

# PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
N/A	ENV-2017-4260-CE	4-RYU
PROJECT ADDRESS: 1579 N. Lindacrest Drive		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Michael Manshel	310.985.5257	mmanshel@hudsonriverent.com
<input type="checkbox"/> New/Changed		
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jamie Hall	310-347-0050	Jamie.hall@channellawgroup.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Jason Chan	213-978-1310	<a href="mailto:Jason.chan@lacity.org">Jason.chan@lacity.org</a>
APPROVED PROJECT DESCRIPTION:		
A Haul Route for the export of approximately 3,106 cubic yards of earth material in conjunction with the proposed construction of a new 30-foot tall single-family dwelling with 1,830 square feet of residential floor area on a vacant 9,299 square foot lot zoned RE15-1.		

**COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)**

n/a

**ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:**

n/a

**FINAL ENTITLEMENTS NOT ADVANCING:**

n/a

**ITEMS APPEALED:**

LADBS Haul route and CEQA Class 32 Categorical Exemption

ATTACHMENTS:	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input type="checkbox"/> Letter of Determination <input type="checkbox"/> Findings of Fact <input type="checkbox"/> Staff Recommendation Report <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Ordinance <input type="checkbox"/> Zone Change Map <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input type="checkbox"/> Exhibit A - Site Plan <input type="checkbox"/> Mailing List <input type="checkbox"/> Land Use <input type="checkbox"/> Other _____	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption <input type="checkbox"/> Negative Declaration <input type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Mitigation Monitoring Program <input type="checkbox"/> Other _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

**NOTES / INSTRUCTION(S):** Yes No

\*If determination states administrative costs are recovered through fees, indicate "Yes".

**PLANNING COMMISSION:**

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission

- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

**PLANNING COMMISSION HEARING DATE:****COMMISSION VOTE:****LAST DAY TO APPEAL:****APPEALED:****TRANSMITTED BY:****TRANSMITTAL DATE:**

DEPARTMENT OF  
CITY PLANNING

CITY PLANNING COMMISSION

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RENEE DAKE WILSON  
VICE-PRESIDENT

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June 11, 2018

Honorable City Council  
City of Los Angeles  
Room 395, City Hall  
Los Angeles, CA 90012

Council File No. 18-0432

Attention: Planning and Land Use Management Committee

Honorable Members:

The following is a point by point rebuttal to the appeal by the representatives of Mr. David Shapiro regarding the haul route and CEQA exemption for the project at 1579 N. Lindacrest Drive. The appeal point is summarized in *italics*, followed by a response from the Director of Planning.

Appeal Point:

*The subject project, along with other projects in the surrounding hillside areas, produces cumulative impacts. Therefore, the project does not qualify for an Exemption, per the Exceptions criteria listed in 15300.2(b) "Cumulative impacts".*

Response:

The appeal lists a total of 19 other single-family residential projects within the City of Beverly Hills and the City of Los Angeles that are in various phases of design, permitting, and construction, under different ownership than the subject project applicant. No timeline is provided on each of these respective projects. Based on the observations and experience of DBS representatives who condition haul route timing, it is not expected that these projects would be conducting construction and/or hauling at the same time. Additionally, the closest nearby project site according to the appeal is at 1214 and 1218 Coldwater Canyon Drive, within the City of Beverly Hills, and is approximately 620 linear feet away from the subject site, and 2,100 feet away via city streets. The closest City of Los Angeles approved haul route was permitted between September 2014 and March 2017 for a project at 9469 Beverly Crest Drive.

"Cumulative impacts" as explained by 15300.2(b) states Categorical Exemptions are not applicable when "the cumulative impact of successive projects of the same type in the

same place, over time is significant." CEQA Section 15355 cumulative impacts is further defined as, "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Section 15358 describes effects as:

- (1) Direct or primary effects which are caused by the project and occur at the same time and place, and
- (2) Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.

