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January 25, 2018

## VIA ELECTRONIC MAIL

Public Works and Gang Reduction Committee  
c/o Michael Espinosa  
200 N. Spring Street  
Los Angeles, CA 90012  
[michael.espinosa@lacity.org](mailto:michael.espinosa@lacity.org)

**Re: Supplemental CEQA Appeal Justification Letter for Tree Removal Permit (SR Number 1-95600781) Issued for 2239 Laurel Canyon Boulevard; Council File # 17-0415**

Dear Chairmen Bloomenfield:

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 permit was issued in order to facilitate the construction of a single-family home on an undeveloped lot. The City issued a Notice of Exemption ("NOE") under the California Environmental Quality Act ("CEQA"). LCA appealed the exemption determination pursuant to Public Resources Code Section 21151(c)<sup>1</sup> on or about April 12, 2017. This appeal has been pending before the Public Works and Gang Reduction Committee ("Committee") for months. LCA respectfully requests that the appeal be agenzized at the earliest possible date. Further, LCA provides the following information below to supplement the bases for appeal.

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<sup>1</sup> This section of the Public Resources Code 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.*"

## I. 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). However, as explained below, the Project is not eligible for the “single family home” exemption because of its location.

## II. The Exceptions to the “Single Family Home Exemption”

CEQA Guidelines Section 15300.2 - labeled “Exceptions” - outlines six situations where an exemption may not be used. The Project is not eligible for an exemption due to its location.

“(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 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*.

CEQA Guidelines Section 153002.

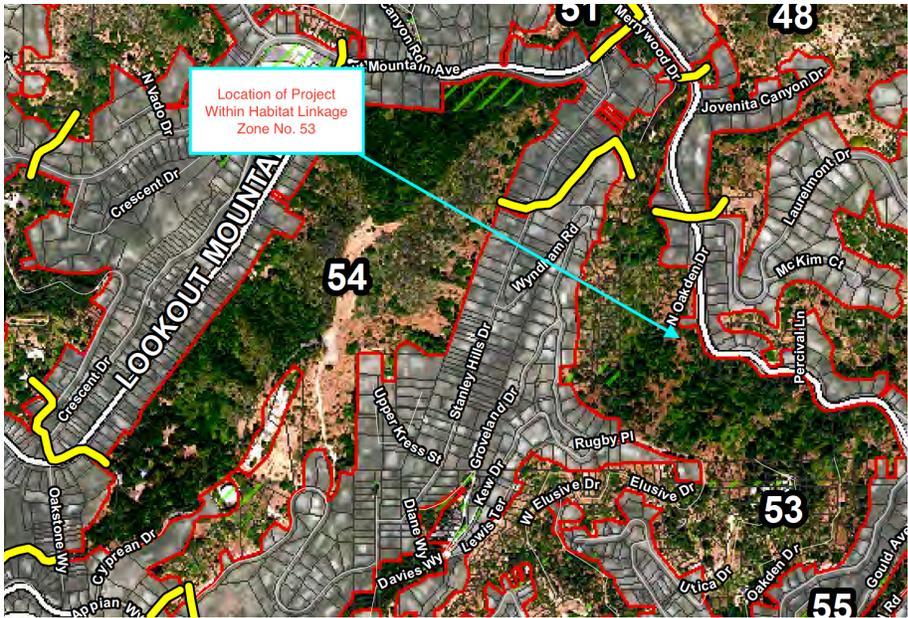
## III. The Project Is Not Exempt from CEQA

### a. *The Project is Both Located Within a Designated Habitat Block and Within the Santa Monica Mountains*

As explained in the CEQA Guidelines, “a project that is ordinarily insignificant in its impact on the environment may in a *particularly sensitive environment* be significant.” CEQA Guidelines Section 15300.2(a). An exemption does not apply 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.

In this case, the Class 3 single family home exemption cannot be used because the Project is located in Habitat Linkage Zone Number 53. The Santa Monica Mountains Conservancy (“SMMC”) adopted Habitat Linkage Planning Maps in May of 2017. These maps were officially adopted by the Conservancy (a state agency) pursuant to Public Resources Code Section 33211(c). The maps are intended to identify an environmental resource of critical concern. The Staff Report and Resolution adopted by the SMMC in conjunction with the Project clearly states that the maps were created for environmental impact analysis purposes and that the habitat linkage between the 405 and Griffith Park is of regional scientific significance. See attached Exhibits 1 and 2. As a result, the Class 3 exemption cannot be utilized for the Project. A screenshot from the maps with the location of the project identified is shown below:

Screenshot Showing Location of Project Within Designated Habitat Block



Eastern Santa Monica Mountains Habitat Linkage Planning Map  
 Santa Monica Mountains Conservancy, State of California  
 May 2017



The following animals been seen by residents in the area at one time or another: (1) Coyotes, (2) Deer, (3) Frogs, (4) Hawks, (5) Owls and (8) Snakes. Moreover, the property is connected via a wildlife corridor to Habitat Linkage Zone No. 54 where a previously unidentified mountain lion was spotted on October 26, 2017– only the second mountain lion (besides P-22) known to reside in this area of the Santa Monica Mountains. A picture of the “Laurel Canyon” Mountain Lion is shown below.

