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January 17, 2017

VIA PERSONAL DELIVERY

City of Los Angeles
Office of the City Clerk
c/o Zina Cheng
3rd Floor, Room 395
Los Angeles, CA

Re: Appeal of Haul Route Permit and CEQA Environmental Determination for 8437 Carlton Way (Board File Number 170097; ENV 2017-1783-CE)

Dear Honorable City Council Members:

This firm represents Doheny-Sunset Plaza Neighborhood Association, Inc. ("Association"). On or about December 22, 2017, the Association appealed the haul route permit and environmental determination for a development project located at 8437 Carlton Way ("Project"). On January 16, 2018, the Planning and Land Use Management Committee considered the appeal and forwarded their recommendation to the full City Council. This letter supplements the bases for appeal. The Association urges the City to grant the appeal and deny the project approvals.

The Project will endanger the public health, safety and welfare and denial is therefore mandated pursuant to Los Angeles Municipal Code ("LCAMC") Section 91.7006.7.5. Further, the Project is not exempt from CEQA. Because an additional discretionary permit is required for the Project (a Zoning Administrator's Determination due to the substandard road status of Carlton Way) and there are cumulative impacts that must be analyzed and mitigated, the haul route permit cannot be granted until proper environmental review has been completed. Moreover, the Project's location in the Santa Monica Mountains Zone prevents the City from utilizing a CEQA exemption.

I. The Project

The “Project” is described as follows in the Notice of Exemption (“NOE”) issued for the “Project.”

The Project is for two single-family dwellings being developed by the same property owner that are being constructed on separate parcels which share a common lot line. For the purposes of the following discussion, 8437 and 8441 West Carlton Way shall hereafter be referred to as the Project Site. The development at 8437 West Carlton Way includes the demolition of an existing single-family dwelling and the construction of a new 2,474 square-foot two-story single-family dwelling with three levels of basement and an attached garage, in conjunction with an application for a haul route for the export of approximately 2,500 cubic yards of earth. The development at 8441 West Carlton Way includes the demolition of an existing single-family dwelling and the construction of a new 4,283 square foot, two-story single-family dwelling with two levels of basement and an attached garage, in conjunction with an application for a haul route for the export of approximately 3,100 cubic yards of earth. As two single-family dwellings developed on an in-fill site, the Project qualifies for Class 3 Category 1 and Class 32 Categorical Exemptions.

The City has asserted in the NOE that the project qualifies for both a Class 3, Category 1 and Class 32 Categorical Exemption. The Class 3 exemption is for construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include but are not limited to single family residences not built in conjunction with two or more units. In urbanized areas, up to three single family residences may be constructed under this exemption. *See* 14 Cal. Code Regs. section 15303.

The Class 32 exemption is reserved for certain types of “infill” projects. According to the State CEQA Guidelines, a project must meet the following conditions to qualify for this exemption:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

14 Cal. Code Regs. section 15332. *See* City of Los Angeles Pamphlet Entitled “Class 32 Categorical Exemption” available at https://planning.lacity.org/Forms_Procedures/7828.pdf

Notably, the City CEQA Guidelines indicates that categorical exemptions may **not** be used when the cumulative impact of successive projects of the same type in the same place may be

significant.” Article III, section (4)(b) of City of Los Angeles CEQA Guidelines, p. 26. Further, the CEQA Guidelines clearly state that a Class 32 exemption is intended to promote “benign” in-fill projects which are consistent with local general plan and zoning requirements. Further, application of this exemption is limited by the factors described in section 15300.2 (which includes the cumulative impact exception noted above.) As explained below, the Class 32 Exemption is not applicable due to the presence of reasonably foreseeable cumulative impacts as well as non-compliance with existing zoning regulations.

II. Additional Entitled Needed – Substandard Status of Carlton Way

As explained the original appeal letter, the City staff that prepared the NOE apparently did not know that Carlton Way is substandard in width (i.e. less than 20 feet in width) and therefore a Zoning Administrator’s Determination (“ZAD”) is required for the Project. Under the Los Angeles Municipal Code (“LAMC”), a project must have a continuous paved roadway of a minimum of 20 feet to the project site. If not, a ZAD must be obtained, which requires a public hearing and environmental review. At 8441 to 8442 Carlton Way, there is only a partial concrete curb made of unimproved asphalt (sometimes with a berm). The road is just 19 feet directly across the street from the Project. The applicant has not applied for a ZAD and therefore has violated Los Angeles Municipal Code Section 12.36 which provides that if an applicant filed for a project that requires multiple legislative and/or quasi-judicial approvals, then such applicant shall file applications at the same tie for all approvals related and necessary to complete the project.

