

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): Bureau of Street Services, Urban Forestry Division

Regarding Case Number: Log Reference 1-2101552181

Project Title: 2669 N. Bronholly Drive

Project Address: 2669 N. Bronholly Drive

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: 03/16/2022

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

2. APPELLANT INFORMATION

Appellant's name (print): Bronholly & Carolus Residents Coalition

Company: _____

Mailing Address: 16255 Ventura Blvd. Ste. 950

City: Encino State: CA Zip: 91436

Telephone: 818-907-8755 Email*: kkropp@lunaglushon.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): Kristina Kropp

Company: Luna & Glushon

Mailing Address: 16255 Ventura Blvd., Ste. 950

City: Encino State: CA Zip: 91436

Telephone: 818-907-8755 Email*: kkropp@lunaglushon.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: April 28, 2022

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)

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- 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: 4/28/22
<input type="checkbox"/> Internal review completed	
Deemed Complete/Referred for Assignment by (City Clerk):	Date:

ATTACHMENT TO APPEAL

1. The Categorical Exemption Provides Incorrect and Incomplete Information

The Categorical Exemption provides that one protected Coast Live Oak Tree will be minimally impacted. However, Urban Forestry has admitted that despite the requirements of the City's Protected Tree Ordinance (see LAMC Sec. 46.02, for example), they have not been provided the grading plans and have not assessed the grading impacts of the Project on the Oak Tree. The City has been provided information that the proposed grading as well as the street widening will cause this Oak Tree to die.¹

The full scope of the inaccuracies and deficiencies of the Project Description will be provided by the Santa Monica Mountains Conservancy.

2. The Categorical Exemption Does Not Qualify for a Class 3 or Class 32 Categorical Exemption, and Exceptions Apply

a. The Project Does Not Qualify for a Class 3 Exemption

Class 3 Categorical Exemptions ("CE's") are qualified by consideration of where the project is to be located. A project that would ordinarily be insignificant in its impact on the environment may, in a particularly sensitive or hazardous area, be significant. Therefore, a Class 3 CE cannot be applied where the project may impact an environmental resource of hazardous or critical concern that has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. (CEQA Guidelines §15300.2(a)).

This Project is located in and is a part of a single, designated habitat block (block 39L) by the Griffith Park Area Habitat Linkage Planning Map, adopted in December 2017, and the Eastern Santa Monica Mountains Natural Resource Protection Plan adopted in December, 2021 by the Santa Monica Mountains Conservancy (SMMC). Block 39L is one of 24 SMMC-mapped habitat blocks comprising the greater Griffith Park habitat area and supports the full range of species in the Griffith Park area, including mammals such as bobcat, mule deer, coyote, gray fox and mountain lion, as well as raptors including red-tailed, red-shouldered and Cooper's hawks, Great-Horned and Western Screech owls, and a multitude of other species.

¹ The proposed site grading would come within two feet of the protected oak tree's trunk – well within the tree protection zone – according to the latest available civil plans. That close margin does not account for slough, remedial grading, or equipment maneuvering, and appears to flout even the developer's arborist recommendations.

The Project will directly interfere with habitat linkage/wildlife travel routes in block 39L. Indeed, the Project will effectively cut off access to a full ten acres of habitat south of the Project site. The potentially severed 10 acres of State-mapped habitat is an environmental resource of critical concern identified by the Conservancy, a State Agency under the Natural Resources Agency. Accordingly, a Class 3 CE to may not be utilized for the Project.

The Mountains Recreation & Conservation Authority² has specifically brought to the City's attention, as early as 2018, the fact that the Project location is part of a habitat linkage which provides for wildlife movement between Griffith Park (a Significant Ecological Area (SEA)) and privately held open space to the south, and that it is specifically in a mapped habitat block.

b. The Project Does Not Qualify for a Class 32 Exemption

In order to qualify for a Class 32 Exemption, the Project must meet five criteria: (a) be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) occur within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) have no value, as habitat for endangered, rare or threatened species; (d) not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) be adequately served by all required utilities and public services.