Picture of Mountain Lion within Connected Habitat Linkage Zone



The Laurel Canyon Mountain Lion's prey (deer) frequent the property in question and reside within Habitat Linkage Zone No. 53. A picture of four deer visiting the property site is shown below.

Picture of Deer on Project Site



The property's value as habitat for flora and fauna cannot be disputed<sup>2</sup>. The entire area serves as a refuge for area wildlife. Refuges such as this are important elements of the urban landscape and their value cannot be dismissed. Developments like the proposed Project displace 'urban wildlife' into residential backyards and city streets, and habitat disruption can result in an imbalance on food chain populations and lead wildlife to seek both food and shelter in residential areas and to stray into city streets and public areas.

The future viability of hundreds of California's wildlife species are dependent on the maintenance of biologically functional and contiguous oak and walnut woodland ecosystems at local and bioregional scales.<sup>3</sup> The untouched oak/walnut woodland is incredibly important to the local wildlife, as the development is located within an established Habitat Linkage Zone comprised of over ten acres. The bottom line is that the Project may impact on an environmental resource of critical concern.

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<sup>2</sup> As noted in the original appeal filed by LCA, the applicant's project will require the removal of mature Southern California Black Walnut trees (*Juglans californica*). This tree is generally found in the southern California Coast Ranges, Transverse Ranges, and Peninsular Ranges, and the Central Valley. It grows as part of mixed woodlands, and on slopes and in valleys wherever conditions are favorable. It is threatened by development and overgrazing. Some native stands remain in urban Los Angeles in the Santa Monica Mountains and Hollywood Hills. See [https://en.wikipedia.org/wiki/Juglans\\_californica](https://en.wikipedia.org/wiki/Juglans_californica). Notably, this tree is listed as "Vulnerable (IUCN 2.3)" within the "Threatened" category in terms of its conservation status, with "development" identified as a primary threat.

<sup>3</sup> Ibid, 1.

The SMMC's Habitat Linkage Zone Planning Map builds on the Santa Monica Mountains Comprehensive Plan which was adopted in 1979. The property is subject to the Plan because it is located within the Santa Monica Mountains Zone. 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. The Act states as follows:

"The Legislature hereby finds and declares that the **Santa Monica Mountains Zone**, as defined in Section 33105, **is a unique and valuable** economic, **environmental**, agricultural, scientific, educational, and recreational **resource** that should be held in trust for present and future generations; that, as the last large undeveloped area contiguous to the shoreline within the greater Los Angeles metropolitan region, comprised of Los Angeles and Ventura Counties, it provides **essential relief from the urban environment**; that it exists as a single ecosystem in which changes that affect one part may also affect all other parts; and that the preservation and protection of this resource is in the public interest."

So, the Legislature itself declared that the Santa Monica Mountains Zone is a unique and valuable environmental resource that provided essential relief from the urban environment. Notwithstanding the habitat maps, all of the Santa Monica Mountains comprise an environmental resource of critical concern. The Santa Monica Mountains Conservancy Act goes on to say the following:

"in the absence of a governmental mechanism to perform such evaluations, piecemeal development projects were occurring within the zone which resulted in the irreplaceable loss of open space and recreational resources, in the physical and biological deterioration of air, land, and water systems within the zone, and adversely affected regional life-support systems, including fish and wildlife, therefore being harmful to the needs of the present and future population of the region."

The Legislature further declared at PRC Section 33008 that:

"there are existing problems of substandard lots, incompatible land uses, conflicts with recreational use, and inadequate resource protection which, in some cases, cannot be addressed in a feasible manner by local government exercise of the police power or federal land acquisition as part of the Santa Monica Mountains National Recreation Area, and that it is necessary to enact the provisions of this division as a complement to the full exercise of the police power by local governments . . ."

The Legislature also stated that "the people of the State of California have an interest in the protection of resources and the use of lands acquired or managed by the conservancy pursuant to this division, and that the conservancy in carrying out its duties pursuant to this division acts on behalf of the State of California."

