

The Appellant also claims that the use of the Class 3 Categorical Exemption was improper, claiming that the City has failed to analyze the biological impacts of the Project and that the site has value as habitat for Mountain lions (*Puma concolor*). The Appellant does not provide evidence to substantiate their claims, instead, they claim that a Mountain lion has been observed in the Lookout Mountain area approximately a linear mile away from the project site, claim that deer have been observed in vacant hillside areas and could be a potential food source, and claim that the site is within the Santa Monica Mountain Conservancy Eastern Santa Monica Habitat Linkage Map and identified as a “Predicated Habitat Suitability” area. These claims are not supported by evidence, data, or reports by licensed Biologists, and as such, no facts were submitted in the administrative record to conclude that the project will have an impact on the environment due to unusual circumstances.

Regardless, the Applicant has provided a revised Tree Report (dated May 3, 2022) and a new Mountain Lion Habitat Assessment Report (dated May 31, 2022) to bolster the existing environmental analysis and support the previous conclusion that the project will not have an environmental impact due to unusual circumstances. The previous Tree Report did not reference two plant species which were recently designated by the City as protected species (Mexican elderberry and Toyon), however the new Tree Report addresses both species, neither of which are on the site. As such, the project will not result in impacts to any protected tree or shrubs. Additionally, although the record does not show that the project will have any biological impacts, the Applicant is also revising their project description to incorporate a project design feature – that walls and fences will not be construction within the 15-foot rear yard setback portion of the property in order to provide unobstructed areas of the site for wildlife.

Regarding Mountain Lion habitat and suitability, according to the Mountain Lion Habitat Assessment by South Environmental, dated May 31, 2022, the project poses no risk to mountain lions and no mountain lion habitat would be impacted from the development. There is no evidence that the site is used for Mountain lion wildlife connectivity; the non-native vegetation on-site is not sufficient for hunting of prey; and there are no caves, natural cavities, or rock outcrops in the area sufficient for breeding. As such, the project will not result in a significant effect on mountain lion habitat, there are no unusual circumstances which may lead to a significant effect on the environment, and the use of the Class 3 Categorical Exemption is appropriate. A revised Notice of Exemption has been submitted to the file to incorporate the findings of the Mountain Lion Habitat Assessment report and the revised Project description.

As noted above, the Appellant has not submitted to the record any substantial evidence which validate their assertions that the Class 3 or Class 32 Categorical Exemptions are inadequate, and the Department of City Planning recommends that the revised Notice of Exemption should be incorporated in the City Council’s action.

Sincerely,

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