

La Prada/Hillandale/Delphi Concerned Residents

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March 25, 2022

STATEMENT OF REASONS FOR APPEAL

VIA ELECTRONIC UPLOAD

City of Los Angeles Dept. of City Planning 221 N. Figueroa St.,
Suite 1350 Los Angeles, CA 90012

Vincent Bertoni, Planning Director

RE Case No.: VTT-82838-SL (Related Case: ADM-2019-5444-SLD Address:
6021, 6025, 6029 East La Prada Planning Area: CEQA: ENV-2019-5445-CE)

The La Prada/Hillandale/Delphi Concerned Residents, a neighborhood group consisting of La Prada Street, Hillandale Drive, Delphi Street and Figueroa Street residents, ("Residents" or "Appellants") submit this letter in support of their appeal. This letter outlines the justifications for the appeal of the Vesting Tentative Tract for the 6021, 6025, 6029 La Prada project ("Project"), which was approved by the Advisory Agency on March 16, 2022. A hearing was held on May 19, 2020 before Deputy Advisory Agency Hearing Officer May Sirinopwongsagon. Residents bring this appeal because our members will be directly impacted by the Project.

Please keep Appellants on the list of interested persons to receive timely notice of all hearings, votes and determinations related to the proposed Project.

Pursuant to Public Resources Code Section 21167(f), please provide a copy of each and every notice issued by the City in connection with this Project. We adopt and incorporate by reference all Project objections raised by all others during the environmental review and land use entitlement processes for the Project.

I. OVERVIEW REASONS FOR THE APPEAL

We are a group of residents who have grave concerns for the safety and continuing well-being of our neighborhood due to this project and others that have been approved and/or built in the past several years.

A. Fire Safety Concerns

This project is being built in a very high fire severity zone.

Project Fails to Provide Adequate Fire Department Access.

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The current development plan will not be able to comply with the the fire department conditions/requirements as stated in the Letter of Determination (LOD).

The requirements/conditions set out in the LOD which are not met are listed below:

11.

d. **The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.**

e. **Fire Lane Requirements:**

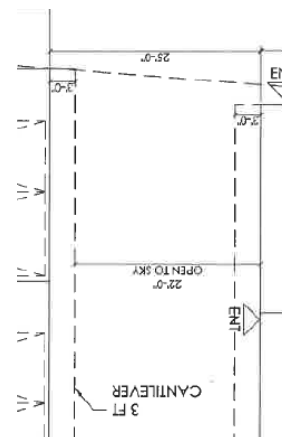
- **Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.**
 - **The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.**
 - **Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.**
 - **Submit plot plans indicating access road and turning area for Fire Department approval.**
- f. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
- g. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
- h. **No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.**
- k. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.

These requirements/conditions cannot be met with the current design.

The Fire Lane Requirements are not met.

The 22 foot clear to the side road which runs between Lots 1-6 and 7-12. Is not actually 22 feet clear to the sky. See that the road width is 25 feet but the cantilever of 3 feet each is on both sides. So the clear to the sky portion is actually 19 feet. See at right.

Additionally, there is no space for an approved turning area as required. There is not enough space for a fire lane. Since, the width of private roadways for general access use and fire lanes shall **not be less than 20 feet**, and **the fire lane must be clear to the sky**. See below the applicant's design plans which do not provide a 20 foot fire lane clear to the sky.



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Units 6, 12 and 18 are more than 150 feet from the roadway - La Prada. The curb is 6 inches, the Parkway is 108 inches, and the sidewalk is 48 inches. See below.

The front setback at Units 1 through 6 is 17 feet 11 inches, each unit is 24 feet 10 inches.

The distance is:

6 inches + 9 feet + 4 feet + 149 feet + 17 feet 11 inches = 180 feet 5 inches including Unit 6. The front edge (entrance) of Unit 6 is 155 feet two inches from the street (roadway).

The front setback at Lots 13- 18 is 15 feet. Each unit is 24 feet 7 inches:

6 inches + 9 feet + 4 feet + 150 feet 6 inches + 15 feet = 179 feet 5 including Unit 6. This violates condition h.

The front edge (entrance) of Unit 18 is 154 feet 10 inches from the street (roadway). In violation of condition

The front setback at Units 7 through 12 is 15 feet, each unit is 24 feet 3 inches.

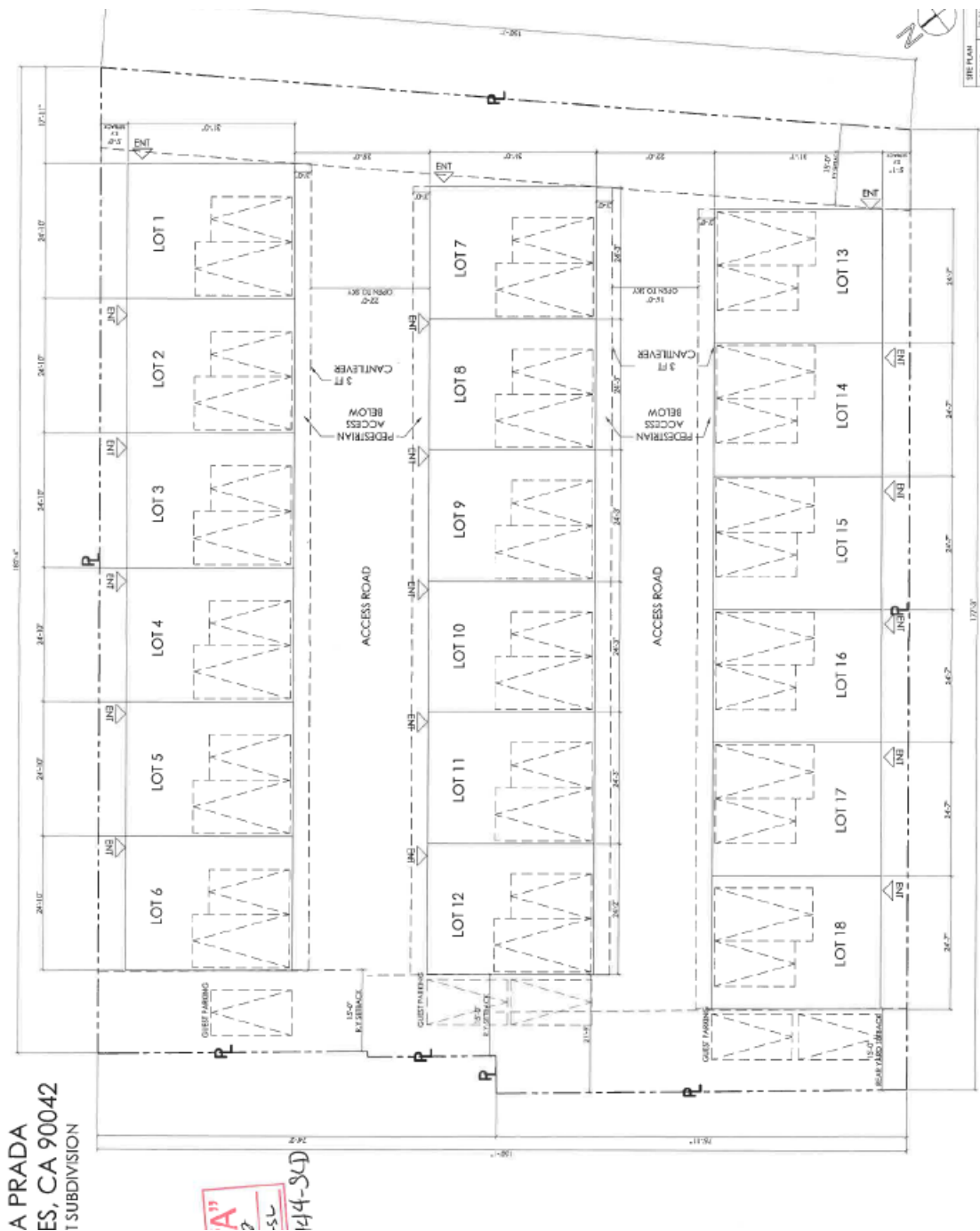
The distance is:

6 inches + 9 feet + 4 feet + 145.5 feet + 15 feet = 174 feet including Unit 12.

The front edge of Unit 6 is 150 feet nine inches from the street (roadway).

Below from page 23 of the LOD.

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The applicant did not ask for an exception to this Fire Department requirement. The applicant did not ask for relief from these conditions in his application. In any case in these times of Climate Change and increased fire risk if such an exception had been requested it should be denied. The safety of current and future residents must be secured. La Prada is a very steep street which makes Fire Department access difficult. Not providing sufficient fire lane access could prove deadly to residents at the project. The City cannot grant exceptions not requested in the application submitted.

