

ORIGINAL



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February 14, 2018

Members of the City Council
City of Los Angeles
200 North Spring St.
Los Angeles, CA 90012

CITY CLERK'S OFFICE
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Re: Appeal Regarding The Board of Public Works' Approval of Tree Removal Permit Request for Removal of 12 Trees Located at 750 South Spaulding Avenue (Sidewalk Repair Program)

I. INTRODUCTION

Appellants, United Neighborhoods for Los Angeles ("UN4LA") and the Eastside Nature Alliance ("ENA" or collectively with UN4LA as "Appellants"), appeal the City of Los Angeles Board of Public Works' ("BPW") approval of the tree removal permit request for the removal of 12 Indian Laurel Fig (*ficus microcarpa*) trees from 750 South Spaulding Avenue, Los Angeles, CA 90036 ("tree removal permit" or "tree removal"). BPW's determination approving the tree removal permit was made on February 5, 2018 and therefore, this appeal, which is filed on February 14, 2018 is timely.

In short, BPW exceeded its powers, erred and abused its discretion when it approved the tree removal permit in violation of the California Environmental Quality Act, Cal. Pub. Res. Code ("PRC") §§ 21100 et seq ("CEQA"). The approval of the tree removal permit violated CEQA in the following ways: 1) the tree removal is improperly piecemealed in violation of CEQA; 2) the tree removal fails to qualify for categorical exemptions from CEQA and 3) the tree removal fails to qualify for a categorical exemption under the City of Los Angeles' own CEQA guidelines.

Accordingly, Appellants respectfully request that the City of Los Angeles City Council ("Council"), after reviewing this appeal and its records, revoke and set-aside both DPW's approval of the tree removal permit request and the approval of the tree removal permit. While this appeal is pending, appellants further request that all permit and tree immediately and temporarily stayed.

II. APPELLANTS' STANDING

Appellants are organizations both located in the City of Los Angeles. Appellant UN4LA is a community organization composed of residents of the City of Los Angeles frustrated by City Hall's unwillingness to listen to their concerns about poor planning, the lack of affordable housing, green space crumbling infrastructure and inconsistent enforcement of building codes. Members of UN4LA live, work and recreate in the area surrounding the Tree Removal and would be negatively impacted if the Tree Removal were to move forward.

ENA is a community organization composed of residents of the City concerned about the preservation of open space, green space and the urban tree canopy here in the City. Members of ENA live, work and recreate in the area around the Tree Removal and would be negatively impacted if the Tree Removal were to move forward.

III. PROJECT BACKGROUND

The tree removal permit request was placed on the BPW's February 5, 2018 Agenda as Item No. 2, Tree Removal – 750 South Spaulding Avenue (Sidewalk Repair Program) BPW-2018-0111 for reconstruction of a public sidewalk. The Urban Forestry division indicated that the body requesting the tree removal was the City of Los Angeles Bureau of Street Services c/o of the Sidewalk Repair Program. (See Tree Removal Notification) The reason for the request is listed as the "Sidewalk Repair Program"(Id.)

A. Sidewalk Repair Program and Environmental Impacts of the Decline in Urban Tree Canopy

This Tree Removal is part of a large program relating to the removal of street trees under the guise of the City's Sidewalk Repair Program, which has exacerbated the devastating environmental impacts of City's decline in Urban Tree Canopy over the past few decades. As a recent study published by the University of South California concluded "[t]he relatively recent and rapid decline in urban tree cover in the Los Angeles Basin [is] undermin[ing] the ability of the jurisdictions to adapt to increased urban temperatures, manage urban stormwater and maintain urban nature and quality of life." Su Jin Lee, et al (2017) Increasing home size and hardscape decreases urban forest cover in Los Angeles County's single-family residential neighborhoods 24 Urban Forestry & Urban Greening 222. 231 (attached as Exhibit C hereto) ("Lee").

