisions (b) and (d) and warrant consideration under CEQA on the basis of declining trends, recent taxonomic

³ This letter is attached as **Exhibit A**.

⁴ This document is attached as **Exhibit B** and available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

information and other factors. The City owes a duty to consult with the CDFW. Public Resources Code Section 21080.3 states as follows: “Prior to determining whether a negative declaration or environmental impact report is required for a project, the lead agency shall consult with all responsible agencies and trustee agencies.”

The City cannot claim there are no significant impacts and use this as a basis not to consult with or notify a trustee agency. This was decided in *Gentry v. Murrieta* (1995) 36 Cal.App.4th 1359, 1387. (“We conclude that natural resources can be “affected by” a project, and hence the lead agency may have duties toward “trustee agencies,” *even if the lead agency believes the project will have no significant effect on the environment*. This broad construction of “trustee agency” serves the statutory purpose of fostering interagency consultation. Potential trustee agencies should have input at an early stage in the process into the question of whether the project affects resources within their jurisdiction, and hence into the very question of whether they are, in fact, trustee agencies.”). As explained above, the mitigation measures proposed by the City (namely, replacement at a 4:1 ratio) are insufficient to mitigate the impacts to the species and native woodlands deemed sensitive by CDFW.

III. The City Has Failed to Consult with the Santa Monica Mountains Conservancy

In 2022, the Los Angeles City Council adopted a Resolution acknowledging that the Santa Monica Mountains Conservancy, a state agency, must be consulted with regard to environmentally impactful projects such as the one in question. A screenshot from that Resolution is shown below. See Council File No. 21-1284.⁵ There is no evidence that the City has engaged in the required consultation. In fact, staff from the Bureau of Street Services admitted at the November 13, 2024 BPW hearing that no such consultation occurred. One of the core purposes of consultation is to ensure that environmental mitigation measures are adequate. The Board of Public Works failed to proceed in the manner required by law when it approved the Project and adopted an environmental determination under CEQA without consulting with the Santa Monica Mountains Conservancy. A copy of the Resolution Adopted by the City in 2022 is attached hereto as **Exhibit C**.

IV. The Project is in The Santa Monica Mountain Zone, a Sensitive Environmental Area of Concern and a Class 3 Categorical Exemption Cannot Be Used

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

⁵ The Council File can be accessed at <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=cefi.viewrecord&cfnumber=21-1284>.

environment. This standard of review was 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.

There should be no doubt that the Santa Monica Mountains Zone comprise an environmental resource of critical concern. As noted in *Berkeley Hills Watershed Coalition*, 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 meet 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.

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.

V. The Project is Not Exempt from CEQA as a Class 3 Activity Due to Unusual Circumstances

The Class 3 exemption is also not available due to “unusual circumstances.” Application of the so-called “single family home exemption” is limited by the factors described in section 15300.2.” An exemption should be denied if one of the exceptions listed in section 15300.2 of the Guidelines applies. Section 15300.2, subdivision (c), of the Guidelines provides for one such exception and states that if there is a “reasonable possibility” of a “significant effect on the environment due to unusual circumstances,” then the categorical exception cannot apply. A “circumstance is ‘unusual’ . . . judged relative to the typical circumstances related to an otherwise typically exempt project.” *Voices for Rural Living v. El Dorado Irr. Dist.* (2012) 209 Cal.App.4th 1096, 1108–09.

a. The Presence of Southern California Black Walnut and Coast Live Oak-California Walnut Woodland is an Unusual Circumstance

As pointed out by the California Supreme Court in the *Berkeley Hillside Preservation* case:

“A party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.”

Berkeley Hillside Pres., *supra*, 60 Cal.4th at p. 1105.

The California Supreme Court, in *Berkeley Hillside Preservation*, continued its analysis:

Alternatively, under our reading of the guideline, a party may establish an unusual circumstance with evidence that the project will have a significant environmental effect. That evidence, if convincing, necessarily also establishes “a reasonable possibility that the activity will have significant effect on the environment due to unusual circumstances.”

Berkeley Hillside Pres., *supra*, 60 Cal.4th at p. 1105

Thus, if it can be shown, as is the case here, that the Project will have a significant effect on the environment, that alone is sufficient to eliminate the applicability of the categorical exemption. Southern California Black Walnut trees are included in the City CEQA Thresholds Guide’s “Sensitive Species Compendium.”⁶

⁶ The Threshold Guide may be accessed at <http://www.environmentla.org/programs/Thresholds/Complete%20Threshold%20Guide%202006.pdf>

Exhibit C-7, continued
SENSITIVE SPECIES COMPENDIUM - CITY OF LOS ANGELES

SCIENTIFIC NAME	COMMON NAME	STATUS	ZONE *	HABITAT
Plants (Con't)				
<i>Deinandra minthornii</i> (<i>Hemizonia parryi australis</i>)	southern tarplant	1B	Unknown	ET, GL, VP
<i>Dichondra occidentalis</i>	western dichondra	4	4	CH,OW,CS, GL
<i>Dithyrea maritima</i>	beach spectaclerpod	ST, 1B	4	CD,CS
<i>Dodecahema leptoceras</i>	slender-horned spineflower	SE, FE, 1B	1	AF,CH
<i>Dudleya b. blochmaniae</i>			3	CS,CB,CH, GL
<i>Dudleya cymosa marcescens</i>		1B	3	CH
<i>Dudleya cymosa ovatifolia</i>			3,4	CH,CS
<i>Dudleya multicaulis</i>			2	CH,CS,GL
<i>Dudleya virens</i>			4	CH,CS
<i>Erysimum insulare suffrutescens</i>	suffrutescent wallflower	4	unknown	CB,CD,CS
<i>Fremontodendron mexicanum</i>	Mexican flannelbush	SR, FE, 1B	1,2,3	MF,CH,OW
<i>Galium angustifolium gabrielense</i>	San Antonio Canyon bedstraw	4	1	MF
<i>Galium cliffsonsmithii</i>	Santa Barbara bedstraw	4	2,4	OW
<i>Galium johnstonii</i>	Johnston's bedstraw	4	unknown	MF
<i>Goodmania luteola</i>	golden goodmania	4	Unknown	DW,PL,GL
<i>Helianthus nuttallii parishii</i>	Los Angeles sunflower	1A	3	CM,FM
<i>Heuchera abramsii</i>	Abram's alumroot	4	Unknown	MF
<i>Heuchera elegans</i>	urn-flowered alumroot		Unknown	MF
<i>Hulsea vestita gabrielensis</i>	San Gabriel Mtns. sunflower	4	1	MF
<i>Juglans c. v. californica</i>	So. Cal. black walnut	4	1,2,3	CH,OW,AF
<i>Juncus acutus leopoldii</i>	southwestern spiny rush	4	4	CD,CM
<i>Juncus duranii</i>	Duran's rush	4	Unknown	MF
<i>Lasthenia glabrata coulteri</i>	Coulter's goldfields	1B	Unknown	CM,PL,VP
<i>Lepechinia fragrans</i>	fragrant pitcher sage	4	3	CH
<i>Lilium humboldtii ocellatum</i>	ocellated Humboldt lily	4	1,2,3	CH,OW,CO
<i>Linanthus orcuttii</i>	Orcutt's linanthus	1B	Unknown	CH,MF
<i>Lupinus elatus</i>	silky lupine	4	Unknown	MF
<i>Lupinus excubitus v. johnstonii</i>	interior bush lupine	4	Unknown	MF
<i>Lupinus peirsonii</i>	Peirson's lupine	1B	Unknown	CH,CS,RW
<i>Malacothamnus davidsonii</i>	Davidson's bush mallow	1B	1,3	CS,RW
<i>Microseris douglasii v. platycarpa</i>	small-flowered microseris	4	Unknown	OW,CS,GL
<i>Monardella cinerea</i>	gray monardella	4	Unknown	MF

Refer to Exhibit C-1

Figure 1.3 – Threshold Guide Sensitive Species Compendium Class Status

The status of this tree is listed as “4” – which means “Plants of limited distribution – a watch list.” A footnote describing this species category is included that states “Very few of the plants constituting List 4 meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or Sections 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and few, if any, are eligible for listing. Nevertheless, many of them are significant locally, and the [Department of Fish and Game] recommends that List 4

plants be evaluated for consideration during preparation of environmental documents relating to CEQA. This may be particularly appropriate for the type locality of a List 4 plant, for populations at the periphery of a species' range or in areas where the taxon is especially uncommon or has sustained heavy losses, or for populations exhibiting unusual morphology or occurring on unusual substrates." A marked-up screenshot of the Sensitive Species Compendium Key Chart from the Thresholds Guide is shown below:

C. Biological Resources

Exhibit C-7, continued
SENSITIVE SPECIES COMPENDIUM - CITY OF LOS ANGELES

KEY (continued)

California Native Plant Society (CNPS)	
1A	Plants presumed extinct in California ³
1B	Plants that are rare, threatened, or endangered in California or elsewhere ³
2	Plants that are rare, threatened, or endangered in California, but more common elsewhere ³
3	Plants about which more information is needed - a review list ⁴
4	Plants of limited distribution - a watch list ⁵

Habitat Code Designations - California Natural Diversity Database (CNDD)	
AF	Alluvial Fan Sage Scrub
BW	Brackish Water
CB	Coastal Bluff Scrub
CD	Coastal Dunes
CH	Chaparral
CL	Coastal Lagoon

The Southern California Black Walnut is a "plant of limited distribution" that "should be evaluated under CEQA."

³ All of the plants constituting Lists 1A, 1B, and 2 meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or Sections 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for listing. According to the DFG, if the taxa on List 1A are rediscovered, they should be fully considered during preparation of environmental documents relating to CEQA. List 1B and 2 plants should be fully considered during preparation of environmental documents relating to CEQA.

⁴ Some of the plants constituting List 3 meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or Sections 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for listing. The DFG recommends that List 3 plants be evaluated for consideration during preparation of environmental documents relating to CEQA.

⁵ Very few of the plants constituting List 4 meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or Sections 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and few, if any, are eligible for listing. Nevertheless, many of them are significant locally, and the DFG recommends that List 4 plants be evaluated for consideration during preparation of environmental documents relating to CEQA. This may be particularly appropriate for the type locality of a List 4 plant, for populations at the periphery of a species' range or in areas where the taxon is especially uncommon or has sustained heavy losses, or for populations exhibiting unusual morphology or occurring on unusual substrates.

City of Los Angeles
2006

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Figure 1.4 – Threshold Guide Sensitive Species Compendium Continued

Based on the threat to this native tree, in 2006 the City adopted Ordinance 177404 to amend its Protected Tree Ordinance. The Southern California Black Walnut was added to the list of protected trees and their removal was prohibited without the issuance of a tree removal permit and a determination from the Board of Public Works that removal was "necessary" in order to allow for "reasonable development."

Notably, the City Planning Commission made the following finding when it recommended approval to the City Council for the amended Protected Tree Ordinance⁷:

“In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. It implements Policy 3 of Section 6: Endangered Species of the Conservation Element⁸ of the General Plan by *revising regulations concerning endangered species*; and Policy 4 of Section 10⁹: Habitats of the Conservation Element of the General Plan by creating legislation that encourages and facilitates protection of local native plant and animal habitats. It also implements the California Environmental Quality Act by designating *Juglans californica var californica* as a protected species, consistent with the recommendations of the California Native Plant Society (6th. Inventory of Endangered Species, RED Code 4-4-4) that this “locally significant” species be “evaluated for consideration during the preparation of environmental documents relating to CEQA.”

The City Council adopted the Planning Commission’s findings. Policy 3 of Section 6: Endangered Species of the Conservation Element of the General Plan states:

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

Policy 4 of the Habitats portion of the Conservation Element of the General Plan states:

⁷ The case file for the amended Protected Tree Ordinance can be found at <http://clkrep.lacity.org/online/docs/2003/03-1459.PDF>

⁸ The Conservation Element clearly lays out the rationale for regulation and protection: “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.”

⁹ It appears that the original source document incorrectly states the section number where the “Habitats” portion of the Conservation Element is found. The “Habitats” section is located in Section 12 (not Section 10).

“Policy 4: continue to support legislation that encourages and facilitates protection of local native plant and animal habitats.

Here, the unusual circumstances are the existence of *juglans californica* var. *californica* species individuals and Coast Live Oak (*Qeucus agrifolia*) species on the Project site which the Project would negatively impact. Both of these trees are locally protected species. The City Council’s findings and the implementing City’s official CEQA Thresholds Guide quoted above constitute an authorized and definitive legislative finding that this particular project’s special circumstances would have a significant impact on biological resources.

The City’s official CEQA Thresholds Guide states:

A project would normally have a significant impact on biological resources if it could result in:

- The loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat;
- The loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community;

It is clear that this is a parallel to the definition of a “sensitive biological resource” found in that same document:

For the purposes of the Thresholds Guide, a sensitive biological resource is defined as follows:

- A plant or animal that is currently listed by a state or federal agency(ies) as endangered, threatened, rare, protected, sensitive or a Species of Special Concern or federally listed critical habitat;
- A plant or animal that is currently listed by a state or federal agency(ies) as a candidate species or proposed for state or federal listing; or
- A locally designated or recognized species or habitat.

The quoted statement from the CEQA Thresholds Guide above, in combination with the definition of a sensitive biological resource and the requirement that the description of the environmental setting include a “statement of the potential for existing sensitive resources, *based*

upon review of Exhibit C-7” make it clear that California Black Walnut trees are a sensitive resource in the City of Los Angeles and that, therefore, the presumption is that the Project *will* have a significant impact on biological resources. This certainly meets the required showing that there is “a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances” as required by *Berkeley Hillside Pres.*, *supra*, 60 Cal.4th at p. 1105.

VI. The Project Fails to Comply with LAMC 12.21.C.10(i)(3) Continuous Paved Roadway Requirements

The Project also fails to comply with Los Angeles Municipal Code 12.21.C.10(i)(3) (“LAMC”). Per LAMC requirements, the following must be met:

(3) Minimum Roadway Width (Continuous Paved Roadway):
For any new construction of, or addition to, a One-Family Dwelling on a Lot that does not have a vehicular access route from a Street improved with a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area, no Building permit or Grading permit shall be issued unless the construction or addition meets the requirements of this Subdivision 10 or has been approved by a Zoning Administrator pursuant to LAMC 12.24.X.28 of this Code.

The applicant has indicated that they plan on widening Sandal Land adjacent to 10453 Sandal Lane. However, the roadway adjacent to 10455 Sandal Lane is less clearly less than 20 feet wide and there no evidence that the applicant has either applied for a Zoning Administrator’s Determination to deviate from the CPR Requirement set forth at LAMC Section 12.21.C.10(i)(3) or obtained a B Permit to widen that portion of the road leading up to 10453 Sandal Lane. A picture of the substandard roadway from Google Streetview is shown below.



Figure 1.5 – Picture from Google Street View

VII. Inadequate Project Description

The Notice of Exemption prepared by the City describes the Project as follows:

“Construction of a new 3,036 square-foot single-family dwelling with pool; removal of 1 protected Coast Live Oak tree, 1 protected Southern California black walnut tree and 1 protected Toyon shrub both in the public right-of-way, and 2 unprotected trees; planting of 4 new Coast Live Oak trees, 4 new Southern California black walnut trees, 4 new Toyon shrubs; street widening per City BHO and additional 3-foot emergency pathway a [sic] required by the City.”

The City has failed to adequately describe the Project. As explained above, the roadway adjacent to 10455 Sandal Lane is less than 20 feet wide. Therefore, the applicant will either need to widen that portion of the road (which has its own environmental impacts) or obtain a ZAD in order to deviate from the Continuous Paved Roadway requirement set forth in the LAMC. Either way, this aspect of the Project has failed to be disclosed or described in the NOE. As such, the City has failed to comply with CEQA.