The City of Los Angeles adopted a formal resolution in 1979 undertaking its intent to implement the Plan as the local agency with planning and land use jurisdiction. The Plan was mandated by the Legislature and is a planning tool designed to help conserve and preserve the Santa Monica Mountains. Policy No. 21 specifically deals with Wildlife Protection. A screenshot of Policy No. 21 (which the City committed to implement in 1979) is found below:

Plan Policy No. 21**21****Wildlife Network**

A minimum wildlife network should be established, consisting of:

- A. Significant Ecological Areas;
- B. Buffer Zones for the Significant Ecological Areas; and,
- C. Existing parks and other key habitats.

The Santa Monica Mountains support a diverse and healthy population of wildlife, including mountain lions, bobcats, coyotes, golden eagles, steelhead and a wide range of other species. The Land Capability Study identifies a minimum 90,000 acre wildlife network, the most significant portion of which is recommended for acquisition. Where development is allowed within the remaining network, densities should be very low.

The Property in question has been mapped by the Conservancy as a Habitat Linkage Zone because it meets the four basic elements identified in the Plan as shown below.

Screenshot of Wildlife Habitat Elements Identified in Plan

It is difficult to determine key wildlife habitats, but at least four basic elements must be present:

1. Breathing room: undisturbed areas where animals feed and separate themselves from other animals.
2. Basic food source: at its most basic level, certain plant communities.
3. Key land features: rock outcroppings for nesting sites, open areas for feeding, year-round streams, etc.
4. Flexibility: the ability to move to other areas to deal with the often rapid and harsh changes in the ecosystem of the Santa Monica Mountains.

In sum, the use of the Class 3 single-family home exemption cannot be used for this project both because it is located within the Santa Monica Mountains Zone and within Habitat Linkage Zone Number 53. 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.

b. Laurel Canyon Boulevard is a Designated Scenic Highway

The City also cannot deem this project exempt from CEQA because Laurel Canyon Boulevard is a designated scenic highway. The City has designated 69 scenic highways in the City. The City's designated scenic highways are listed in Appendix B of the City of Los Angeles Mobility Plan. Laurel Canyon Boulevard is listed on the City's inventory. Laurel Canyon Boulevard's "scenic feature or resource" is described as follows: "*winding cross mountain road through [a] rustic area.*" A screenshot from the Inventory with Laurel Canyon Boulevard's entry highlighted is found below.

Screenshot from Appendix B of Mobility Element

Inventory of Designated Scenic Highways

Street Name	Alignment	Scenic Features or Resources/Comment
Adams Blvd	Figueroa to Crenshaw	
Avenue of the Stars	Santa Monica to Pico	Wide landscaped median, fountains
Balboa Blvd	1.Fwy. 5 to Sesnon; 2.Victory to Burbank Blvd	Streets should be designed so as to least disrupt the scenic qualities of the area it traverses. Sepulveda Basin, park access
Barham Blvd	Fwy. 101 to Forest L	Views
Beverly Glen Blvd.	Ventura Blvd. to Sun	mountain road;
Big Tujunga Canyon Blvd.	Fwy. 210 to norther	impressive views
Brand Blvd	Sepulveda to City bo	an
Broadway	98th St. to 112th St.	median
Burbank Blvd	Balboa to Fwy. 405	Sepulveda Basin, park access
Burton Way	Le Doux Rd to City boundary with Beverly Hills	Wide landscaped median
Coldwater Canyon Dr	Ventura Blvd to City boundary with Beverly Hills	Winding cross mountain road providing access to the Mulholland Scenic Parkway
Colorado Blvd	Eagledale to Monte Bonito	(Specific Plan Ord. No. 168,046)
Crenshaw Blvd	Fwy. 10 to Slauson	
Culver Blvd	Vista Del Mar to Ballona Creek	Ocean and Marina views, Ballona wetlands
Eagle Rock Blvd	NE'ly Verdugo Rd to Colorado Blvd	Landscaped median
Forest Lawn Dr	Barham to Griffith Park Dr.	Winding road past Hollywood Hills; gateway to Griffith Park
Fwy. 5	Fwy. 210 to N'ly City limit	State Scenic Highway
Fwy. 101	Topanga Canyon Blvd to W'ly City limit	State Scenic Highway
Fwy. 118	DeSoto Ave to W'ly City limit	State Scenic Highway
Fwy. 210	Fwy. 5 to E'ly City limit	State Scenic Highway
Glendale Blvd	LA River Bridge to City Boundary with Glendale	Wide landscaped median
Harbor Blvd	Vincent Thomas Bridge to Crescent Ave + future alignment to Shepard St	Views of historic San Pedro and the Port
Highland Ave	Wilshire to Melrose	Landscaped median, significant palm trees
Huntington Dr N	Monterey Rd to E'ly City limit	Wide landscaped median
John S. Gibson Blvd	Harry Bridges Blvd to Pacific Ave	Views of harbor activities, Vincent Thomas Bridge
La Tuna Canyon Blvd	Swanland Blvd to Fwy. 210	Views of ranches in Verdugo Hills
Laurel Canyon Blvd	Ventura Blvd to Hollywood Blvd	Winding cross mountain road through rustic area