With climate change and the more intense wildfire season and the extreme heights of the building it would be dangerous to waive the fire department requirements which are designed to keep the community safe. Indeed the 45 feet buildings which are attached to each other could go up in flames like virtual chimneys. Recall the recent Hermosa beach fire where the unit on fire spread to the buildings adjacent.

B. Building and Safety Concerns:

We, the concerned Residents of La Prada Street, Hillandale Drive and Delphi Street, demand that the applicant must provide **a professionally prepared Structural Plan, Grading Plan with cut and fill, and Erosion Plan that can be commented on and reviewed by residents before City approval (See Brown Act violation below)**. With two-thirds of the Project's non-street property line abutting three (3) single family homes, we have major concerns regarding the amount of grading to occur; the lack of any plans for retaining walls that would undoubtedly be necessary; the lack of information concerning the foundation plans and depth of excavation; the lack of information regarding hillside stability and erosion plans; and the seeming general absence of thought given to the proposed disturbance of the hillside's natural physical shape and neighboring vegetation.

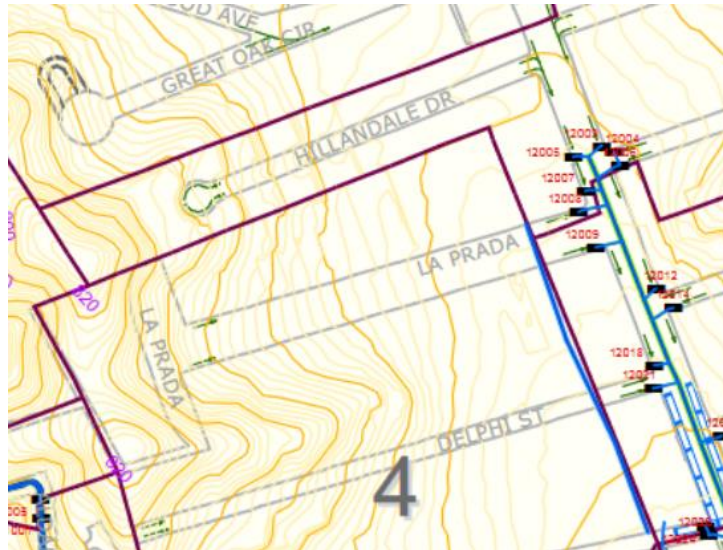
This is an error of commission or omission in the City's Decision Letter published on 16 March 2022. Given this, we seek appropriate redress of our concerns as owners and residents of the three (3) immediate adjacent single-family homes.

RATIONALE

Hillside Stability, Erosion Plan, Geological Reports

The applicant has not provided any evidence that the massive amounts of grading involved and tree removals will not cause immediate or future damage to the neighboring properties, several of which have trees and plants whose roots may be irreparably damaged by the proposed development plan. Given the steep slopes located on the lot, as well as the potential removal of a 40 to 60-foot tall protected Black Walnut – whose root structure likely extends far out under neighboring retaining walls – a Geological Report is requested and analysis of potential impacts on hillside stability and erosion must be explored to ensure the safety and longevity of the area and its surroundings.

On the right is the BOE Drainage Map showing the water flow direction on La Prada. We are concerned that the removal of the trees and increase in paved surfaces will cause water damage and erosion to abutting and downhill properties.



Errors Within Elevation Drawings

The North Elevation drawing on page 32 of the Decision Letter notes the **lowest** point of the property's grading as 725.36 feet above sea level, followed by an upward slope indicated by the lines of the drawing. This makes sense, given the slope of the lot. However, the South Elevation, East Elevation, and West Elevation drawings (on pages 29, 30 & 31 respectively) each also show the **highest** point of the property's grading being 725.36 feet above sea level. This is obviously incorrect. Not only does this call into question the accuracy of the plan and its drawings, but also causes confusion when attempting to ascertain the exact amount of grading necessary.

Furthermore, based on the limited amount of information presented in the Vesting Tentative Tract Map, one could reasonably estimate that the grading required to create the proposed Project would necessitate a retaining wall of approximately 20 to 25 feet in height between the finished grade noted on the proposed drawings (725.36 feet elevation) and that of the abutting properties (745-750 feet elevation). This is well over the current maximum permitted height of 12 feet, according to Ordinance 176445 of the Los Angeles Municipal Code. With no Structural or Grading Plans submitted, there is no way to see how the developer actually plans to accomplish the grading required for their plan and therefore should not be granted approval.

Lastly, the developer has suggested that they will be grading 999 cubic yards of earth – suspiciously close to the 1000 cubic yard limit that would necessitate Zoning

Administrator approval. With no Grading Plan submitted, there is no way to determine the accuracy or source of this number and proof must be supplied.

5-15% grade results in minimum slope problems increasing to significant slope problems. The maximum slope on this project has been calculated to be 17.7% from highest to lowest point. 15% is the maximum grade often considered on subdivision streets. Above 15%, roads must run diagonally to, rather than at right angles to contours increasing the amount of cut and fill. The amount of cut + fill submitted and approved is "999" cumulatively across the 3 lots. Looking at the rough length of contours, the contour interval, and the area of each numbered cell, the number of cubic yards that will be removed very much exceeds 999 cubic yards. We are very concerned about the stability of the surrounding foundations, the effect of excess grading on the hillside for earthquakes, and the amounts of dirt that will be hauled through our small community.

We request a copy of the slope density analysis, as well as the haul route.

C.. Traffic, Noise, Air Quality Concerns:

In the Decision Letter published on March 16, 2022, page 14 of said letter states the following.

"FINDINGS OF FACT (CEQA)

The Advisory Agency determines that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets the following criteria: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the 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; and (e) The site can be adequately served by all required utilities and public services."

We, the Concerned Residents of La Prada Street, Hillandale Drive and Delphi Street, assert that **there will be significant impact to traffic, noise and air quality with the addition of the described 18-units on this site.** This is an error of commission or

omission in the referenced report from the City. Given this, we seek appropriate redress of our concerns as owners and residents of the three (3) immediately adjacent single-family homes.

RATIONALE

The immediate surroundings of the three lots to be developed are bounded by single-family residences on more than two-thirds of the perimeter of the site. There will be a significant increase in noise from multiple sources:

- 1. Vehicle traffic** [*Over 40 vehicles: two per unit (36) and 5 guest vehicles*] – previously at most 12 vehicles over the three lots
- 2. Eighteen (18) roof-top decks** at ~40 feet above grade – previously non-existent residential features for single story structures on the three lots
- 3. Thirty-Six (36) waste receptacles** to be collected and dumped – absence of waste removal plan
- 4. Close proximity of rear-facing windows and/or balconies** adjacent to neighboring single family homes – previously non-existent issue due to easement between site and three single-family homes

Traffic & Parking Concerns:

Residents currently have difficulty finding parking as indicated in the HHPNC Parking Study. This causes residents to have to circle continuously and to park with an idling motor to find parking. These has caused an increase in traffic on our streets and has made it dangerous for pedestrians. La Prada has apartments for the blind. These residents are particularly vulnerable.

Traffic Light will be needed on La Prada and Figueroa

ENVIRONMENTAL CONCERNS:

In the Decision Letter published on 16 March 2022, page 14 of said letter states the following.

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The Advisory Agency determines that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to

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We, the Concerned Residents of La Prada Street and Hillandale Drive, assert that **there are threatened species on the site. Further, the information provided on Page 2, Question 14 on the CP-6111 Subdivider's Statement Form, submitted 9/10/19 contains incorrect information regarding protected and unprotected trees, quantity and size, in regard to the mass tree removal.** This is an error of commission or omission in the referenced report from the City. Given this, we seek appropriate redress of our concerns as owners and residents of the three (3) immediately adjacent single-family homes.

RATIONALE

The site for proposed development includes at least two protected trees, and numerous large and mature trees that are greater than 12” in diameter. The “Vesting Tentative Tract No.82838” revised map submitted to the Los Angeles Department of City Planning on December 17, 2021 shows proposed removal of a minimum of 8 trees in excess of 12” in diameter, including:

- a.) One 45’ tall, protected Southern California Black Walnut with a trunk diameter of 30 inches and a canopy of over 32 feet.
- b.) One 25’ tall, protected Sambucus (Mexican Elderberry) with a trunk diameter of 28” and a canopy of 22 feet.*
- c.) One 60’ tall Washingtonia robusta with a trunk well in excess of 12 inches.