B. Background on the California Environmental Quality Act

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report except in very limited circumstances. See, e.g., Cal. Pub. Res. Code § 21100. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109. CEQA applies to agency projects that may have an adverse environmental impact. *Friends of Mammoth v. Board of Supervisors*, 8 Cal.3d 247, 259 (1972); *Friends of B Street v. City of Hayward*, 106 Cal.App.3d 988, 1003 (1980) (project that included removal of trees

caused significant effect on environment). CEQA has two broad purposes: 1) avoiding, reducing or preventing environmental damage by requiring alternatives and mitigation measures (14 Cal. Code Regs. § 15002(a)(2)-(3) (hereinafter “CEQA Guidelines”)); and 2) providing information to decision makers and the public concerning the environmental effects of the proposed project. CEQA Guidelines § 15002(a)(1).

To achieve its objectives of environmental protection, CEQA has a three-tiered structure. CEQA Guidelines § 15002(k); *Comm. to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185 – 86. First, if a project falls into an exempt category, or it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further agency evaluation is required. *Id.* Second, if there is a possibility the project will have a significant effect on the environment, the agency must perform a threshold initial study. *Id.*; CEQA Guidelines § 15063(a). If the study indicates that there is no substantial evidence that the project may cause a significant effect on the environment the agency may issue a negative declaration. *Id.*, CEQA Guidelines §§ 15063(b)(2), 15070. Finally, if the project will have a significant effect on the environment, an environmental impact report (“EIR”) is required. *Id.* Here, since the City proposes to exempt the Project from CEQA entirely, we are at the first step of the CEQA process.

CEQA exempt activities are either expressly identified by statute (i.e., statutory exemptions, PRC § 21080.01 et seq.; CEQA Guidelines §§ 15261 – 85) or those that fall into one of more than two-dozen classes deemed categorically exempt by the Secretary of Resources (i.e., categorical exemptions). PRC §§ 21080(b)(10); CEQA Guidelines §§ 15300. Public agencies utilizing CEQA exemptions must support their determination with substantial evidence. PRC § 21168.5. Exemptions to CEQA are narrowly construed and exemption categories are not to be expanded beyond the reasonable scope of their statutory language. *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125. A reviewing court must “scrupulously enforce all legislatively mandated CEQA requirements.” *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564. Erroneous reliance by the City on a categorical exemption constitutes a prejudicial abuse of discretion and a violation of CEQA. *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1192.

CEQA identifies certain classes of projects which are exempt from the provisions of CEQA. These are called categorical exemptions. PRC § 21084(a); CEQA Guidelines §§ 15300, 15354. Categorical exemptions are certain classes of activities that generally do not have a significant effect on the environment. *Id.* Public agencies utilizing such exemptions must support their determination with substantial evidence. PRC § 21168.5. “[I]f the court perceives there was substantial evidence that the project might have an adverse impact, but the agency failed to secure preparation of an EIR, the agency’s action must be set aside because the agency abused its discretion by failing to follow the law.” *Dunn-Edwards Corp. v. Bay Area Air Quality Mgmt. Dist.* (1992) 9 Cal.App.4th 644, 656. A categorical exemption may not be invoked for any project that may cause a substantial adverse change in the significance of a historical resource. PRC § 21084(e); CEQA Guidelines § 15300.2(f); *Comm. to Save the Hollywoodland Specific Plan v. City of Los Angeles* (“Hollywoodland”) (2008) 161 Cal. App. 4th 1168, 1186.

CEQA’s unique “fair argument” standard applies when reviewing a CEQA exemption. Under the “fair argument” standard, an agency is precluded under the Guidelines from relying on a categorical exemption when there is a fair argument that a project will have a significant effect on the environment. *Berkeley Hillside Pres. v. City of Berkeley* (2012) 203 Cal. App. 4th 656, 670-671; *Banker’s*

Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego (“Bankers Hill”) (2006) 139 Cal. App. 4th 249, 266. In other words, “where there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper.” *Id.*; *Dunn-Edwards Corp.*, 9 Cal.App.4th at 654 – 55.

