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December 8, 2017

VIA EMAIL AND HAND DELIVERY

Los Angeles City Council
Planning Land Use Management Committee
Councilmember Jose Huizar, Chair
Councilmember Maqueece Harris-Dawson
Councilmember Mitchell Englander
Councilmember Bob Blumenfield
Councilmember Curren D. Price, Jr.
200 N. Spring Street
Room 395
Los Angeles, CA 90012
Attn: Zina H. Cheng

Re: Council File 17-1081; Case No. ENV-2016-2415-CE

Dear Honorable Councilmembers:

We represent Tara and Chad Harrison (“Harrison”), the owner and applicant in the above referenced case, a proposed single family home they wish to develop for their family (the “Project”). The appeal before you relates solely to California Environmental Quality Act (“CEQA”) compliance, specifically whether an unusual circumstance precludes the otherwise applicable Categorical Exemption.¹

¹ California Code of Regulations Title 14, Chapter 3 (“CEQA Guidelines”) Section 15300.2(c).

In order for the argument to succeed, substantial evidence must demonstrate that an unusual circumstance exists.² Substantial evidence under CEQA is “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”³ “Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous...is not substantial evidence.”⁴

If an unusual circumstance exists, a Categorical Exemption is inappropriate, and additional CEQA analysis is required to determine if the Project may have a significant effect on the environment.⁵ CEQA allows an appeal of a CEQA determination to the lead agency’s legislative body.⁶ Hence the appeal before you of a project that required only design review approval from the Mulholland Design Review Board (“MDRB”). The South Valley Area Planning Commission reviewed the appeal in the first instance on April 27, 2017, sustaining the MDRB’s adoption of a Categorical Exemption and Project approval. The appellant, an immediately adjacent neighbor, nevertheless sought the instant appeal.

Appellant alleges use of a Categorical Exemption for the Project is not appropriate because a mountain lion, known colloquially as P-22, may have traversed on or near the project site. Appellant offers no evidence for this speculative statement. Appellant’s only support is that appellant has owned large cats and “has also seen mountain lion tracks on the property.”

Appellant also alleges that regionally significant wildlife corridors come together on the Property. The only support for this assertion appears to be a map created by Santa Monica Mountains Recreation and Conservation Authority (“MRCA”) staff showing wildlife movement opportunities around the Property. This map does not identify regionally significant wildlife corridors. Moreover, the record does not indicate that MRCA staff believes the Property is within a regionally significant wildlife corridor. It is also worth noting that MRCA staff did not oppose the Project at any level. Appellant offers nothing more than unsubstantiated opinion, speculation and narrative in support of appellant’s assertion that an unusual circumstance precludes the use of a Categorical Exemption.

Attached to hereto as Exhibit “A” is a report prepared by Tony Bonkamp, a biologist with Glenn Lukos Associates, dated December 8, 2017 (the “Biologist Report”). The Biologist Report analyzed the Property’s potential as a wildlife movement corridor and found that the Property is not located in an area that is integral to a wildlife corridor. The Biologist Report further concludes that there are no unusual circumstances associated with the Property with respect to movement corridors. The Biologist Report, expert opinion supported by fact, is

² Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086.

³ California Public Resources Code (“Cal PRC”) Section 21082.2(c).

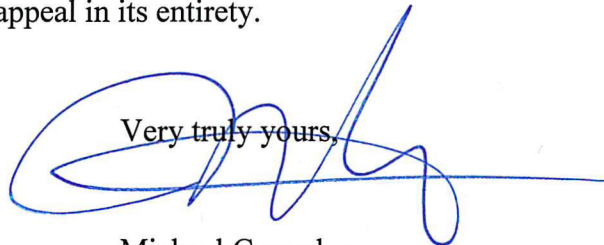
⁴ Id.

⁵ Id.

⁶ Cal PRC Section 21151(c).

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substantial evidence that there are no unusual circumstances associated with the Property.
Therefore, we urge this Committee to dismiss the appeal in its entirety.