There is absolutely nothing in the City's record to indicate that this Project meets any of these criteria. There are no findings, at all, included with the Categorical Exemption, as filed with the County of Los Angeles.

What's more, the Project is not consistent with applicable zoning designation and regulations. Indeed, it is inconsistent with LAMC 12.21.C.10 because it does not maintain a 20-foot continuous paved roadway from the driveway apron that provides access to the main resident to the boundary of the Hillside Area. Although the Applicant proposes to widen the roadway, the record is filled with evidence that makes such widening impractical - including its impacts on the above-referenced protected Coast Live Oak Tree.

Furthermore, as will be provided in evidence from the Santa Monica Mountains Conservancy, this Project site serves as a habitat for mountains lions.

² The Mountains Recreation and Conservation Authority (MRCA) is a local government public entity established in 1985 pursuant to the Joint Powers Act. The MRCA is a partnership between the Santa Monica Mountains Conservancy, which is a state agency established by the Legislature, and the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District both of which are local park agencies established by the vote of the people in those communities. The MRCA manages more than 75,000 acres of parkland that it owns or that is owned by the Santa Monica Mountains Conservancy.

The Santa Monica Mountains' mountain lion population is a State-listed candidate threatened species and currently receives all the protections of a listed threatened species. Therefore, a Class 32 exemption is not appropriate.

c. The Unusual Circumstances Exception Applies

CEQA also prohibits use of any CE when “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (CEQA Guidelines § 15300.2(c)). The “unusual circumstances” exception is established without evidence of an environmental effect upon a showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086. 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. *Id.* Alternatively, the “unusual circumstances” exception is established with evidence that the project will have a significant environmental effect. *Id.*

Even if considered to meet the requirements of CEQA Guidelines §15300.2(a) or the Class 32 qualifiers (which it clearly does not), this Project is unique in that it is being proposed within a designated habitat block (block 39L), specifically cited by SMMC as being a “part of the core habitat of Griffith Park,” shown on the Griffith Park Area Habitat Linkage Planning Map and the Eastern Santa Monica Mountains Natural Resource Protection Plan. As provided to the City by the Santa Monica Mountains Conservancy, the subject lot is part of an uncommon north-facing slope habitat within this mapped block that includes several MRCA-owned parcels, including one that is adjacent to the Project site, which would be adversely impacted by the Project.

Due to such unusual circumstances, it is well beyond a reasonable probability that the Project will cause substantial adverse impacts on the environment, particularly habitat linkage/wildlife travel routes in habitat block 39L (see all evidence and comments in the record from the Mountains Recreation and Conservation Authority and Santa Monica Mountains Conservancy). Indeed, the Project will effectively cut off access to a full ten acres of habitat south of the Project site. For this reason and others stated above, the Project does not qualify for a Categorical Exemption.

DATE: April 2, 2022

 CITY: LOS ANGELES

REGISTRATION - RECORDS/NOTARY CLERK

CITY OF LOS ANGELES

OFFICE OF THE CITY CLERK

ROOM 389, CITY HALL

LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(Articles II and III - City CEQA Guidelines)

2022 089547



FILED

April 2, 2022

Not a valid Notice of Exemption form

(California Environmental Quality Act)

Submission of this form is optional. The form shall be filed with the County Clerk, 2000 E. Imperial Highway, Torrance, California, 90509, pursuant to Public Resources Code Section 21150.1. Pursuant to Public Resources Code Section 21150.1, the filing of this notice marks a 30-day window of limitations on writ challenges to the approval of the project.

