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April 11, 2023

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**STAFF RESPONSE FOR THE ENVIRONMENTAL (CEQA) APPEAL FOR THE PROJECT
LOCATED AT 464 NORTH CRANE BOULEVARD WITHIN THE MOUNT WASHINGTON-
GLASSELL PARK SPECIFIC PLAN; CF 22-0163**

On December 28, 2021, the East Los Angeles Area Planning Commission (East LA APC) denied the appeal and sustained the Director's determination dated April 19, 2021 for DIR-2020-427-SPP, pursuant to Section 11.5.7 C of the Los Angeles Municipal Code, to approve a Project Permit Compliance Review located at 464 North Crane Boulevard. Subsequently, there was an environmental appeal to the City Council filed on January 11, 2022.

Staff finds that the appellant has not raised appeal points or substantial evidence that merit a modification or change in the Categorical Exemption for the project. Planning staff respectfully recommends that the PLUM Committee deny the CEQA appeal and sustain the Director of Planning's Determination that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15303, Class 3, and there is no substantial evidence demonstrating that any exceptions contained in CEQA Guidelines, Section 15300.2 regarding cumulative impacts, significant effects or unusual circumstances, scenic highways, hazardous waste sites, or historical resources applies.

The appellant raised 12 appeal points, seven (7) of which are related to the Mount Washington-Glassell Park Specific Plan. The other five (5) appeal points are CEQA related, which Planning staff provides responses below to further demonstrate that the appeal points do not meet the substantial evidence standard needed to demonstrate that the project does not qualify for an exemption to the Categorical Exemption, pursuant to CEQA Guidelines, Section 15300.2.

Appeal Point 1:

Project fails to prepare an Environmental Assessment or Mitigated Negative Declaration (MND) as the Project has Unusual Circumstances of Adverse Slope/Soil, Mapped State Habitat of Special Concern, And Cumulative Safety Impacts of simultaneous houses at the same time.

Response:

The California Environmental Quality Act was passed by the California State Legislature in 1970 to establish statewide regulations for the environmental review of discretionary projects. Environmental documents that result from the CEQA process are intended to serve as informational documents for both the public and decision makers. The purpose of CEQA is to identify and disclose any potential and significant environmental impacts and avoid or mitigate impacts when possible or feasible.

For discretionary actions, CEQA directs and allows certain types of projects that are not expected to impact the environment to be exempt from environmental review requirements. These classes of exempt projects are known as Categorical Exemptions (CEs). Projects that fall into any of the 33 exempt classes are not required to undergo CEQA review in most circumstances.

The Department of City Planning finds that the project qualifies for an exemption from CEQA per CEQA Guidelines Section 15303, which consists of construction and location of limited numbers of new, small structures. This categorical exemption category exempts the construction, use and maintenance of one single-family residence, or second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

An agency's determination that a project qualifies for a Categorical Exemption includes an implied finding that none of the exceptions identified in the CEQA Guidelines apply. Instead, the burden of proof shifts to the challenging party to produce evidence showing that one of the exceptions applies to take the project out of the exempt category (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1022-23.). The appellant claims that two of these exceptions do apply to the Project: unusual circumstances due to location and cumulative impacts.

Unusual Circumstances

There are 26 single-family lots located on both sides of Crane Boulevard up to the intersection of Crane Boulevard and Dustin Drive to the east and west of the subject lot. Out of the 26 lots, two (2) lots are vacant and the remaining lots are developed with single-family homes. The project is consistent with the applicable General Plan Land Use designation and all applicable General Plan policies, as well as with the applicable zoning designation and regulations. In addition, the project complies with the Mount Washington-Glassell Park Specific Plan. The project proposes new construction of a three (3)-story, 3,633-square foot single-family dwelling, with a 533-square foot attached garage, on an 8,914.1-square foot vacant lot in an area zoned and designated for such development. All adjacent lots are developed with single-family dwellings, or vacant land and the subject site is of a similar size and slope to nearby properties. There are no unusual circumstances that could create the reasonable possibility of significant effects from the development of this lot with a single-family home.

The Soils and Engineering Geologic Investigation Report was submitted to the case file and to the Los Angeles Department of Building and Safety (LADBS) for review, and a Geology and Soils Report Approval Letter was issued by LADBS on December 18, 2020. This letter approved the

referenced reports, provided that the conditions of approval listed in the Approval Letter are complied with. Specific regulatory compliance measures (RCMs) in the City of Los Angeles regulate the grading and construction of projects in certain types of “sensitive” locations and will reduce any potential impacts to less than significant. Regulatory compliance measures include requirements to conform with the California Building Code and the City’s Landform Grading Manual. These RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment in which the Project is located.