III. The NOE Does Not Analyze Cumulative Impacts and Incorrectly Limits the Cumulative Impact Analysis to Those Projects that Require Haul Routes

The NOE indicates that there are no other haul routes within 500 feet besides those at 8441 Carlton Way and 8437 Carlton Way. The NOE then goes on to conclude that “no foreseeable cumulative impacts are expected.” This is not correct. There are no less than 6 projects on this tiny stretch of Carlton Way. They include the following:

1. 8441 Carlton Way (application at issue)
2. 8437 Carlton Way (same developer)
3. 8436 Carlton Way (across street)
4. 8451 Carlton Way (in same driveway)
5. 8428 Carlton Way (down the street)
6. 8401 Carlton Way (corner of Kings and Carlton Way)

Under CEQA, *the City cannot legally limit the cumulative impact analysis simply to those projects that require haul route permits.* Rather, the City must look at the “whole of an action” and consider all phases of a development project. CEQA Guidelines section 15378.

“CEQA broadly defines a ‘project’ as ‘an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and ... that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.’ [Citation.] The statutory definition is augmented by the [CEQA] Guidelines [Cal.Code Regs., tit. 14, § 15000 et seq.], which defines a ‘project’ as *‘the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the*

environment....” *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222, 66 Cal.Rptr.3d 645 (*Tuolumne County*). This includes all phases of a project that are reasonably foreseeable, and all related projects that are directly linked to the project. (CEQA Guidelines section 15378).

The development of six single family homes all within such close proximity to one another on a substandard road creates cumulative impacts which renders the use of the single-family home exemption inapplicable. It is a complete fantasy to assume that the City’s existing “regulatory compliance measures” mitigated all potential significant environmental impacts. For example, the City does NOT regulate concrete trucks nor does it regulate the delivery of large construction equipment. It is very different to exempt one haul route approval from environmental review than it is to exempt six on the same street. If the properties were all owned by the same developer, there would be no question that an EIR would be required.

The NOE acknowledges that “[i]n light of the increase in construction activity in Grading Hillside Areas and the increase in associated truck traffic related to the import and export of soil, a haul route monitoring program is being implemented by the Department of Building and Safety for Council Districts 4 and 5 for added enforcement to ensure safety and to protect the quality of life of area residents.”¹ In essence, the NOE admits that the existing RCMs were deemed *insufficient* to reduce environmental impacts to a level of insignificance due to the number of ongoing projects in close proximity to one another. The NOE concludes that due to this new program, “no foreseeable cumulative impacts are expected.”²

The fundamental flaw in the City’s environmental analysis – which essentially admits that there may be cumulative impacts – is that it is limited to a tiny sliver of the overall development process – the hauling of dirt. As explained above, however, CEQA defines a project to include the “whole of an action” and the City must analyze all phases of a project that are reasonably foreseeable, and all related projects that are directly linked to the project. CEQA Guidelines section 15378. For example, the City must analyze the demolition, the excavation, the framing, and any concrete pours. The City must analyze the removal of trees and landscaping, the loss of the existing structures, and construction of entirely new buildings. While these may have been analyzed in individual permits and subject to existing regulatory compliance measures, the City has not analyzed the cumulative effects on this neighborhood of development on this scale. In this area, trucks for development projects routinely line the streets severely inhibiting ingress and egress. This causes a severe public safety threat because emergency vehicles are inhibited from easily accessing properties in the event of an emergency. At times, entire streets in this area are lined with construction vehicles on both sides of the street leaving only one lane to use the road. Individually, the RCMs that the City has in place for parking may be adequate, but they certainly are not adequate to address the cumulative impacts of all these projects, especially with regard to construction vehicle parking on streets. Similarly, the bins that developers use to store demolition materials are often located on the street itself.

¹ The Haul Route Matrix for Council District 4 may be accessed at <http://ladbs.org/docs/default-source/publications/misc-publications/large-scale-projects-with-cummulative-impact-in-cd4-permits-matrix.pdf?sfvrsn=13>.

² In any event, it should be emphasized that the Project is not even subject to the haul route capping system currently being implemented by the City to reduce cumulative impacts due to its location.

When so many of these large bins are located on the street due to the volume of development, it can make it almost impossible to navigate down or up a street. This again causes a public safety threat. The RCMs in place for street use permits do not adequately account for the cumulative impacts at play. Finally, the bonds that the City required developers to post are rarely, if ever, used notwithstanding the fact that the construction vehicles required to build such massive homes are causing severe damage to the streets. This is allegedly because the City finds it difficult to prove *who* was responsible for damaging the road. The RCM in place for road repairs is completely inadequate. In sum, while the City has informally adopted a new haul route monitoring program to address the impacts of moving large amounts of dirt through a neighborhood, they completely ignored the impacts of rebuilding an entire neighborhood from 20 feet below the earth up.