VIII. Piecemealing

The City has also engaged in piecemealing and failed to analyze the “whole of the action.” There “is no dispute that CEQA forbids ‘piecemeal’ review of the significant environmental impacts of a project.” *Berkeley Keep Jets Over the Bay Com. v. Board of Port Commissioners* (2001) 91 Cal. App. 4th 1344, 1358. CEQA requires the lead agency to “consider the effects, both individual and collective, of all activities involved in a project.” Pub. Res. Code § 21002.1(d). By piecemealing the project, “consideration of the cumulative impact on the environment may never occur.” *City of Santee v. County of San Diego* (1989) 214 Cal. App. 3d 1438, 1452. See also Pub. Res. Code § 21065 (project defined); Guidelines § 15378(a) (project means “the whole of an action”). A “project” may be subject to several discretionary approvals by governmental agencies; it does not mean each separate governmental approval. Guidelines § 15378(c). What constitutes the “whole of an action” is a question of law that courts independently decide. *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007), 155 Cal. App. 4th 1214, 1224. “[T]he requirements of CEQA cannot be avoided by chopping up proposed projects into bite-size pieces which, when taken individually, may have no significant adverse effect on the environment.” *Id.* at 1222-1223 (quotes and citations omitted).

Here, the City has failed to consider the “whole of the action.” As explained above, the “project” will require not only the widening of the road adjacent to 10453 Sandal Lane, but also the widening of the road at 10455 Sandal Lane (or obtaining a ZAD to deviate from the CPR requirement). By excluding this aspect of the “project,” the City has engaged in piecemealing and failed to consider the “whole the action.”

IX. Conclusion

The Project is not exempt from CEQA because the Project *will* have a significant effect on the environment. Among other things, the City has failed to apply the appropriate mitigation for impacts to a sensitive natural community. Further, the Project is located in an environmentally sensitive location and therefore is not eligible for categorical exemption pursuant to CEQA Guidelines Section 15300.2(a). Finally, the City has failed to engage in the required consultation with trustee agencies, including CDFW and the SMMC. The City has also failed to adequately describe the project and engaged in unlawful piecemealing. Even after street widening adjacent to the project site, portions of Sandal Lane at 10455 Sandal Lane will remain less than 20 feet. Either a Zoning Administrator’s Determination will be required to deviate from LAMC Section 12.21.C.10(i)(3) or a B Permit will need to be obtained to widen this portion of the street. Either way, this aspect of the Project was not disclosed in the project description nor was it evaluated as required under CEQA. Based on the foregoing, the appeal should be granted.

//

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Los Angeles City Clerk
November 22, 2024

Thank you for your consideration of this matter. I may be contacted at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

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 A



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

April 17, 2020

APR 17 2020

STATE CLEARINGHOUSE

Jane Choi
 City of Los Angeles
 City Planning
 200 N. Spring St. Room 621
 Los Angeles, CA 90012
jane.choi@lacity.org

Subject: Onyx32 – 32 Small Lot Homes, Mitigated Negative Declaration (MND), SCH #2020039066, Los Angeles County

Dear Ms. Choi:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Onyx32 – 32 Small Lot Homes Project (Project). The Initial Study's supporting documentation includes a *Biological Assessment* (Assessment) and a *Protected Tree Report* (Tree Report). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

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Project Description and Summary

Objective: The proposed Project would consist of the subdivision of the existing 186,956 square foot vacant site (four parcels) into 32 parcels that range in area from 1,673 square feet to 15,381 square feet. The development of 32 small lot residences (one per parcel) would also include the construction of related improvements [new public roads, curb and gutters, retaining walls, driveways, common access areas (public access staircases and private pocket parks), and utilities]. Earthwork for the proposed Project would result in approximately 22,474 cubic yards of cut, 4,960 cubic yards of fill, and 17,514 cubic yards of soil export. Project construction would also require removal of 31 Protected Trees (California Black walnut trees), which would be replaced, with review and approval by the Board of Public Works.

Location: The subject property is located at 4103 E. Supreme Court, 4108 E. Superior Court, 4102 E. Supreme Court, and 2730 N. Onyx Drive, Los Angeles, California, 90032. The Project site occupies an east-southeast-facing slope within the watershed of the Los Angeles River. Elevation on the property ranges from approximately 965 feet at the northeastern corner of the property to 1,160 feet at the western tip. Forest Park Drive runs roughly north/south through the western part of the property.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City of Los Angeles (City) in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

Comment #1: Impacts to Sensitive Plant Species

Issue: The Initial Study recognizes the need for mitigation for the Southern California black walnut trees due to the required removal of numerous individuals to conduct Project activities. However, Mitigation Measures IV-01 and IV-80 in the Initial Study do not determine a specific replacement ratio for each of the individual Southern California black walnut (*Juglans californica*) trees that will be removed during Project activities.

Specific impacts: Mitigation Measure IV-01 states, "California black walnut trees covered under the City's Protected Tree Ordinance and that would be removed, replace them on a 1:1 basis with the same species trees." However, Mitigation Measure IV-80 states, "A minimum of four trees (tree size to be determined by the City) shall be planted for each protected tree that is removed." If the replacement ratio is 1:1, this may not be sufficient when accounting for the temporal loss of mature Southern California black walnut trees. CDFW considers walnut woodlands distinct biological communities, consisting of trees, shrubs, vines, and herbaceous understory vegetation. The MND only considers the value of the trees and does not appear to characterize the value of these unique communities in a biological setting. Removal or thinning of an understory in walnut woodland directly impacts the functions and values of the entire walnut woodland.

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Why impact would occur: Project implementation includes grading, vegetation clearing, building construction, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species.

Evidence impact would be significant: Southern California black walnut is a sensitive and declining habitat type, is difficult to restore, and takes many years before habitat functions and values in restoration areas are equivalent to impacted areas. The Southern California black walnut is also designated S-3, which is considered vulnerable in the state due to a restricted range with relative few populations. An S-3 ranking indicates there are 21 to 80 occurrences of this community in existence in California, S-2 has 6 to 20 occurrences, and S-1 has less than 6 occurrences. CDFW considers plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3 and S-4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). In addition, the Southern California black walnut tree (*Juglans californica*) is covered under the City of Los Angeles Protected Tree Ordinance. Given that these species meet the CEQA definition of Endangered, Rare or Threatened Species that may qualify for listing (CEQA Guidelines, § 15380(d)), impacts to these locally rare resources and adequate mitigation measures that reduce the impacts to less than significant should be described and incorporated into the final environmental document (CEQA Guidelines, § 15125(c)).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Tree Report, which is to be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, City of Los Angeles, should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

For example, larger southern California black walnut trees may be over 100 years old and are not readily replaced, which would be considered significant under CEQA. CDFW recommends the Tree Report clarify the size and number of individuals anticipated to be permanently impacted, analyze the significance of impact within the Project footprint, and provide adequate mitigation, if necessary, to reduce impacts to less than significant. Feasible mitigation could include long-term protection in place; on-site nuts/seed collection for an on- or off-site mitigation enhancement/restoration area suitable to the species; and/or off-site land acquisition of similar or better habitat, all to be preserved in perpetuity with the necessary management and endowment funds.

Mitigation Measure #2: CDFW also recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S-3 ranked communities and 7:1 for S-2 communities should be implemented. This ratio is for the acreage and the individual plants that comprise each unique community. CDFW also recommends 'tree removal' be mitigated at a community-level that has been impacted. This mitigation should include a combination of native trees and/or appropriate understory and lower canopy plantings.

All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by U.S. Fish and Wildlife Service and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term

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management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands pursuant to Assembly Bill (AB) 1094 (2012), which amended Government Code sections 65965-65968.

Recommendation #3: Please note, in 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance- and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking of vegetation communities on the Project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Comment #2: Impacts to Bat Species

Issue: The Project includes activities that will result in the removal of Southern California black walnut trees and surrounding environment that may provide roosting or foraging habitat for bat species. A review of California Natural Diversity Database (CNDDB) indicates occurrences of bat species within five (5) miles east of the Project site. In addition, Table A (Special-Status Species) identifies two bat species, both of which are California Species of Special Concern (including pallid bat (*Antrozous pallidus*) and western mastiff bat (*Eumops perotis* ssp. *californicus*)) as possible likelihood to occur on site.

Specific impacts: Project activities include the removal of trees, vegetation, and/or structures that may provide maternity roost (e.g., in cavities or under loose bark) or foraging habitat, and therefore has the potential for the direct loss of bats.

Why impacts would occur: The removal of trees and conversion of open space to a residential area will potentially result in the loss of habitat for bats.

Evidence impacts would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Bat species, such as the western yellow bat, can be found year-round in urban areas throughout the south coast region (Miner & Stokes, 2005). Several bat species are considered California Species of Special Concern and meet the CEQA definition of rare, threatened or endangered species (CEQA Guidelines, § 15065). Take of California Species of Special Concern could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To the extent feasible, tree removal or relocation should be scheduled between October 1 and February 28, outside of the maternity roosting season. Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts should be left in place until the end of the maternity season.

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Mitigation Measure #2: If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist should conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. CDFW recommends the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. Each tree and/or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no greater than 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats.

Mitigation Measure #3: If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly and should remain in place until it is inspected by a bat specialist. Trees that are known to be bat roosts should not be sawn up or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

The bat specialist should document all demolition monitoring activities and prepare a summary report to the City upon completion of tree disturbance and/or building demolition activities.

Comment #3: Mitigation Replacement and Landscaping

Issue #1: The Tree Report identified two individuals of *Schinus molle* or Peruvian pepper tree (erroneously called California pepper tree) and one Blue Gum (*Eucalyptus globulus*). These trees were designated as "Significant tree[s]" under the City's Department of Planning policy, due to Diameter at Breast Height (DBH) greater than eight (8) inches. These Significant Trees will be mitigated as such: "The location of trees planted for the purposes of replacing a removed protected tree shall be clearly indicated on the required landscape plan, which shall also indicate the replacement tree species." It is unclear if these trees will be replaced with the same species. *Schinus molle* and *Eucalyptus globulus* are designated as an invasive species by the California Invasive Pest Plant Council (Cal-IPC).

Issue #2: Landscaping throughout the Project site is indicated in the Initial Study. There does not appear to be a landscaping plan available at this time. It is, therefore, unclear the types of plant species that will be utilized for landscaping purposes on the Project site.

Specific impact: Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. Invasive plants reduce native plant species diversity.

Why impact would occur: Planting invasive trees or plant species would further degrade natural open space or riparian habitats. In addition, without replacing native trees with similar native tree species, the function and value of the impacted native trees replacement trees would not be fully mitigated.

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Evidence impact would be significant: Invasive species have contributed to the decline of forty-two percent of U.S. threatened and endangered species (USDA Forest Service 2019). Invasive species compete directly with native species for moisture, sunlight, nutrients, and physical space. Cumulative impacts may result due to the City's tree policy and ordinance recommending an invasive tree be planted throughout areas including sensitive, natural habitat.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends that the Project prohibit the planting of any species contained in the Cal-IPC Invasive Plant Checklist listed for any region.

Mitigation Measure #2: CDFW recommends the use of native tree species or non-invasive drought tolerant tree species be used to replace the non-native trees being impacted by the Project.

Mitigation Measure #3: CDFW recommends that all open space preservation/mitigation land be protected in perpetuity with minimal human intrusion. This can be accomplished by recording and executing a perpetual conservation easement in favor of an approved agent dedicated to conserving biological resources. In addition, CDFW recommends all mitigation lands be owned or managed by an entity with experience in managing habitat. CDFW has encountered problems with using portions of privately-owned lots as open-space-habitat mitigation under CEQA because homeowners may grade and remove vegetation on their land with little legal recourse to remedy this loss under CEQA. Mitigation lands should be owned or managed by a conservancy or other land management entity to allow for legal remedies should trespass and clearing/damage occur. A management and monitoring plan, including a funding commitment, should be developed for any conserved land, and implemented in perpetuity to protect existing biological functions and values. Permeable wildlife fencing should be erected around any conserved land to restrict incompatible land uses and signage posted and maintained at conspicuous locations communicating these restrictions to the public.

Filing Fees

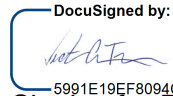
The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project. Questions regarding this letter and further coordination on these issues should be directed to Felicia Silva, Environmental Scientist, at Felicia.Silva@wildlife.ca.gov or (562) 430-0098.

Jane Choi
City of Los Angeles
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April 17, 2020

Sincerely,

DocuSigned by:


5991E19EF8094C3...
Signing for Erinn Wilson
Environmental Program Manager I

ec: CDFW

Victoria Tang – Los Alamitos
Felicia Silva – Los Alamitos
Andrew Valand – Los Alamitos
Malinda Santonil – Los Alamitos
Susan Howell – San Diego
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USDA Forest Service. 2019. Pacific Northwest Research Station. (see <https://www.fs.fed.us/pnw/invasives/index.shtml>).



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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources			
	Mitigation Measure	Timing	Responsible Party
MM-BIO-1- Impacts to Sensitive Plants	<p>The Tree Report, which is to be submitted to the Urban Forestry Division of the Bureau of Street Services, Department of Public Works, City of Los Angeles, shall provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from project-related direct and indirect impacts.</p> <p>The Tree Report shall clarify the size and number of individuals anticipated to be permanently impacted, analyze the significance of impact within the Project footprint, and provide adequate mitigation, if necessary, to reduce impacts to less than significant. Feasible mitigation could include long-term protection in place; on-site nuts/seed collection for an on- or off-site mitigation enhancement/restoration area suitable to the species; and/or off-site land acquisition of similar or better habitat, all to be preserved in perpetuity with the necessary management and endowment funds.</p>	Prior to Construction	City of Los Angeles Project Proponent
MM-BIO-2- Sensitive Natural Communities	<p>Avoid any sensitive natural communities found on the Project. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S-3 ranked communities. This mitigation shall include a combination of native trees and/or appropriate understory and lower canopy plantings.</p> <p>All revegetation/restoration areas that will serve as mitigation shall include preparation of a restoration plan, to be approved by U.S. Fish and Wildlife Service and CDFW prior to any ground disturbance. The restoration</p>	Prior to construction and throughout Project	City of Los Angeles Project Proponent

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	plan shall include restoration and monitoring methods; annual success criteria; contingency actions shall success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting.		
MM-BIO-3-Bat Species	To the extent feasible, tree removal or relocation shall be scheduled between October 1 and February 28, outside of the maternity roosting season. Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts shall be left in place until the end of the maternity season.	Prior to Construction	City of Los Angeles
MM-BIO-4-Bat Species	If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist shall conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. Acoustic recognition technology shall be used to maximize detection of bat species to minimize impacts to sensitive bat species. Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist no greater than 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats.	Prior to Construction	City of Los Angeles
MM-BIO-5-Bat Species	If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw. In order to ensure the optimum warning for any roosting bats that may still be present, the tree shall be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree shall then be pushed to the ground slowly and shall remain in place until it is inspected by a bat specialist.	Prior to Construction	City of Los Angeles

