

CITY OF LOS ANGELES

HISTORIC HIGHLAND PARK NEIGHBORHOOD COUNCIL

Post Office Box 50791
Los Angeles, CA 90050
<http://www.highlandparknc.com>
Certified as NC #33 May 28, 2002

CALIFORNIA



DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT

200 N. Spring St. Ste.2005
Los Angeles, CA 90012
Telephone: (213) 978-1551

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October 3, 2019

Los Angeles City Planning Department
c/o Joann Lim, City Planning Associate
200 N. Spring Street, Room 763
Los Angeles, CA 90012

Re: HHPNC Land Use Committee Letter of Support for the Appeal of Proposed Project at 616-620 N. Avenue 66, Los Angeles, CA 90042 (VTT-82095-SL; ZA 2018-4804-ZAA; ENV-2018-2351-CE)

Los Angeles City Planning Department,

The Historic Highland Park Neighborhood Council (HHPNC) represents over 60,000 Los Angeles Stakeholders who reside, own property, or conduct business in the neighborhoods of Highland Park and Garvanza. The purpose of this letter is to remind the Los Angeles City Planning Department that the HHPNC rescinded their previous letter dated July 5, 2018 in support of the project and that the HHPNC supports the appeal of the decision to grant the a Class 32 (In-Fill Development Projects) Categorical Exemption under the California Environmental Quality Act (CEQA).

The HHPNC initially supported the subject project as it was presented to the HHPNC Land Use Committee on June 19, 2018 and to the HHPNC on July 5, 2018. After further review of the project's scope and the potential adverse environmental impact caused by the project to the site and surrounding area, HHPNC was no longer able to support the project as proposed. Attached is a letter from Diana Zogran, HP, ELC, which was presented to the past HHPNC during an emergency session on Saturday, December 8th which highlights concerns from

stakeholders. On January 3, 2019, a letter on behalf the former HHPNC General Board was submitted rescinding their support of the project at 616-620 N Ave 66.

The current HHPNC General Board is Supporting the Appeal for the project at 616-620 N Ave 66. This council is concerned with:

- The removal of at least 5 mature protected trees, including oak trees.
- The requirement that several thousand cubic yards of soil be removed from the site and the associated impact to air quality.
- The steep nature of the slope slated for development.
- Impacts to wildlife using this area as a corridor.
- Sewer connections on such a steep slope.
- Limited firefighting access on a substandard street.
- The fact that they withheld information and details on the project in the past.
- The amount of community stakeholders organized against the project as it stands.

HHPNC still does not believe that the project qualifies for a Class 32 (In-Fill Development Projects) Categorical Exemption under the California Environmental Quality Act (CEQA).

Sincerely,

Stephanie Maynetto-Jackson
Historic Highland Park Neighborhood Council President

Attachment: Letter from Diana Zogran, HP, ELC

CC: Council District 14

Los Angeles Deputy Advisory Agency/Associate Zoning Administrator
c/o Joann Lim, City Planning Associate City of Los
Angeles 200 N Spring Street, Room 763 Los Angeles,
CA 90012 Via email: Joann.Lim@LACity.org

Re: 616-620 North Avenue 66 (VTT-82095-SL; ZA 2018-4804-ZAA; ENV-2018-2351-CE)

Dear Deputy Advisory Agency and Zoning Administrator,

I am writing in respect to the City of Los Angeles' consideration of the subject application that would cause an entire hillside ecosystem to be demolished and rebuilt with concrete and compacted soil. Over 4,400 cubic yards of earth will be hauled off site, retaining walls will be put in, and four protected trees will be cut down.

This letter is intended to inform the City of Los Angeles ("City") that the Project is NOT eligible for the Class 32 "Infill" Categorical Exemption (CEQA Guideline Section 15332), hereafter referred to as the Class 32 Exemption, which exempts infill development within urbanized areas if it meets certain criteria.

According to the CEQA Guidelines, a project must meet the following conditions to qualify for a Class 32 exemption:

- (a) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (b). The project site has no value as habitat for endangered, rare or threatened species.
- (c) The project may cause a substantial adverse change in the significance of an historical resource.

The Class 32 exemption is intended to promote infill development within urbanized areas. The CEQA Guidelines note that the class "consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects."

The Project Does Not Qualify for the Class 32 Exemption Because the Project Would Result in Significant Noise Relating to the removal of over 4,400 cubic yards of earth.

The Project will have significant environmental impacts that were not analyzed - mainly, noise and geology and soils. The City has acknowledged these potentially foreseeable impacts unique to hillsides when they analyzed a proposal to grade an even lesser amount of soil for a project at 8426 W Brier Drive in Laurel Canyon in November of 2017. See ENV-2015-2587-MND.

The MND for the Brier Project with regard to noise said,

"Construction activities can generate varying degrees of vibration depending on the construction procedures and they type of equipment used. High levels of vibration may cause physical personal injury or damage to buildings. The operation of construction equipment generates vibrations that spread through the ground...With mitigation measures a less than significant environmental impact may result for the project".

Mitigation measure 12-20 was then adopted for the Brier Project - which went above and beyond what the municipal code required. The City also concluded that the Brier Drive Project would have a potentially significant impact on geology and soils. Shockingly, however, no such similar analysis seems to have been conducted for the Avenue 66 project.

The Project Does Not Qualify for the Class 32 Exemption Because the Project Will Have a Significant Impact on Biological Resources

a. California Black *Walnut* Trees are a Threatened or Rare Species Another requirement for a Class 32 exemption to apply is, "The project site has no value as habitat for endangered, rare or threatened species." Guidelines, § 15332, subdivision (C). CEQA Guidelines Section 15380(b)(2) provide a definition for "endangered, rare or threatened species:

The Southern California Black Walnut (scientific name is *Juglans c. v. californica*) meets the definition of a threatened or rare species outlined in § 15380(b) of the CEQA Guidelines because of its limited range and threat by development activity. In fact, the International Union for the Conservation of Nature ("IUCN") has listed the tree as "Vulnerable" within the "Threatened" category in terms of its conservation status, with "development" identified as a primary threat. (AR 0380). However, the application proposes to cut down a Southern California Black Walnut.

b. The project proposes to cut down 4 protected trees (3 Coast Live oaks, 1 Southern California black walnut). Long standing City policy is to provide mitigation by replacing protected trees on a 4:1 ratio. The required replacement tree mitigation plan has not been made available as requested for expert review, but it's likely this property will not be able to support the proposed protected replacement trees if built upon as proposed by the applicant. There is a tree carrying capacity built into every piece of land. Significantly reducing the planting space and quadrupling the number of trees is biologically and horticulturally unsound. However, as outlined in the Class 32 Exemption, any project that requires mitigation measures to reduce potential environmental impacts to less than significant is not available to the Class 32 Exemption. Additionally, in evaluating whether a categorical exemption may apply, a public 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 Prot. & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098. As held in *Salmon*, if a project requires mitigation measures it cannot be approved via categorical exemption.

The Project Does Not Qualify for the Class 32 Exemption Because the Project Will Have a Significant Impact on Biological Resources

The project site is listed as a Historic Resource and is listed in Historic Places LA website.

Given the above, I respectfully request that you decline the application because the proposed project does not meet the standard of eligibility under the Class 32 Exemption.

Respectfully,

diana zogran HP, ELC

Environmental Biologist

Environmental Health Committee Chair

Neighborhood Council Sustainability Alliance

818.761.1688

Advancing sustainability and resilience across Los Angeles through advocacy, sharing of best practices, and community action