Laurel Canyon Boulevard is Designated Scenic Highway

The City’s Mobility Plan describes the factors utilized by the City to determine such scenic highways:

Screenshot from Mobility Plan Outlining Scenic Highway Criteria

Selection Criteria for Scenic Highways and Byways

1. Scenic Highways

Any proposed Scenic Highway should correspond to one of the following basic types:

- (1) An arterial street or state highway which traverses area(s) of natural scenic quality in undeveloped or sparsely developed areas of the City; OR
- (2) An arterial street which traverses urban area(s) of cultural, historical or aesthetic value which merit protection and enhancement.
- Specific criteria to be considered in the evaluation of proposed scenic highways include:
  - 3) Visual impact of scenic features or area,
  - (4) Type/angle/duration of view + location of viewer,
  - (5) Vegetation (type and extent), and/or
  - (6) Scenic characteristics

The City correctly determined that Laurel Canyon Boulevard was a scenic highway. The street traverses an area of ‘natural scenic quality in an undeveloped and/or sparsely developed area of the City.’

“Scenic resources” are considered environmental resources under CEQA. For example, the CEQA Guidelines contains an Environmental Checklist Form (Appendix G) that lists impacts to scenic resources under the “aesthetic” environmental factor.<sup>4</sup> Again, CEQA Guidelines Section 15300.2(a) prevents the use of a CEQA exemption where the project may impact on an environmental resource of critical concern that has been designated and precisely mapped. Because the City has officially designated Laurel Canyon Boulevard as a scenic highway and the Project is located right next to the Boulevard, the City erred when it deemed the Project exempt from CEQA.

Finally, it should be noted that the City interim design guidelines for scenic highways such as Laurel Canyon Boulevard which mandate (among other things) utility undergrounding<sup>5</sup> and grading restrictions.<sup>6</sup> A copy of these design guidelines contained in the Mobility Element are attached as Exhibit 3. None of the design guidelines in the Mobility Element have been applied to the Project.

*c. The Project is Located within a Very High Fire Hazard Severity Zone*

As noted above, CEQA Guidelines Section 15300.2(a) specifically excepts a project such as this from the single-family home exemption “where the project may impact on an environmental resource of hazardous or critical concern” where officially designated. Here, the property has been officially mapped in a “Very High Fire Hazard Severity Zone” due to its location in a fire-prone hillside area of the City.

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<sup>4</sup> Appendix G to the CEQA Guidelines (the Environmental Checklist Form) can be accessed at [http://resources.ca.gov/ceqa/guidelines/Appendix\\_G.html](http://resources.ca.gov/ceqa/guidelines/Appendix_G.html)

<sup>5</sup> With regard to Utilities, the Design Guidelines in the Mobility State as follows:

*“(a) To the maximum extent feasible, all new or relocated electric, communication, and other public utility distribution facilities within five hundred feet of the center line of a Scenic Highway shall be placed underground. (b) Where undergrounding of such utilities is not feasible, all such new or relocated utilities shall be screened to reduce their visibility from a Scenic Highway.”*

Mobility Plan at Page 168.

<sup>6</sup> With regard to Earthwork/Grading, the Design Guidelines in the Mobility State as follows:

*“(a) Grading for new cuts or fills shall be minimized. Angular cuts and fills shall be avoided to the maximum extent feasible, (b) All grading shall be contoured to match with the surrounding terrain, (c) In order to negate the environmental impacts of grading in designated Hillside Areas (as depicted on Bureau of Engineering Basic Grid Map No. A-13372), maximum effort shall be made to balance cut and fill on-site.”*

Mobility Plan at Page 168.

Marked Up Screenshot from ZIMAS

Airport Hazard	None
Coastal Zone	None
Farmland	Area Not Mapped
Urban Agriculture Incentive Zone	YES
Very High Fire Hazard Severity Zone	Yes
Fire District No. 1	No
Flood Zone	AO D=1 E=N/A IN
Flood Zone	AO D=2 E=N/A IN
Watercourse	No
Hazardous Waste / Border Zone Properties	No
Methane Hazard Site	None
High Wind Velocity Areas	No
Special Grading Area (BOE Basic Grid Map A-13372)	Yes
Oil Wells	None

Located Within Very High Fire Hazard Severity Zone

The City has defined the “Very High Fire Hazard Severity Zone” as follows:

“Any area within the City of Los Angeles that poses a significant threat of fire from adjoining natural brush hillside areas and which is determined by the following factors: topography, infrastructure, fire protection, population density, types of construction, weather, existing fire codes and ordinances, and fire history.”