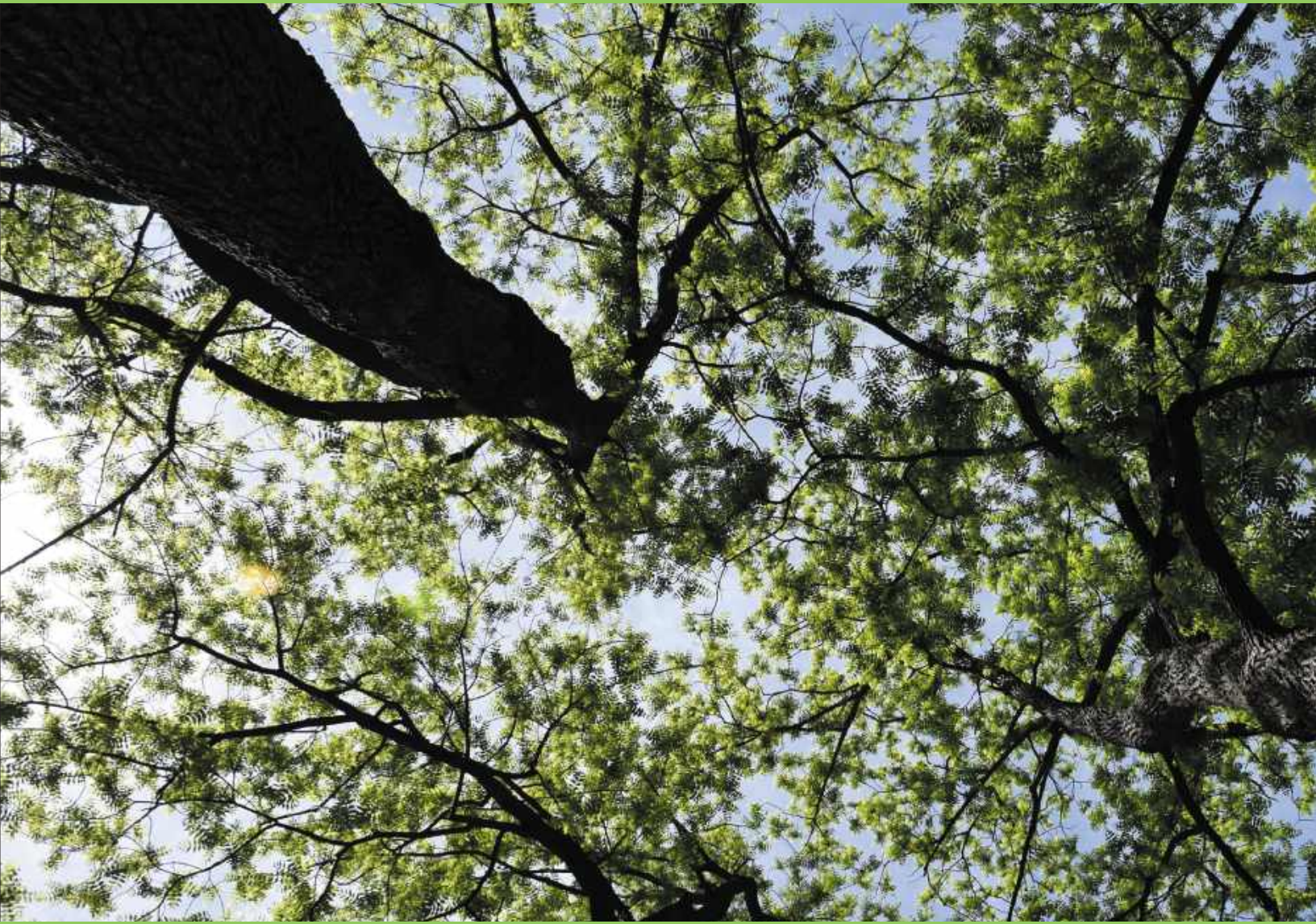
Jane Choi
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	Trees that are known to be bat roosts shall not be sawn up or mulched immediately. A period of at least 24 hours, and preferably 48 hours, shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.		
MM-BIO-6-Prohibit Invasive Plants	Prohibit the planting of any species contained in the Cal-IPC Invasive Plant Checklist listed for any region.	Prior to Construction	City of Los Angeles
MM-BIO-7-Nonnative tree replacement	Native tree species or non-invasive drought tolerant tree species be used to replace the non-native trees being impact by the Project.	During Construction	City of Los Angeles
MM-BIO-8-Conserved land	All open space preservation/mitigation land be protected in perpetuity with minimal human intrusion. This can be accomplished by recording and executing a perpetual conservation easement in favor of an approved agent dedicated to conserving biological resources. In addition, all mitigation lands shall be owned or managed by an entity with experience in managing habitat. Mitigation lands shall be owned or managed by a conservancy or other land management entity to allow for legal remedies in the event trespass and clearing/damage occur. A management and monitoring plan, including a funding commitment, shall be developed for any conserved land, and implemented in perpetuity to protect existing biological functions and values. Permeable wildlife fencing shall be erected around any conserved land to restrict incompatible land uses and signage posted and maintained at conspicuous locations communicating these restrictions to the public.	Post Construction	City of Los Angeles Project Proponent

Exhibit B

CONSERVATION OF CALIFORNIA WALNUT

IN THE EASTERN SANTA MONICA MOUNTAINS



THE
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GROUP



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CONSERVATION OF CALIFORNIA WALNUT

IN THE EASTERN SANTA MONICA MOUNTAINS

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March 2022



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Cover photo: Claude Laprise



EXECUTIVE SUMMARY

California walnut (*Juglans californica*) is a rare species and keystone component of two Sensitive Natural Communities designated by the State of California: Coast Live Oak–California Walnut Woodland and California Walnut Groves. The species is under assault from residential and commercial development throughout its remaining range in southern California. In this report we address a region within the eastern Santa Monica Mountains that is subject to ongoing development pressure in which steep parcels are now being targeted for residential construction, threatening the remaining walnut groves and oak–walnut woodlands. The City of Los Angeles issues permits to remove California walnut trees at a rate of one mature tree every 7.2 days.

We present background information about the ecology, distribution, and conservation status of California walnut and review the mechanisms that should be, but are not, protecting it in the environmental review process under California law. Although the City of Los Angeles has a native tree protection ordinance, in practice the ordinance does not preclude removal of trees for development, does not provide for any replacement of habitat area, which would be essential

for mitigation of biological impacts, and does not even require that any replacement trees are of the same species as the species removed. As a result, the area supporting California walnut and its associated natural communities continues to shrink and become more fragmented.

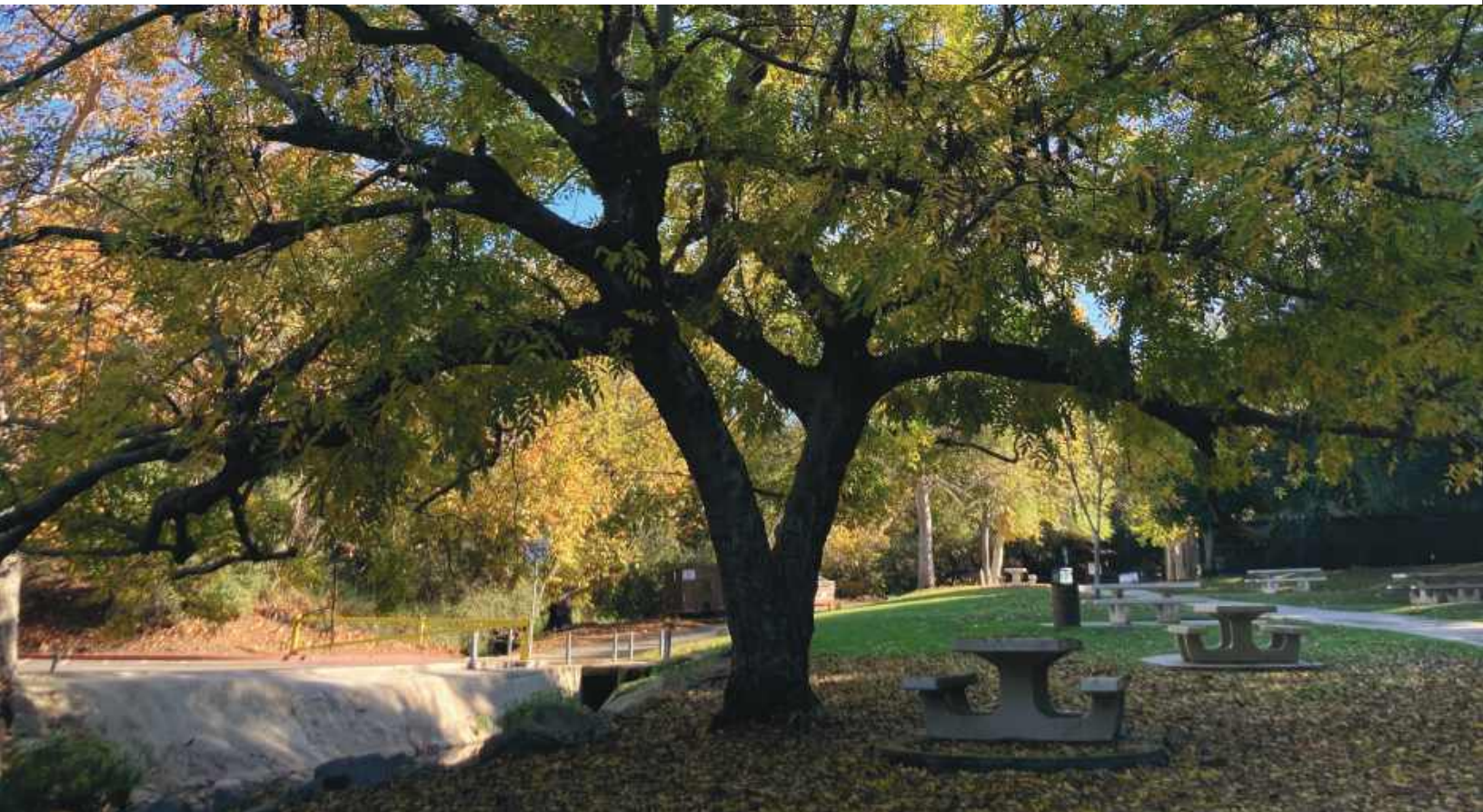
To assist in conservation planning for California walnut, we developed screening maps for the species and its two related Sensitive Natural Communities. The maps are derived from high-resolution color aerial photographs of the study area. We used the location of known examples of many different tree species to create descriptions of the color characteristics of those species. We then used a series of spatial analysis techniques to create maps showing the locations of trees that share similar spectral profiles with confirmed California walnuts and coast live oaks and that therefore have an elevated likelihood of being one of the two species. We cross-checked these maps with existing efforts that mapped larger blocks of forest and woodland habitats. The maps should serve the role of screening during development and informing conservation planning for these rare habitats. If the maps show the likely presence of one or the other

species, on-the-ground surveys should be undertaken to ascertain if the site does indeed support individual California walnut trees and either Coast Live Oak–California Walnut Woodland or California Walnut Groves and therefore require heightened scrutiny during development or priority for conservation.

Based on our review and analysis, we recommend steps to improve the chances of California walnut avoiding further declines and associated degradation in its conservation status:

- **Encourage community documentation of presence of California walnut trees** to spread awareness about their protected status and inform environmental impact analysis;
- **Fix the City of Los Angeles CEQA review process** that currently exempts as “urban infill” projects that would have a significant adverse impact on the environment through loss of a rare species and Sensitive Natural Community;
- **Improve information available to consultants and landowners** to inform biological constraints analyses for properties within the range of California walnut;
- **Prioritize purchase of Coast Live Oak–California Walnut Woodland and California Walnut Groves** even if they are not part of the identified wildlife corridors that have motivated recent conservation purchases by State agencies; and
- **Expand analysis and conservation strategies to encompass the full geographic range of California walnut**, building from the techniques and analysis in this report.

Action is urgently needed because existing regulatory mechanisms, at least in the City of Los Angeles, are failing to protect this species.



1 INTRODUCTION



California walnut (*Juglans californica*) is recognized by the State of California as a rare species and is at risk of becoming endangered if the trends of habitat loss for the species continues. Yet, over the past three years, the City of Los Angeles has permitted the removal of this species at the rate of one mature tree every 7.2 days.¹ Although the City has a native tree protection ordinance, these trees are routinely permitted for removal to make way for new construction and expansion of existing homes. No habitat-based mitigation is required for these removals, and “replacement” trees for California walnut under the City ordinance are often of a different species unless conservation advocates intervene.

The City of Los Angeles has actively opposed protection of California walnut in court. When residents challenged the removal of California

walnut associated with construction of a new home, the Los Angeles City Attorney asserted in briefs that California walnut did not qualify as a rare species.² To the contrary, the California Department of Fish and Wildlife (CDFW) recognizes California walnut as a rare species and the vegetation communities where it is present (Coast Live Oak–California Walnut Woodland and California Walnut Groves) as Sensitive Natural Communities that specifically must be considered during the environmental review process.

A substantial portion of the range of California walnut lies within the City of Los Angeles, where it faces a crisis. Planning and environmental review processes as implemented by current leadership have failed to afford the species the consideration required under State law, and rapid development and redevelopment of residential properties eats inexorably away at remaining

1. According to a review of reports from the Urban Forestry Division, removals were recommended to be approved by the Board of Public Works for 50, 95, and 30 California walnuts in the years 2018–2020, and 60 through mid-October 2021, representing one every 7.3, 3.8, 12.2, and 5.3 days (mean = 7.2 days).

2. Respondent’s and Real Parties’ Opposition Brief, *Friends of Westwanda Drive v. City of Los Angeles et al.*, Case No. 19STCP04113.

walnut habitats. An effective conservation approach is needed; these trends are accelerating in the current political climate that prioritizes housing development over sustainability.

The time to take conservation action to protect biodiversity is before a species becomes endangered. California walnut is a rare species that risks becoming endangered if current trends continue. The effective conservation of the natural communities associated with California walnuts depends on identifying their distribution so they can be appropriately mapped for environmental review and to identify candidate areas for land conservation. Current vegetation maps of the eastern Santa Monica Mountains identify larger habitat blocks, but the significant habitats remaining on developed and undeveloped parcels of smaller size are not mapped.

To provide additional guidance, we developed a high-resolution map of California walnut and coast live oak distribution in the eastern Santa Monica Mountains as a screening tool for environmental review and conservation. The purpose of the map is to identify trees within the study area that have a substantial probability of being either coast live oak or California walnut

trees and consequently are either rare (California walnut) or make up natural communities that are considered sensitive. Given the large area compared with the resolution of the mapping effort (individual trees), a ground-verified survey was not possible. The maps, however, could be used early in the environmental review process to trigger site-level surveys to establish the identity of trees flagged on the maps.

In the sections that follow, we first provide background on California walnut and its ecology and conservation as an emblematically rare species in the City of Los Angeles. A substantial portion of its historical range lies within the City of Los Angeles, which increases the need for the City to protect it from existing threats. We then present the screening maps for California walnut and coast live oak vegetation communities, summarize the outputs compared with other descriptions of the distribution of coast live oak and California walnut, and discuss the potential use of the maps in conservation planning and environmental review. In the Appendix, we describe the approach for developing the screening maps, including the data and methods used and estimates of their accuracy compared with previous vegetation maps.

2 ECOLOGY & DISTRIBUTION OF CALIFORNIA WALNUT



FIGURE 1. Characteristic deciduous leaves of California walnut in the eastern Santa Monica Mountains.

California walnut, also known as Southern California black walnut and California black walnut, is endemic to California, found naturally no other place on the planet. Plants are 10 to 70 feet tall (Jepson 1910, Munz 1973, Keeley 1990), in either tree form or as a shrub form of “really imposing size” (Jepson 1910).

California’s walnut trees are unique in that they never form a single-species forest and only rarely a grove, but rather are often found in concert with oak trees (*Quercus* spp.). Unlike the shrubs of the coastal sage scrub, California walnut is a winter deciduous plant, losing its leaves in the winter (*Figure 1*).



FIGURE 2. California walnut in the eastern Santa Monica Mountains resprouting from root crown after being cut.

Lifespan ranges to 100 years (Swanson 1967, Munz 1973, Keeley 1990). Trunk size and height are closely and significantly correlated with age (Quinn 1989, Keeley 1990). As the tree gets older, the blackish-brown bark becomes deeply furrowed (Munz 1973). Seed set begins at 5–8 years (Brinkman 1974). Seeds do not become dormant, but typically germinate within 4 weeks of dispersal (Brinkman 1974). Many seeds never grow because they are consumed by animals or carried by gravity, animals, or flood waters to unfavorable locations (Swanson 1967, Anderson 2002).