Very truly yours,


Michael Gonzales
Gonzales Law Group APC

Attachment

cc: Julia Duncan, Senior Planning Deputy CD 14 (via email only)
William Hughen, Planning Assistant (via email only)
Client (via email only)

TECHNICAL MEMORANDUM

GLENN LUKOS ASSOCIATES

Regulatory Services



PROJECT NUMBER: 13250001CORR

TO: Michael Gonzales

FROM: Tony Bomkamp

DATE: December 8, 2017

SUBJECT: Evaluation of Existing Conditions Relative to Wildlife Movement
Associated with 6825 Mulholland Drive, Los Angeles, California

This Technical Memorandum was prepared in response to an appeal of the City of Los Angeles issuance of a Categorical Exemption for construction of a single-family residence at 6825 Mulholland Drive, Los Angeles, California, case number ENV-2016-2415 CE. On December 6th, 2017, a site visit was conducted by a Wildlife Biologist from Glenn Lukos Associates (GLA) to evaluate whether construction of a single-family residence would result in significant impacts on wildlife movement, or that is constitutes an unusual circumstance, with a focus on the cougar (a.k.a. mountain lion) (*Puma concolor*).

SUMMARY/BACKGROUND

The Property falls within the Hollywood Hill portion of the City of Los Angeles within which are areas owned by the Mountains Recreation and Conservation Authority (MRCA). The MRCA is seeking to conserve areas along Mulholland Drive to preserve wildlife corridor functions for a variety of animals including, but not limited to: cougars, bobcats, coyotes, deer, and various small mammals. Nevertheless, cougars were a focus of the appeal.

The average lifespan for mountain lions, also referred to as cougars is 8 to 13 years; with lifespans differing with sex, location, environmental conditions, genetics, and captivity. Cougar conservation status is listed as least concern by the International Union for Conservation of Nature (ICUN); however, in California cougars are protected under Proposition 117, the California Wildlife Protection Act of 1990, which prohibits the sport hunting of the California Mountain Lion and allots no less than \$30 million per year on wildlife habitat protection.

Cougars in the Santa Monica Mountains roam the fragmented and urbanized landscape throughout the range. In recent years, the most studied cougar in the Santa Monica Mountains is "P-22". P-22 is a male approximately 9 years old, that resides primarily in Griffith Park and has been documented foraging outside of the park's boundary. Thirteen, possibly fifteen, other cougars are known to roam the areas between and near the 101 and 405 freeways. Adult individuals include: P-12 (M), P-13 (F), P-19 (F), P-23 (F), P-45(M), P-47(M), P-53 (F), P-55

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(M), and P-56 (M). Cubs, P-59 (M), P-60 (M) and P-61 (M), born during the Summer of 2017, also occur within this range.

Cougar movement is well-documented east of Highway 101 within Griffith Park and adjacent areas such as the Hollywood Reservoir. There is no current data showing cougar movement west of Highway 101, with the exception of an uncollared cougar documented by locals in the Franklin and Laurel Canyon environs. To reach the subject site from east of Highway 101, a cougar would have to cross the Highway 101 overpass via Lakeridge Place/ Mulholland Drive, or Pilgrimage Bridge. The Lakeridge Place/ Mulholland Drive overpass is connected to the freeway off-ramp that exhibits vehicular traffic throughout the day. Reaching the site of the proposed residence would require the cougar to cross the overpass and Cahuenga Blvd West, a four-lane street, and follow Mulholland Drive to the vicinity of the site, scale the steep incline to the east, or follow the dirt trail to the north, which is utilized by hikers and off-road vehicles. If a cougar crossed the Pilgrimage Bridge overpass, the cougar would have to cross Cahuenga Blvd West and scale the Hollywood Hills ridge, potentially passing through residential areas but would remain well removed from the site as discussed below.

METHODS

As previously noted, the focus of the study was to address potential impacts associated with construction of a single-family residence on the site [Exhibits 1 and 2]. The study included a review of on-line data relative to movement by cougars in vicinity of the site, as well as the site visit. As noted, the study focused on cougars, given the emphasis placed on cougars by the appeal document.

SITE CONDITIONS

The Study Area is bounded by hillside development, residential and commercial areas to the south, east, and west. To the north of the site, the undeveloped land supports non-native grasslands, ornamental, disturbed coastal sage scrub, and disturbed chaparral. U.S. Highway 101 is approximately 750 feet (0.14 miles) to the east.