LAMC Section 57.202. The City’s Zone Information and Map Access System (“ZIMAS”) describes the Very High Fire Hazard Severity Zone as follows:

“Lands designated by the City of Los Angeles Fire Department pursuant to Government Code 51178 that were identified and recommended to local agencies by the Director of Forestry and Fire Protection based on criteria that includes fuel loading, slope, fire weather, and other relevant factors. These areas must comply with the Brush Clearance Requirements of the Fire Code. The Very High Fire Hazard Severity Zone (VHFHSZ) was first established in the City of Los Angeles in 1999 and replaced the older ‘Mountain Fire District’ and ‘Buffer Zone.’”

There should be no question that this officially designated zone represents a “hazardous” concern. A true and correct copy of the City’s Very High Fire Hazard Zone Severity Map is attached as Exhibit 4.

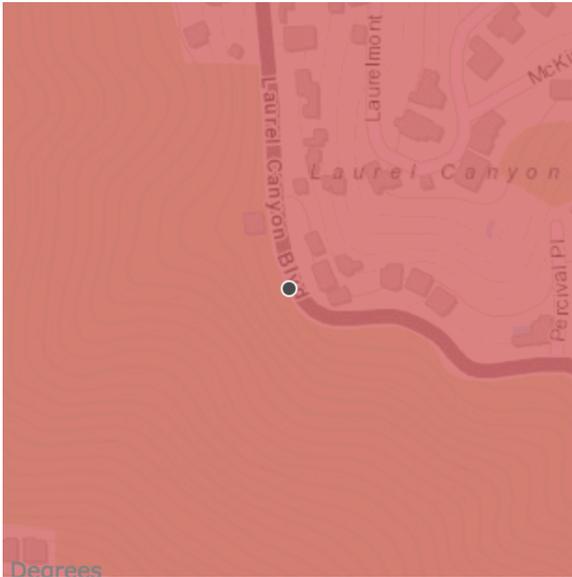
Further, the property has been officially mapped in a fault zone and liquefaction zone as evidence by the City’s ZIMAS. Additionally, a map from the County of Los Angeles, Bureau of Land Management is shown below.

Marked Up Screenshot from ZIMAS

Active Fault Near-Source Zone	
Nearest Fault (Distance in km)	Within Fault Zone
Nearest Fault (Name)	Hollywood Fault
Region	Transverse Ranges and Los Angeles Basin
Fault Type	B
Slip Rate (mm/year)	1.00000000
Slip Geometry	Left Lateral - Reverse
Slip Type	Poorly Constrained
Down Dip Width (km)	14.00000000
Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	70.00000000
Maximum Magnitude	6.40000000
Alquist-Priolo Fault Zone	No
Landslide	Yes
Liquefaction	No
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No

Project is Within Landslide Area and Near Fault Zone

Map from LA County Bureau of Land Management



**Regulatory Maps (Labeled)**

-  Fault Zones, Landslide and Liquefaction Zones
-  Earthquake Fault Zones
-  Landslide and Liquefaction Zones

It simply cannot be disputed that these zones have been officially designated pursuant to law and that they represent an “environmental resource of hazardous concern.” Therefore, the Project cannot be exempted from CEQA.

**IV. Project is Not Exempt from CEQA Because the City Has Proposed Mitigation Measures in the Form of Specialized Conditions of Approval for the Project**

Significantly, in evaluating whether a categorical exemption may apply, the City may not rely on mitigation measures as a basis for concluding that a project is categorically exempt, or as a basis for determining that one of the significant effects exceptions does not apply. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098.

The City has sought to deem this project “exempt” from City by way of an environmental mitigation measure namely, the planting of replacement trees on the property. However, the general requirement to plant replacement trees is not a regulatory compliance measure at all. Rather, it is a discretionary environmental mitigation measure. The City’s Protected Tree Ordinance states as follows:

“The Board of Public Works or its authorized officer or employee *may* [r]equire as a condition of a grant of permit for the relocation or removal of a protected tree, that the permittee replace the tree within the same property boundaries by at least two trees of a protected variety included within the definition set forth in Section 46.01 of this Code, in a manner acceptable to the Board.”

LAMC Section 46.02(c).

The Ordinance uses the word “may” – not “shall.” This is significant. The tree replacements that are traditionally mandated by the Board of Public Works are discretionary environmental mitigation measures. They are not mandatory “regulatory compliance measures.” The City cannot use a mitigation measure to reach a determination that a project is exempt from CEQA. This is fundamental black letter CEQA law.