Habitat for the species is often described as north-facing slopes with deep soils and high

clay content (Quinn 1989). In the Santa Monica Mountains, California walnut occurs with annual grasslands, native herbaceous vegetation, coastal sage scrub, north slope chaparral, or oaks (Quinn 1989, Tiszler and Rundel 2007). Studies regarding the Santa Monica Mountains and Los Angeles County report successful growth to occur on slopes with deep soil at elevations below 1,066 m (Horton 1949, Anderson 2002) (*Figure 2*). Walnut woodlands are suggested to occur in locations with springs or subsurface water available (Tiszler and Rundel 2007). As a winter deciduous plant that holds its leaves through the hot summer and fall months, access to water is important and the root system is extensive, often with a deep taproot (Miller 1976). This water

need leads to an association between California walnut and riparian zones, intermittent streams, and moist canyons (Swanson 1967, Keeley 1990, Anderson 2002) (*Figure 3*), with reduced presence in drier locations or locations prone to drought and frequent fire (Anderson 2002). Nevertheless, walnuts can persist in drier areas with subsoil seepage and good water retention (Anderson 2002), such as through high clay content.

Planting of California walnut as a food source outside of its native range complicates the description of its native range. Once plants that were deliberately introduced are excluded, the native range of the species is focused in Ventura, Los Angeles, Orange, Riverside, and

San Bernardino counties. Outlying stands are found in San Diego and Santa Barbara counties (Griffin and Critchfield 1972) (*Figure 4*). Within Los Angeles County, the largest contiguous range stretches across the Santa Monica Mountains and then north through northeast Los Angeles to the San Rafael Hills and Verdugo Hills (*Figure 5*). East of downtown Los Angeles, the range historically would have extended southeastward across the hills toward the Puente Hills and San Jose Hills, where another portion of the range is found (Ethington et al. 2020). Swanson (1967) reports the range extending across the San Fernando Valley northward from the northern slope of the Santa Monica Mountains (*Figure 6*). Similarly, California walnut is found in the foothills of the San Gabriel Mountains. It is difficult to

FIGURE 3. Example of fresh growth on a small grove of California walnuts along the bottom of a drainage on the southern slope of the eastern Santa Monica Mountains.



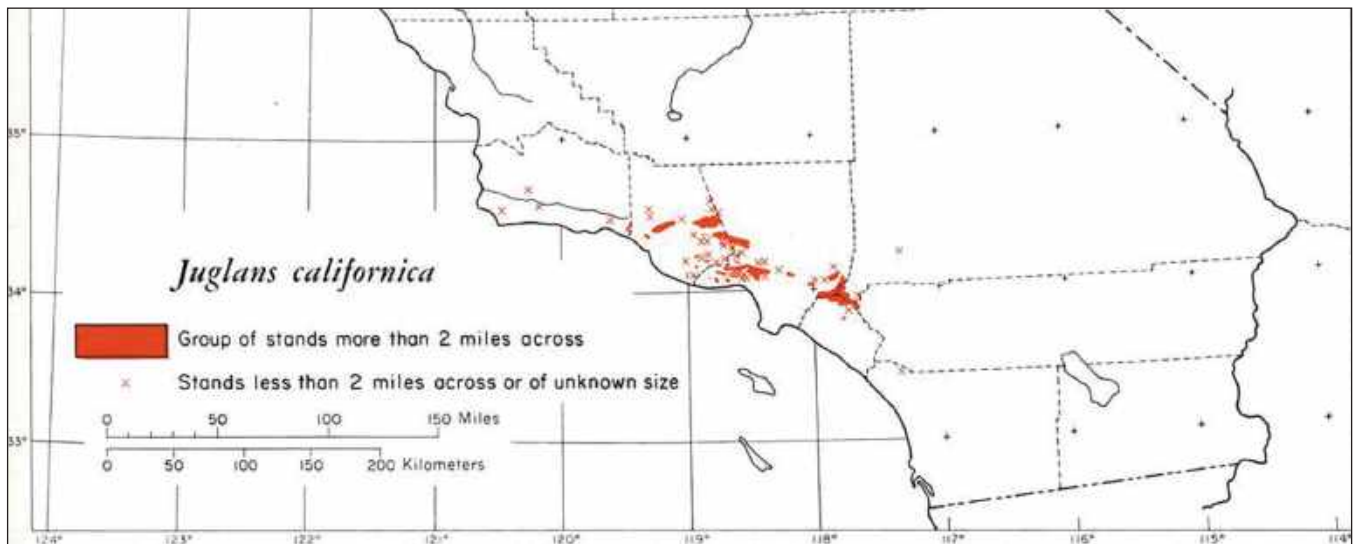


FIGURE 4. Rangewide distribution of *Juglans californica* (Griffin and Critchfield 1972).

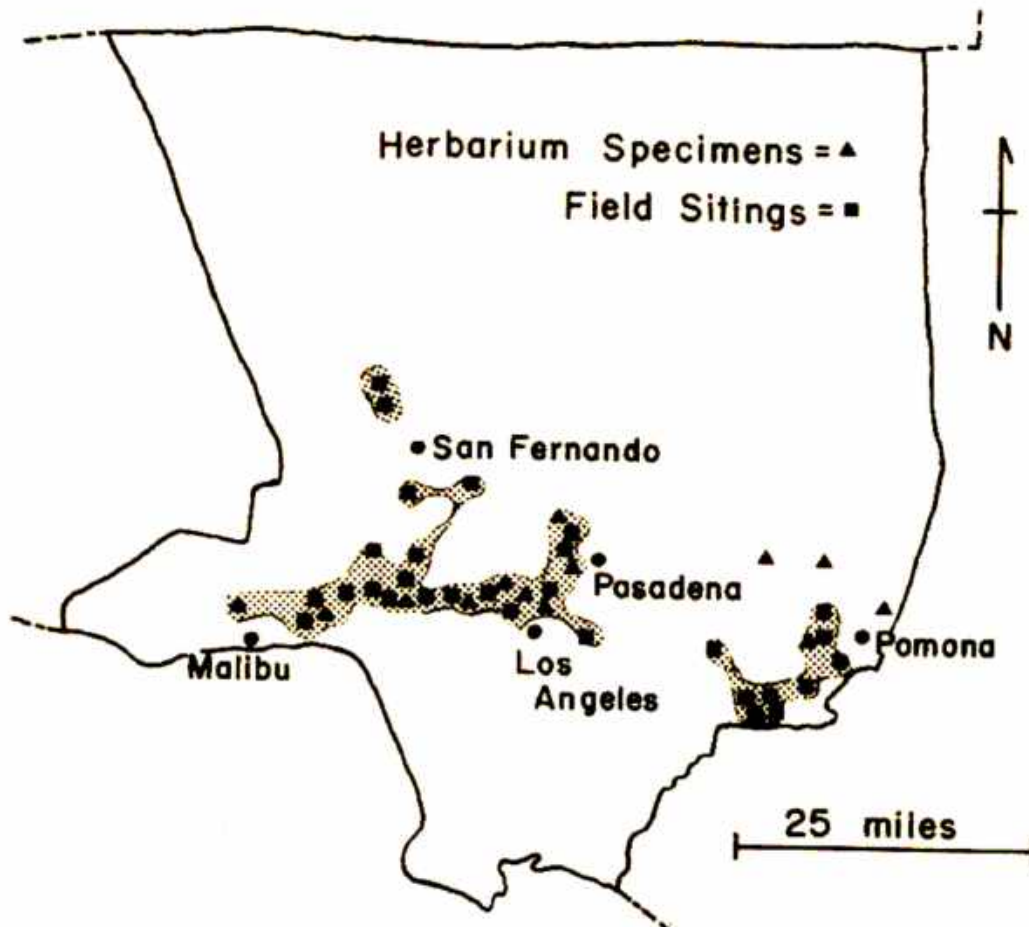


FIGURE 5. Distribution of *Juglans californica* in Los Angeles County (Swanson 1967).

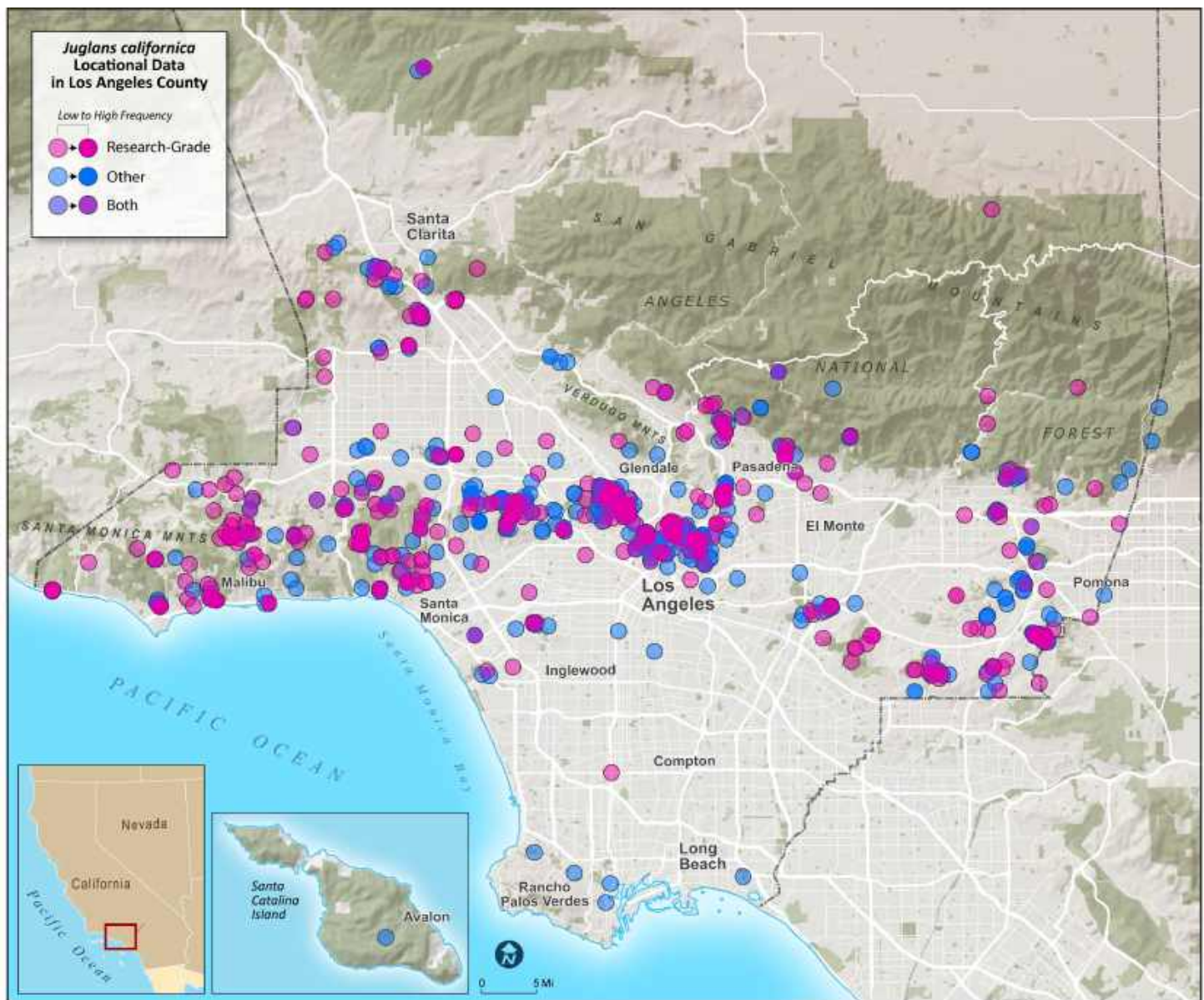


FIGURE 6. Summary of research-grade and other location data from herbarium and iNaturalist records for *Juglans californica* in Los Angeles County.

infer the full historical range of the species because so many localities were cleared for agriculture before any systematic surveys were undertaken. It is possible that the species found appropriate habitat and persisted along washes that extended from mountains into the alluvial fans and plains within these regions but those instances were lost without being documented. The Santa Monica Mountains include stands that are “among the largest remaining woodlands of *Juglans californica*” (Keeler-Wolf et al. 2007).

Walnuts are a food source for wildlife and the trees provide important three-dimensional complexity that transforms a grassland or shrubland into a forest. Their arching branches provide an interior environment that is excellent habitat for deer, nesting birds, and other wildlife (Quinn 1989). Western gray squirrels (*Sciurus griseus*) may still be present in the focal area of this study, and historically they would have consumed and dispersed walnuts. It appears unlikely that any of the fossorial rodent species (pocket gopher,

California ground squirrel) have jaws sufficient to open walnuts (Swanson 1967). California Scrub-Jay collects and buries just about any spherical object and therefore may play an important role in dispersal of walnuts (Grinnell 1936).



3 CONSERVATION STATUS OF CALIFORNIA WALNUT



The rarity and declining persistence of California walnut has been well documented for decades (Swanson 1967, Quinn 1989, Riordan et al. 2015). The IUCN ranks the species as “Near Threatened,” which places it on the international Red List (Stritch and Barstow 2019). California walnuts occur mostly on private land and their small natural range has already been highly fragmented by urban development (Anderson 2002). As summarized 20 years ago:

So far, the ability of California walnut to thrive on steep slopes has protected it, and much of its population survives in the Los Angeles conurbation on islands of habitat too steep and unstable on which to build. However, current “level-the-mountains” construction has wiped it out from even these habitats in many areas, especially the Puente Hills, and its future is uncertain (Anderson 2002).

Urbanization, and channelization of riverbeds and dry washes, has eliminated suitable habitat and fragmented persisting populations (Munz 1973). Using a climate-only habitat modeling approach, Riordan et al. (2015) mapped the presumed suitable conditions for *Juglans californica*

and found that 31% of the mapped area was already urbanized. This result is almost certainly an underestimate of habitat loss because the climate-only model did not consider factors such as slope, aspect, and soils that restrict the species distribution, thereby overestimating the original habitat extent (Riordan et al. 2015).

Drought, exacerbated by climate change, habitat loss, and fragmentation all threaten the survival of California walnut (Munz 1973, Quinn 1989, Anderson 2002, Riordan et al. 2015). Adult trees resprout after fire and if cut down (Keeley 1990), which gives them some resilience in the face of fire and vegetation management to reduce fire risk. Increased fire frequency, however, threatens the species, because young trees are killed by fire (Anderson 2002).

To ascertain the potential threat of climate change on California walnut in the eastern Santa Monica Mountains, we compiled the downscaled and projected average maximum temperature and annual precipitation for a representative location in the middle of our focal area (Figures 7-8). We plotted data from the RCP 8.5 scenario, which envisions that greenhouse gases will continue to increase through 2050 and plateau by 2100.