Vegetation Associations/Land Uses

Most of the parcel is comprised of disturbed land with an existing dirt road and a mix of native shrubs, non-native grassland and ornamental vegetation both on- and off-site with heavily pruned and previously graded areas. As noted, the property is dominated by non-native grasses including: fountain grass (*Pennisetum setaceum*), Russian thistle (*Salsola tragus*), ripgut (*Bromus diandrus*), wild oak (*Avena fatua*), and ornamental agave (*Agave* spp.). Native plants within the disturbed coastal sage scrub and disturbed chaparral include: lemonade berry (*Rhus*

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integrifolia), toyon (*Heteromeles arbutifolia*), laurel sumac (*Malosma laurina*), scrub oak (*Quercus berberidifolia*), prickly pear cactus (*Opuntia littoralis*), white sage (*Salvia apiana*), and hollyleaf cherry (*Prunus ilicifolia*).

Wildlife Resources

Deer and rabbit were detected through the presence of diagnostic sign (i.e., tracks, burrows, scat, etc.). Several common bird species were detected within the Study Area. Birds observed during the site visit include American bushtit (*Psaltriparus minimus*), California Scrub-Jay (*Aphelocoma californica*), California towhee (*Pipilo crissalis*), California Thrasher (*Toxostoma redivivum*), house finch (*Carpodacus mexicanus*), mourning dove (*Zenaida macroura*), and red-tailed hawk (*Buteo jamaicensis*).

IMPACT ANALYSIS

The following discussion examines the potential impacts to wildlife movement that could occur with construction of the proposed residence that exhibits a 1,250-square-foot footprint. Specifically, the purpose of this Technical Memorandum is to determine whether construction of the proposed single-family residence would result in significant impacts pursuant to the City's CEQA Guidelines. It is important to note that the residence has been designed to fully conform with the Mulholland Specific Plan requirements, is registered with the national wildlife federation, includes no fencing, that could constrain wildlife movement, and will be landscaped with native vegetation and includes animal crossings on either side of the house as a project design feature.

California Environmental Quality Act

Thresholds of Significance

Environmental impacts relative to biological resources are assessed using impact significance threshold criteria, which reflect the policy statement contained in CEQA, Section 21001(c) of the California Public Resources Code. Accordingly, the State Legislature has established it to be the policy of the State of California:

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“Prevent the elimination of fish or wildlife species due to man’s activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities...”

Determining whether a project may have a significant effect, or impact, plays a critical role in the CEQA process. Per CEQA, Section 15064.7 (Thresholds of Significance), each public agency is encouraged to develop and adopt (by ordinance, resolution, rule, or regulation) thresholds of significance that the agency uses in the determination of the significance of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of an environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant. In the development of thresholds of significance for impacts to biological resources CEQA provides guidance primarily in Section 15065, Mandatory Findings of Significance, and the CEQA Guidelines, Appendix G, Environmental Checklist Form. Section 15065(a) states that a project may have a significant effect where:

“The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or wildlife community, reduce the number or restrict the range of an endangered, rare, or threatened species, ...”

Therefore, for this analysis, impacts to biological resources are considered potentially significant (before considering offsetting mitigation measures) if one or more of the following criteria discussed below would result from implementation of the Proposed Project.

Criteria for Determining Significance Pursuant to CEQA

Based on the criteria set forth in the City of Los Angeles CEQA Thresholds Guide (2006) the Project would have a significant biota impact if it results in the following:

- The loss of individuals, or the reduction of existing habitat, of a state or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a Species of Special Concern;
- The loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated habitat or plant community;
- Interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species;
- The alteration of an existing wetland habitat; or

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- Interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of the sensitive species.

Potential Impacts Associated with the Project

Exhibit 3 of the appeal document depicts movement pathways from north to west, as well as to the south directly through the subject site. The appeal includes a letter from Dean Wallraff that asserts regarding cougar P-22:

...A glance at Exhibit 1 [of the appeal document] suggests that P-22 must have gone through, or very close to, the Project Site before crossing the 101 freeway to travel east into Griffith Park.

There is no evidence to support this speculative statement. GLA has not found any documented evidence that the arrows on Exhibit 3 of the appeal document represent actual movement paths utilized by cougars (it is noteworthy that the yellow arrows on Exhibit 3, which was prepared by MRCA staff, characterizes the arrows a “movement opportunities” and not as documented movement corridors). While GLA cannot rule out potential movement across the site as depicted, based on GLA’s field investigation there are alternative pathways to the northwest as depicted on Exhibit 2 of this Memorandum as addressed below, which cross through areas owned by the MRCA. Mr. Wallraff’s statements are speculative and Exhibit 3 is “conceptual” at best and not based on empirical data. Mr. Wallraff’s assertion that development of the proposed residential site constitutes an “unusual circumstance” is not supported by the evidence. Furthermore, based on GLA’s evaluation of the site, the proposed residence is not located in an area that is integral to establishment of a wildlife corridor at this location. In addition, impacts in accordance with the City’s CEQA Guidelines are addressed below

The loss of individuals, or the reduction of existing habitat, of a state or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a Species of Special Concern

The Project has no potential for significant impacts associated with the loss of individuals, or the reduction of existing habitat, of a state or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a Species of Special Concern, including cougars, which as noted have not been documented in proximity to the proposed residence.