On July 12, 2021, the appellant submitted a letter from Wilson Geosciences, Inc., which indicated that the applicants’ geo-technical report prepared by GeoSystems (11/03/2020) refers to the project as a two-story single-family residential structure, when the project plans (dated 4/7/2021) show a three-story single-family residential structure. The letter was reviewed by LADBS Engineering Geologist who concurred that relative to the definitions of the State’s exemptions of seismic hazards regulations, the proposed development is a three-story structure. The applicant revised their plans to show that the third level was a partially submerged crawl space which does not qualify as a habitable area and thus does not meet the definition of a Story pursuant to LAMC Section 12.03.

Story: The space in a Building between two vertically adjacent finished floor levels or, for the topmost level of a Building, the space between its finished floor level and the roof directly above it. Finished floor levels within four vertical feet of each other shall be deemed a single Story. Any space that is defined as a Basement is not considered a Story (Amended by Ord. No. 184,802, Eff. 3/17/17.)

If it was habitable area, this would necessitate the need for a seismic slope evaluation per State rules. According to LADBS, based on the revised plans dated November 4, 2021, an updated geotechnical report to address seismic slope stability is not necessary. In an email received from LADBS on July 14, 2021, the Engineering Geologist stated that their current approval letter (December 18, 2020) stands.

The LADBS Grading Division is responsible for reviewing grading and construction work for projects on private property. The Planning Department’s standard protocol for Hillside Area cases is that Planning Staff awaits a determination from LADBS Grading Division prior to proceeding with the review of the case filed with the Planning Department. Review and approval of the detailed plans by the geologist and soils engineer prior to the issuance of permits are required under Condition No. 21 in the LADBS Grading Division Geology and Soils Report Approval Letter. This states that the approval shall be by signature on the plans that clearly indicates the geologist and soils engineer have reviewed the plans prepared by the design engineer; and, that the plans include the recommendations contained in their reports. Compliance with RCMs relative to grading will be required as part of the grading permit approval process. Therefore, the proposed project is not expected to result in any significant impacts to geology and soils.

The appellant claims that the site is located within a “Mapped State Habitat of Special Concern”, creating an unusual circumstance for the Project due to its location, as “the project site shares a boundary within a mapped biological resource area.” These resource areas are shown in Page C-11 of the City’s 2006 CEQA Thresholds Guide. As stated, “Natural open space areas within the City’s 11 Planning Subregions that may contain habitat for sensitive species are shown on Exhibits C-2 through C-5. These maps are based upon interpretation of aerial photography of the City dated November 1992.” The biological resource areas represent environmental resource areas, dividing the City into five (5) geographic zones for the purpose of identifying potential sensitive biological resources of concern. The maps referenced are not “precisely mapped, and

officially adopted pursuant to law by federal, state, or local agencies" as stated under CEQA Guidelines Section 15300.2 (a) and therefore does not meet the exception for location.

Biological Resources

A biological resources field survey was performed at the site on August 10, 2021 by Luma Fowler and Barry Nerhus, Field Biologists with Endemic Environmental Services. Based on the findings from their field survey, the site is mainly dominated by invasive grasses. Also, there is no habitat suitable on site for any of the wildlife species in the surrounding area to utilize, and the project site is considered to be urbanized and fragmented from a wildlife corridor. Therefore, the project will have no impact on any native or non-native vegetation, wildlife, and wildlife corridor connectivity. While the site is previously undisturbed, it is surrounded by development and therefore has no value as a habitat for endangered, rare or threatened species.

Cumulative Impacts

The applicant submitted a Construction Traffic Management Plan for review by the City's Department of Transportation (LADOT), pursuant to the LADOT's Hillside Development Construction Traffic Management Guidelines released on June 16, 2020. These guidelines state the purpose of a Construction Traffic Management Plan is to address transportation concerns specific to hillside communities, including narrow streets, limited emergency access, and location in a Very High Fire Severity Zone. The management plan was based on a traffic study, prepared by JB & Associates, LLC, which concluded that Project construction will not cause unnecessary delays, and schedules and parking will be coordinated with any developers in the surrounding area in order to minimize any negative effects on the community. The proposed project will be subject to the conditions detailed in the project's Construction Traffic Management Plan which was reviewed and stamped-approved by LADOT on March 11, 2021. Subsequent to this approval, modifications were made to the haul route access ramps for trucks on the 110 Freeway, and the modified Plan was approved by LADOT on July 19, 2021. The conditions imposed address any potential cumulative effects of various projects of the same type in the same area.