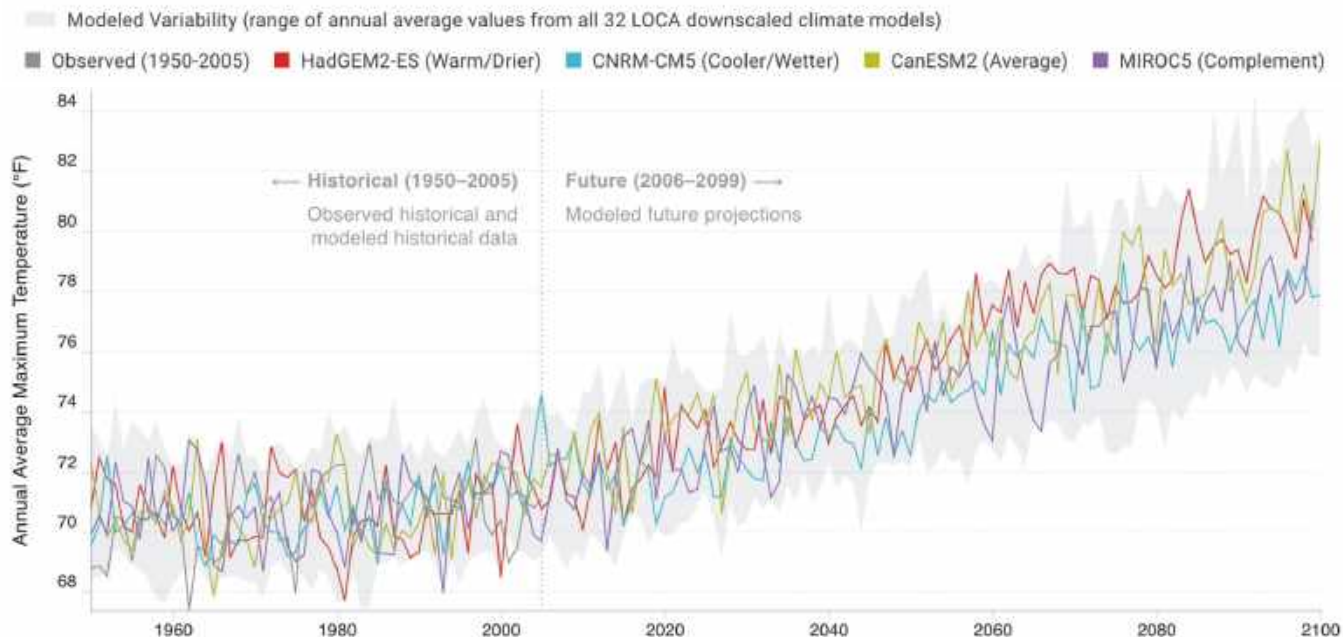


FIGURE 7. Average maximum temperature in the eastern Santa Monica Mountains. Observed record from 1950–2005. RCP 8.5 models simulated since 1950 and projected through 2100. Source: cal-adapt.org.

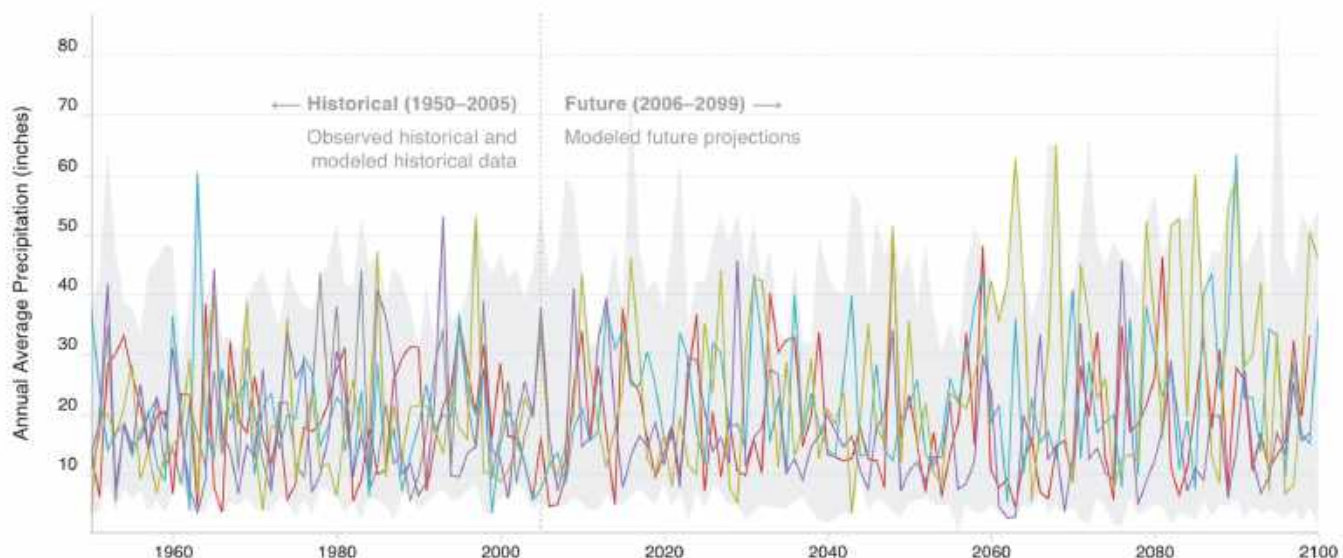


FIGURE 8. Average annual precipitation in the eastern Santa Monica Mountains. Observed record from 1950–2005. RCP 8.5 models simulated since 1950 and projected through 2100. Source: cal-adapt.org.

For average maximum temperature the predicted trend is uniformly upward, indicating a risk of greater drought stress, especially for seedlings that have not yet tapped into groundwater. For annual precipitation the models diverge considerably and on average predict a slight increase in precipitation. Together, assuming higher temperatures and equal or slightly higher precipitation, regeneration could be affected, and conservation of the cooler and moister north-facing slopes

will be necessary. As climate changes, the period between regeneration opportunities will likely be longer as a result of higher temperatures resulting in higher moisture stress on seedlings. Preservation of existing mature trees will become more important so that they are producing walnuts that can establish when appropriate regeneration conditions are present. Multi-year droughts, when they occur, will present a threat, as has been previously identified (Keeley 1990).

4 CALIFORNIA WALNUT IN ENVIRONMENTAL REVIEW



California walnut has a California Rare Plant Rank of 4.2 (limited distribution and moderately threatened in California). This meets the definition of a rare species, and its status as a rare species has long been documented (Swanson 1967, Quinn 1989, Riordan et al. 2015). It is present on the official California “Special Vascular Plants, Bryophytes, and Lichens List”¹ for this reason. It is standard practice for species with a California Rare Plant Rank of 4 to be evaluated for impacts under CEQA as a sensitive natural resource, and this is routinely done in CEQA reviews issued by the City of Los Angeles for its own projects (*Table 1*).

1. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383>

California walnut must be considered in CEQA review because it meets the criteria listed in Section 15380 of the CEQA Guidelines (14 CCR § 15380 (b)(2)), which defines a species as “rare” if:

- (A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or (B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered “threatened” as that term is used in the Federal Endangered Species Act.

COMMON NAME (Scientific Name)	STATUS FEDERAL/STATE/CRPR	SPECIES DESCRIPTION
Southern California Black Walnut (<i>Juglans californica</i>)	-/-/4.2	The Southern California black walnut is a perennial deciduous tree that is found in chaparral, cismontane woodland, coastal scrub, and riparian woodland on slopes, and in canyons and alluvial habitats; 50–900 meters (164–2,952 feet). Blooming period: March – August.

TABLE 1. Example of consideration of California walnut as a rare species in CEQA analysis by the City of Los Angeles for its own program (Citywide Cat Program Draft Environmental Impact Report, 2019). This shows that the City of Los Angeles Bureau of Engineering, which prepared the report, recognizes the California Rare Plant Rank of 4.2 as requiring attention during review.

A species need not be formally listed as endangered or threatened to meet the criteria of Section 15380 of the CEQA Guidelines, even though the Los Angeles City Attorney recently argued exactly the opposite (incorrectly) in court.²

The City of Los Angeles, and other local jurisdictions, should look to the California Department of Fish and Wildlife for guidance on consideration of California walnut during review. CDFW has a special role as the Trustee Agency for biological resources during CEQA review (Fish and Game Code §§ 711.7 (a), 1802; Public Resources Code § 21070; California Environmental Quality Act [CEQA] Guidelines § 15386 (a)). CDFW unequivocally states that California walnut is a rare species under Section 15380 of the CEQA Guidelines:

Southern California black walnut (*Juglans californica*) trees found on the Project site should be considered as a locally and regional rare, unique and/or uncommon (and/or) regionally rare plant species; that is, species that are rare or uncommon in a local or regional context, as such, would meet the CEQA definition of a rare species (CEQA § 15380). CEQA directs that a special emphasis be placed on “environmental resources” that are rare or unique to the region and would be affected by a proposed project [CEQA § 15125 (c)] or is so designated in local or regional plans, policies or ordinances (CEQA Guidelines, Appendix G). Public agencies have a duty under CEQA to avoid or minimize environmental damage and to give major consideration to preventing environmental damage (CEQA § 15021). Southern California black walnuts are California Native Plant Society (CNPS) Rank 4.2 and are considered locally sensitive species. In addition, the southern California black walnut is designated S3, which is considered vulnerable in the state

due to a restricted range with relative few populations. CDFW would consider loss of on-site populations of southern California black walnut to be potentially significant from a project and cumulative perspective under CEQA. Accordingly, impacts to these locally rare resources and adequate mitigation measures that reduce the impacts to less than significant should be described and incorporated ...³

The need to review impacts to California walnut habitat is further established through the status of the vegetation associations that have the species as a component part. All natural communities (defined as vegetation Alliances and Associations) that include *Juglans californica* are identified as Sensitive Natural Communities in the California Natural Community List from the California Department of Fish and Wildlife (Table 2).⁴ CDFW requires consideration of impacts to Sensitive Natural Communities in environmental review:

Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities to be addressed in the environmental review processes of CEQA and its equivalents.⁵

The City of Los Angeles has in recent years relied on compliance with its Protected Tree Ordinance to claim that impacts on California walnut and its Sensitive Natural Communities are mitigated. The ordinance, however, does not have mechanisms to mitigate such impacts. Measures that are tied to replacing individual protected trees, such as the City’s Protected Tree Ordinance, do not provide adequate mitigation for Sensitive Natural Communities. Tree protection ordinances focus on individual trees, but CEQA analysis requires recognition of the whole

2. Respondent’s and Real Parties’ Opposition Brief, *Friends of Westwanda Drive v. City of Los Angeles, et al.*, Case No. 19STCP04113.

3. Letter from California Department of Fish and Wildlife commenting on Mt. San Antonio College 2015 Facilities Master Plan Update (FMPU) Supplemental Environmental Impact Report), dated August 8, 2016.

4. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398>

5. <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

CALIFORNIA CODE	ALLIANCE OR ASSOCIATION NAME	RARITY	SENSITIVE	HSV CLASS BREAK
61.130.18	<i>Populus fremontii</i> – <i>Juglans californica</i> Association			Y
72.100.00	California Walnut Groves Alliance	G3	S3	Y
72.100.03	<i>Juglans californica</i> / annual herbaceous Association	G3	S3	Y
72.100.04	<i>Juglans californica</i> / <i>Artemisia californica</i> / <i>Leymus condensatus</i> Association	G3	S3	Y
72.100.05	<i>Juglans californica</i> / <i>Ceanothus spinosus</i> Association	G3	S3	Y
72.100.06	<i>Juglans californica</i> / <i>Heteromeles arbutifolia</i> Association	G3	S3	Y
72.100.07	<i>Juglans californica</i> / <i>Malosma laurina</i> Association	GNR		Y
72.100.08	<i>Juglans californica</i> – <i>Quercus agrifolia</i> Association (includes former <i>Quercus agrifolia</i> – <i>Juglans californica</i> Association)	G3	S3	Y
74.100.11	<i>Umbellularia californica</i> – <i>Juglans californica</i> / <i>Ceanothus spinosus</i> Association	G3	S3	Y

TABLE 3. California Natural Communities (defined as vegetation Alliances and Associations) containing *Juglans californica* that are considered “sensitive” by California Department of Fish and Wildlife. G3: At moderate risk of extinction or elimination due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors. S3: Vulnerable in the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation. GNR: Global rank not yet assessed. Fremont Cottonwood – California Walnut Woodland (*Populus fremontii* – *Juglans californica* Association) is not currently assigned a rarity rank, but is identified as a Sensitive Natural Community, meaning that CDFW considers it to be at least S3 rarity.⁶

community of organisms that live within an area, in this instance within the oak–walnut woodland or walnut grove. Replacement of specimen trees on a site that has its habitat area significantly reduced to accommodate large structures does not offset the impacts to the recognized Sensitive Natural Community. The tree-based “replacement” program under the City of Los Angeles ordinance also does not require replacement of California walnuts with California walnuts, but rather routinely and nearly exclusively allows their replacement with coast live oak, resulting in a permanent and unmitigated loss of California walnut and its associated Sensitive Natural Communities (Figure 9). Furthermore, the Protected Tree Ordinance pertains only to trees that have a 4-inch diameter at breast height and allows routine removal of California walnuts that are smaller than this size. As a result, California walnuts within fuel modification areas and on parcels that might be developed are never allowed to grow into mature trees and reproduce, impeding the ability of the species to sustain its numbers.

Replacing individual trees (even when they are the same species) but not habitat area is ineffective as a mitigation measure. 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. Some of the rich complement of oak–walnut woodland species will be eliminated from a site where the area of habitat is reduced, even if individual trees are planted as “replacements,” because they do not make up for the loss of area. Furthermore, replacing individual trees does not replicate the preexisting structure and biodiversity of a vegetation Association. This has been known for years, and has previously been reviewed for oak woodlands:

6. *Id.* Elaborating on the methods for describing rarity, CDFW writes, “We have not ranked all associations with specific G and S ranks, except those defined from specific projects where they are well-understood geographically and so are more accurately ranked than placed within the broader “Sensitive” category. Natural Communities with ranks of 1–3 are considered sensitive and marked with a Y in the rightmost column.”



FIGURE 9. The City of Los Angeles Protected Tree Ordinance routinely allows removal of California walnuts such as these and their replacement by coast live oaks crowded into a much smaller area.

Local jurisdictions also allow the removal of mature oaks in exchange for planting some greater number of smaller, sapling oaks. This contributes to the degradation of overall habitat values in three ways. First, the structural complexity of mature oaks will not be achieved by replacement specimens for decades. Second, mitigation plantings are often installed at sites that are not ecologically appropriate or in locations that will not be optimum for long-term viability. Monitoring of such mitigation plantings usually ceases after five years, far before replacement of the habitat values of the removed trees could ever even hope to be achieved. Third, mitigation plantings never include the associated understory species of an intact oak woodland (Longcore and Rich 2003).

Meaningful mitigation for impacts to a Sensitive Natural Community might involve on- or off-site permanent protection or restoration of the same

habitat type at a specified mitigation ratio. A typical mitigation ratio for loss of a Sensitive Natural Community ranked S3 (all of those with *Juglans californica*) as usually recommended by CDFW would be 5:1 (in area/acreage). Avoidance of significant impacts on rare species and Sensitive Natural Communities is always the most desirable outcome. If impacts are unavoidable, an area-based mitigation scheme is required, with permanent protection, performance criteria, and enforceability, as part of CEQA compliance.