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The loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated habitat or plant community

Due to the hillside development character of the areas adjacent to the proposed residential site and the limited area occupied by the proposed residence there would be no significant impact that no loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated habitat or plant community.

Interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species

The proposed residence is located within an area identified by the MRCA for wildlife movement, within which MRCA has purchased parcels for conservation. Exhibit 2 and 3 of the appeal documents depict these parcels. Exhibits 2 and 3 of the appeal documents also depict existing residential development and roadways which potentially constrain wildlife movement including movement by cougars. As described above, the two most likely points for cougars to move across Highway 101 from the Griffith Park environs to the vicinity of the proposed residential site is at the overpass at Lakeridge Place approximately 850 feet to the north or at Pilgrimage Bridge, approximately 2,900 feet to the southwest. Cougars crossing Highway 101 at Pilgrimage Bridge would reach the conceptual movement corridor approximately 1,500 feet south of the proposed residence and thus the proposed residence has no potential for affecting movement of cougars crossing at Pilgrimage Bridge.

Cougars crossing the Lakeridge Place Bridge would most likely move up a small drainage that intersects with Mulholland Drive approximately 200 feet south of the Lakeridge Place Bridge /Mulholland Drive intersection, moving west and continuing southwest between Viso Drive and Sunny Cove, approximately 500 feet southwest of the proposed residence, and following the LADWP Transmission Lines. With construction of the proposed single-family residence, there would remain multiple pathways for cougars to move to the west from the Lakeridge Place Bridge/Mulholland Drive intersection as depicted on Exhibit 2. Given the multiple pathways to the west from the Lakeridge Place Bridge/Mulholland Drive intersection, including in the area immediately southwest of the proposed residence, construction of the residence would not have a significant impact on movement of cougars through the site, should, in the rare instance that any cougar crosses Highway 101 at the Lakeridge Place Bridge and attempt to move in a westerly direction. It is important to reiterate that under the City's CEQA guidelines, impacts must be "substantial" for a finding of significance. Given the speculative nature of the appeal, GLA concludes that there is no evidence that construction of the proposed single-family home would clearly result in a significant impact or that it constitutes an unusual circumstance.

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The alteration of an existing wetland habitat

Based on the site review, the proposed residential site contains no areas with wetland hydrology, hydrophytes, or hydric soils; thus, construction of the proposed residence has no potential for impacts to wetland habitat.

Interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of the sensitive species