Another “cumulative impact” that renders the use of the categorical exemption inapplicable is the public health impacts associated with use of diesel trucks in residential neighborhoods. The City has already approved up to 1,560,859 cubic yards of dirt from within the Association’s boundaries (and more projects continue to be processed). This translates to hundreds of thousands of trucks trips.

The City has failed to analyzed the cumulative landform modifications associated with this massive development boom in the hills. The Hollywood Hills are world famous and an important visual resource. Cumulative haul route applications over the last 5-years have resulted in requests to remove 417,754 cubic yards of earth from the portion of the Hollywood Hills represented by Zip Code 90069. According to the Los Angeles County Department of Public Works, the Rose Bowl in Pasadena could hold approximately 400,000 cy of soil. Cumulative projects may result in the loss of more than one Rose Bowl full of earth, from the Hollywood Hills, from just the 90069 area code.

5- YEAR CUMULATIVE LANDFORM MODIFICATION			
	CUBIC YARDS (E-EXPORT)	ROSEBOWL EQUIVALLEN TS *	HAUL TRUCKS
72 Haul Applications 90069 Hillside Area	417,754	1.04	41,775
119 Haul Applications Council District 4	1,560,859	3.90	156,086
* According to the Los Angeles County Department of Public Works, the Rose Bowl could hold approximately 400,000 cy of soil http://dpw.lacounty.gov/lacfd/sediment/debrisbasins.aspx			

The public health impacts associated with diesel exhaust is not disputed. In fact, in 1998 the California Air Resources Board (“ARB”) identified Diesel Particulate Matter (“DPM”) as a toxic air contaminant <https://www.arb.ca.gov/toxics/dieseltac/dieseltac.htm> based on published evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. There is ample evidence from studies that show a link between exposure to DPM and lung cancer induction, as well as death from lung cancer. Detailed information regarding these public health effects may be found at <https://www.arb.ca.gov/research/diesel/diesel->

[health.htm](#). DPM has a significant impact on California’s population. It is estimated that about 70% of total known cancer risk related to air toxics in California is attributable to DPM. Based on 2012 estimates of statewide exposure, DPM is estimated to increase statewide cancer risk by 520 cancers per million residents exposed over a lifetime. In sum, the City’s existing RCMs are simply not equipped for mitigating the impacts of wholesale residential rebuilding efforts, which is what is occurring in this community.

IV. The City Has Conducted Mitigated Negative Declarations for Haul Route Projects of Smaller Scale

The City has conducted environmental reviews for projects in neighboring communities, specifically, Laurel Canyon, that were of smaller scale. For example, in November 2015, the City published a Mitigated Negative Declaration for a proposed haul route located at 8426 W. Brier Drive. The site is located just *one mile away* (as the crow flies) from the instant project and is also located in the Hollywood Hills and Santa Monica Mountains. The applicant in that instance had proposed to export 2,660 cubic yards of dirt. The City’s Initial Study noted the following “potentially significant impacts:” (1) Biological Resources, (2) Geology and Soils, (3) Hazards and Hazardous Materials, (3) Noise, (4) Transportation/Traffic and (5) Mandatory Findings of Significance.

Screenshot from MND/Initial Study Conducted for 8426 W. Brier Drive

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> AESTHETICS	<input type="checkbox"/> GREEN HOUSE GAS EMISSIONS	<input type="checkbox"/> POPULATION AND HOUSING
<input type="checkbox"/> AGRICULTURE AND FOREST RESOURCES	<input checked="" type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS	<input type="checkbox"/> PUBLIC SERVICES
<input type="checkbox"/> AIR QUALITY	<input type="checkbox"/> HYDROLOGY AND WATER QUALITY	<input type="checkbox"/> RECREATION
<input checked="" type="checkbox"/> BIOLOGICAL RESOURCES	<input type="checkbox"/> LAND USE AND PLANNING	<input checked="" type="checkbox"/> TRANSPORTATION/TRAFFIC
<input type="checkbox"/> CULTURAL RESOURCES	<input type="checkbox"/> MINERAL RESOURCES	<input type="checkbox"/> UTILITIES AND SERVICE SYSTEMS
<input checked="" type="checkbox"/> GEOLOGY AND SOILS	<input checked="" type="checkbox"/> NOISE	<input checked="" type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE

Clearly, the RCMs currently in place were deemed inadequate for this project (note: the haul route permit for this project was ultimately denied due to the inadequacy of the MND). In fact, the MNDs conducted by the City in the past for haul route permits included mitigation measures that went *above and beyond* what may have been available through existing RCMs. For example, for the proposed project at 8426 Brier, the City adopted mitigation measures for non-protected trees in addition to protected trees because they also have an impact on the environmental. It is my understanding that in the past the City has conducted MNDs for other projects in this community. *So why is the City now backtracking on their requirement to conduct environmental reviews for haul routes? What has changed?* The answer is nothing. Even the recent amendments to the Baseline Hillside Ordinance have been deemed inadequate for this community as evidenced by the proposed HCR Motion. This project is simply not exempt from CEQA.