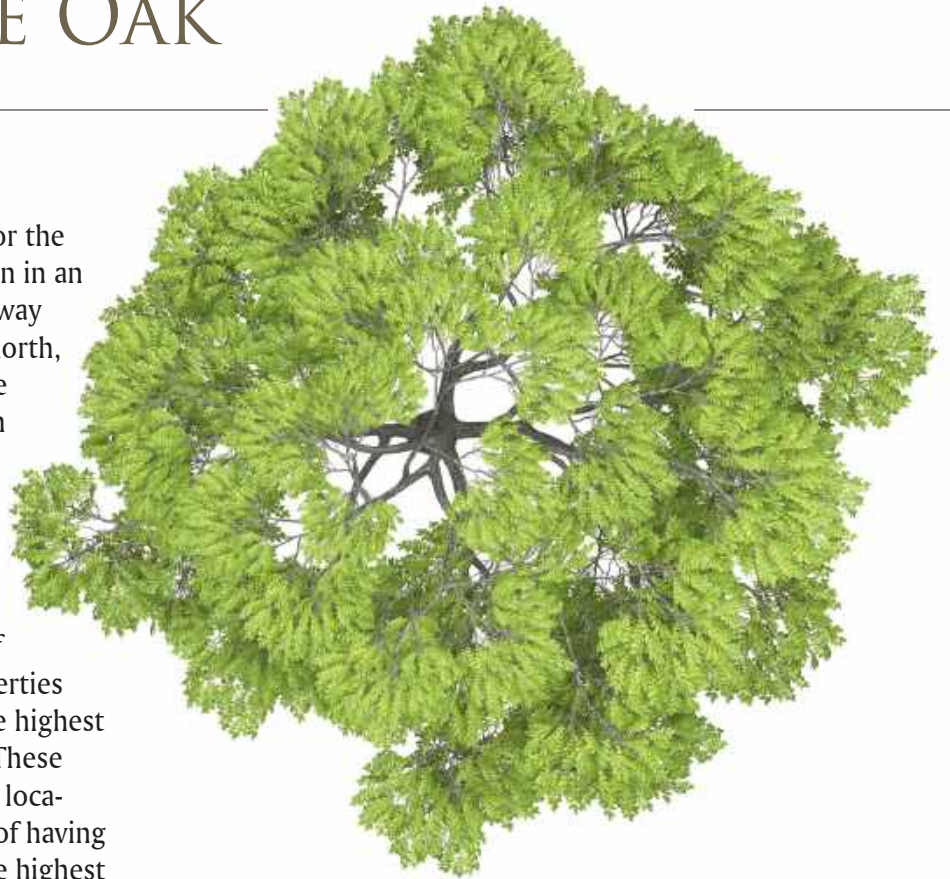
5

SCREENING MAPS FOR CALIFORNIA WALNUT AND COAST LIVE OAK

We developed screening maps for the eastern Santa Monica Mountain in an area bounded by the 405 Freeway on the west, Ventura Boulevard on the north, the 101 Freeway on the east through the Cahuenga Pass, and Sunset Boulevard on the south (*Figures 10-11*). We produced maps with a 10-m grid showing the areas that are most likely to have either California walnut or coast live oak present within each grid cell. These represent the cells where our analysis of the vegetation height and spectral properties of each pixel within the cell returned the highest values for each species (see Appendix). These maps indicate, at the parcel scale, those locations that have the greatest probability of having each species present. They represent the highest confidence locations from the analysis.

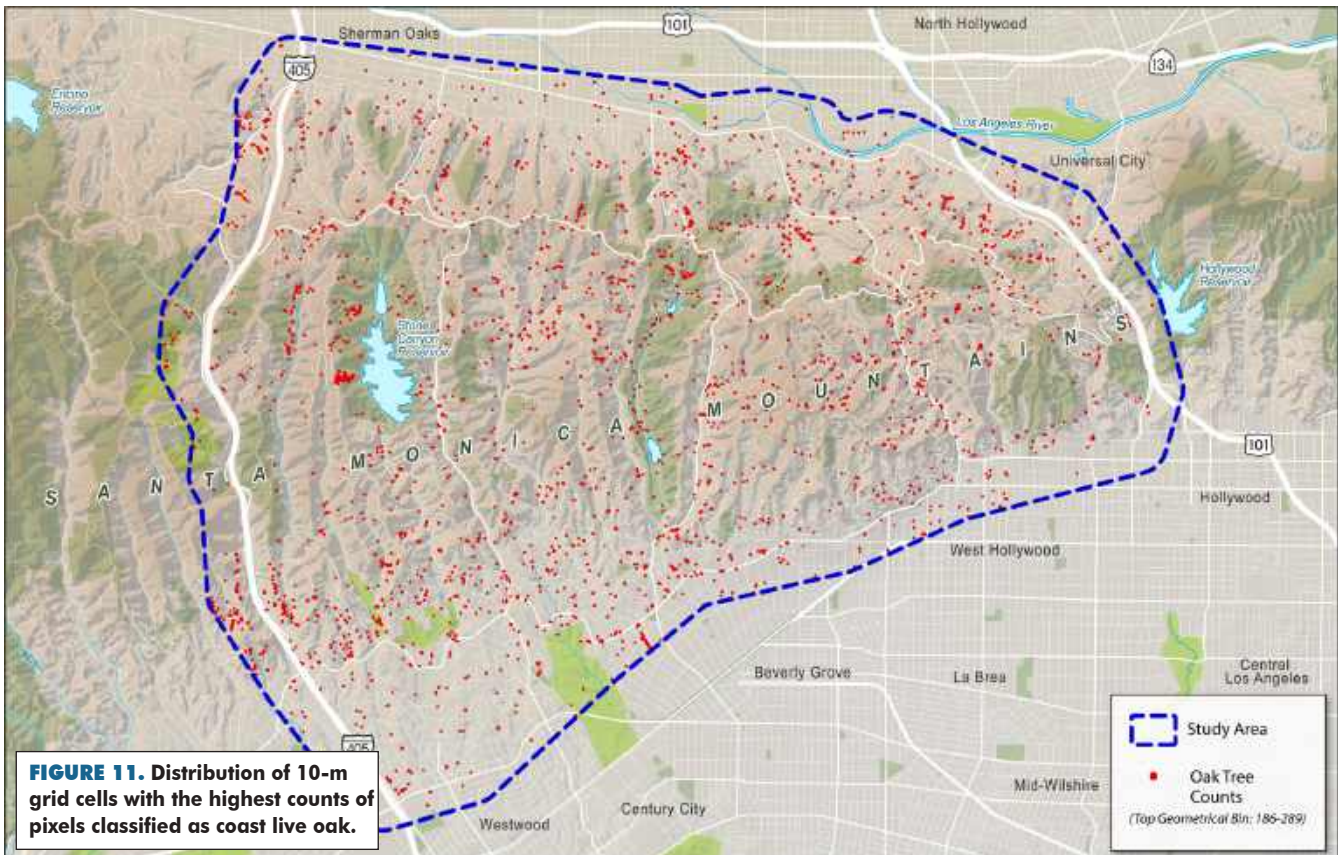
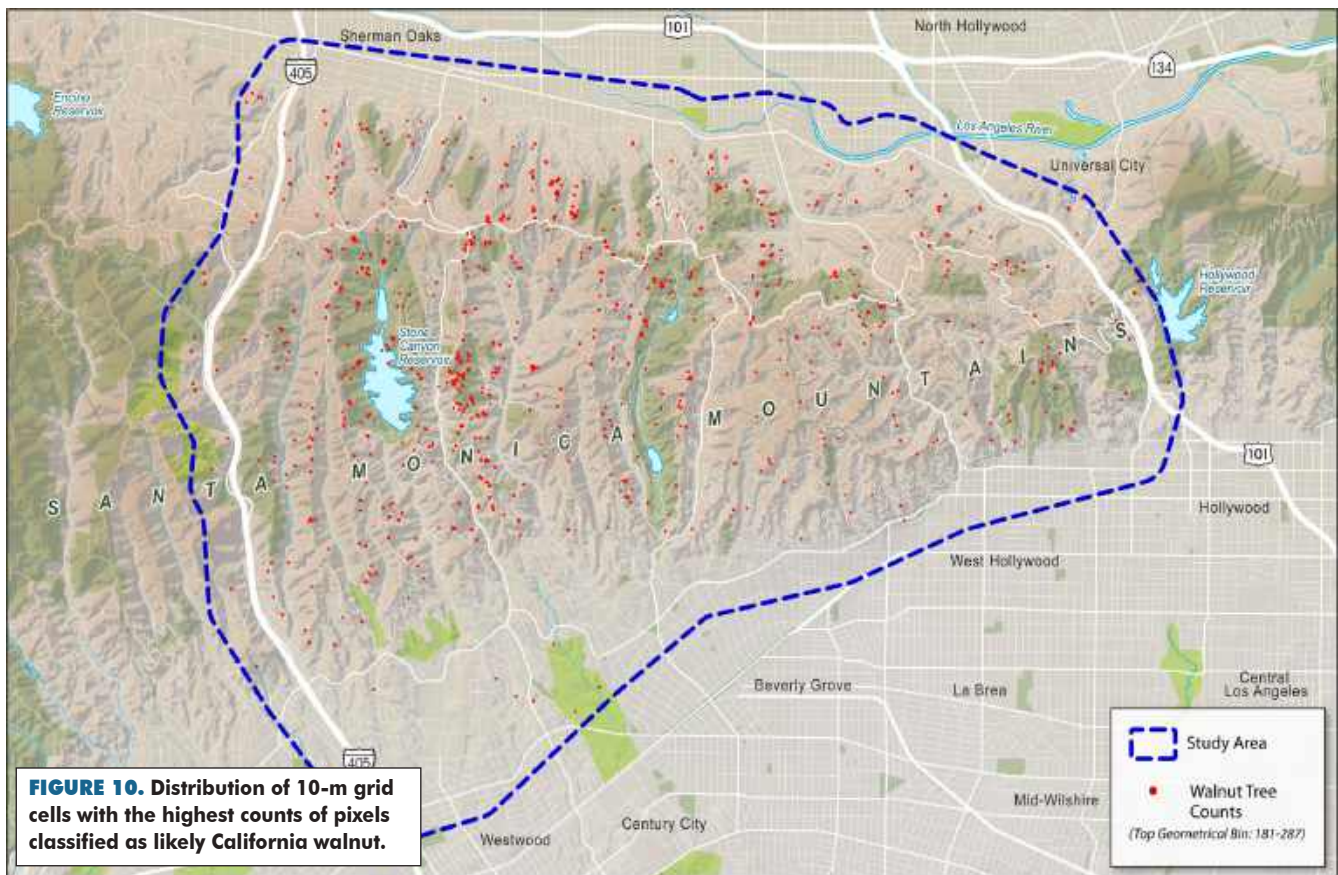
For walnuts, the areas with the highest values are at greater elevation than the oaks. They include scattered 10-m cells within areas mapped on the north-facing slopes as walnut woodlands by the National Park Service, as would be expected. Substantial concentrations of probable walnut trees also are visible in Beverly Glen Canyon, Benedict Canyon, and Stone Canyon on the south-facing slope, along with pockets within residential neighborhoods on the north-facing slope in Studio City.

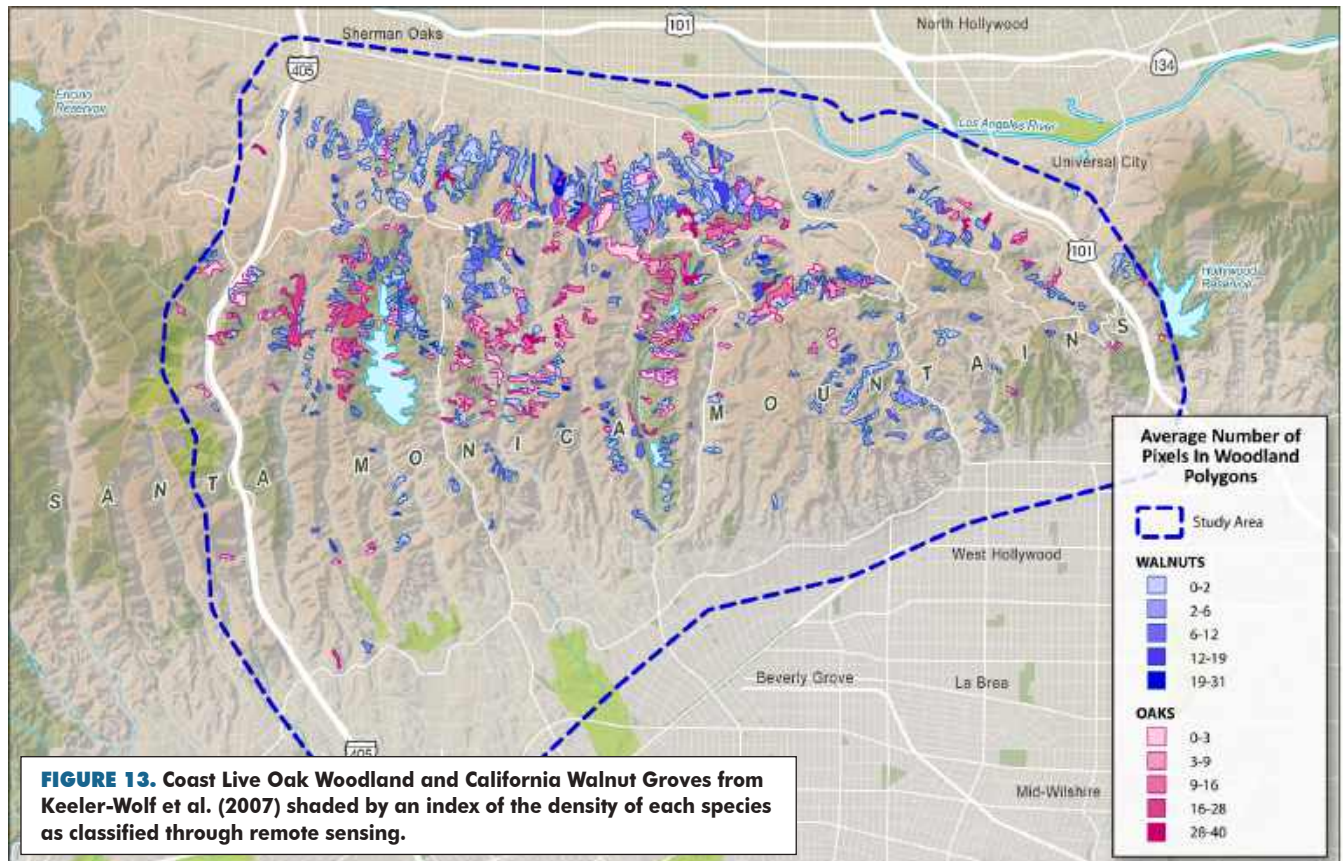
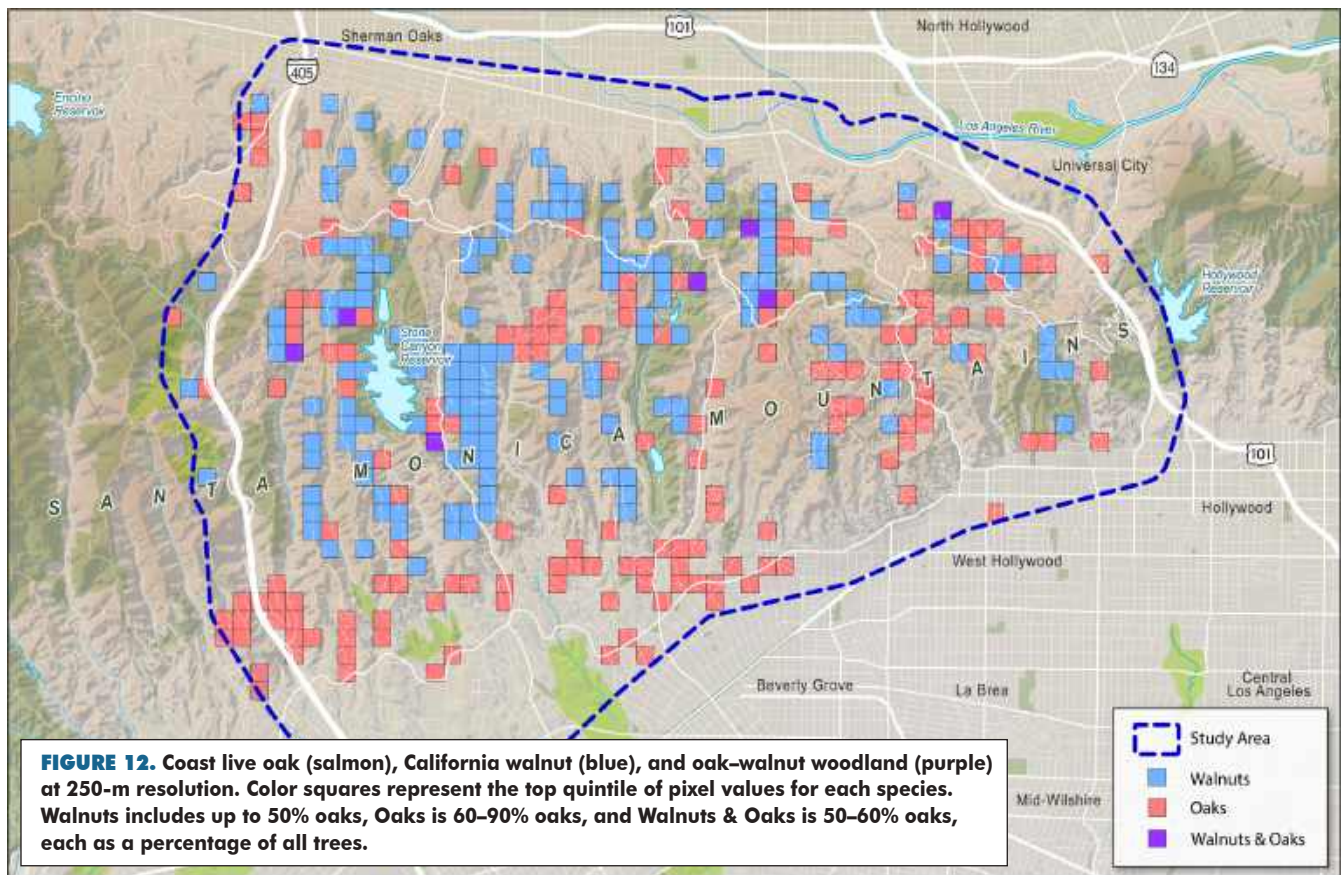
The distribution for 10-m grid cells with many probable oak tree pixels differs by extending farther south into the foothill neighborhoods just north of Sunset Boulevard and being more prevalent at these elevations. This pattern is



consistent with descriptions of the historical ecology of the region that show a band of oak woodlands that extended historically east-west across the Santa Monica Mountains foothills, and which Indigenous peoples tended to maximize acorn production before European settlement (Ethington et al. 2020).