These trees (along with the others which are in excess of 12” in diameter) are clearly listed on the revised map submitted to the City Department of Planning on December

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17, 2021. This map includes the diameter of each tree, showing many exceed 12" in diameter. Question 14 on the CP-6111 Subdivider's Statement Form is answered as follows:

Are there any protected trees (Oaks, Western Sycamore, California Bay, and/or Southern California Black Walnut) on this property? Yes (X) No ()

How many? 1

If Yes, how many are 4 inches or more in diameter? 0

How many absolutely must be removed? 1

Are there other trees 12 inches or more in diameter? Yes (X) No ()

If yes, how many? 4 How many must be removed? 4

*Ordinance 186873, an ordinance amending provisions of Sections 12.21, 17.02, 17.05, 17.06, 17.51, 46.00, 46.01, 46.02, 46.03, 46.04, and 46.06 of the Los Angeles Municipal Code (LAMC) to include the Mexican Elderberry.

Design does not comply with Small Lot Ordinance Design Standards.

We incorporate the paragraphs below.

II. GROUNDS FOR APPEAL

The Advisory Agency erred and abused its discretion in approving the VTT as set forth below.

Petitioners incorporate all previous paragraphs as if fully set forth.

A. The Map and Subdivision are Inconsistent with General and Specific Plan

The Subdivision Map Act requires that a proposed project be consistent with all applicable general and specific plans. Govt. Code §66473.5; Govt. Code §66474. The Advisory Agency erred when it determined that consistency findings could be made for the Project. The Project is not consistent with the Northeast Los Angeles Community Plan. We incorporate those concerns listed below.

B. The Advisory Agency Erred in Approving the Vesting Tentative Tract.

C. Brown Act Violation

A hearing was held on May 19, 2020 before Deputy Advisory Agency (DAA) hearing officer May Sirinopwongsagon. A number of residents attended this meeting and submitted letters of concern. At the hearing Sirinopwongsagon directed the applicant to meet with the Historic Highland Park Neighborhood Council (HHPNC) to come up with a better plan. The applicant's representative updated the design and met with the Neighborhood Council. Residents were still concerned and encouraged the developer to prepare a better design. The HHPNC issued a Community Impact Statement (CIS) (Exhibit A) expressing concerns. The hearing officer further asked if a slope density analysis had been performed to determine if the height proposed conformed with the Hillside Ordinance no such analysis has been included and the height of the building remains at 36 feet above what is allowed in the Hillside Ordinance.

Almost two years later, on March 16, 2022, a letter of decision was issued with a totally different design. The Public was not given shown this new design and was not given the opportunity to review or comment on this new design. This is a violation of the Brown Act, California Government Code sections 54960 and 54960.1. Residents were never shown this new design and a hearing was not held to allow the public to review and comment on this design. Instead, a decision was issued by a new DAA, Debbie Lawrence, with no reference to the public hearing, the comments made or the written concerns submitted.

The residents demand that the City take action to cure and correct under California Government Code sections 54960 and 54960.1 (the "**Brown Act**") its actions on March 16, 2022. Section 54960 of the Brown Act provides that "any interested person" may commence an action to stop or prevent violations of the Brown Act. Section 54960.1 of the Brown Act provides that "any interested person" may commence an action for a judicial determination that an action by a legislative body taken in violation of the Brown Act is null and void.

On behalf of the Residents, we respectfully demand that the Deputy Advisory Agency of the City of Los Angeles revisit and cure the Brown Act violations that occurred when the City approved an entirely new design without a hearing and in coordination with the developer without public purview or participation or the ability for the public to review and comment on the new design before the issuance of the Letter of Decision on March 16, 2022.

Within 30 days of the date of this demand, please cure and correct the challenged action and inform us, in writing, of the City's decision to cure or correct the challenged action. Cal. Government Code § 54960.1(c)(2). If the City does not take action to cure or correct the challenged action within 30 days of this letter's date, that inaction will be deemed as a decision to not cure or correct the challenged action. Cal. Government Code § 54960.1(c)(3). Please inform us of any meetings at which this request will be

considered.

The City denied Appellant administrative due process and violated the Brown Act a number of times throughout the administrative process. The City acted in a manner contrary to law on March 16, 2022, by not allowing the public to review or comment on this substantially new design, violating the Brown Act's requirements that the public be given an opportunity for its comments to be considered by the City Council. Further since none of the public's oral or written comments and concerns are acknowledged, it is not clear that any of these concerns were considered by DAA Lawrence who issued the decision.

D. A zoning administrator's determination is required:

1. The applicant's requests in the different applications submitted for this project were not consistent. The applicant mentions 4 guest parking spots in one application and 5 in another.
2. The City is granting items not requested by the applicant. The applicant is using the rear yard for parking and did not request this. The applicant is using tandem parking for guest parking which is not allowed.
3. Retaining walls will be needed and are not specified in the plans.
4. It is not feasible that this project will only require the removal of 999 cubic yards of earth. A Haul route is needed. Applicant is clearly going to need to remove more than 999 cubic yards of earth for this project.
5. Changes were made from to the original design to the current design and the public was not able to review or comment on these changes.
6. There are health and safety issues to be considered in this design. The design does not have adequate turn around space for fire department equipment. The doorway of at least one of the units is more than 150 feet from the roadway. These units are being built in a very high severity fire zone. There will be substantial noise increases to a currently quiet hilltop neighborhood from the rooftop decks. There are safety issues to the foundations and retaining walls of neighboring properties. There are safety issues from erosion and waterflow from the grading for this project and the removal of all of the mature trees currently on the property. This property will be all concrete and building except 5 %.
7. **Other Use and Yard Determinations by the Zoning Administrator. (Amended by Ord. No. 177,103, Eff. 12/18/05.)** The Zoning Administrator shall have authority to determine other uses, in addition to those specifically listed in this article, which may be permitted in each of the various zones, when in his or her judgment, the other uses are similar to and no more objectionable to the public welfare than those listed.

The Zoning Administrator shall also have authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation.

E. The Project is Likely to Cause Substantial Environmental Damage

1. Appellants are concerned that the City is building 45 foot tall building too close to an earthquake fault. The project is within the Raymond Fault Zone.
2. We incorporate the objections listed below and in previous paragraphs.

F. The Project is Likely to Cause Serious Public Health Problems and the Site is Physically Unsuitable for the Density Proposed.

Two other required findings that must be made under the Subdivision Map Act are as follows: (1) "The design of the subdivision and the proposed improvements are not likely to cause serious public health problems," and (2) "The site is physically suitable for the proposed density of development." Govt. Code §66474(f); Govt. Code §66474(c).

The Advisory Agency erred when it determined that both of these required findings could be made for the Project. The City has made findings under Gov. Code§ 66474(c) and (d), finding that "the site is physically suitable for the proposed type of development," and the site is physically suitable for the proposed density of development," but the City abused its discretion in making these findings, because they are not true, and are not supported by substantial evidence in the record.

As indicated in the Parking Survey conducted by the HHPNC, there will be increased parking problems. Already residents report difficulty finding parking. Residents must circle numerous times to find parking, this increases traffic problems with cars sitting and waiting in dangerous locations to nab a parking space. This additionally increases pollution to area residents with idling vehicles increasing air and noise pollution. (See HHPNC CIS Exhibit A)

Additionally, noise pollution has been known to cause sleep problems and other health concerns. The construction noise, vehicle noise, and noise from roof top decks will increase the noise levels substantially. (See HHPNC CIS Exhibit A and Exhibit B).

The removal of 20 mature trees from the property on La Prada and the construction of buildings and hardscape which will cover 95 percent of the property will reduce shade to neighboring homes and increase the heat island effect to the surrounding community. Already, residents in Los Angeles are seeing more excessive heat days. This will impact resident's health, especially residents who cannot afford air conditioning.

Additionally, there are cumulative impacts to residents throughout Los Angeles from the removal of trees and construction of this type of project. From the Environmental Assessment Form:

iv. Lot Coverage. Indicate the percent of the total project that is proposed for:

Building footprint:	<u>50</u>	%
Paving/hardscape:	<u>45</u>	%
Landscaping:	<u>5</u>	%

The Proposed Approvals Would Violate California Environmental Quality Act (CEQA).

CEQA requires the City to conduct an adequate environmental review prior to making any formal decision regarding projects subject to the Act. (CEQA Guidelines § 15004). By improperly relying on a categorical exemption to environmental review, the City has failed to do so. We demand environmental review of this project.

A. The City Cannot Rely on a Class 32 Exception.

The City improperly relies on a Class 32 exemption to CEQA review. To rely on a Class 32 exemption, it is the City's burden to demonstrate, based on substantial evidence, that 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," and that approval of the Project "would not result in any significant effects relating to traffic, noise, air quality, or water quality." (CEQA Guidelines § 15332.) The City has not met this burden.