V. **The City Has Acknowledged the Failure of the Existing Regulatory Compliance Measures to Mitigate Environmental Impacts of Projects in the Hills**

a. HCR Motion is Evidence of Inadequacy of Existing RCMs

Recently, the City of Los Angeles adopted a Hillside Construction Regulation (“HCR”) Motion for this community. See Council File No. 16-1472-S2. The Motion states the following:

“The Bird Streets ‘would benefit from the proposed hillside construction SUD, inasmuch as in recent years there has been an increasing number of large, single-family homes being constructed on the substandard lots of the Hollywood Hills area due to the great demand for such homes therein. In turn, this over development is resulting in significant infrastructure impacts including landslides and water main breaks.’

The proposed new ‘Hillside Construction Regulation’ SUD represents context sensitive zoning meant to establish hauling operation standards, construction activity standards, grading limits, and discretionary review process for large scale single-family dwelling units. As such, the two Hollywood Hills neighborhoods of Laurel Canyon and the Bird Streets, would benefit from this land use regulatory control, inasmuch as these neighborhoods are located in areas that are narrow, often unpaved, and substandard even according to the City's standards for hillside streets.”

Council File No. 16-1472-S2. The HCR Motion for this community comes after the creation of an hillside construction Special Use District (“SUD”) for another hillside community facility similar out-of-control residential development, Bel Air. The SUD for Bel-Air was established on March 22, 2017 via Ordinance No. 184827 and is codified at LAMC 13.20. Some of the new regulations include the following:

- (1) Limit on Maximum Grading (6000 cubic yards)
- (2) Haul Route Trip Maximums (only four trucks per hour per project site)
- (3) Implementation of a Variety of Hauling Operation Standards
- (4) Establishment of Equipment Standards
- (5) Limit on Operating House and Construction Activity
- (6) Site Plan Review for Homes Larger than 20,000 square Feet

Significantly, the City Council determined made the following findings:

“The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reasons: The proliferation of out-of-scale developments in single-family residential neighborhoods throughout the City poses a current and immediate threat to the public welfare, including degradation of neighborhood character, loss of neighbors’ privacy, curtailment of development potential, and negative impacts to aesthetics and general quality of life; and that allowing the Interim Control Ordinances that were adopted by the City Council on March 25, 2015, to expire without providing for the adoption of permanent, context-sensitive RI zones would result in that threat to the public welfare. For these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.”

Ordinance No. 184827, Section 7. The City also determined through the HCR Motion that similar impacts were occurring in this community. Therefore, the HCR Motion – while absolutely welcomed by the community – functions as an admission that the RCMs currently in place are inadequate to address the cumulative impacts of development projects in the area.

b. Unusual Circumstances Also Renders Exemption Unavailable

The Class 3, Category 1 exemption for single family homes is also not available due to “unusual circumstances.” While it is accurate that single-family homes are *generally* exempt from CEQA, 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 exemption 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.

Furthermore, as pointed out by the California Supreme Court in the *Berkeley Hillside Preservation* case,

A party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.

Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086, 1105. The California Supreme Court, in *Berkeley Hillside Preservation*, continued its analysis:

Alternatively, under our reading of the guideline, a party may establish an unusual circumstance with evidence that the project will have a significant environmental effect. That evidence, if convincing, necessarily also establishes “a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.”

Berkeley, supra, 60 Cal.4th at 1105. Thus, if it can be shown, as is the case here, that the Project, *will* have a significant effect on the environment, that alone is sufficient to eliminate the applicability of the categorical exemption.

Here, there are clearly “unusual circumstances,” namely the large number of projects going on at the same time and in the same vicinity. Moreover, the Project is unusual in that it is located in an environmentally sensitive habitat as evidenced by the proposed HCR Motion, which would establish a Supplemental Use District (“SUD”) and as “Environmentally Sensitive Hillside Area (“ESHA”). See “Bel Air SUD Notice” at <http://planning.lacity.org/documents/CRAprojects/ESHA.pdf>. Further, the fact that the Geology Report for the Project has recommended numerous conditions of approval demonstrates that there are *unusual circumstances* associated with the Project.

VI. The City Cannot Deem a Project Located in Santa Monica Mountains Zone Exempt from CEQA

CEQA Guidelines Section 15300.2(a) (entitled "Exceptions") states the following:

"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 [in] 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."