The differences between the areas of greater dominance of oaks and walnuts are visible in the 250-m resolution map (*Figure 12*). At this resolution, the oak woodland band in the foothills is quite apparent, while walnuts have a greater extent at higher elevations. It should be noted, however, that even in those areas mapped as walnut woodlands, oaks are also found, and vice versa. This result should inform those doing field surveys for vegetation mapping to be prepared





to find mixed oak–walnut woodlands throughout the eastern Santa Monica Mountains and not only on north-facing slopes, which are typically associated most with walnut woodlands.

Our remote sensing approach focused on identifying locations that were likely to be individual walnut or oak trees and not on mapping and classifying vegetation communities. These are two different activities—vegetation mapping involves dividing the landscape up into relatively homogeneous and mutually exclusive units and then assigning each unit to a vegetation type based on the dominant species. Because rules for membership in a vegetation classification focus on the tallest vegetation, trees may define a mapped unit without having continuous cover. However, the two native species that we mapped certainly should be found within the vegetation communities California Walnut Groves and Coast Live Oak Woodland. We extracted these two communities from the vegetation map of the Santa Monica Mountains (Keeler-Wolf et al. 2007) and mapped the average number of pixels within 10-m grid cells in each polygon that we classified as either California walnut or coast live oak (Figure 13). The resulting map shows the results graphically for walnuts within walnut woodlands and oaks within oak woodlands. We see that a few, but not many, of the walnut woodland polygons and a few of the oak woodland polygons have low counts for their respective species. Low pixel counts classified as walnut trees are more common for the walnut woodlands, which can be attributed to areas where walnuts are the dominant tree species but are spaced sparsely within the area.

As another assessment of our results compared with the NPS vegetation maps, we compared the average number of pixels of our presumed oak and walnut trees in each mapped walnut woodland and oak woodland polygon (Figure 14). The average number of oak pixels in oak woodlands was significantly higher than walnut pixels. The median number of walnut pixels in walnut groves was higher with no significant difference from

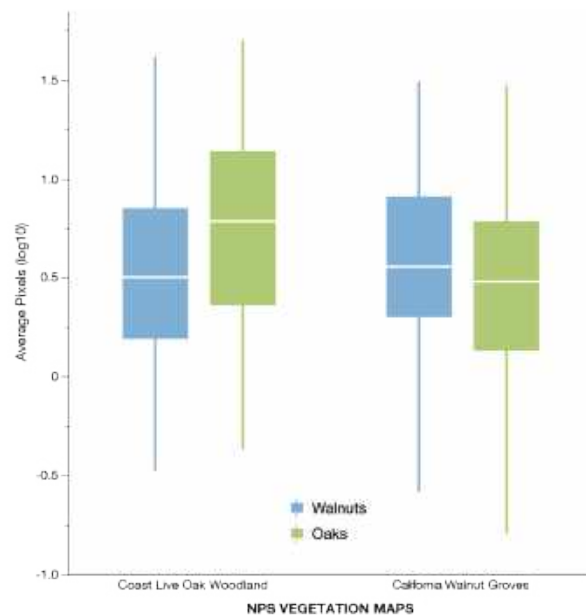


FIGURE 14. Average oak or walnut pixels (log scale) in polygons mapped as Coast Live Oak Woodland or California Walnut Groves.

oak pixels. This result is consistent with the membership criteria for walnut groves, in which walnuts only have to be 30% of relative cover if oaks are present (Sawyer et al. 2009). High presence of oak trees in vegetation mapped as walnut groves is to be expected.

6

RECOMMENDATIONS



Encourage Documentation of Walnut Trees by Community

The screening maps suggest a distribution of California walnut beyond the historical description of habitat on the north face of the Santa Monica Mountains. Confirmation of the screening maps and additional detail about the distribution of California walnut within the eastern Santa Monica Mountains would aid in planning and conservation efforts. Many of the locations used in this study were recorded in the iNaturalist app (*Figure 15*). California walnut is conspicuous

and easy to identify by residents and visitors. It may also be an indicator species for biological diversity within open spaces and neighborhoods. Conservation organizations, local jurisdictions, and CDFW should undertake an education campaign to inform the public, including municipal and county leaders, about the presence and importance of California walnut and encourage residents and visitors to photograph and upload geolocated observations of walnut trees across Ventura, Los Angeles, Orange, and Riverside counties to iNaturalist.



FIGURE 15. Example observation of *Juglans californica* on the iNaturalist website, indicating that it has a status of “vulnerable” (VU), is endemic to California (star), and that the observation has been confirmed by other naturalists (Research Grade).

Fix City of Los Angeles CEQA Review

Current City of Los Angeles CEQA practices exempt single-family home development from review, including in the eastern Santa Monica Mountains. A site that supports sufficient cover of California walnuts as part of a woodland should be recognized as being part of a State-recognized Sensitive Natural Community and mapped accordingly (see Sawyer et al. 2009). A Categorical Exemption from further review cannot be used for properties with a rare species or Sensitive Natural Community present because it can be concluded with certainty that loss of that habitat would constitute a significant adverse impact unless mitigated. The City of Los Angeles often points to its Protected Tree Ordinance in arguing that such development would not have impacts, but that regulatory tool only provides for replacement trees (which may not be of the same species), and not mitigation of the habitat area impacted at any ratio, let alone at the 5:1 mitigation ratio usually recommended by the California Department of Fish and Wildlife for

Sensitive Natural Communities of this rarity.¹

To stem the loss of this rare species and mitigate unavoidable losses, the City of Los Angeles should:

1. No longer use Categorical Exemptions for properties that contain vegetation that would be mapped as Sensitive Natural Communities (including all Alliances and Associations containing *Juglans californica*) under appropriate mapping protocols;

1. Kelly Schmoker-Stanphill, California Department of Fish and Wildlife, email to Travis Longcore dated November 27, 2019. Quoting from that email as an example of typical project-specific CDFW guidance on projects with Sensitive Natural Communities present: “The Department considers natural communities with ranks of S1–S3 to be sensitive natural communities that should be addressed in CEQA (CEQA Guidelines § 15125[c]). An S3 ranking indicates there are 21–80 occurrences of this community in existence in California, S2 has 6–20 occurrences and S1 has less than 6 occurrences. The Department recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Department recommends mitigating at a ratio of no less than 5:1 for impacts to S3 ranked communities and 7:1 for S2 communities. This ratio is for the acreage and the individual plants that comprise each unique community.”

2. Avoid impacts to Sensitive Natural Communities and rare species where possible; and
3. Mitigate any impacts to Sensitive Natural Communities by protection or restoration of the same habitat type at a 5:1 mitigation ratio by acreage *and* tree number.

Improve Information About California Walnuts for Consultants and Landowners

The California Natural Diversity Database (CNDDDB) and its online mapping tools are provided by CDFW to aid consultants and landowners in assessing the potential sensitive species that might be found on a particular property. For the eastern Santa Monica Mountains, the CNDDDB includes only one single stand of *Juglans californica*, in Wilacre Park. More complete data in appropriate GIS formats are available for easy incorporation into the CNDDDB and should be added, both from the map of the vegetation of the Santa Monica Mountains (Keeler-Wolf et al. 2007) and from the many research-grade observations on iNaturalist. The screening maps from this report and the National Park Service vegetation map will be shared with the public in an online tool (bit.ly/SMMwalnuts).

Prioritize Purchase of Sites Supporting California Walnut

Much of the current focus of local conservation efforts in the eastern Santa Monica Mountains is on the preservation of corridors for movement of large mammals (particularly mountain lion, bobcat, and mule deer). This goal is important but a focus solely on connectivity for larger mammals risks undermining conservation of rare species, including birds, that persist within the mosaic of developed and undeveloped parcels and have a greater conservation need in terms of species rarity. California walnut has a restricted range in southern California that is already dramatically reduced by urban development. It is threatened by both increasing temperatures and further residential construction within the very

topographically diverse landscapes that provide its greatest hope for suitable microclimates to persist in the face of climate change. Public and private conservation buyers should identify and target properties for acquisition or conservation easements that protect as much of the remaining distribution of California walnut as possible. This recommendation extends to parcels that are subject to fuel modification around structures because so long as the walnuts are not cut to the ground, they provide important habitat even with a cleared understory.

Expand Analysis and Conservation Strategies to Full Range of California Walnut

The mapping effort described here is limited to a portion of the range of California walnut as an example at the heart of the species range and to complement the current planning effort by the City of Los Angeles in its “Wildlife Pilot Study.” The species would benefit from a range-wide assessment of the current distribution and threats from development. It is likely that similar development patterns and environmental changes threaten the species in areas other than the Wildlife Pilot Study area, both in and out of the City of Los Angeles. For example, the rapidly redeveloping areas of Mount Washington, Monterey Hills, and southwest toward Rose Hills and the Puente Hills are also important centers of California walnut distribution and are at risk because of the ineffectiveness of the current environmental review process. There are also remnant walnut groves in alluvial soils in the San Fernando Valley that are neither mapped nor given appropriate consideration in environmental review. Currently, the Los Angeles Zoo is proposing to expand into California walnut habitat.

Cooperation between local land trusts, regional land conservation agencies (such as the State conservancies), the California Department of Fish and Wildlife, and municipal planners and decisionmakers should chart a course now to protect the remaining distribution of California walnut and ensure that it does not become more

imperiled than it already is. If coordinated action is delayed, stabilizing and recovering the species will become more difficult. Increased coordination and planning in support of this uniquely southern Californian species and its habitat is long overdue.

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APPENDIX: METHODS FOR DEVELOPMENT OF SCREENING MAPS



We used geospatial layers obtained from two different sources, the National Agriculture Imagery Program (NAIP) and the Los Angeles Region Imagery Acquisition Consortium (LARIAC).

NAIP imagery is collected during low cloud cover (<10%) during a “leaf-on” season with a 0.6-meter spatial resolution, and has four spectral bands corresponding to the blue, green, red, and near-infrared regions of the spectrum. The near-infrared region is especially valuable when studying vegetation because it provides information about chlorophyll content in plants and thus can be used to assess vegetation health, as well as to identify vegetation life forms and species. The 2016 imagery was collected during June, and the 2018 imagery during July. Both datasets were collected during a “leaf-on” season, but 2016 was a drought year and 2018 was not. These two datasets together facilitate use of differences in drought response of the target species to distinguish among them.

LARIAC data contained 4-band 4-inch ortho-imagery, collected in 2017, and a 0.9-meter digital elevation model (DEM) with its derivatives (Slope, Aspect, Height Above Ground (HAG)).

Training and testing locations for coast live oak and California walnut trees were obtained from GPS points collected by students involved in a research project at UCLA (Espitia et al. 2020), research-grade community observations recorded on the iNaturalist.org platform, and visual inspection using Google Street View.

In addition, we used habitat suitability maps created for the Los Angeles County Native Tree Restoration Mitigation and Priority Planting Plan (Dagit et al. 2019), vegetation maps for the Santa Monica Mountains National Recreation Area (Keeler-Wolf et al. 2007), and maps from a preliminary assessment of fire hazard from street trees in Beverly Hills (Dudek 2019).

Processing and Classification

Screening maps were created in several steps (Figure 16). The steps were as follows: 1) aligning and resampling available imagery, 2) building a tree mask, 3) creating a training set, 4) creating a raster dataset (data transformation), 5) image classification, and 6) evaluation of results. The whole process was iterative, with each step tightly intertwined with the other steps.

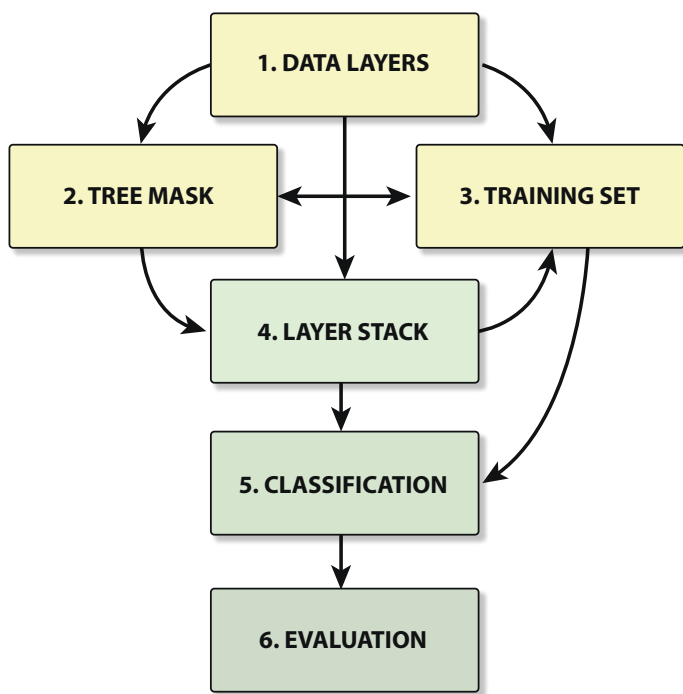


FIGURE 16. Schematic of workflow. Boxes 1, 2, and 3 describe three initial tasks that were carried out in parallel.

The data layers, such as 2-year NAIP imagery and HAG, were resampled to match NAIP pixel size. Each of the NAIP 4-band images was used to calculate a normalized difference vegetation index (NDVI) for its respective year. NDVI is a spectral ratio that is widely accepted by the remote sensing community to assess vegetation health via chlorophyll content (Tucker 1979, Houborg et al. 2015).

We then created a mask that excluded pixels of non-vegetated substrate and shorter vegetation types, such as grass and shrubs. In doing so, we applied a threshold to HAG and thresholds to both years of NDVI layers and reasoned that trees would have height greater than 6.5 feet AND have the NDVI value above 80% in at least one of the years. These parameters worked well to exclude short features (either natural or human-made) as well as tall features of a non-vegetative nature such as buildings and bridges. For example, a mask resulting from a threshold applied to NDVI only would include a grassy

sports field along with trees. The HAG layer alone, when thresholded with 6.5 feet, would include both trees and tall buildings, but when these two layers were added together, unwanted categories, such as grass and buildings, were eliminated (Figure 17).