Moreover, the City does not have discretion to interpret the requirements included in CEQA's Class 32 exemption. The interpretation of the language of the guidelines implementing CEQA or the scope of a particular CEQA exemption presents "a question of law, subject to de novo review" by a court. (Fairbank v. City of Mill Valley (1999) 75 Cal.App.4th 1243, 1252; Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster (1997) 52 Cal.App.4th 1165, 1192.) "[A categorical] exemption can be relied on only if a factual evaluation of the agency's proposed activity reveals that it applies." (Muzzy Ranch Co. v. Solano County Airport Land Use Com. (2007) 41 Cal.4th 372, 386.) "[T]he agency invoking the [categorical] exemption has the burden of demonstrating" that substantial evidence supports its factual finding that the project fell within the exemption. (Ibid.)

1. The Project is NOT consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:

a. Northeast Los Angeles Community Plan

This development project does not comply with the Northeast General Plan which states,

Goal 1: A safe, secure, and attractive residential environment for all economic, age, and ethnic segments of the community.

Objective 1-1: To preserve and enhance existing residential neighborhoods.

Policy 1-1.1: Protect existing stable single-family and other lower density residential neighborhoods from encroachment by higher density residential and other uses that are incompatible as to scale and character or would otherwise diminish the quality of life.

Objective 1-3: To preserve and enhance the residential character and scale of existing single- and multi-family neighborhoods.

Policy 1-3.1: Protect the quality and scale of the residential environment through attention to the appearance of new construction including site planning and compatible building design.

The Northeast General Plan states:

Objective 1-5 To limit the intensity and density of development in hillside areas.

Program: Continue the implementation of the Citywide Hillside Ordinance.

1-5.3 Consider the steepness of the topography and the geologic stability in any proposal for development within the Plan area. Program: The Plan Map retains restrictive land use designations and zones in hillside areas because of topography, geologic stability.

MULTIPLE RESIDENTIAL Site Planning Multiple-residential projects should be designed, built and maintained to enhance their surroundings and provide amenities for residents. **Maintaining compatibility with the height and bulk of nearby structures is a crucial element in preserving neighborhood character. In general, all projects should minimize their obtrusiveness by attention to prevailing heights and setbacks** and can enhance compatibility through such measures as upper-floor step-backs.

An insensitively designed structure can negatively affect the character and quality of life in a neighborhood by being out of scale and incompatible with prevailing heights and setbacks.

The height of the project at 45 feet is clearly not “consistent with the surrounding uses”. It is much taller and larger and is out of scale with other projects in the neighborhood.

There are no structures taller than three stories on the north side of East La Prada. The tallest building is towards the bottom of the hill at 6079-6081-6083 La Prada at 35.5 feet. It is the first residential building on the north side of the street. Its neighbor below it is a parking lot for a commercial building. Since it is lower in elevation than its residential neighbor the height difference is not as impactful. The project at 6021-6025-6029 will tower over the downhill home. The 45 foot buildings will tower over the adjacent single family homes to the North, East and West of the project. The 45 foot buildings will have roof decks and third story balconies which will overlook the single family residences below the project. The residents adjacent expressed concerns that the balconies will encourage the residents to have loud parties with the noise carrying to an otherwise quiet neighborhood. This type of project is why Hillside Height zoning and height restrictions were implemented.

Further, the project will increase the density of the area in a manner which will diminish the quality of life of the neighborhood residents. Many children currently live on La Prada. The green space on La Prada is already limited. Residents and children use the center median for recreation. We have seen other projects in the greater Highland Park neighborhood built where the buyers overbuild and charge prices that the buyers have trouble affording. These overpriced luxury homes often have multiple families living in the residences to pay for the over large units with three and four cars per residence. These cars will end up parking on the green space median, double park and will jeopardize the safety of neighborhood children. The current proposal has 54 bedrooms. Since these are not child friendly units with green space there will probably be few children living at the site. As these new well to do residents begin to have families, they will probably seek homes with yards for their children. Which means this project will probably have few long-term residents.

b. HILLSIDE ORDINANCE –

ZIMAS lists this property as being RD 1.5 and within the Hillside Ordinance area. Small lot homes are free-standing single-family houses or dwellings, so the Hillside Ordinance applies.

One-Family Dwellings, Accessory Buildings and Additions. Hillside Regulations. Notwithstanding any other provisions of this Code to the contrary, the following regulations shall apply to any Major Remodel - Hillside, or construction of or addition to any One-Family Dwelling or Accessory Building on a Lot in the A1, A2 or RD Zones which is located in whole or in part in a Hillside Area as defined in Section [12.03](#) of this Code. **(Amended by Ord. No. 181,624, Eff. 5/9/11.)**

Height

On any lot with a slope, as measured from the lowest point of elevation of the lot to the highest, of 66 percent or less, the building or structure shall be limited to 36 feet in height as measured from grade. If the lot has a slope of greater than 66 percent, the building shall be limited to 45 feet in height as measured from grade.

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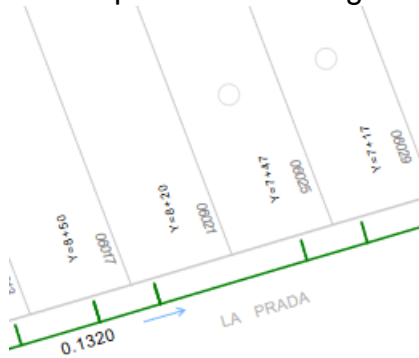
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The diagram below from LA ZIMAS <http://zimas.lacity.org/mapsheet.aspx?val=157-5A229> Bureau of Engineering Cadastral Map with Contours (5 ft Intervals)

- The slope at the rear of the property is more extreme than that at the front it is:
 $\text{slope} = m = (750 - 715)/(150.45) = 23.3\% \pm .5\%$
- The slope at the front of the property is: $\text{slope} = (727.5-707)/150.45 = 13.6\% \pm .5\%$

The slope m from the highest to the lowest point is:

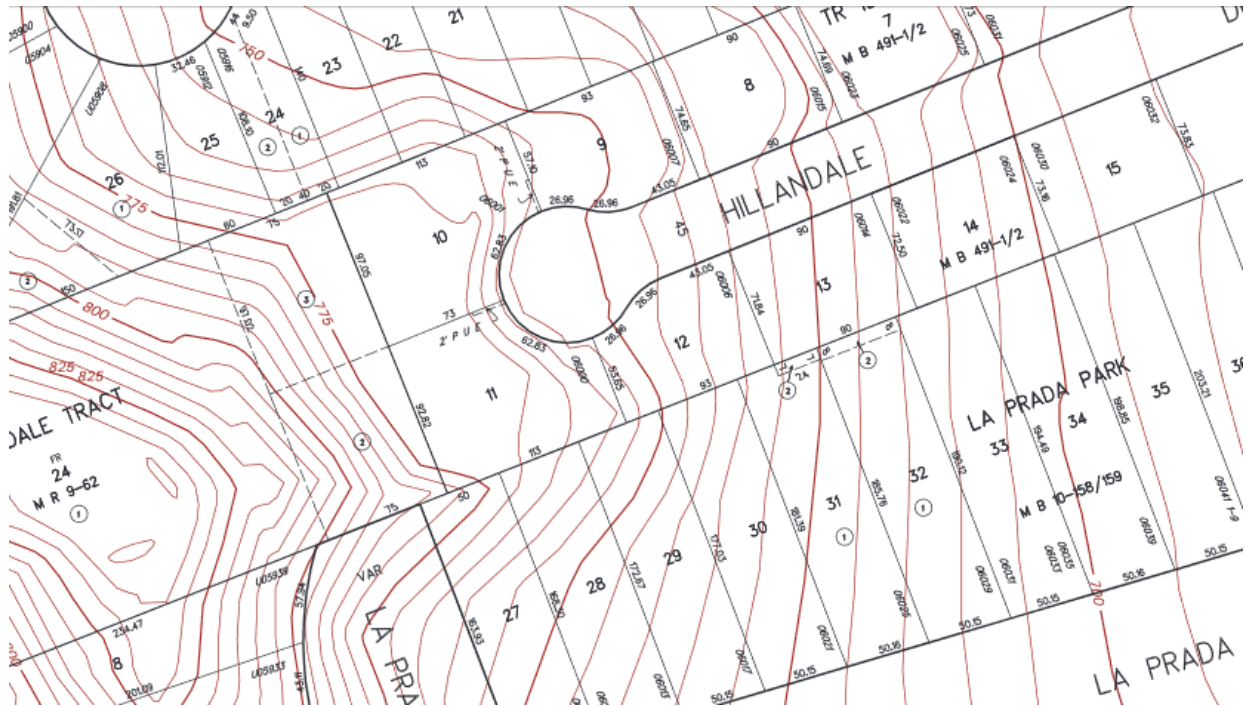
$$M = (750-707)/243.3 = 17.7 \%$$



The digital WYE map available at Navigatela.com at left confirms the approximate slope of 13.6 at the street near this project.