LEAD CITY AGENCY AND ADDRESS: City of Los Angeles Bureau of Street Services Urban Forestry Division 1148 S. Broadway, Suite 400 Los Angeles, CA 90071		COUNCIL DISTRICT 4
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PROJECT TITLE: 2649 N. Brandholly Dr	LOG REFERENCE: 1-2100827181
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PROJECT LOCATION: 2649 N. Brandholly Dr, Los Angeles Ca. 90048

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:

The project consists of the construction of a new single family home with a footprint of 1,162 square feet on an undeveloped 4,190 square foot lot located in the Bronson canyon area of Los Angeles. There is one native protected Toyon shrub on site being impacted by proposed construction. The Toyon shrub is growing within the building footprint and will be removed for the construction of the proposed dwelling. One protected Coast Live Oak tree is to be preserved and will be retained on site. The tree is partially impacted by street widening. Two additional Coast Live Oak trees are located off-site and outside of the construction zone. The street-off site trees are located in a residential zone. The removed Toyon shrub will be replaced with a minimum of four, 16-gallon Toyon (Nandina domestica) shrubs. Survival of all planted Toyon shall be guaranteed by bond for a minimal three-year period.

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

Gaspar Obando, W&O Development LLC


CONTACT PERSON Gaspar Obando	PHONE NUMBER (213) 211-7058 ext. 1
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EXEMPT STATUS: (Check One) <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> DECLARED EMERGENCY <input type="checkbox"/> EMERGENCY PROJECT <input checked="" type="checkbox"/> GENERAL EXEMPTION <input type="checkbox"/> HISTORICAL EXEMPTION	CITY CEQA GUIDELINES Art. 8, Sec. 2.6 Art. 8, Sec. 2.4(f) Art. 8, Sec. 2.4(d)(2) Art. 8, Sec. 1	STATE CEQA GUIDELINES Sec. 15084 Sec. 15084.6 Sec. 15084.6(d) Sec. 15084.6(d)(2) Sec. 15085, Class 1 Sec. 15085, Class 2
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JUSTIFICATION FOR PROJECT EXEMPTION:

The tree removal and replacement plantings are exempt under Section 15085, Class 2 (Construction of one single-family residence, or a second dwelling unit in a residential zone.) and Section 15085, Class 2D (The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban areas.) of the California Environmental Quality Act Guidelines.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE:		TITLE: Street Tree Superintendent I Bryan Ramirez	DATE: 04/02/2022
FILE #	RECEIPT NO.	RECD BY	DATE

TRANSMISSION TO THE COUNTY CLERK

TREE REMOVAL REQUEST NOTIFICATION SHEET

DATE: February 2, 2022
OF PAGES: 1

SENT TO:

COUNCIL DISTRICT: 4
ATTENTION: Armida Reyes/Rachel Fox
PHONE NUMBER: 213-473-7004
FAX NUMBER: 213-473-2311
EMAIL: contactCD4@lacity.org / rachel.fox@lacity.org

SENT FROM: URBAN FORESTRY DIVISION

Mail Stop #550
1149 S. Broadway, 4th Floor
Los Angeles, CA 90015
PHONE #: (213) 847-3077
FAX: (213) 847-3033

MESSAGE: The Urban Forestry Division received the following permit request to remove trees.

REQUESTER'S INFO:



PERMIT TYPE: Fee \$ 2,892.48
TREE LOCATION: 2669 N Bronholly Dr.
Los Angeles, CA, 90068

TREE SPECIES AND QUANTITY: (1) Toyon (Heteromeles arbutifolia)

REASON FOR REQUEST: Within foot print of home and for grading.


CEQA: The tree removals and replacement (1) consist of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; (2) the action is exempt under under Article III, Section 1, Class 3, Category 1 (new construction of small structures - single family residence not in conjunction with the building of two or more units) of the City of Los Angeles Environmental Quality Act Guidelines (2002). It may be possible that the removal of protected trees may be exempt when part of the construction of a single family home.

TREE REPLACEMENT REQUIREMENTS:

PLANTING QUANTITY AND SPECIES: (4) Toyon (Heteromeles arbutifolia) 24-inch box size or largest available size
DELIVERY QUANTITY AND SPECIES:

FOR BUREAU OF STREET SERVICES USE ONLY

- ☒ The above request has been reviewed and approved.
☐ The above request is denied.

APPROVED BY: 
DATE APPROVED: 03-11-2022