The standard of review in an action challenging a CEQA exemption is whether there has been a prejudicial abuse of discretion. See PRC § 21168.5; *Dunn-Edwards Corp.*, 9 Cal.App.4th at 656. “Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.” *Id.*; *Western States Petroleum Assn. v. Super. Ct.* (1995) 9 Cal.4th 559, 568; See, e.g., *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 409. “[I]f the court perceives there was substantial evidence that the project might have an adverse impact, but the agency failed to secure preparation of an EIR, the agency’s action must be set aside because the agency abused its discretion by failing to follow the law.” *Dunn-Edwards Corp.*, 9 Cal.App.4th at 656; *Bankers Hill*, 139 Cal. App. 4th at 260. “Generally speaking, an agency’s failure to comply with the procedural requirements of CEQA is prejudicial when the violation thwarts the act’s goals by precluding informed decision-making and public participation.” *San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (“San Lorenzo”) (2006) 139 Cal.App.4th 1356, 1375.

CEQA categorical exemptions “are construed narrowly” and will not be unreasonably expanded beyond their terms. *County of Amador v. El Dorado County Water Agency* (1999) 91 Cal.Rptr.2d 66, 89. Exemptions are strictly construed to allow for the fullest possible environmental protections within the reasonable scope of statutory language. CEQA Guidelines § 15003(f); *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal. App. 4th 1165, 1192 – 93 (“Azusa”); *East Peninsula Ed. Council, Inc. v. Palos Verdes Peninsula Unified School Dist.* (1989) 210 Cal. App. 3d 155, 171; *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390 (rejecting “an attempt to use limited exemptions contained in CEQA as a means to subvert rules regulating the protection of the environment”).

Strict construction of CEQA exemptions conforms with the statutory directive under Section 21084 of the California Public Resources Code providing that unlike statutory exemptions, categorical exemptions such as the Class 1 Existing Facilities exemption the City is seeking to relying upon for the Project may only be provided for types of projects which have been determined by the California Department of Natural Resources to not have a significant environmental effect. PRC § 21084(a); *Azusa*, 52 Cal.App.4th at 1192.

IV. REASONS AND POINTS ON APPEAL

A. BPW ERRED AND ABUSED ITS DISCRETION BECAUSE THE APPROVAL OF THE TREE REMOVAL PERMIT VIOLATES CEQA

1. The Tree Removal Permit Is Improperly Piecemealed and Exempted from CEQA Even Though It Is A Part Of The Larger City of Los Angeles Sidewalk Repair Program Which Is Currently Undergoing Environmental Review.

The Tree Removal Permit is improperly being analyzed and exempted from CEQA even though it is part of the City’s larger Sidewalk Repair Program, which is a “project” currently undergoing an environmental review process pursuant to CEQA. It is well established that CEQA forbids

piecemeal review of the significant environmental impacts of a project. *Bozung v. Local Agency Formation Com.* (“Bozung”) (1975) 13 Cal.3d 263, 283–284; *Arviv Enterprises, Inc. v. South Valley Area Planning Com.*(2002) 101 Cal. App. 4th 1333, 1340. Rather, CEQA mandates “that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.” *Bozung*, 13 Cal.3d at 283–284. Thus, the term “project” as used for CEQA purposes is defined broadly 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....” CEQA Guidelines § 15378(a).