Therefore, the height is limited to 36 feet. Each of the small lots will be a one family dwelling. The new height at 41.7 feet still exceeds the height limit of 36 feet.

Further, if rooftop guardrails are located above the maximum permitted building height the applicant will need to request height relief and comply with the requirements for rooftop guardrails specified in the LAMC Section 12.21.1B3(a). In this case the rooftop guard rails extend to 40 feet. The applicant did not request height relief in his application. Additionally, a roof deck located above the maximum permitted building height it shall have an open design with no rooftop structures, as they count towards building height. The design shows a permanent table and seating area atop each deck.



From the Small Lots Subdivision, Frequently Asked Questions – July 2018,
<https://planning.lacity.org/ordinances/docs/smalllot/FAQs.pdf>

Do Small Lot Subdivisions increase the permitted height of a property?

Small Lot projects are limited in height by a subject property's height district. A Small lot project may request to increase its permitted height; however, this requires an additional request.

A request was not made with the initial application. Therefore, the zoning administrator or hearing officer cannot grant the request to exceed the height minimum.

Both the original and new design are above the height limit of 36 feet. The deck guardrails count toward the height as do any structures built on the deck. See Small Lot Design Standards – A. Building Design – 6 Roof Decks. The applicant did not make an additional request to exceed the permitted height so an increased height limit cannot be granted.

Moreover, the developer failed to fill out the required information on the Environmental Assessment Form. In Section 2 – Existing Conditions, E. Slope. State the percent of property which is: “Less than 10 %”. **The applicant wrote “TBD”**. This response is inadequate and the application should have been rejected. Approval of items not requested are also Brown Act violations. Not providing this information puts residents at a disadvantage in providing responses. Further the next choices at this section are: “10-15% slope” and “over 15% slope”. The form then informs the applicant that “If slopes above 10% exist, a **Topographic Map** will be required.” No topographic map was provided by the applicant, even though as indicated previously, the slope at the rear of the property is approximately 23.3% and at the front of the property is approximately

13.6, consequently a Topographic Map is required and has not been provided by the developer.

Additionally, according to the staff report the Director of Planning approved, Plans for the construction of 18 small lot units on March 18th, 2020 in ADM – 2019-5444-SLD, residents never received notice of this decision or any hearing related to this.

Apparently, the Director of Planning approved this as an “at-right” project meaning that no variances from code were requested. However, since the applicant/developer did not correctly fill in the document and a variance to the height and side lots are being requested, the administrative approval should not have been granted.

c. Small Lot Ordinance 185462 :

1. Second Floor Balconies are not steeped back a minimum of 5 feet from the perimeter of the roof’s edge.

Per the Small Lots Design Standards, “6. Roof Decks a. All roof decks along the project perimeter and abutting residential uses shall be stepped back a minimum of 5 feet from the roof edge, so that they are oriented away from and screened to prevent direct views of abutting residential neighbors. Roof decks facing a right-of-way are not required to be stepped back.” The purpose of this is to prevent direct views of abutting residential neighbors however, this design has 2nd floor balconies on units 1-6 and 13-18 which will do just that. Abutting neighbors will have the 2nd floor balconies overlooking their homes looking directly into their properties and possibly their windows. Additionally, these balconies are considered second floor decks in the plans. We object to this. This violates the intent of the design standards in protecting abutting neighbors’ privacy. Petitioners incorporate all previous paragraphs as if fully set forth

The new design has the 2nd Floor balconies overlooking the abutting single family residences.

2. Rear Yard set back is not provided as required. Rear yard is being used for parking.

LAMC 185462: 27.a. 8 (ii) states:

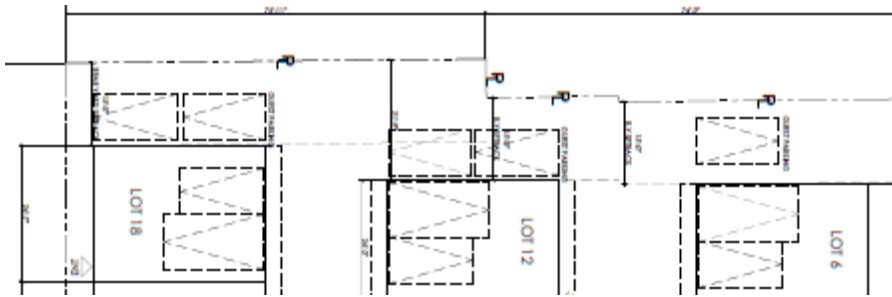
For a subdivision that does not share a property line with an R1 or more restrictive single family zone, the following shall apply:

- a. A minimum 5-foot yard shall be required along the Side Lot Line of the perimeter of the subdivision; and
- b. A minimum 10-foot yard shall be required along the Rear Lot Line of the perimeter of the subdivision, except that where the Rear Lot Line abuts an alley a minimum 5-foot rear yard shall be required along the perimeter of the subdivision.

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The applicant is not providing a true rear yard set back as required. The applicant is using part of the rear yard as (4) parking spaces. This is prohibited by LAMC 12.21C1 (g) **(Amended by Ord. No. 173,492, Eff. 10/10/00.)** Which states: “Every required front, side and rear yard shall be open and unobstructed from the ground to the sky, except for those projections permitted by Sections [12.08.5](#), [12.09.5](#) and [12.22](#).”

Placing a parking pad is obstructing the rear yard.



3. The applicant's measurements are inaccurate:

The length of the property per the City Clerk Land Records Map (Lot Cuts) shown below is 177.03 feet. In the applicant's drawings, a 15 foot front yard set back and a 15 foot rear yard set back is provided. The buildings measure 24 feet 7 inches each. This adds up to 177 feet 6 inches. $177'6'' > 177.03$, thus the applicant is using more land than is available.