Further, the Grading Division has issued a Geology and Soils Report Approval Letter for the Project. This letter contains numerous conditions of approval. Many of these conditions are not simply applications of the California Building Code or existing City of Los Angeles regulations. The fact that the Geology Report contains specialized mitigation measures renders the application of a categorical exemption in appropriate and unlawful.

**V. The Project is Also Not Exempt from CEQA Because the City Seeks to Defer Application of Mitigation Measures to Another Date**

Additionally, many of the conditions of approval in the Geology and Soils Report Approval Letter simply “kick the can” down the road and defer required environmental analysis to another date. This does not comply with CEQA.

Conditioning a project on another agency's future review of environmental impacts, without evidence of the likelihood of effective mitigation by the other agency, is insufficient to support a determination by the lead agency that potentially significant impacts will be mitigated. *Sundstrom v. Cnty. of Mendocino* (1988) 202 Cal.App.3d 296. Further, requiring formulation of mitigation measures at a future time violates the rule that members of the public and other agencies must be given an opportunity to review mitigation measures before a project is approved. PRC § 21080, subd. (c)(2). See *League for Protection of Oakland Architectural & Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Gentry v. City of Murrieta*

(1995) 36 Cal.App.4th 1359, 1396; *Quall Botanical Ganlens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1605, fn. 4; *Oro Fino Gold Mining Corp. v. Cnty. of El Dorado* (1990) 225 Cal.App.3d 872, 884; *Sundstrom v. Cnty. of Mendocino*, supra, 202 Cal.App.3d at p. 306, (condition requiring that mitigation measures recommended by future study to be conducted by civil engineer evaluating possible soil stability, erosion, sediment, and flooding impacts was improper). Moreover, a condition that requires implementation of mitigation measures to be recommended in a future study may conflict the requirement that project plans incorporate mitigation measures before a proposed negative declaration is released for public review. PRC § 21080, subd. (c)(2); 14 Cal Code Regs § 15070(b)(1). Studies conducted after a project's approval do not guarantee an adequate inquiry into environmental effects. Such a mitigation measure would effectively be exempt from public and governmental scrutiny.

**VI. Conclusion**

I trust the City will agendize this appeal promptly so that it can reviewed by the City Council. I may be reached at 310-982-1760 or [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com)

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall", written in a cursive style.

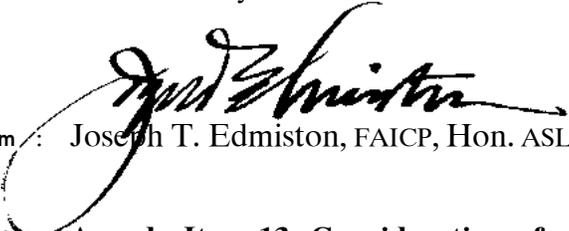
Jamie T. Hall

# **Exhibit 1**

# Memorandum

To : The Conservancy  
The Advisory Committee

Date: January 23, 2017

From :  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 13: Consideration of resolution adopting Eastern Santa Monica Mountains Habitat Linkage Planning Map, City of Los Angeles.**

Staff Recommendation: That the Conservancy adopt the attached resolution adopting an Eastern Santa Monica Mountains Habitat Linkage Planning Map (Version January 2017).

Legislative Authority: Public Resources Code Section 33211(c)

Background: The importance of the habitat linkage or wildlife corridor system that provides for animal movement between the 405 and 101 freeways leading to Griffith Park has long been recognized. The Conservancy and other agencies have acquired land and commented on development projects to protect distinct sections of the habitat linkage system for over 30 years. Tens of millions of public dollars have been invested in this effort. That effort to date has been successful enough to bring mountain lions into the area and to progressively increase the sightings of bobcats until the last few drought years. Many unprotected gaps remain. However, the bulk of the current protection effort is solely reactive to development threats because record high land values make it impossible to complete many fee simple acquisitions of parcels. Better planning tools are needed if the wildlife corridor system is to remain intact and be less subject to hit or miss protection objectives. Conservation easements, deed restrictions, and no fencing conditions are the only other means to permanently protect pieces of the habitat linkage system.

The City of Los Angeles Planning Department does not conduct independent research on habitat connectivity and relies on public agency and citizen comments for input on potential wildlife corridor impacts. The Department staff has long requested a comprehensive map of known and potential wildlife corridors in the eastern Santa Monica Mountains. The subject Eastern Santa Monica Mountains Habitat Linkage Planning Map proposed for adoption by the Conservancy provides that tool to the City Planning Department, developers, and homeowners.