CEQA requires that “[a]ll phases of a project must be considered when evaluating its impact on the environment.” CEQA Guidelines § 15126. An EIR must analyze the environmental effects of other phases or future expansions of a project if (1) the other activities are reasonably foreseeable consequences of the initial project (*Bozung*, 13 Cal.3d at 283–284); (2) the other activities are a future expansion of the first activity that will change the scope of the first activity’s impacts (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 396); or (3) the related activities are all integral parts of the same project. *Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal. App. 4th 690, 698, citing *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal. App. 3d 223

By having issued a Notice of Preparation (NOP) and Initial Study that concluded that a full environmental impact report is necessary for the Sidewalk Repair Program (see attached at Exhibit A-B), the City has acknowledged that CEQA requires environmental review of the Sidewalk Repair Program project prior to its approval and implementation. Yet the City impermissibly and illegally has been approving components of the Sidewalk Repair Program project (such as this one) without any environmental review, claiming that such tree removals are exempt from CEQA. As the Initial Study for the Sidewalk Repair Program itself notes:

Minor repairs to existing sidewalks typically fit the definition of a Class 1 existing facility identified under Section 15301 (c). As the proposed Project consists of a long-term sidewalk repair program, with an expected consistent level of funding and activities, additional review under CEQA is required to analyze the impact of these activities collectively, over time. The proposed Project will potentially result in the removal of large quantities of mature street trees, as well as temporary street and sidewalk closures during construction activities. (Initial Study at 2-4, attached as Exhibit B hereto]

By failing to analyze this Tree Removal as part of the Sidewalk Repair Program that this Tree Removal is being performed under, the City is improperly piecemealing CEQA environmental review.

2. The Tree Removal Permit Fails to Qualify for Categorical Exemptions from CEQA.

This Tree Removal Permit fails to facially qualify for the Category 1 categorical exemptions from CEQA as the Tree Removal is part of the City’s larger Sidewalk Repair Program which the City itself is currently reviewing under CEQA.

Class 1 categorical exemptions apply to the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing . . . topographical features, involving negligible or no

expansion of use beyond that existing at the time of the lead agency's determination.” 14 CCR 15301.

However, the Class 1 categorical exemption fails to apply since this Tree Removal involves an expansion of use. Presently, the City is already well aware of the fact that it is conducting environmental review of the very program, the Sidewalk Repair Program, under which this Tree Removal is being conducted.

The City itself admitted in beginning of the CEQA environmental review process for the Sidewalk Repair Program, this Tree Removal does not fit under the guise of the Class 1 Existing Facilities exemption since the Tree Removal is part of a “long-term sidewalk repair program [] with an expected consistent level of funding and activities.” (Initial Study at 2-4).

3. The Tree Removal Permit Fails to Qualify for A Categorical Exemption Under The City’s Own CEQA Guidelines.

For similar, aforementioned reasons, the Tree Removal also fails to qualify for an exemption under the City’s own regulations for Class 1 Categorical Exemptions. In fact, Article III, Section 1, Class 1, Category 3 expressly disqualifies tree removals from CEQA categorical exemptions, exempting “minor alteration of . . . sidewalks . . . except where the activity will involve removal of a scenic resource including but not limited to a stand of trees,” The Tree Removal is exactly the kind of scenic resources that the City’s own regulations bar from being exempted. This is especially true given the location of this particular Tree Removal – this area of the City has very few trees. Removing the twelve (12) trees is not just an environmental issue, but an environmental justice issue, given the well-documented systemic lack of tree cover in economically disadvantaged areas. (*Lee* at 231).

4. CEQA requires that the City allow an appeal to an elected decision-making body.

Section 21151(c) of the California Public Resources Code requires that if a “nonelected decisionmaking body of a local lead agency . . . determines that a project is not subject to this [CEQA], that . . . determination may be appealed to the agency's elected decisionmaking body.” *See also* CEQA Guidelines § 15025(b)(1) (“The decisionmaking body of a public agency shall not delegate . . . approving a negative declaration . . .”). Courts have expressly found that agencies when delegating their CEQA decision-making authority to non-elected decision-making bodies such as the appointed Board of Public Works, must provide for an appeal to an elected decision-making body such as City Council. *Citizens for the Restoration of L Street v. City of Fresno* (2014) 229 Cal. App. 4th 340, 354. The City must accept an appeal of the Tree Removal to City Council.