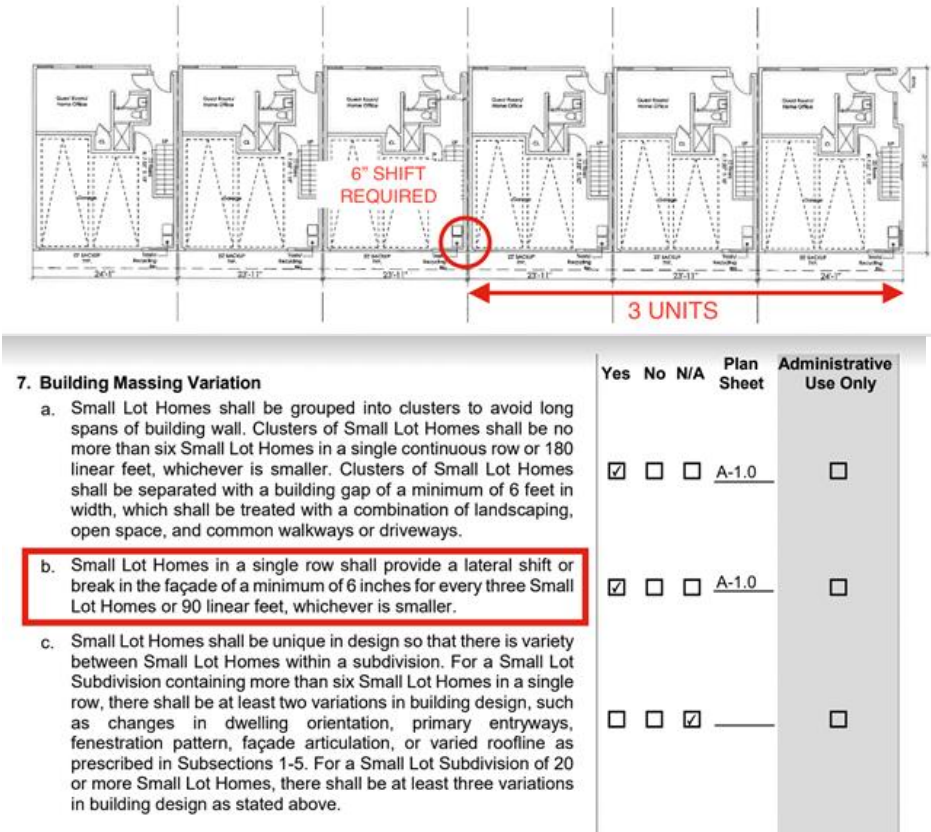


d. Small Lots Design Standards

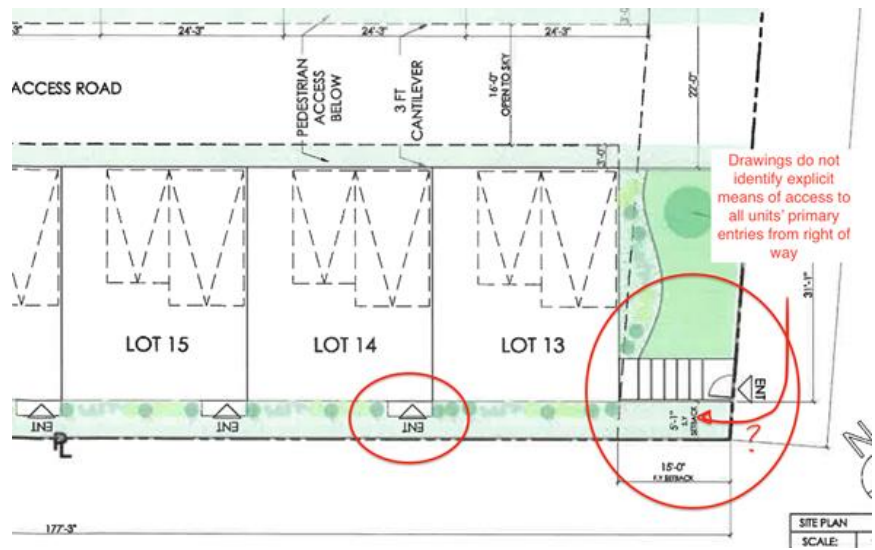
1. Building Massing Variation

Small Lot Homes in a single row shall provide a lateral shift or break in the façade of a minimum of 6 inches for every three Small Lot Homes or 90 linear feet, whichever is smaller.

- Variation in Building Massing : This was an item outlined in the previous CID, and still has not been addressed.



- Pedestrian Access Primary Entrance of Units from Right of Way : The current plan does not show any explicit continuous 3'-0" wide pedestrian pathway from the public right of way to the primary entrance of the units that do not abut the street.



B. PEDESTRIAN CONNECTIVITY AND ACCESS

1. Pedestrian Pathways

- a. Pedestrian pathways of a minimum width of 3 feet shall be provided from the right of-way to all primary entryways and common areas, such as common open space areas, guest parking, mailboxes, and centralized trash enclosures.
- b. A pedestrian pathway located within or parallel to a Common Access Driveway shall be constructed and/or treated with a change of materials, finishes, pattern, or paving that distinguishes the pathway from vehicular traffic.
- c. Small Lot Subdivisions of 20 or more Small Lot Homes shall provide pedestrian and bicycle access to surrounding neighborhood rights-of-way.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-1.0	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-1.1	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

- This is an error- should be checked N/A, as there are not 20 units

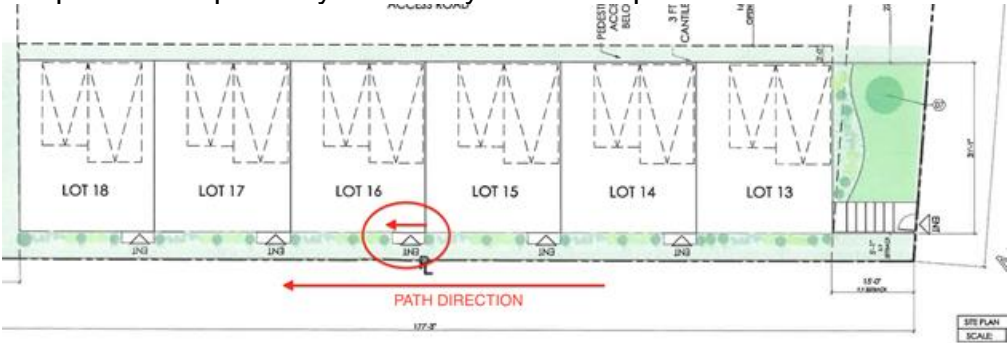
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-1.0	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-1.1	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

- Entrance Orientation : The small lot homes located in the interior of the subdivision shall orient primary entry toward ('orient toward' = perpendicular to) the pedestrian pathway. Currently shown as parallel



A. BUILDING DESIGN

1. Dwelling Orientation

- a. Small Lot Homes abutting a right-of-way, including a public street, walk street, public stairways ("right-of-way") or private street shall orient the primary entryway ("front door") toward the right-of-way or, where there is a physical site constraint, shall provide a clearly identifiable pedestrian entry to the site from the right-of-way.
- b. Small Lot Homes located in the interior of the subdivision shall orient the primary entryway toward and be visible from a pedestrian pathway that is connected to the right-of-way.
- c. Small Lot Homes that abut an alley shall orient the primary entryway toward the alley or shall be connected to a pedestrian pathway that leads directly to a right-of-way.

Yes	No	N/A	Plan Sheet	Administrative Use Only
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-1.0	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-1.0	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>

- Fences and Walls Abutting the Street: They have checked N/A. There are fences that do abut the right of way. N/A should not be checked

2. Fences/Walls

- a. Fences or walls abutting the street or common open space areas shall be decorative, including but not limited to latticework, ornamental fences, screen walls, hedges or dense shrubs or trees. Solid masonry walls along the right-of way are not permitted.
- b. Fences or walls abutting the right-of-way and within the yard shall provide a point of entry into each lot abutting the right-of-way.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>



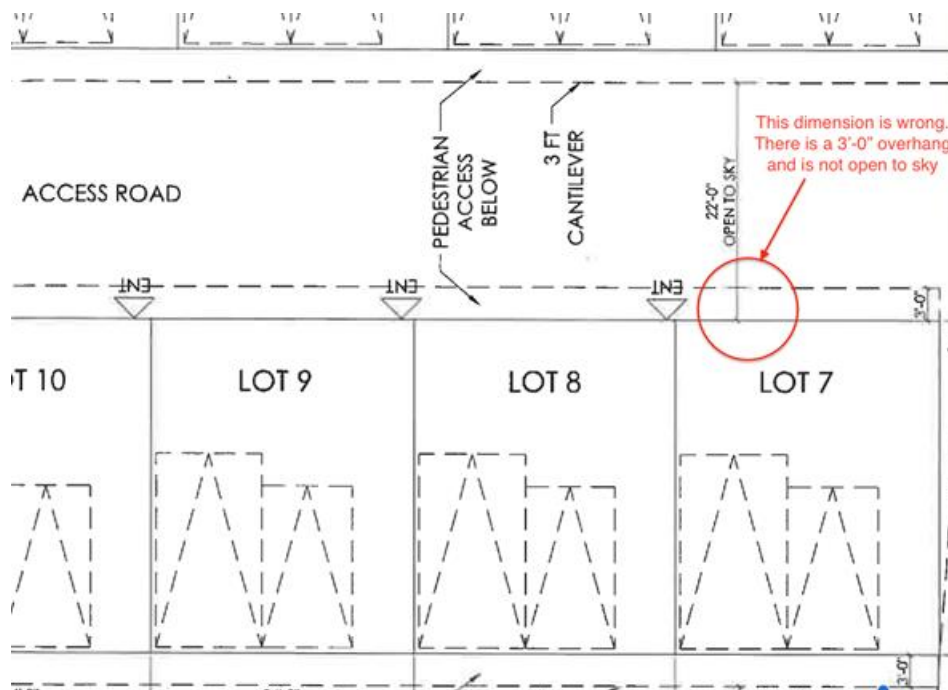
- Access Road : Given the current plans do not depict clear means of access to the furthest back unit (see pedestrian access item), it is unclear whether the 150'-0" max travel distance from the unit entry to the presumed fire lane (street) can be met.

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- the edge of a roadway, or an improved street, access road, or designated fire lane.
- The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

There is also a dimensional error on the site plan.



- A 3'-0" cantilever at the second story does not distinguish front door from rest of building façade.