The Project's location within the Santa Monica Mountains Zone prevents the City from deeming this project exempt from CEQA. The Santa Monica Mountains Conservancy Act ("Act"), codified at Public Resources Code Section 33001, tracts the CEQA Guidelines exception almost perfectly. It 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 was a *unique and valuable* environmental resource that provided essential relief from the urban environment. The City cannot utilize a categorical exemption for a project located within the Santa Monica Mountains Zone.³

VII. A Categorical Exemption May Not Be Used Because of the Project's Impact on an Environmental Resource of Hazardous Concern

CEQA Guidelines Section 15300.2(a) also 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. A copy of the Parcel Profile Report for the property is attached as Exhibit 1.

³ The Santa Monica Mountains Comprehensive Plan 0 which the City has committed to implement - explains this critical environmental resource in detail and may be accessed at <http://www.smmc.ca.gov/SMM%20Comprehensive%20Plan.pdf>.

VIII. 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 agency 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 Grading Division has issued a Geology and Soils Report Approval Letter (dated October 27, 2017) 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 inappropriate and unlawful. Further, the “haul route monitoring program” that has been informally adopted by the City is a mitigation measure in and of itself – not a regulatory compliance measure. Finally, the NOE clearly states that additional conditions of approval have been prepared by the Los Angeles Department of Transportation (“LADOT”) to “*reduce the impacts of construction related to hauling activity, monitor the traffic effects of hauling, and reduce the haul routes in response to congestion.*” This is an admission that the City is poised to adopt mitigation measures *above and beyond* those contained in existing regulatory compliance measures. Again, under CEQA the City may not rely on mitigation measures as a basis for concluding that a project is categorically exempt from CEQA. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098.

IX. 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 haul route permit and 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.

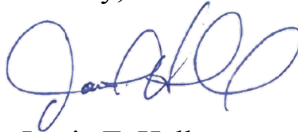
Conditioning a project on another agency's future review of environmental impacts, without evidence of the likelihood of effective mitigation by the other agency, is insufficient to support a determination by the lead agency that potentially significant impacts will be mitigated. *Sundstrom v. Cnty. 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.

X. Conclusion

The Association respectfully request that the City Council grant the appeal. The City has failed to analyze the environmental impacts of construction along a substandard hillside street (which requires a ZAD) as well as cumulative impacts. Moreover, the Project will endanger the public health, safety and welfare pursuant to LAMC 91.7006.7.5.

Sincerely,



Jamie T. Hall

Exhibit 1



City of Los Angeles Department of City Planning

1/17/2018 PARCEL PROFILE REPORT

PROPERTY ADDRESSES

8437 W CARLTON WAY

ZIP CODES

90069

RECENT ACTIVITY

ENV-2017-1784-EAF

CASE NUMBERS

CPC-2017-2864-ZC

CPC-2016-1450-CPU

CPC-1986-831-GPC

ORD-129279

ORD-128730

YD-10675

PS-471

ENV-2017-2865-ND

ENV-2017-1783-EAF

ENV-2016-1451-EIR

Address/Legal Information

PIN Number	147B173 317
Lot/Parcel Area (Calculated)	5,689.8 (sq ft)
Thomas Brothers Grid	PAGE 592 - GRID J5
Assessor Parcel No. (APN)	5555017010
Tract	TR 7737
Map Reference	M B 88-85/87
Block	None
Lot	78
Arb (Lot Cut Reference)	None
Map Sheet	147B173

Jurisdictional Information

Community Plan Area	Hollywood
Area Planning Commission	Central
Neighborhood Council	Bel Air - Beverly Crest
Council District	CD 4 - David Ryu
Census Tract #	1942.00
LADBS District Office	Los Angeles Metro

Planning and Zoning Information

Special Notes	None
Zoning	R1-1
Zoning Information (ZI)	ZI-2462 Modifications to SF Zones and SF Zone Hillside Area Regulations
General Plan Land Use	Low II Residential
General Plan Note(s)	Yes
Hillside Area (Zoning Code)	Yes
Specific Plan Area	None
Subarea	None
Special Land Use / Zoning	None
Design Review Board	No
Historic Preservation Review	No
Historic Preservation Overlay Zone	None
Other Historic Designations	None
Other Historic Survey Information	None
Mills Act Contract	None
CDO: Community Design Overlay	None
CPIO: Community Plan Imp. Overlay	None
Subarea	None
CUGU: Clean Up-Green Up	None
NSO: Neighborhood Stabilization Overlay	No
POD: Pedestrian Oriented Districts	None
SN: Sign District	No
Streetscape	No
Adaptive Reuse Incentive Area	None
Ellis Act Property	No
Rent Stabilization Ordinance (RSO)	No
Transit Oriented Communities (TOC)	Not Eligible
CRA - Community Redevelopment Agency	None