IV. REQUEST FOR RELIEF

Appellants demand that the Council revoke and set-aside both the tree removal permit and the approval of the tree removal permit request. Appellants further request that the Council place an immediate and temporary stay on all permit and tree removal related activities related to the property while this matter is pending. Appellants also request a hearing be calendared on this matter immediately.

Finally, this appeal is made to exhaust administrative remedies concerning the tree removal permit and incorporates by reference the February 2, 2018 letter submitted on behalf of the Appellants to the DPW prior to the February 5, 2018 hearing and all exhibits and attachments thereto. Thank you for consideration of this Appeal.

Sincerely,

Venskus & Associates, A.P.C.



By: Jason Sanders

Mitchell M. Tsai, Attorney at Law



By: Mitchell M. Tsai

DEPARTMENT OF PUBLIC WORKS
BUREAU OF STREET SERVICES
REPORT NO. 1
Page 1 of 4
Date: February 5, 2018
CD# 04

Honorable Board of Public Works
Of the City of Los Angeles

Commissioners:

750 SOUTH SPAULDING AVENUE – CITYWIDE SIDEWALK REPAIR PROGRAM IN COUNCIL DISTRICT FOUR REQUEST BOARD AUTHORIZE A NO-FEE PERMIT TO REMOVE TWELVE INDIAN LAUREL FIG (FICUS MICROCARPA) TREES FOR THE RECONSTRUCTION OF THE OFFGRADE PUBLIC SIDEWALK. TREE REPLACEMENTS ARE REQUIRED.

RECOMMENDATION:

1. FIND that the tree removal (1) classifies as operation, repair, maintenance or minor alteration of existing street, sidewalk, and gutter, involving negligible or no expansion of use beyond that previously existing; and does not involve the removal of a scenic resource; (2) that the action is exempt under Article III, Section 1, Class 1, Category 3 (existing facilities – sidewalk repair or maintenance) of the City of Los Angeles Environmental Quality Act Guidelines (2002); and (3) that none of the exceptions to the use of a categorical exemption as set forth in Section 15300.2 of the State CEQA Guidelines apply.
2. Review and approve this tree removal permit request for the removal of twelve Indian Laurel Fig (*Ficus microcarpa*) trees located at 750 South Spaulding Avenue for the reconstruction of an off-grade sidewalk. Tree replacements are required.

TRANSMITTALS:

1. Copy of fax sheet sent to Council Office.
2. Service Request #1-805376691
3. Property owner's authorization for tree removal.
4. Letter from Michael Govan, Los Angeles County Museum of Art.
5. Letter from Jim O'Sullivan, Miracle Mile Residents Association.
6. Photos of the trees.

CONDITION:

All tree replacements comply with the Board of Public Works 2:1 tree replacement policy and shall be planted by the Office of Community Beautification (OCB) or its contractor. The Urban Forestry Division shall begin weekly watering of the tree replacements upon tree planting confirmation from the OCB. Tree watering shall continue for a three year period.

- Twelve 24-inch box size Natchez Crape Myrtle (*Lagerstroemia Natchez*) trees to be replanted at 750 South Spaulding Avenue.
- Twelve 24-inch box size Chinese Fringe (*Chionanthus retusus*) trees to be replanted at the following addresses on the 800 block of South Alandale Avenue: three at 803, two at 821, one at 845, two at 850, two at 865, one at 872, and one at 874.

ALTERNATIVE METHODS AND OPTIONS EXPLORED:

The size, species, and location of the trees negate the possibility of tree preservation or relocation.

RECITAL:

The Bureau of Engineering (BOE) is the lead agency in identifying defective sidewalks at several locations throughout the City of Los Angeles as part of the Citywide Sidewalk Repair Program. BOE and its contractors are working in close collaboration with the Bureau of Street Services (Bureau) in addressing potential impacts to street trees adjacent to targeted locations.