2. Primary Entryways

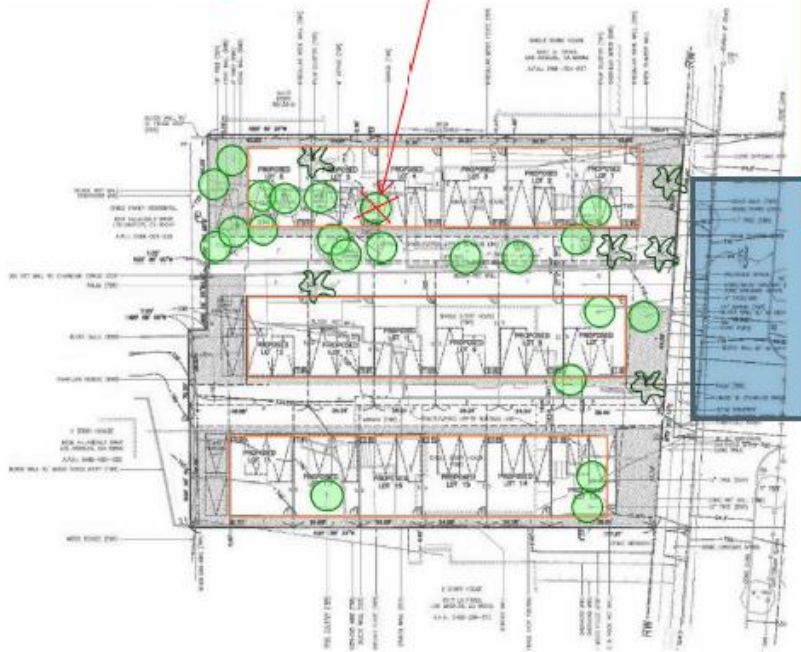
- a. All Small Lot Homes shall have a primary entryway. All primary entryways shall provide the address or unit identification, ornamental low-level lighting to illuminate the entry area, and a landing area.
- b. All primary entryways shall incorporate at least four of the following elements:
 - i. The entryway shall be recessed at least 2 feet from the building façade to create a covered porch or landing area.
 - ii. The doorway shall be recessed at least 3 inches from the building façade.
 - iii. The entryway shall be designed with an overhead projection of at least 6 inches such as an awning or other architectural design features so as to distinguish the front door from the rest of the building façade, unless prohibited by LAMC Section 12.22 C.20.
 - iv. The entryway shall be clearly marked with a side lite window panel, adjacent window, or a door with a window.
 - v. The entryway shall be raised or sunken at least one stair step from the pedestrian pathway.
 - vi. The entryway landing area shall be enhanced with unique paving material, texture, pattern, or color that is differentiated from the pedestrian pathway.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-3.0/1	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-3.0	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-3.0/1	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-3.0/1	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A-1.1	<input type="checkbox"/>

2. Design Concerns: Common Open Space and Lack of Green Space

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The diagram below highlights in green the number of trees that are to be removed from the project site per the proposed site plan. Without a proposed landscape plan, it is unclear whether the project's **required common open space** areas will meet the requirements outlined in the **Small Lots Design Standards**



- a. All setback and open areas not used for buildings, parking areas, driveway, pedestrian pathways, utilities, and common open space areas shall be extensively landscaped and maintained.
- b. Required Common Open Space Areas must:
 - i. Be open to the sky and have no structures that project into the common open space area, except as provided in Section 12.22 C.20(b).
 - ii. Be located at grade level, contiguous or connected, and readily accessible to all residents of the site.
 - iii. Have a minimum area of 300 sq. ft. with no horizontal dimension less than 15 feet when measured perpendicular from any point on each of the boundaries of the open space area. Driveways, parking spaces, or pedestrian pathways cannot be counted toward the open space requirement.
- c. The combination of required Common Open Space Areas shall be multi-functional and designed to accommodate a range of passive, active, or social uses with enhancements such as landscaping, activity lawn, swimming pools, spa, picnic tables, benches, children's play areas, ball courts, barbecue areas, sitting areas, decorative bike racks, and/or dog washing stations. Common open space areas may include enhanced side yards and rear yards that meet the minimum area and dimension requirement above.
- d. All yards of a subdivision abutting the right-of-way shall be improved with landscaping (combination of groundcover, shrubs, and trees) and amenities. Amenities may include: decorative fencing, uncovered patios, enhanced pedestrian pathways, garden walls, seating areas, and/or decorative bike racks.

p.26, *Small Lots Design Standards*

DESIGN CONCERNS: COMMON OPEN SPACE & LACK OF GREEN SPACE

The applicant chose this on his application, but it does not appear that the clear to the sky requirement is followed.

Violates common space by using rear yard for parking when the guideline states:

b. Required Common Open Space Areas must:

i. Be open to the sky and have no structures that project into the common open space area, except as provided in Section 12.22 C.20(b).

e. GRADING

Zoning Administrator's approval pursuant to Section 12.27119 is required for grading of 1,000 or more cubic yards resulting from compliance with off-street parking requirements. It is suspicious that the developer is claiming they only need to remove 999 cubic yards of earth right below the minimum 1000 feet for the zoning administrator's approval. We doubt that the developer can say that the project will only remove 999 cubic yards rather than 1000 cubic yards. Therefore, the project should be denied since the applicant did not ask for the Zoning Administrator's approval. Further,

the granting of ADM 2019-5444 was probably granted at right without discretion when actually the project needs Zoning Administrator or hearing officer approval for discretionary issues.

Zoning Administrator's approval is required depending on the amount of retaining walls required. No retaining walls are mentioned in hillside areas with extreme slopes. Neighbors have done extensive work on their foundations.

2. The Project May Result In Traffic and Noise Impacts.

The Project may also result in adverse traffic and noise impacts that prevent reliance on a Class 32 exemption. The impact of the significant underparking of the Project site would mean that "cars not parked on-site would need to park in the adjacent neighborhood, materially impacting an already-congested street parking scenario." Traffic impacts would result from residents circling the neighborhood, looking for available parking.

HHPNC Parking Survey

The HHPNC Parking Survey found that there is not enough parking for current residents. This project only has 4 guest parking spots which will further exacerbate the parking problems. Residents currently have to circle multiple times to find parking. Residents on other streets report that La Prada residents park on their streets. This circling causes more pollution and traffic problems. Residents are having difficulty turning onto Figueroa, an already congested street.

The Project may also result in adverse noise impacts on the surrounding community. The project has apparently only 5% green space at ground level and part of that, the backyard setback is being used for parking. Additionally, the front three units apparently will be the only ones allowed to use the front yard setbacks. Because no Zoning Administrator oversight was required for this project, the possibility of the Zoning Administrator determining that the "The open areas being placed on the rooftop would create uses that would be atypical of surrounding adjacent single family dwellings. It will bring in active uses on the rooftops of each of the three buildings that would potentially affect surrounding uses through noise and music." There was no oversight to determine the hours of use. The use of the rooftops as open space is an atypical use that could adversely impact the surrounding residential neighborhood. The City lacks the necessary substantial evidence to support a finding that the Project would not result in any significant traffic or noise impacts, and as such, cannot rely upon a Class 32 categorical exemption for the Project.

The Project could also result in adverse air quality impacts during construction for adjacent residents. Neighborhood children rely upon the center median to play. Families who live in apartments use the median for birthday parties for their children.

They will be negatively impacted by construction pollution and dust. The City must assess whether this impact could be significant.

3. Biological Resource Impacts

a. The Tree Report prepared by McKinley is almost three years old and was prepared before the Mexican Elderberry (*Sambucus mexicana*) and Toyon (*Heteromeles arbutifolia*) were listed as protected trees under the City of Los Angeles Protected Tree Ordinance 186873. A new report must be prepared which looks for Toyon. The report does list one Mexican Elderberry but does not list it as protected. There could be protected Toyon on the property as well.

b. Southern California Black Walnut

The project will remove a rare protected Southern California Black Walnut. The tree is listed as #15 at 6029 La Prada on the McKinley Tree Report dated April 21, 2019. The Letter of Decision mis-identifies the Southern California black Walnut trees in its findings of fact, page 14 “(c) The project site has no value as habitat for endangered, rare or threatened species;” However, the Southern California black walnut is designated S-3, which is considered vulnerable in the state due to a restricted range with relative few populations. An S-3 ranking indicates there are 21 to 80 occurrences of this community.

ENVIRONMENTAL CONCERNS:

in existence in California, S-2 has 6 to 20 occurrences. California Department of Fish and Wildlife considers plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3 and S-4 as sensitive and declining at the local and regional level (Sawyer et al. 2008).”

Guidelines, § 15332, subdivision (c). CEQA Guidelines Section 15380(b)(2) provide a definition for “endangered, rare or threatened species:

A species is rare when either: (A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or (B) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered “threatened” as that term is used in the Federal Endangered Species Act.”

Guidelines, § 15380. In simple terms, “threatened species” are likely to be at the brink in the near future. Guidelines, § 15380 (c) provide that a “species of animal or plant shall be presumed to be endangered, rare or threatened, if it is listed in the California Code of Regulations or Federal Regulations (14 Cal. Code Regs. § 670.2 or 50 Code Fed. Regs. § 17.12). However, even if a species is not listed on either of these lists, it shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b). (Guidelines, §15380(d).)

(c) According to the Finding of Fact used as Justification for Exemption issued by the City, the project site has no value as habitat for endangered, rare or threatened species; However, there is a protected Southern California Black Walnut tree on the hillside of 616-620 Avenue 66. The Southern California Black Walnut (whose 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 it has limited range and is threatened by development activity. 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.

