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April 11, 2017

VIA PERSONAL DELIVERY

City of Los Angeles
201 N. Figueroa
Los Angeles, CA 90012

2017 APR 12 PM 1:23
CITY CLERK
BY _____

**Re: CEQA Appeal of Tree Removal Permit (SR Number 1-95600781) Issued for
2239 Laurel Canyon Boulevard Pursuant to Public Resources Code Section 21151(c)**

TO WHOM IT MAY CONCERN:

This firm represents the Laurel Canyon Association, Inc. ("LCA"). On or about March 10, 2017, the City of Los Angeles ("City") issued a tree removal permit for 2239 Laurel Canyon Boulevard (SR Number 95600781). The City issued a Notice of Exemption ("NOE") under the California Environmental Quality Act ("CEQA"). Pursuant to Public Resources Code Section 21151(c), LCA 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 decisionmaking 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 decisionmaking body, if any."

The Project

The term "project" refers to the whole of an action that has the potential, directly or ultimately, to result in a physical change to the environment (CEQA Guidelines Section 15378). This includes all phases of a project that are reasonably foreseeable, and all related projects that are directly linked to the project. In this case, the "Project" consists of the construction of two single family homes – one at 2243 Laurel Canyon Boulevard and another next door at 2239

Laurel Canyon Boulevard. The footprint of the residence at 2243 Laurel Canyon Boulevard is 2092 square feet. The footprint of the residence at 2239 Laurel Canyon Boulevard is 1643 square feet. The properties are owned by the same person/entity. Moreover, the owner applied for building/grading permits with the City at the same time and is using identical professionals (engineers, architects, etc.) to conduct the work. The developer had planned to undertake construction of both projects at the same time. The facts demonstrate that the "Project" is a two-home development.

Environmental Review Conducted by City

The NOE issued for 2239 Laurel Canyon Boulevard 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).

Non-Compliance with CEQA

1. Piecemealing

Unfortunately, the City has engaged in a piecemeal review of the Project. For example, the City reviewed the applicants' grading permit applications *separately* and concluded that a haul route permit was not required because less than 1000 cubic yards was being exported from each parcel. However, there is no question that cumulatively more than 100 cubic yards is being exported from both parcels, which triggers the requirement for a haul route permit, which is a discretionary process. A public hearing and environmental review under CEQA is required for each haul route permit. I understand that the City has decided to revoke the permits for 2243 Laurel Canyon Boulevard to ensure no hauling occurs while 2239 Laurel Canyon Boulevard is being developed. However, this does not solve the City's legal dilemma because it is still "reasonably foreseeable" that 2243 Laurel Canyon Boulevard will be developed. The "Project" still consists of two homes notwithstanding the fact that the building and grading permits for 2243 Laurel Canyon Boulevard may have been revoked. Moreover, the tree removals for 2243 Laurel Canyon Boulevard must be considered (proposed removal of 4 protected trees). Together with the removal of the two protected trees at 2239 Laurel Canyon Boulevard, the threshold for utilizing an exemption has been surpassed. At a minimum, the City must conduct a Mitigated Negative Declaration (MND) for the Project.

Piecemealing is prohibited under CEQA. *Berkeley Keep Jets Over the Bay Committee v. Board of Port Comm'rs* (2001) 91 Cal.App.4th 1344, 1358 ("There is no dispute that CEQA forbids "piecemeal" review of the significant environmental impacts of a project.") CEQA contemplates consideration of environmental consequences at the "earliest possible stage, even though more detailed environmental review may be necessary later." *Leonoff v. Monterey County Bd. of Supervisors* (1990) 222 Cal.App.3d 1337, 1346. The requirements of CEQA cannot be avoided by piecemeal review which results from "chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences." *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283–284; *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1333; *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 370. For example, "[w]here an individual project is a necessary precedent for action on a larger project, or commits the lead agency to a

larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project.” CEQA Guidelines, § 15165.

2. Unusual Circumstances

While it is accurate that single-family homes are *generally* exempt from CEQA, this particular Project is not exempt because there are “unusual circumstances.” Categorical exemptions are not absolute. An exemption should be denied if one of the exceptions listed in section 15300.2 of the CEQA Guidelines applies. *Id.* § 15300.2. Section 15300.2(c) 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. *Id.* 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.

Here, there are clearly “unusual circumstances,” namely, the location of the Project next to Laurel Canyon Boulevard, a high traffic road used by upwards to 65,000 commuters on a daily basis. Moreover, the hillsides along Laurel Canyon Boulevard have a history of instability. In fact, a recent landslide caused the closure of Laurel Canyon Boulevard for an extended period of time, causing major disruption to the entire City. Moreover, the Project is unusual in that it is located in an environmentally sensitive habitat. The Project abuts a large undeveloped 11.95 acre parcel (APN No. 5567-030-012). Wildlife regularly frequents the area. There is a wildlife corridor that would be impeded should the Project be approved without appropriate mitigation measures. Animals frequently traverse the site in order to gain access to water and other food. Residents have observed wildlife for years using these parcels.

3. Growth Inducing Impacts

CEQA mandates that a public agency consider, among other impacts, a project’s potential growth-inducing impacts. (CEQA Guidelines §15126(d), §15126.2(d); *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 368.) Here, the construction of this home – the first in decades off of Laurel Canyon Boulevard - is likely to result in the development of many new homes along the same stretch of the Boulevard. The environmental effects construction could therefore be cumulative and potentially growth-inducing.

Conclusion

Please note that LCA reserves the right to supplement the justifications for appeal presented. I trust the City will agendaize this appeal promptly so that it can be reviewed by the Board of Public Works (and thereafter the City Council).

Sincerely,



Jamie T. Hall

COUNTY CLERK'S USE

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)

CITY CLERK'S USE

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 4
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PROJECT TITLE:	2239 Laurel Canyon Blvd	LOG REFERENCE 1-95600781
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PROJECT LOCATION: 2238 Laurel Canyon Blvd.

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: The Property owner Spl Shaolain has plans to build a single family home. The grading to develop the property will require the removal of 2 Black Walnut trees. The property is 4223 square feet. The foot print of the residence is 1643 Square feet. The mitigation trees will be a ratio of 4:1 being (8) 15 gallon size black walnut trees to be planted on the property.

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

CONTACT PERSON Sol Shaolain	TELEPHONE NUMBER 213-798-9091
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EXEMPT STATUS: (Check One)	CITY CEQA GUIDELINES	STATE CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Art. II, Sec. 2.b	Sec. 15268
<input type="checkbox"/> DECLARED EMERGENCY	Art. II, Sec. 2.a(1)	Sec. 15269(a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. II, Sec. 2.a(2)(3)	Sec. 15269(b)(c)
<input type="checkbox"/> GENERAL EXEMPTION	Art. II, Sec. 1	Sec. 15081(b)(3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION*	Art. III, Sec. 1 Class 3 Cat. 1	Sec. 15300.2
<input type="checkbox"/> STATUTORY*	Art. ____, Sec. ____ Class ____ Cat ____	Sec. _____

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

JUSTIFICATION FOR PROJECT EXEMPTION:
The tree removals and replacement plantings are exempt 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.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE: <i>Kelly Lewis / [Signature]</i>	TITLE: Superintendent 1	DATE: 1/26/2017
FEE: \$	RECEIPT NO.	REC'D BY
		DATE

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