While there may be active building permits in the vicinity of the subject site, all projects will be required to follow established regulatory compliance measures regarding construction, and obtain proper permits, which, through inspections, will ensure that the project follows all applicable provisions. Any use of the right-of-way for construction materials or large construction vehicles is required to be by permit, which is issued by the Bureau of Street Services Investigations and Enforcement Division. The issuance of a permit includes notification of the Los Angeles Fire Department and Police Department, who make adjustments to emergency access routes used for a particular day when such a permit is issued. This is also true of any other projects within the vicinity. For roadway access during construction, because staging of equipment in the right-of-way is done by permit, coordination of the use of the right-of-way by the construction sites in proximity to the project site will occur by Bureau of Street Services review. Therefore, significant cumulative impacts are not expected as a result of construction of a single-family dwelling that complies with the Mount Washington-Glassell Park Specific Plan.

CEQA Guidelines Section 15300.2(b) states that a categorical exemption is inapplicable "when the cumulative impact of successive projects of the same type in the same place, over time is significant." Speculation that significant cumulative impacts will occur simply because other projects may be under construction or may be approved in the same area is insufficient to trigger this exception and is not evidence that the proposed project will have adverse impacts or that the impacts are cumulatively considerable (*Hines v. California Coastal Comm'n* (2010) 186 Cal.App.4th 830, 857). The appellant has not submitted any substantial evidence that validates

its assertions that the cumulative impact exception applies, nor has the appellant stated which cumulative effects related to safety are at issue. For example, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, cannot constitute a significant environmental impact for purposes of CEQA (Public Resources Code § 21099.) Here, the appellant has not met its burden as there is no evidence in the record to conclude that there will be a cumulative adverse impact caused by the proposed project and other projects in this area. Furthermore, the appellant did not identify any specific exceptional circumstances or environmental impacts that require mitigation measures.

The appellant contends that the issuance of a Categorical Exemption is based on unsupported assertions that regulatory compliance measures will avoid all significant environmental impacts. The appellant also contends that due to the project's location within a Very High Fire Severity Zone, and steep, curvy, and narrow roads, the project causes unusual circumstances that call for mitigation measures related to: construction noise, construction delivery times, hillside safety precautions, and coordination of major street access disruptions by multiple projects in close proximity to each other along Crane Boulevard.

However, all regulatory compliance measures applicable to the project will ensure that any concerns regarding the project being located within a Very High Fire Severity Zone, Hillside Area, and Special Grading Area will be addressed. Applicable regulatory compliance measures include, but are not limited to: Regulatory Compliance Measure RC-GEO-2 (Hillside Grading Area), which requires that the project's grading plan conform to the City's Landform Grading Manual guidelines, subject to approval by the Department of Building and Safety's Grading Division; and Regulatory Compliance Measure RC-NO-1 (Demolition, grading, and Construction Activities), which requires compliance with the City's Noise Ordinance and subsequent Ordinances which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible. There is no substantial evidence that shows that the Project meets the exceptions to a categorical exemption shown in the State CEQA Guidelines Section 15300.2.

Appeal Point 2:

The project improperly uses Regulatory Control Measures when it cannot be shown in the record that there will not be significant noise, grading, and safety impacts.

Response:

The Planning Department has determined that the City of Los Angeles Guidelines for the implementation of the California Environmental Quality Act of 1970 and the State CEQA Guidelines designate the subject project as Categorically Exempt under Article 19, Section 15303, Class 3 (new construction or conversion of small structures) and Section 15332, Class 32 (Urban infill development).

The proposed project and other projects in the vicinity are subject to regulatory compliance measures (RCMs) related to air quality, noise, hazardous materials, geology, pollutant discharge, dewatering, stormwater mitigations, Best Management Practices for stormwater runoff and transportation. Numerous RCMs in the City's Municipal Code and State law provide requirements for construction activities and ensure impacts from construction related air quality, noise, traffic, and parking are less than significant. For example, the South Coast Air Quality Management District (SCAQMD) has District Rules related to dust control during construction, type and emission of construction vehicles, architectural coating, and air pollution. All projects are subject to the City's Noise Ordinance No. 144,331, which regulates construction equipment and maximum noise levels during construction and operation.