Most data points for the locations of coast live oak and California walnut trees were downloaded from iNaturalist.org. Data from this website and its associated mobile device application are increasingly extensive as the platform grows in popularity with both community-based nature enthusiasts and professional scientists. The available data, however, must be carefully examined and filtered; GPS data collected for different purposes, with the use of different instruments, in some cases by enthusiasts with little expertise, may carry locational and identification errors. For example, a short tree that is growing under the crown of a larger tree would have no value for our project, in which we are interested in trees that are clearly seen from the sky. It may, however, may be very valuable for vegetation community studies. The iNaturalist dataset comes with rich metadata, including locations, photos, locational accuracy, quality (research grade or not), and other attributes. We thoroughly examined the dataset, leaving only points identified as research grade and with locational accuracy better than 20 meters. We further reduced the dataset to have only points that fall within our tree mask, were not overshadowed by other vegetation, and were confidently identified as target species. In addition to coast live oak and California walnut we built datasets for common species that occur in natural and urban parts of the study area: California sycamore (*Platanus racemosa*), arroyo willow (*Salix lasiolepis*), Mexican elderberry (*Sambucus mexicana*), blue gum tree (*Eucalyptus globulus*), Canary Island pine (*Pinus canariensis*), and cypress (*Cupressus sempervirens*).

We then built a training set that contained several tree species. That involved building a dendrogram and eliminating points that pre-

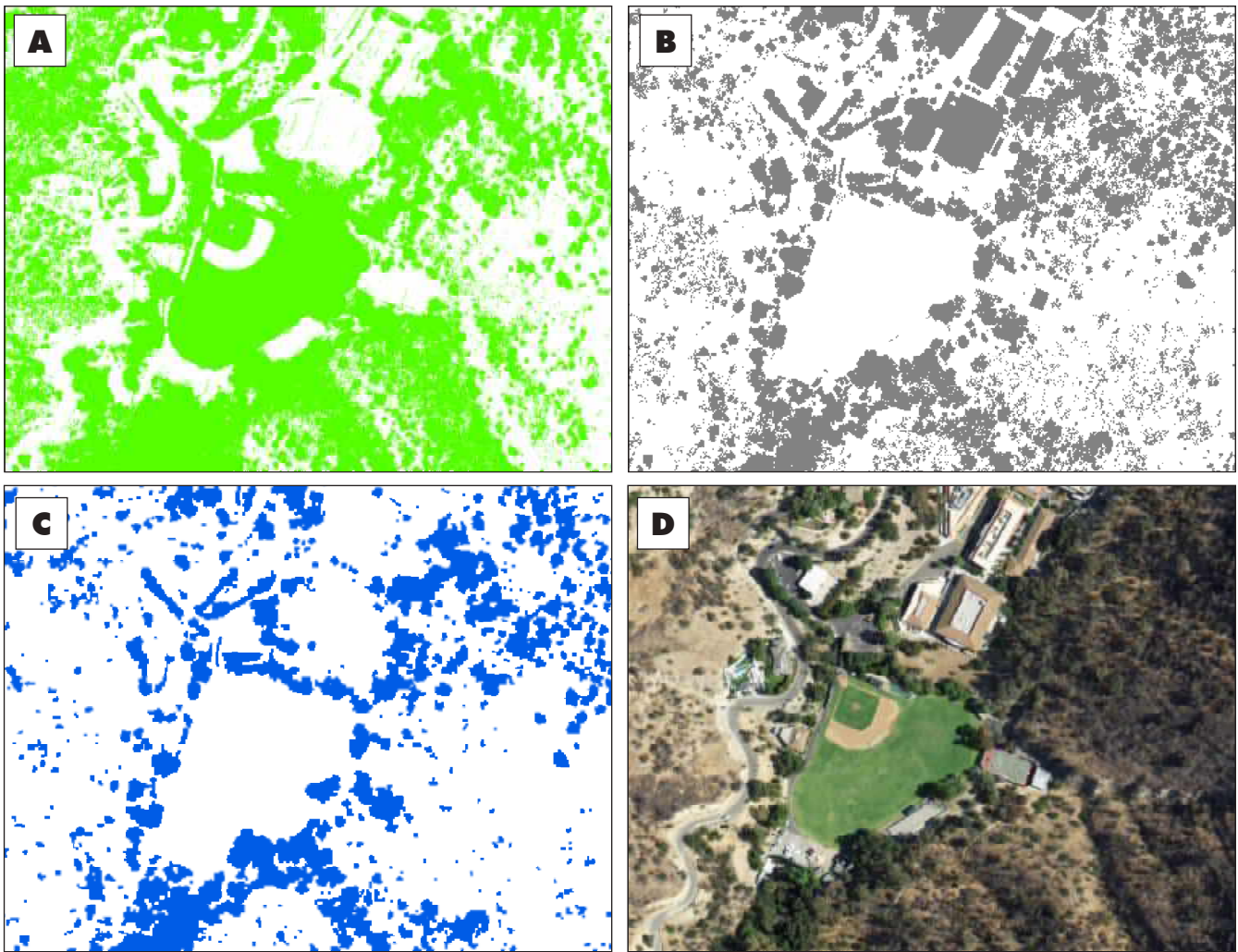


FIGURE 17. Tree map as a combination of spectral index and height above ground layers. (A) NDVI > 0.8; (B) HAG > 6.5 feet; (C) combination of (A) and (B); (D) NAIP image.

sented high confusion with other species' spectral signatures. Simultaneously with this process, we tested classification performance on different combinations of layers. We first created a layer stack of the most relevant layers, two years of NAIP imagery and a HAG raster, which were subjected to Principal Component Analysis (PCA). PCA is usually used to reduce heavy datasets with redundant variables (Gauch 1982). It transforms the original dataset into a new coordinate system with new uncorrelated variables, still preserving most of the information present in the original dataset. The first three components of PCA account for 95 percent of data variation. We applied an image segmentation tool to one of the PCA bands to create a thematic raster that would facilitate capturing shapes of different

objects. Building the training set was a process that involved frequently cross-examining multiple datasets: the tree mask, NDVI-2016, NDVI-2018, LARIAC, and PCA.

The final dataset that was used for classification consisted of a 4-band raster: three PCA bands (containing information about vegetation health and height above ground), and a thematic raster resulting from segmentation. The PCA transformation distinguishes trees of different species that appear similar in regular color imagery (Figure 18).

After the three main components of the analysis (raster dataset, training points, and tree mask) were completed, we performed image classifica-

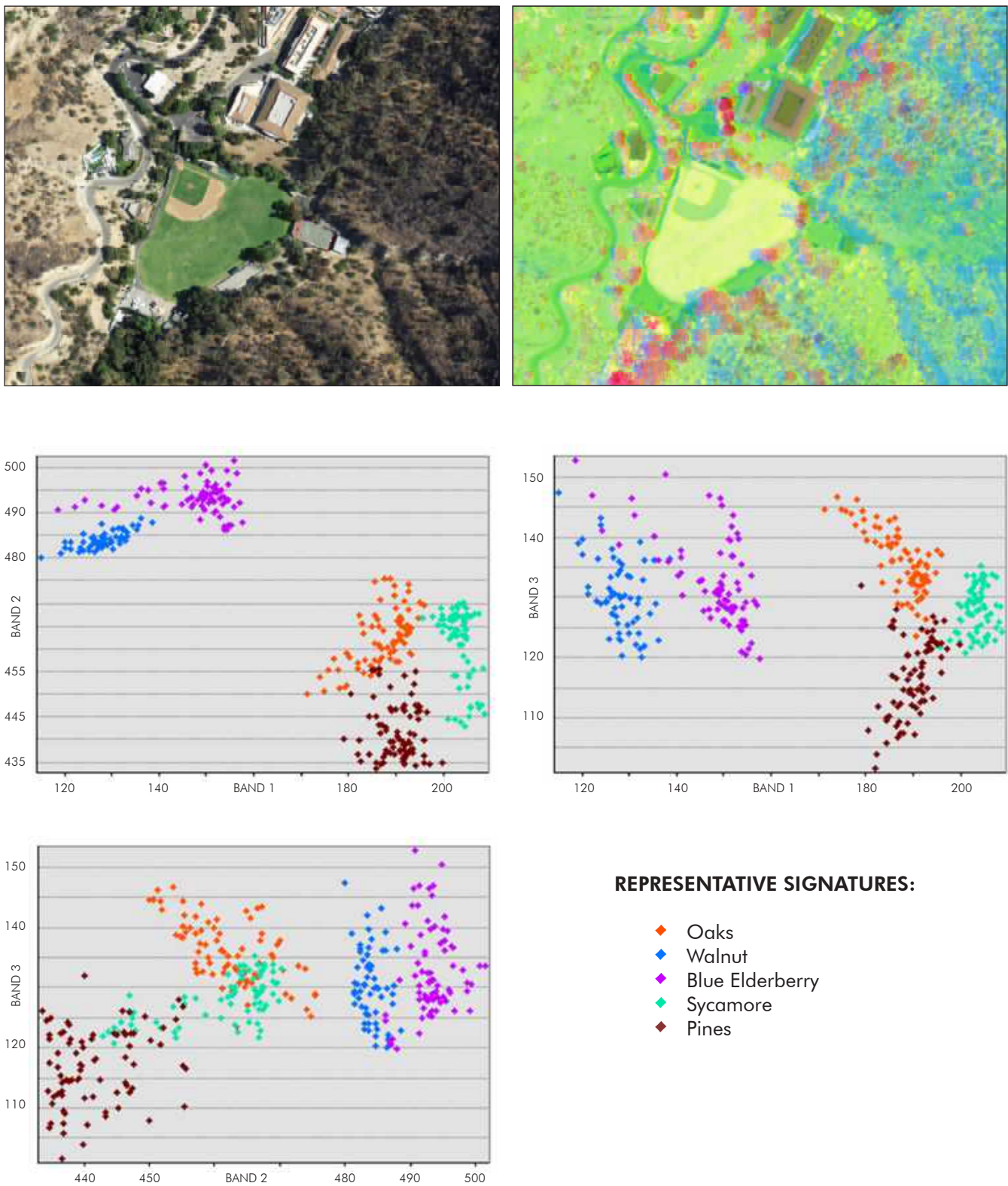


FIGURE 18. NAIP image (top left); PCA raster (top right); signatures of different tree species (bottom).

tion using a Maximum Likelihood Classification (MLC) algorithm. MLC is the most widely used method in remote sensing. It assumes normal distribution of statistics in each class and assigns each pixel a specific class based on its highest probability. The study area contains a vast variety of trees, both naturally growing in parks and planted ornamentally in residential areas. It would be impractical to collect data for all tree species that occur within the study area, thus we added several that are most common, and in the end categorized them as “other.” This step reduced confusion between oaks, walnuts, and other trees.

We then applied post-classification smoothing to eliminate a “salt-and-pepper” effect resulting from pixel-based classification. The method is used to erase speckle pixels, smooth class boundaries, and to clump nearby pixels belonging to the same class.

To visualize the results, we overlaid the classified pixels within different levels of the hierarchical Military Grid Reference System (MGRS) cells at different resolutions. The number of pixels for each species within cells at different resolutions were then visualized within ArcMap.

To validate the results, we compared our pixel-level classification with existing maps of oak and walnut woodlands at the vegetation Alliance level (Keeler-Wolf et al. 2007). Although this is a comparison between mapping of individual plant presences against mapping of a vegetation community, the comparison of the two vegetation communities should show greater oak presence in the oak woodlands and greater walnut presence in the walnut woodlands. We first summed the number of pixels probable for each species within the MGRS 10-m grids and omitted those grid cells with fewer than 76 probable pixels to focus on those cells mostly likely to have substantial cover of either species. We then took the average of the number of probable pixels within each vegetation Alliance polygon and compared them.

All data processing, including cleaning the original raw data, cross-referencing with high resolution imagery, data transformation, segmentation and classification, filtering and smoothing, were completed with ESRI ArcMap 10.7.







THE
URBAN
WILDLANDS
GROUP



Exhibit C

R E S O L U T I O N

WHEREAS, the Santa Monica Mountains Conservancy (SMMC) was created by the California State Legislature through the Conservancy Act in 1979 (Public Resources Code Section 33000, et seq.) to preserve thousands of acres of parkland for wildlife, native plants, and public recreation within the Santa Monica Mountains Zone (Zone) and since that time, it has helped to preserve and open to the public over 75,000 acres of parkland in both urban and wilderness settings; and

WHEREAS, Section 33001 of the Public Resources Code identifies the Zone as a “unique and valuable economic, environmental, agricultural, scientific, educational, and recreational resource that should be held in trust for present and future generations;” and

WHEREAS, public agencies reviewing projects under the California Environmental Quality Act (CEQA) must notify trustee agencies and consult with them at various points in the environmental review process; and

WHEREAS, a trustee agency is defined in Section 21070 of the Public Resources Code as “a state agency that has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California;” and

WHEREAS, the City of Los Angeles recognizes that the Santa Monica Mountains Conservancy owns certain lands within the Zone in trust for the people of the State of California, including certain lands within the City of Los Angeles, and is the trustee agency for those lands; and

WHEREAS, on July 26, 2021, the California Attorney General issued a letter advising that the SMMC must be considered a trustee agency for CEQA purposes for projects affecting natural resources in the Zone, as defined in the Conservancy Act; and

WHEREAS, SMMC is seeking to be added through a formal process as a trustee agency for CEQA purposes for those lands in the Zone that are not owned by Santa Monica Mountain Conservancy and held in trust for the people of the State of California; and

WHEREAS, on December 13, 2021, the SMCC adopted the Eastern Santa Monica Mountains Natural Resource Protection Plan to “guide all forms of land protection” in the portion of the Santa Monica Mountains between Topanga Canyon Boulevard (State Route 27) and the eastern boundary of Griffith Park; and

WHEREAS, the Eastern Santa Monica Mountains Natural Resource Protection Plan includes three maps, identified as the Big Wild - Topanga State Park Core Habitat Area Planning Map, the Eastern Santa Monica Mountains Habitat Linkage Planning Map, the Griffith Park Area Habitat Linkage Planning Map, that identify “known and probable habitat linkage/wildlife travel routes between otherwise disconnected habitat blocks”; and

WHEREAS, it is a goal of the City of Los Angeles to conserve and manage land use development in environmentally sensitive areas through efforts such as natural community conservation planning;

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles, with the concurrence of the Mayor, hereby directs the relevant City staff, as follows:

1. Consult with the Santa Monica Mountains Conservancy (SMMC) on any draft negative declarations and environmental impact reports under the California Environmental Quality Act (CEQA) for any project within the Santa Monica Mountains Zone, as defined in the Conservancy Act, consistent with trustee agency consultations requirements in Public Resources Code Sections 21080.3, 21080.4, 21091, and 21153.
2. The Department of City Planning, the Bureau of Engineering, and the Bureau of Street Services (Urban Forestry Division), in consultation with the City Attorney, to coordinate with other City departments and take all necessary steps to ensure that Eastern Santa Monica Mountains Natural Resource Protection Plan prepared by SMMC will be considered by the City in the CEQA process to ensure the protection and conservation of sensitive habitat areas.
3. The Department of City Planning, the Bureau of Engineering, and the Bureau of Street Services (Urban Forestry Division), in consultation with the City Attorney, to coordinate with other City departments and develop a process to consider all future spatial habitat protection maps prepared and adopted by SMMC.
4. The Department of City Planning, the Bureau of Engineering, and the Bureau of Street Services (Urban Forestry Division) are to report to the City Council within 90 days of the adoption of this Resolution on the status of the coordination efforts regarding the Eastern Santa Monica Mountains Natural Resource Protection Plan and a process for all future spatial habitat protection maps prepared by SMMC.

BE IT FURTHER RESOLVED, that the provisions of this Resolution shall apply prospectively only and shall not apply to any discretionary CEQA approval published or sought from the City prior to the adoption date of this Resolution, with the concurrence of the Mayor.