The BOE contacted the Bureau in reference to reconstruction of off-grade sidewalk conditions at 750 South Spaulding Avenue. A Bureau Arborist inspected the subject location on August 08, 2017. The inspection revealed four Indian Laurel Fig (*Ficus microcarpa*) trees in front of the address and eight Indian Laurel Fig trees on the West 8th Street side of the address. The trees are in fair health measuring approximately twenty-four inches in diameter by approximately thirty feet in height growing in five feet by eight feet tree wells with seven feet to nine feet six-inch sidewalks.

The Bureau is proposing to replace the defective sidewalks due to uplift and severe disruption by the roots and root crowns of the subject trees. The trees have severely outgrown their growing space and defective sidewalks are prevalent throughout the area. The required root pruning to allow the trees to remain would significantly and adversely affect the trees' health and roots' structural integrity leaving them potentially unstable. Hence, sidewalk reconstruction will require tree removal.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Bureau finds the tree removal (1) classifies as operation, repair, maintenance or minor alteration of existing street, sidewalk, and gutter, involving negligible or no expansion of use beyond that previously existing; and does not involve the removal of a scenic resource; (2) that the action is exempt under Article III, Section 1, Class 1, Category 3 (existing facilities – sidewalk repair or maintenance) of the City of Los Angeles Environmental Quality Act Guidelines (2002); and (3) that none of the exceptions to the use of a categorical exemption as set forth in Section 15300.2 of the State CEQA Guidelines apply.

The CEQA Guidelines for Street Tree Removal and Replacements were used in making this finding and are on file with the Bureau and available to the public upon request.

CONCLUSION

Daniel Park, District Advocate, Council District Four, was informed of the tree removal request on December 27, 2017 and will notify the Bureau of any objections received by their office.

Public comments on this tree removal request will be received and heard, both in-writing and in-person, during the scheduled public hearing with the Board. The following public noticing of this tree removal permit was conducted:

- Notice of the proposed tree removals were physically posted on the subject trees on August 8, 2017.
- Proposed tree removals were included in the BSS Tree Removal Notification System.
- The Community Forest Advisory Committee was notified.

The Bureau's Urban Forestry Division shall begin weekly watering of the tree replacements upon tree planting confirmation from the OCB. Tree watering shall continue for a three year period.

- Twelve 24-inch box size Natchez Crape Myrtle (*Lagerstroemia Natchez*) trees to be replanted at 750 South Spaulding Avenue.
- Twelve 24-inch box size Chinese Fringe (*Chionanthus retusus*) trees to be replanted at the following addresses on South Alandale Avenue: three at 803, two at 821, one at 845, two at 850, two at 865, one at 872, and one at 874.

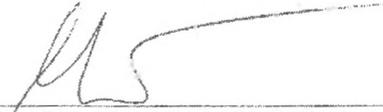
All tree replacements comply with the Board of Public Works 2:1 tree replacement policy and shall be planted by the Office of Community Beautification (OCB) or its contractor.

DEPARTMENT OF PUBLIC WORKS
BUREAU OF STREET SERVICES
REPORT NO. 1
Page 4 of 4
Date: February 5, 2018
CD# 04

The applicant has been advised of the recommendations contained in this report.

(TT---NS---GS)

Respectfully submitted,


Fu _____
NAZARIO SAUCEDA, DIRECTOR
BUREAU OF STREET SERVICES

Prepared by:
Urban Forestry Division
Ext. 7-3077

NS/GS/TT/HB:dm
S:\Board Reports\2017 board reports\750 S Spaulding Ave

TREE REMOVAL NOTIFICATION

DATE: December 27, 2017
OF PAGES: 1

TO:
COUNCIL DISTRICT: 4
ATTENTION: Nikki Ezhari/Alice Roth / Daniel Park / Yena Ji / Adeena Bleich
PHONE NUMBER: 213-485-3337 / 818-755-7630
FAX NUMBER: 213-473-2311 / alice.roth@lacity.org
EMAIL: yena.ji@lacity.org / daniel.park@lacity.org / nikki.ezhari@lacity.org / adeena.bleich@lacity.org / alice.roth@lacity.org

FROM: URBAN FORESTRY DIVISION

Mail Stop #550
1149 S. Broadway, 4th Floor
Los Angeles, CA 90015
PHONE #: (213) 847-3077
FAX: (213) 847-3033

MESSAGE: The Urban Forestry Division received the following permit request to remove trees.