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at zimas.lacity.org
(*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Central City Parking	No
Downtown Parking	No
Building Line	None
500 Ft School Zone	No
500 Ft Park Zone	No

Assessor Information

Assessor Parcel No. (APN)	5555017010
APN Area (Co. Public Works)*	0.130 (ac)
Use Code	0101 - Residential - Single Family Residence - Pool
Assessed Land Val.	\$1,795,330
Assessed Improvement Val.	\$768,696
Last Owner Change	02/25/2009
Last Sale Amount	\$2,265,522
Tax Rate Area	67
Deed Ref No. (City Clerk)	522041

500
340766
3268
264752

Building 1

Year Built	1966
Building Class	D95D
Number of Units	1
Number of Bedrooms	2
Number of Bathrooms	3
Building Square Footage	2,621.0 (sq ft)

Building 2	No data for building 2
Building 3	No data for building 3
Building 4	No data for building 4
Building 5	No data for building 5

Additional Information

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	None
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

Seismic Hazards

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 - Oblique
Slip Type	Poorly Constrained
Down Dip Width (km)	14.00000000

This report is subject to the terms and conditions as set forth on the website. For more details, please refer to the terms and conditions at zimas.lacity.org
 (*) - APN Area is provided "as is" from the Los Angeles County's Public Works, Flood Control, Benefit Assessment.

Rupture Top	0.00000000
Rupture Bottom	13.00000000
Dip Angle (degrees)	70.00000000
Maximum Magnitude	6.40000000
Alquist-Priolo Fault Zone	No
Landslide	No
Liquefaction	No
Preliminary Fault Rupture Study Area	No
Tsunami Inundation Zone	No

Economic Development Areas

Business Improvement District	None
Promise Zone	None
Renewal Community	No
Revitalization Zone	None
State Enterprise Zone	None
Targeted Neighborhood Initiative	None

Public Safety

Police Information

Bureau	West
Division / Station	Hollywood
Reporting District	632

Fire Information

Bureau	West
Batallion	5
District / Fire Station	41
Red Flag Restricted Parking	No

CASE SUMMARIES

Note: Information for case summaries is retrieved from the Planning Department's Plan Case Tracking System (PCTS) database.

Case Number:	CPC-2017-2864-ZC
Required Action(s):	ZC-ZONE CHANGE
Project Descriptions(s):	ZONE CHANGE PER L.A.M.C.
Case Number:	CPC-2016-1450-CPU
Required Action(s):	CPU-COMMUNITY PLAN UPDATE
Project Descriptions(s):	UPDATE TO THE HOLLYWOOD COMMUNITY PLAN
Case Number:	CPC-1986-831-GPC
Required Action(s):	GPC-GENERAL PLAN/ZONING CONSISTENCY (AB283)
Project Descriptions(s):	HOLLYWOOD COMMUNITY PLAN REVISION/GENERAL PLAN CONSISTENCY PLAN AMENDMENT, ZONE CHANGES AND HEIGHT DISTRICT CHANGES
Case Number:	ENV-2017-2865-ND
Required Action(s):	ND-NEGATIVE DECLARATION
Project Descriptions(s):	ZONE CHANGE PER L.A.M.C.
Case Number:	ENV-2017-1783-EAF
Required Action(s):	EAF-ENVIRONMENTAL ASSESSMENT
Project Descriptions(s):	Data Not Available
Case Number:	ENV-2016-1451-EIR
Required Action(s):	EIR-ENVIRONMENTAL IMPACT REPORT
Project Descriptions(s):	UPDATE TO THE HOLLYWOOD COMMUNITY PLAN

DATA NOT AVAILABLE

ORD-129279

ORD-128730

YD-10675

PS-471



Address: 8437 W CARLTON WAY

APN: 5555017010

PIN #: 147B173 317

Tract: TR 7737

Block: None

Lot: 78

Arb: None









Zoning: R1-1

General Plan: Low II Residential



LEGEND

GENERALIZED ZONING

-  OS, GW
-  A, RA
-  RE, RS, R1, RU, RZ, RW1
-  R2, RD, RMP, RW2, R3, RAS, R4, R5
-  CR, C1, C1.5, C2, C4, C5, CW, ADP, LASED, CEC, USC, PVSP, PPSP
-  CM, MR, WC, CCS, UV, UI, UC, M1, M2, LAX, M3, SL
-  P, PB
-  PF



GENERAL PLAN LAND USE

LAND USE

RESIDENTIAL





-  Minimum Residential
-  Very Low / Very Low I Residential
-  Very Low II Residential
-  Low / Low I Residential
-  Low II Residential
-  Low Medium / Low Medium I Residential
-  Low Medium II Residential
-  Medium Residential
-  High Medium Residential
-  High Density Residential
-  Very High Medium Residential