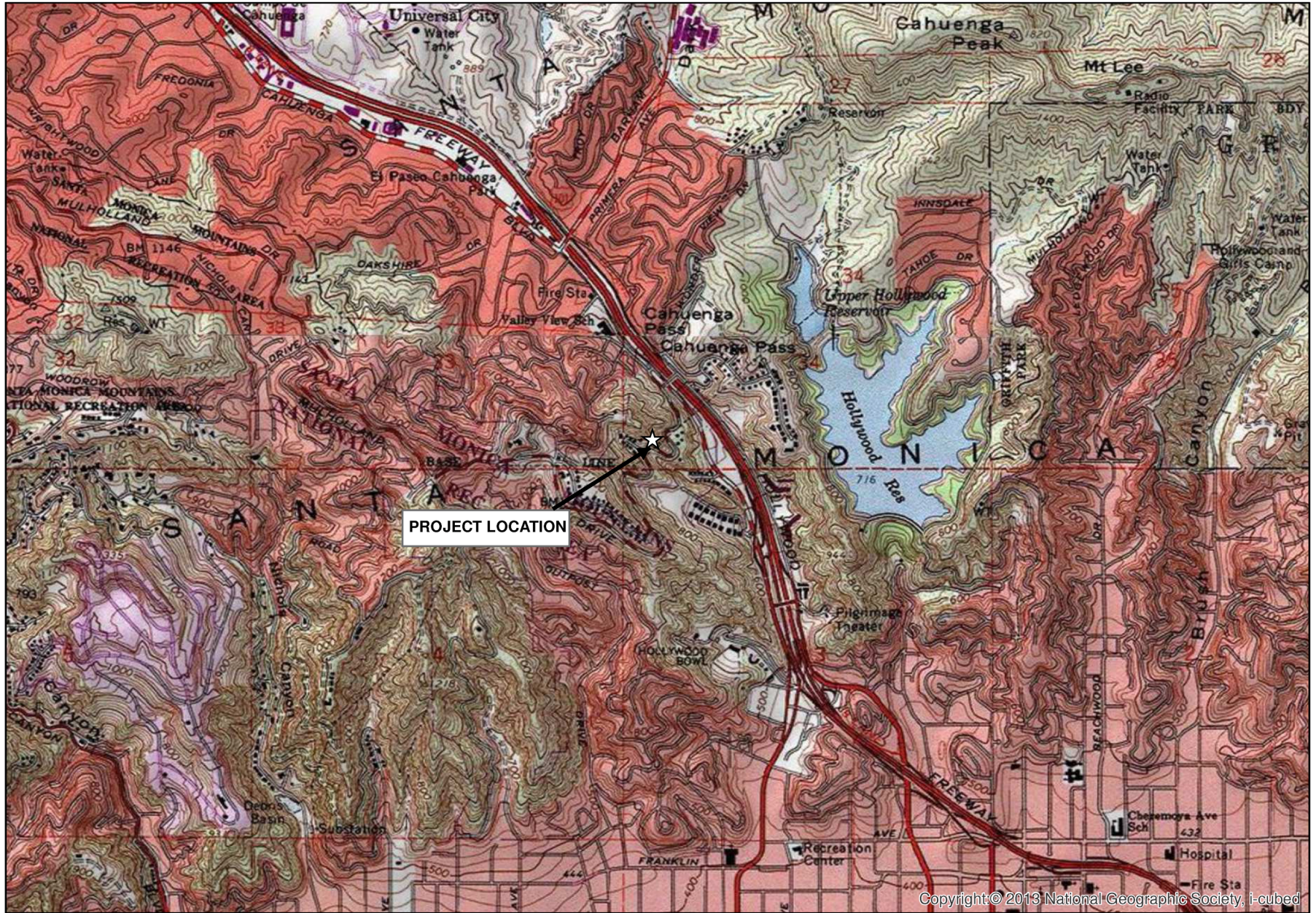
There would be no potential significant impact that would result in interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of the sensitive species.

CONCLUSIONS

Construction of the proposed residence at 6825 Mulholland Drive would not result in significant impacts on wildlife movement, including movement by the cougar, due to the factors as noted above. It also does constitute an unusual circumstance due to the same factors.

1. Cougars have not been documented in vicinity of the proposed residence, i.e., between the Lakeridge Place Bridge and the Pilgrimage Bridge and thus to the extent cougars occur in the area, it is not a common event. Assertions that cougar P-22 must have moved through the area is speculative and as noted below, given the multiple movement paths in vicinity of the residence, construction of the residence would not have a significant impact or constitute an unusual circumstance.
2. In the rare instance of cougars moving across Highway 101 on the Pilgrimage Bridge, and moving west, they would not come within 1,500 feet of the proposed residence.
3. In the rare instance of cougars moving across Highway 101 on the Lakeridge Place Bridge, there would be multiple pathways to move to the west, including immediately adjacent to the property which will not have fencing and will include native plantings to encourage use by native wildlife.
4. The residence has been designed to minimize impacts to wildlife and is registered with the national wildlife federation.

Adapted from USGS Hollywood, CA quadrangle



6825 MULHOLLAND DRIVE

Vicinity Map

GLENN LUKOS ASSOCIATES

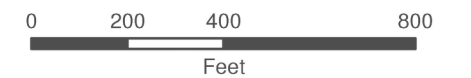


Exhibit 1

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- Project Location
- Potential Movement Paths



1 inch = 400 feet

Coordinate System: State Plane 5 NAD 83
 Projection: Lambert Conformal Conic
 Datum: NAD83
 Map Prepared by: C. Lukos, GLA
 Date Prepared: December 7, 2017

6825 MULHOLLAND DRIVE

Potential Movement Corridors

GLENN LUKOS ASSOCIATES



Exhibit 2