The subject map covers the area between the 405 and 101 freeways comprehensively, with the exception of smaller peripheral habitat patches. Those patches can be mapped and integrated into the next adopted version of the Eastern Santa Monica Mountains Habitat Linkage Planning Map. The map delineations are not definitive in all areas. The mapping consists of

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outlined habitat blocks and lines depicting both known, and potentially functional, wildlife corridors between them. Many habitat block boundaries and connections located on difficult to reach private lands were not ground-truthed. The map delineations are based on the best available Google Earth aerial and street view photography combined with accumulated staff knowledge. The map is meant to be instructive to clue all parties into potential constraints and opportunities both to protect habitat connections and land within all sized habitat blocks. On the ground conditions are fluid because fences can come and go and new construction occurs in almost every neighborhood. Available no-cost aerial photography is always a portion of a year behind conditions. However, most projects that potentially affect either habitat linkages or habitat blocks can now be well known to all concerned parties and most importantly the Planning Department staff. Each distinct habitat block polygon will be sequentially numbered to establish baseline nomenclature for easy reference to all parties. More precise resolution and mapped lines can be available if LARIAC aerial photography data is purchased by the City of Los Angeles.

The attached Resolution calls for the map to be updated and re-adopted no less than annually. It is impossible to provide a perfect map and hence this mapping effort is meant to be an iterative process that includes input from all available sources.

The PDF map file attached to this staff report item is based on and shown on Google Earth photography dated October 2016. The best available Google Earth street view data was October 2015. The line data will in many places be skewed when applied to earlier photography. To really use the line data for fine analysis, users will need to import a KMZ file to use within the Google Earth program and the most recent aerial photography. Large maps can also be plotted from the PDF. The line data is in a GIS shape file format used by all public agencies.

The key factor is that now there is a baseline map adopted by the most pertinent State planning agency available to guide impact analysis by the City and to give landowners (existing and prospective) a heads up about sensitive wildlife corridor areas and the location of habitat blocks and patches that are all integral to a functional habitat linkage system.

Staff intends for the next version of the map to include all private property between the 101 freeway and Griffith Park and between the 405 freeway and Topanga State Park. All of that area is still within the City of Los Angeles boundary.

# **Exhibit 2**

January 23, 2017; Agenda Item No. 13

Resolution No. 17-01

RESOLUTION OF THE SANTA MONICA MOUNTAINS CONSERVANCY ADOPTING  
EASTERN SANTA MONICA MOUNTAINS HABITAT LINKAGE PLANNING MAP,  
CITY OF LOS ANGELES

WHEREAS, the eastern Santa Monica Mountains habitat linkage between the San Diego (405) freeway and Griffith Park is of regional scientific significance; and

WHEREAS, the subject habitat linkage system and the Mulholland Drive Scenic Corridor are a cultural treasure for the City of Los Angeles; and

WHEREAS, the efficacy of the subject habitat linkage system could be severed by new fencing on just one or two residential parcels; and

WHEREAS, the subject habitat linkage system has never been comprehensively mapped and such mapping is essential to adequately assess the impacts of proposed development projects; and

WHEREAS, a Habitat Linkage Planning Map for the Eastern Santa Monica Mountains adopted by the Santa Monica Mountains Conservancy as the principal State planning agency for the area is beneficial to the City of Los Angeles Department of Planning's efforts to maintain habitat connectivity; and

WHEREAS, the Los Angeles City Council (Koretz) adopted a motion to designate the subject area as a Regional Wildlife Habitat Linkage Zone in the Municipal Code and for the Planning Department to work in consultation with the Santa Monica Mountains Conservancy, the Mulholland Design Review Board, and Citizens for Los Angeles Wildlife (CLAW) to prepare an ordinance to create a Wildlife Corridor in the eastern area of the Santa Monica Mountains; and

WHEREAS, the proposed Eastern Santa Monica Mountains Habitat Linkage Planning Map represents an initial comprehensive step to delineate the majority of habitat blocks and connecting wildlife corridors between the 405 and 101 freeways for planning, conservation, and environmental impact analysis purposes; and

WHEREAS, the aerial photography and conditions that provide background for the habitat linkage mapping represent a slice in time and limited ground truthing, hence the subject map is an iterative work that is designed to be shaped, corrected, and modified at least annually to provide the most accurate and up to date information possible; and

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WHEREAS, the staff report dated January 23, 2017 further describes the project; and

WHEREAS, The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA); Now

*Therefore Be It Resolved*, That the Santa Monica Mountains Conservancy hereby:

1. FINDS that the proposed action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. ADOPTS the staff report and recommendation dated January 23, 2017.
3. FINDS that the proposed action is consistent with the *Santa Monica Mountains Comprehensive Plan*.
4. ADOPTS the proposed Eastern Santa Monica Mountains Habitat Linkage Planning Map (Version January 2017).
5. FURTHER AUTHORIZES the Executive Director, or his assignee, to perform any and all acts necessary to carry out this resolution.