COMMERCIAL






-  Limited Commercial
-  Limited Commercial - Mixed Medium Residential
-  Highway Oriented Commercial
-  Highway Oriented and Limited Commercial
-  Highway Oriented Commercial - Mixed Medium Residential
-  Neighborhood Office Commercial
-  Community Commercial
-  Community Commercial - Mixed High Residential
-  Regional Center Commercial

FRAMEWORK

COMMERCIAL

-  Neighborhood Commercial
-  General Commercial
-  Community Commercial
-  Regional Mixed Commercial






INDUSTRIAL

-  Commercial Manufacturing
-  Limited Manufacturing
-  Light Manufacturing
-  Heavy Manufacturing
-  Hybrid Industrial




PARKING

-  Parking Buffer





PORT OF LOS ANGELES

-  General / Bulk Cargo - Non Hazardous (Industrial / Commercial)
-  General / Bulk Cargo - Hazard
-  Commercial Fishing
-  Recreation and Commercial
-  Intermodal Container Transfer Facility Site



LOS ANGELES INTERNATIONAL AIRPORT

-  Airport Landside / Airport Landside Support
-  Airport Airside
-  LAX Airport Northside

OPEN SPACE / PUBLIC FACILITIES
















-  Open Space
-  Public / Open Space
-  Public / Quasi-Public Open Space
-  Other Public Open Space
-  Public Facilities

















INDUSTRIAL

-  Limited Industrial
-  Light Industrial






CIRCULATION

STREET





































-  Arterial Mountain Road
-  Collector Scenic Street
-  Collector Street
-  Collector Street (Hillside)
-  Collector Street (Modified)
-  Collector Street (Proposed)
-  Country Road
-  Divided Major Highway II
-  Divided Secondary Scenic Highway
-  Local Scenic Road
-  Local Street
-  Major Highway (Modified)
-  Major Highway I
-  Major Highway II
-  Major Highway II (Modified)

-  Major Scenic Highway
-  Major Scenic Highway (Modified)
-  Major Scenic Highway II
-  Mountain Collector Street
-  Park Road
-  Parkway
-  Principal Major Highway
-  Private Street
-  Scenic Divided Major Highway II
-  Scenic Park
-  Scenic Parkway
-  Secondary Highway
-  Secondary Highway (Modified)
-  Secondary Scenic Highway
-  Special Collector Street
-  Super Major Highway

FREEWAYS

-  Freeway
-  Interchange
-  On-Ramp / Off-Ramp
-  Railroad
-  Scenic Freeway Highway




MISC. LINES


-  Airport Boundary
-  Bus Line
-  Coastal Zone Boundary
-  Coastline Boundary
-  Collector Scenic Street (Proposed)
-  Commercial Areas
-  Commercial Center
-  Community Redevelopment Project Area
-  Country Road
-  DWP Power Lines
-  Desirable Open Space
-  Detached Single Family House
-  Endangered Ridgeline
-  Equestrian and/or Hiking Trail
-  Hiking Trail
-  Historical Preservation
-  Horsekeeping Area
-  Local Street
-  MSA Desirable Open Space
-  Major Scenic Controls
-  Multi-Purpose Trail
-  Natural Resource Reserve
-  Park Road
-  Park Road (Proposed)
-  Quasi-Public
-  Rapid Transit Line
-  Residential Planned Development
-  Scenic Highway (Obsolete)
-  Secondary Scenic Controls
-  Secondary Scenic Highway (Proposed)
-  Site Boundary
-  Southern California Edison Power
-  Special Study Area
-  Specific Plan Area
-  Stagecoach Line
-  Wildlife Corridor