Specific RCMs regulate the grading and construction of projects in these particular types of “sensitive” locations and will reduce any potential impacts to less than significant. RCMs include requirements to conform with the California Building Code and the City’s Landform Grading Manual. The project shall comply with the conditions contained within the Department of Building and Safety’s Geology and Soils Report Approval Letter dated December 18, 2020 for the proposed project. Compliance with regulatory compliance measures relative to grading will be addressed through the grading permit approval process.

Appeal Point 3:

The Tree Report fails to study the history of tree removals from the project site and account for their replacement.

Response:

At the time of filing, the applicant was required to complete a City Planning Landscape form, which states the following: provide a Tree Report prepared by a Tree Expert evaluating the preservation, removal, replacement, or relocation of protected trees. As part of the Project Permit Compliance Request, the applicant provided a Tree Report prepared by Arsen Margossian, a Certified Consulting Arborist (ISA #WE-7233) on November 4, 2019, which consists of a survey of all the trees on site. As identified in the Tree Report, there are four (4) Protected Southern California Black Walnut Trees and one (1) Significant Pepper Tree on site. The subject project is proposing to remove one (1) Protected Southern California Black Walnut Tree which is necessary as its current location is located within the footprint of the proposed project. In compliance with the 4:1 replacement ratio for Protected Trees, four (4) trees will be planted for the one (1) Protected Southern California Black Walnut Tree being removed. This Tree Report was approved by the Urban Forestry Division on November 30, 2019.

This tree information is shown on Page 5 of the Original Project Plans and is in compliance with Section 8.E.1.b of the Specific Plan which states that “an application for a Project Permit for a One-Family Project shall consist of...a survey of all trees on the lot or lots,” and is also in compliance with Section 6.i of the Department of City Planning Application Filing Instructions which states that “plans must clearly show all existing trees on the project site.”

Section 8.B of the Specific Plan states that findings shall be made for the removal of trees. The findings indicate that removal is necessary because its continued existence at that location prevents the reasonable development. The removal of this tree would not result in undesirable, irreversible soil erosion through diversion or increased flow of surface waters which cannot be mitigated since the proposed dwelling will be constructed within the footprint of the existing tree. There are no records of any trees being illegally removed previously from the project site, nor has the Department of City Planning received any notices from neighbors regarding illegally removed trees. Therefore, based on the Tree Report that was prepared by a certified professional, the Project is in compliance with tree removal requirements of the Specific Plan.

Appeal Point 4:

The Letter of Determination does not reference the history of soil reports and the conditions imposed by the Geology and Soils Report Approval Letter.

Response:

In filing an Application for Project Permit Compliance, the applicant is required to submit a Soils Report, as the proposed project is in the Hillside Area. The Los Angeles Department of Building

and Safety (LADBS) Grading Division is responsible for reviewing grading and construction work for projects on private property. The Planning Department's standard protocol for Hillside Area cases is that Planning Staff awaits a determination from LADBS Grading Division prior to proceeding with the review of the case filed with the Planning Department. The Soils and Engineering Geologic Investigation Report (dated November 3, 2020) was submitted to the case file and to LADBS for review, and a Geology and Soils Report Approval Letter was issued by LADBS on December 18, 2020. This letter approved the referenced reports, provided that the conditions of approval listed in the Approval Letter are complied with. Review and approval of the detailed plans by the geologist and soils engineer prior to the issuance of permits are required under Condition No. 21 in the Approval Letter. This states that the approval shall be by signature on the plans that clearly indicates the geologist and soils engineer have reviewed the plans prepared by the design engineer; and, that the plans include the recommendations contained in their reports. Compliance with RCMs relative to grading will be required as part of the grading permit approval process. Therefore, the proposed project is not expected to result in any significant impacts to geology and soils.

Appeal Point 5:

The Project was relabeled to show the removal of the third story but the Project actually still has three levels and should require an environmental study for the three levels.

Response:

Refer to Response to Appeal Point 1.

Conclusion

Planning staff respectfully recommends that the PLUM Committee deny the CEQA appeal and sustain the Director of Planning's Determination that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15303, Class 3, and there is no substantial evidence demonstrating that any exceptions contained in CEQA Guidelines, Section 15300.2 regarding cumulative impacts, significant effects or unusual circumstances, scenic highways, hazardous waste sites, or historical resources applies.

Please direct any questions to Nicole Sanchez, City Planner, at Nicole.Sanchez@lacity.org.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in blue ink, appearing to read "Vanessa Soto".

Vanessa Soto, AICP
Senior City Planner

VPB:VS:NS: NSJ