It is determined that there are no cumulative impacts, because such impacts must occur at the same time and place. The proposed project is the construction of a single-family dwelling on a single individual lot that is zoned for such use. The project conforms to all building envelope requirements, and there is no phasing of development of the site beyond the instant request for the construction of a single-family dwelling. According to a Bureau of Engineering Referral form dated June 20, 2016, the portion of Lindacrest Drive that fronts the site has a roadway width of 20-feet and a right of way of 30-feet, and a 3-foot dedication is required. The form states that no Zoning Administrator Determination is required per 12.21-C,10(i)(2) or (3) because the continuous paved roadway to the boundary of the hillside area is at least 20-feet wide, and the street width fronting the site is also at least 20-feet wide. Finally, the appellants have provided no substantial evidence that the Proposed Project along with these other projects they have identified has the potential to result in a significant impact to the environment. There is no substantial evidence in the record supporting that this project along with other projects, even if they are of the same type in the same place, may result in transportation, noise or air quality impacts or any other environmental impacts. Traffic delay on local streets on its own is not a significant impact in the City. There is no evidence there will be significant impacts resulting from hazardous conditions due to design in relation to this project and other projects or lack of emergency access that would cause the need for new facilities pursuant to the City's Threshold Guide (2006). Construction noise is of a temporary nature and expected to be less than significant with compliance of the City's noise ordinance. Finally, exceedance of any air quality standards, which are cumulative standards, would not occur on a Proposed Project of this size. Absent specific evidence or claims put forward by the Appellants, there is no basis to find this exception applies to the Project.

Appeal point:

*The appeal argues that the Exceptions criteria to the Categorical Exemption does apply, per Section 15300.2(a) which states that the Location criteria is not satisfied, because the project that usually would be insignificant in its impact may be significant because it is located within a sensitive environment. Habitat linkages maps prepared by the Santa Monica Mountains Conservancy (SMMC) and the presence of trees indicate that the proposed project site has wildlife habitat value.*

Response:

The site is currently vacant, but is surrounded by development in all directions. Properties to the north, east, and south are zoned RE15-1 and developed with single-family dwellings. Properties to the west are located within the City of Beverly Hills and also developed with single-family dwellings. In the first instance, the SMMC maps are not "official maps." There is no federal, state or local law that grants SMMC authority to prepare habitat or wildlife corridors maps for official use. Additionally, SMMC did not prepare the maps in conjunction with any other government agency that has been granted such authority or expertise on these issues. There is no basis to find that the SMMC habitat linkage maps provide substantial evidence of habitat linkages in or around the project area. The map is prepared at a large community scale and is not site specific, and represents what it has identified as potential wildlife corridors. SMMC disclaimed that the preparation of portions of the map was performed by google maps and accumulated staff knowledge, and was not verified by ground surveys, or field checked by wildlife and biology experts. There is no evidence the City has seen or found that demonstrates any expert in wildlife corridors was involved in the preparation of the map and/or verified the actual existence of wildlife in its identified corridors. Thus, these maps do not act as the expert opinion necessary to act as substantial evidence.

As to the Appellant's claims that the City is required to conform to policies in the 1979 Plan, neither the City nor properties located within City boundaries are required to conform with the policy recommendations set forth in the 1979 Santa Monica Mountains Comprehensive Plan. Rather the August 29, 1979 City resolution regarding the Plan states only that the City will implement "SMMC Plans policies only pursuant to duly enacted ordinances or to adopted General or Community Plans". Thus, to the extent the City implements the SMMC Plan it does so only through conformance with City's own adopted ordinances and laws, and the City is not required to conform to any specific policy language set forth in the SMMC Plan itself.

The site was field verified by a licensed landscape architect retained by the property owner who certified that there are no protected trees on-site, and that there are fourteen non-protected trees. Of these trees, only two are significant due to their size. There are two protected trees on adjacent lots that will be protected during construction. A supplemental statement by the same Landscape Architect expressed a professional opinion that there is no existing wildlife or habitat value because of the non-native/non-protected trees.