REQUESTER'S INFO: City of Los Angeles Bureau of Street Services.
c/o Sidewalk Repair Program
1149 S Broadway 4th Floor
Los Angeles, CA 90015

PERMIT TYPE: No-Fee Permit

TREE LOCATION: 750 S Spaulding Av Bid Pkg # 23 CRM # 1-805376691
Los Angeles, CA 90036 Location # 1027 WO #

TREE QUANTITY AND SPECIES: (12) Indian Laurel Fig (Ficus microcarpa)

REASON FOR REQUEST: Sidewalk Repair Program

CEQA: The tree removal(s) is/are (1) classified as operation, repair, maintenance or minor alteration of existing street, sidewalk, and gutter, involving negligible or no expansion of use beyond that previously existing; and does not involve the removal of a scenic resource; (2) the action is exempt under Article III, Section 1, Class 1, Category 3 (existing facilities - sidewalk repair or maintenance) of the City of Los Angeles Environmental Quality Act Guidelines (2002); and (3) none of the exceptions to the use of a categorical exemption as set forth in Section 15300.2 of the State CEQA Guidelines apply.

TREE REPLACEMENT REQUIREMENTS:

PLANTING QUANTITY AND SPECIES: (12) 24-inch box size Natchez Crape Myrtle (Lagerstroemia natchez)
(12) 24-inch box size Chinese Fringe (Chionanthus retusus)

FOR BUREAU OF STREET SERVICES USE ONLY

- The above request has been reviewed and approved.
- The above request is denied.

APPROVED BY: _____

DATE APPROVED: _____



Maricel El-Amin <maricel.el-amin@lacity.org>

Tree Removal Notification - 750 S Spaulding

1 message

Maricel El-Amin <maricel.el-amin@lacity.org>

Wed, Dec 27, 2017 at 12:56 PM

To: Alice Roth <alice.roth@lacity.org>, Yena Ji <yena.ji@lacity.org>, Daniel Park <daniel.park@lacity.org>, Nikki Ezhari <nikki.ezhari@lacity.org>, Adeena Bleich <adeena.bleich@lacity.org>, Ryan Allen <rallen@labteam.org>

Please see attached.

 750 S Spaulding Av.pdf
15K



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission, City Council, Director of Planning

Regarding Case Number: BPW 2018-0111 (including CEQA exemption Determination regarding Tree Removal)

Project Address: 750 South Spaulding Ave. Los Angeles, CA 90036

Final Date to Appeal: 02/14/2018

- Type of Appeal: Appeal by Applicant/Owner, Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved, Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print):

Company: 1) United Neighborhoods for Los Angeles & 2) Eastside Nature Alliance

Mailing Address: 1)2141 Cahuenga Blvd. Apt 17 Los Angeles CA 90068; 2)405 S. Fetterly, Los Angeles, CA 90022

City: State: Zip:

Telephone: E-mail:

- Is the appeal being filed on your behalf or on behalf of another party, organization or company? Self, Other
Is the appeal being filed to support the original applicant's position? Yes, No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable):

Company: 1) Venkus & Associates; 2) Mitchell M. Tsai, Attorney at Law

Mailing Address: 1055 Wilshire Blvd. #1660, Los Angeles, CA 90027; 155 S. El Molino Ave. 104, Pasadena, CA 911010

City: State: Zip:

Telephone: (805) 272-8628 Venkus & Associates E-mail: venkus@lawsv.com; mitch@mitsailsaw.com
(626) 381-9248 - Mitchell M. Tsai jsanders@lawsv.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 2/14/2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)