POINTS OF INTEREST


 Alternative Youth Hostel (Proposed)	 Horticultural Center	 Public Elementary School
 Animal Shelter	 Hospital	 Public Elementary School (Proposed)
 Area Library	 Hospital (Proposed)	 Public Golf Course
 Area Library (Proposed)	HW House of Worship	 Public Golf Course (Proposed)
 Bridge	e Important Ecological Area	 Public Housing
 Campground	 Important Ecological Area (Proposed)	 Public Housing (Proposed Expansion)
 Campground (Proposed)	 Interpretive Center (Proposed)	 Public Junior High School
 Cemetery	 Junior College	 Public Junior High School (Proposed)
HW Church	 MTA / Metrolink Station	 Public Middle School
 City Hall	 MTA Station	 Public Senior High School
 Community Center	 MTA Stop	 Public Senior High School (Proposed)
 Community Library	MWD MWD Headquarters	 Pumping Station
 Community Library (Proposed Expansion)	 Maintenance Yard	 Pumping Station (Proposed)
 Community Library (Proposed)	 Municipal Office Building	 Refuse Collection Center
 Community Park	P Municipal Parking lot	 Regional Library
 Community Park (Proposed Expansion)	 Neighborhood Park	 Regional Library (Proposed Expansion)
 Community Park (Proposed)	 Neighborhood Park (Proposed Expansion)	 Regional Library (Proposed)
 Community Transit Center	 Neighborhood Park (Proposed)	 Regional Park
 Convalescent Hospital	 Oil Collection Center	 Regional Park (Proposed)
 Correctional Facility	 Parking Enforcement	RPD Residential Plan Development
 Cultural / Historic Site (Proposed)	 Police Headquarters	 Scenic View Site
 Cultural / Historical Site	 Police Station	 Scenic View Site (Proposed)
 Cultural Arts Center	 Police Station (Proposed Expansion)	 School District Headquarters
DMV DMV Office	 Police Station (Proposed)	 School Unspecified Loc/Type (Proposed)
DWP DWP	 Police Training site	 Skill Center
 DWP Pumping Station	PO Post Office	 Social Services
 Equestrian Center	 Power Distribution Station	 Special Feature
 Fire Department Headquarters	 Power Distribution Station (Proposed)	 Special Recreation (a)
 Fire Station	 Power Receiving Station	 Special School Facility
 Fire Station (Proposed Expansion)	 Power Receiving Station (Proposed)	 Special School Facility (Proposed)
 Fire Station (Proposed)	C Private College	 Steam Plant
 Fire Supply & Maintenance	E Private Elementary School	 Surface Mining
 Fire Training Site	 Private Golf Course	 Trail & Assembly Area
 Fireboat Station	 Private Golf Course (Proposed)	 Trail & Assembly Area (Proposed)
 Health Center / Medical Facility	JH Private Junior High School	UTL Utility Yard
 Helistop	PS Private Pre-School	 Water Tank Reservoir
 Historic Monument	 Private Recreation & Cultural Facility	 Wildlife Migration Corridor
 Historical / Cultural Monument	SH Private Senior High School	 Wildlife Preserve Gate
 Horsekeeping Area	SF Private Special School	
 Horsekeeping Area (Proposed)	 Public Elementary (Proposed Expansion)	

SCHOOLS/PARKS WITH 500 FT. BUFFER

-  Existing School/Park Site
-  Planned School/Park Site
-  Inside 500 Ft. Buffer





- | | | |
|---|--|--|
|  Aquatic Facilities |  Other Facilities |  Opportunity School |
|  Beaches |  Park / Recreation Centers |  Charter School |
|  Child Care Centers |  Parks |  Elementary School |
|  Golf Course |  Performing / Visual Arts Centers |  Span School |
|  Historic Sites |  Recreation Centers |  Special Education School |
|  Horticulture/Gardens |  Senior Citizen Centers |  High School |
|  Skate Parks | |  Middle School |

TRANSIT ORIENTED COMMUNITIES (TOC)



- | | |
|--|--|
|  Tier 1 |  Tier 3 |
|  Tier 2 |  Tier 4 |

Note: TOC Tier designation and map layers are for reference purposes only. Eligible projects shall demonstrate compliance with Tier eligibility standards prior to the issuance of any permits or approvals. As transit service changes, eligible TOC Incentive Areas will be updated.




COASTAL ZONE

-  Coastal Zone Commission Authority
-  Calvo Exclusion Area
-  Not in Coastal Zone
-  Dual Jurisdictional Coastal Zone






























WAIVER OF DEDICATION OR IMPROVEMENT

-  Waiver of Dedication or Improvement (WDI)
-  Public Work Approval (PWA)

LAMC SECTION 85.02 (VEHICLE DWELLING)

-  No vehicle dwelling anytime
-  No vehicle dwelling overnight between 9:00 PM - 6:00 AM. Must comply with all posted parking restrictions
-  Vehicle dwelling allowed. Must comply with all posted parking restrictions

OTHER SYMBOLS

- | | | |
|---|---|--|
|  Lot Line |  Airport Hazard Zone |  Flood Zone |
|  Tract Line |  Census Tract |  Hazardous Waste |
|  Lot Cut |  Coastal Zone |  High Wind Zone |
|  Easement |  Council District |  Hillside Grading |
|  Zone Boundary |  LADBS District Office |  Historic Preservation Overlay Zone |
|  Building Line |  Downtown Parking |  Specific Plan Area |
|  Lot Split |  Fault Zone |  Very High Fire Hazard Severity Zone |
|  Community Driveway |  Fire District No. 1 |  Oil Wells |
|  Lot Ties |  Tract Map | |
|  Building Outlines 2014 |  Parcel Map | |
|  Building Outlines 2008 | | |