Thus, because the project is not located within a sensitive environment, the Location criteria of the Exceptions provision does not apply.

Appeal point:

*The project does not qualify for an exemption, as the site cannot be served adequately by the existing aged sewer and water lines and street/emergency infrastructure, and inconsistent with the Safety Element and Mobility Element of the General Plan.*

Response:

According to Navigate LA, the existing sewer and water lines were installed in July 1926, but there is no evidence that the addition of one single-family dwelling in a fully developed

area introduces a significant population increase that would overtax the existing infrastructure.

While emergency access in hillside areas is a constant concern, the issues raised by the appeal can be addressed by proper enforcement of existing regulations. For example, the appeal states that residents need to call City Departments numerous times when issues arise and the prospect of earth hauling vehicles would further worsen congestion, and pedestrian safety due to the lack of sidewalks. However, the LADBS haul route approval addresses these concerns by offering conditions on hours of export, vehicle staging, flag attendants, and signage. Diligent enforcement of these conditions of approval will minimize any adverse impacts. Finally, there is no evidence that the project is inconsistent with the policies and goals of the General Plan.

Appeal point:

*The project is not exempt from CEQA because of conditions of approval and deferred mitigation.*

Response:

Mitigation measures are only applicable if required to minimize or avoid a significant impact resulting from a proposed project. Mitigation is not required where there is no impact, or a less than significant impact. Since the project does not create any impact in any category, there is no mitigation required. The conditions of approval are not mitigation measures but generally applicable regulatory compliance measures typically included in haul route permits related to the haul route findings. While these conditions of approval are specific to the instant request, they are standardized and not specific to the site, because they could be applied to similar projects. Many of the conditions are considered best management practices that are also standardized and prescriptive in nature, and not considered mitigation measures. In addition, there is no deferred mitigation because no mitigation measures are required. The court cases mentioned in the appeal do not apply to this project, because no further technical studies are required to evaluate potential impacts.

Appeal point:

*The project is not exempt from CEQA due to unusual circumstances.*

Response:

There are no unusual circumstances that apply to the subject property. The site is within a fully developed area with adequate infrastructure. The project complies with the underlying zone, land use, and building envelope requirements. The lot features 9,300 square feet of area which is less than the 15,000 minimum lot area required for the RE15-1 zone. However, this condition is common to surrounding lots. In addition, the maximum floor area is proportional to the lot area and slope, per the requirements of LAMC Section 12.21-C,10(b). The project size and location do not distinguish itself from others in the vicinity.

Appeal point:

*The project is located within a hazardous area*

Response:

The project site is located within a Special Grading Area, Hillside Area, a Landslide Area, Very High Fire Hazard Severity Zone and a Methane Zone, but not located within a Liquefaction area, a Methane zone, or Alquist-Priolo Fault Zone. In order to determine project feasibility, a Geology and Soils Report was submitted to the Los Angeles Department of Building and Safety (LADBS), and a Geology and Soils Report Approval Letter (Log #96558) was issued on February 8, 2017 and details 61 conditions of approval which must be followed. In addition, a revised approval letter (Log #99534) was issued on September 6, 2017 in response to geologic study addendum submitted by the project engineer, which requires an additional 5 conditions of approval. To address fire concerns in the hillsides, fire sprinklers are required for the project per Code Section 12.21-C,10(h). In addition, fire hydrants, Fire Department Access, and other Fire Safety regulations must be reviewed and approved by the Los Angeles Fire Department before permits can be issued.

In conclusion, the Director of Planning finds that the CEQA exemption ENV-2017-4260-CE is sufficient environmental clearance for the haul route approval for the project at 1579 N. Lindacrest Drive. For further questions, contact Jason Chan, City Planner at 213-978-1310.

Sincerely,



Faisal Roble  
Principal City Planner  
West/South Project Planning