*~ End of Resolution ~*

I HEREBY CERTIFY that the foregoing resolution was adopted at a meeting of the Santa Monica Mountains Conservancy, duly noticed and held according to law, on the 23<sup>rd</sup> day of January, 2017 at Los Angeles, California.

Dated: 1/23/17

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Executive Director

# **Exhibit 3**

# Appendix B: Inventory of Designated Scenic Highways and Guidelines

## Scenic Highways Guidelines

Corridor Plans for each designated Scenic Highway should be prepared in accordance with each corridor's individual character or concept. These Corridor Plans may be incorporated into specific plan or district plan ordinances. In the absence of such adopted Scenic Corridor Plans, the following interim guidelines are established as part of this Plan:

### 1. Roadway

- a. Design and alignment of a Scenic Highway roadway must include considerations of safety and capacity as well as preservation and enhancement of scenic resources. However, where a standard roadway design or roadway realignment would destroy a scenic feature or preclude visual access to a scenic feature cited in Appendix B of this Plan, design alternatives must be considered through preparation of an environmental impact report.
- b. Design characteristics such as curves, changes of direction and topography which provide identity to individual Scenic Highways shall be preserved to the maximum extent feasible.

### 2. Earthwork / Grading

- a. Grading for new cuts or fills shall be minimized. Angular cuts and fills shall be avoided to the maximum extent feasible.
- b. All grading shall be contoured to match with the surrounding terrain.
- c. In order to negate the environmental impacts of grading in designated Hillside Areas (as depicted on Bureau of Engineering Basic Grid Map No. A-13372), maximum effort shall be made to balance cut and fill on-site.

### 3. Planting / Landscaping

- a. Fire-resistant native plants and trees shall be utilized in any parkway landscaping along Scenic Highways located within designated Hillside Areas.
- b. In designated Hillside Areas, where previous plant material has been washed away or destroyed (due to excessive rainfall, fire, grading, etc.) erosion-controlling plants shall be planted to prevent erosion and mud/land slides. Such Hillside parkways and slope easements shall either be hydro-seeded, or terraced and then planted, with native fire-resistant plants.
- c. Outstanding specimens of existing trees and plants located within the public right-of-way of a Scenic Highway shall be retained to the maximum extent feasible within the same public right-of-way.
- d. Low-growing ground cover and/or shrubs shall be utilized as parkway planting along Scenic Highways in order to avoid blocking a desirable view of a scenic feature listed in Appendix E of this Element. Plant material size at maturity as well as overall scale of plants within the landscaped area must be carefully studied in the site analysis and design stages.

- e. Landscaped medians of Scenic Highways shall not be removed. Such medians may be reduced in width (1) to accommodate left turn channelization within one hundred feet of a signalized intersection; or (2) to accommodate a designated Class II bikeway provided that there is compliance with Guideline 3c above, and that the resulting median width is not less than eight (8) feet.

### 4. Signs / Outdoor Advertising

- a. Only traffic, informational, and identification signs shall be permitted within the public right-of-way of a Scenic Highway.
- b. Off-site outdoor advertising is prohibited in the public right-of-way of, and on publicly-owned land within five hundred feet of the center line of, a Scenic Highway.
- c. A standard condition for discretionary land use approvals involving parcels zoned for non-residential use located within five hundred feet of the center line of a Scenic Highway shall be compliance with the sign requirements of the CR zone.
- d. Designated Scenic Highways shall have first priority for removal of nonconforming billboards or signs. Such priority extends to properties located along, or within five hundred feet of the center line of, designated Scenic Highways.

### 5. Utilities

- a. To the maximum extent feasible, all new or relocated electric, communication, and other public utility distribution facilities within five hundred feet of the center line of a Scenic Highway shall be placed underground.
- b. Where undergrounding of such utilities is not feasible, all such new or relocated utilities shall be screened to reduce their visibility from a Scenic Highway.

## Scenic Byways Guidelines

Guidelines for Scenic Byways designated in the Community Plans should be established as part of the Community Plan Update or Revision process, with guidelines tailored to local considerations. Such guidelines may be incorporated into the Community Plan text or into a Community Design Overlay (CDO). Guidelines for scenic byway protection and/or enhancement should consider the following aspects:

1. Roadway Design and Alignment
2. Parkway Planting / Landscaping
3. Signs / Outdoor Advertising Restrictions
4. Utilities (e.g. undergrounding of new or relocated utility facilities)
5. Opportunity for Enhanced Non-motorized Circulation

# **Exhibit 4**