The City’s CEQA Thresholds Guide acknowledges that the native tree should “be evaluated for consideration during preparation of environmental documents relating to CEQA.” Southern California Black Walnut trees are included in the City CEQA Thresholds Guidelines’ “Sensitive Species Compendium.” The status of this tree is listed as “4” – which means “Plants of limited distribution - a watch list.”

Los Angeles County Significant Ecological Areas program considers the Southern California Black Walnut to be endangered “due to loss of habitat from development....” They note that the tree provides food for wildlife including 29 species of birds and that the tree is wildfire resilient. See Exhibit C.

c. Mexican Elderberry (*Sambucus Mexicana*)

The tree report for this project was prepared almost three years ago. There is a protected Mexican Elderberry at 6029 La Prada. It is listed as tree number #20. The Mexican Elderberry and Toyon are native to California and require very little water. Both species produce berries, attract butterflies, birds, and other wildlife, and are important to maintaining natural habitats. When one of these trees is removed, the impacts go far beyond aesthetics and effect entire ecosystems. *Sambucus* (elderberry) may also be home to the longhorn elderberry beetle. Caterpillars thrive on these trees. It is also a great food source for the birds in the fall. Elderberry long horn beetles are endangered as well because of habitat loss.

- d. The Environmental Assessment Form at page 4, D. fails to list the protected trees and shrubs – Southern California Black Walnut and Mexican Elderberry. The failure to include these means that the DAA cannot allow the applicant to remove these trees. (This also is a Brown Act violation. The DAA is ruling on items not mentioned in the application.)
- e. The protected trees and other 18 trees many of which are mature provide habitat for wildlife.

a. Unusual Circumstances Pertaining to Biological Resources Renders Class 32 Environmental Exemption Unavailable

The Class 32 exemption is not available due to “unusual circumstances.” As noted in the Guidelines, “application of this exemption, as all categorical exemptions, is

limited by the factors described in section 15300.2.” Guidelines, §15332, Discussion. An exemption should be denied if one of the exceptions listed in section 15300.2 of the Guidelines applies. Section 15300.2, subdivision (c), of the Guidelines 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 exception cannot apply.

The City amended its Tree Ordinance in 2006 to add the Southern California Black Walnut to prohibit their removal without the issuance of a tree removal permit and a determination that removal was necessary in order to allow for reasonable development.

The unusual circumstances are the existence of *juglans californica* var. *californica* species individuals on the Project site which the Project would negatively impact.

A project would normally have a significant impact on biological resources if it could result in:

- The loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat;
- The loss of individuals or the reduction of existing habitat of a **locally designated species** or a reduction in a locally designated natural habitat or plant community;

B. Exceptions to Categorical Exemption Require Environmental Review.

Categorical exemptions from CEQA are subject to exceptions. Even if a project fits within a specified class of categorical exemption, the exemption is inapplicable if any of the exceptions to categorical exemptions apply. (CEQA Guidelines § 15300.2.) If an exception to a categorical exemption applies, CEQA review in the form of an MND or EIR must be conducted.

1. The Project Would Result in Cumulatively Considerable Impacts

A categorical exemption is “inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.” (CEQA Guidelines § 15300.2(b).)

La Prada has seen several projects built in the past few years. Across the street at 6026 La Prada the city of Los Angeles approved the project on September 19, 2018. It should be noted that this same developer, Matthew Hayden, was involved with this project as well. Preliminary work was begun on the project with construction impacts with crews parking in the median. Since that time the properties have remained vacant. They are an eyesore and have attracted drug dealers to the neighborhood. At 6044 La Prada, an apartment building was built. It is now a co-living building. These projects have caused problems in the neighborhood with parking, construction and disruption.

On Figueroa a number of projects have been build with inadequate parking. These buildings also have little green space and not enough parking. Although a number of them are still in construction when they ultimately open, the traffic impacts from not enough parking will be felt throughout the neighborhood. Already, down the street on Figueroa, vehicles circle, make illegal u-turns in attempts to find a parking space.

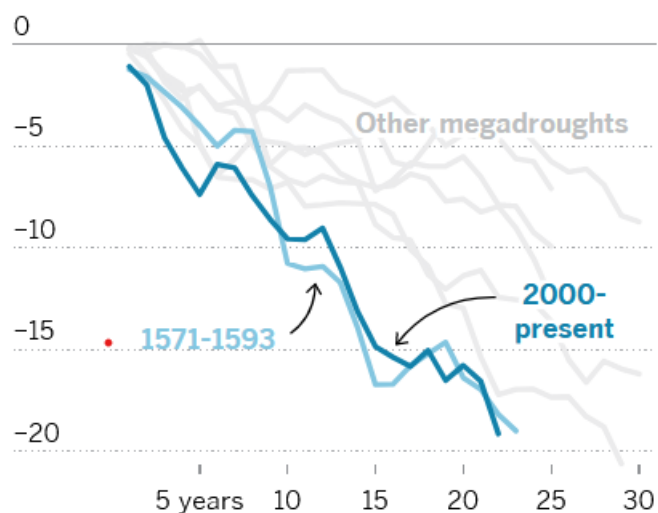
Throughout this area around La Prada, Hillandale, Delphi and Figueroa, projects are being built which remove the trees and replace them with three and four story buildings with little space for children to play other than on roof top balconies. These buildings are increasingly making the neighborhood warmer and throughout the northeast are causing heat island impacts.

Additionally, removing mature trees all over the city and specifically around La Prada has additional cumulative impacts. Mature trees offer benefits that newly planted trees will not be able to replace for decades. See Treeology Exhibit D. Planting 4 to 1 will not replace the benefit in carbon absorption that mature trees provide. Newly, planted trees do not replace the shade and warm the surrounding neighbor's homes. Further, we are in a historic drought situation not seen in 1200 years. Mature trees require less water while new trees need constant watering. This will put a further strain on our water shortage. (Williams, A.P., Cook, B.I. & Smerdon, J.E. Rapid intensification of the emerging southwestern North American megadrought in 2020–2021. *Nat. Clim. Chang.* **12**, 232–234 (2022). <https://doi.org/10.1038/s41558-022-01290-z>)

Comparing the West's longest droughts

A study found the current 22-year dry spell across southwestern North America has become more severe than a megadrought in the 1500s.

Soil moisture



Soil moisture is shown in cumulative standard deviations from the 800-2021 average.

Williams, et al.

Sean Greene LOS ANGELES TIMES

There are cumulative impacts from the City's Small Lot Ordinance (SLO) which is cumulatively removing housing for the poor, elderly and disabled.

- A. The Small Lots Ordinance as depicted in this design and in many of the units being built throughout the City discriminates against residents in wheel chairs.
- B. The Small Lots Ordinance as depicted in this design and in many of the units being built throughout the City discriminates against the elderly who will have difficulty walking up the stairs to the kitchen and dining area.
- C. Los Angeles through it's Small Lot Ordinance is tearing out housing that is affordable and accessible to the disabled and elderly and replacing it with housing that is neither affordable nor accessible.
- D. The Small Lot Units are not affordable to low income residents.

2.. The City Cannot Rely on a Categorical Exemption When Mitigation Measures Are Required.

Categorical exemptions cannot be relied upon for projects such as this one where mitigation measures are required. (*Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1108; *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1191, 1201 [agency may not “evade these standards by evaluating proposed mitigation measures in connection with the significant effect exception to a categorical exemption”].) Here, the DAA states,

“The project will be subject to Regulatory Compliance Measures (RCMs), which require compliance with the City of Los Angeles Noise Ordinance, pollutant discharge, dewatering, storm water mitigations; and Best Management Practices for storm water runoff. These RCMs will ensure the project will not have significant impacts on noise and water. While the subject site is located within Raymond Fault Zone, Urban Agriculture Incentive Zone, Very High Fire Hazard Severity Zone, and Special Grading Area, lands identified to be located in a Hillside Area based on the latest Bureau of Engineering Basic Grid Map A-13372, per Section 91.7003 of the Building Code, RCMs, including RC-GEO-2, in the City of Los Angeles regulate the grading and construction of projects in these particular types of "sensitive" locations and will reduce any potential impacts to less than significant.”

The RCM is a mitigation measure as the grading measures will be formed specific to this site, not generally applicable measures.

3. The City Cannot Rely on a Categorical Exemption When The site can be adequately served by all required utilities and public services.

Utilities - SEWER LINES –

The Sewer System cannot handle the 30 unit increase because of its age and capacity

The LOD states, “14. Wastewater Collection Systems Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found

no potential problems to their structure or potential maintenance problem, as stated in the memo dated October 16, 2019 Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)."

The infrastructure in the City of Los Angeles is old. The sewer lines are old and cannot carry the load from so many new units, including the 12 unit Small Lots Project across the street. Residents in the Garvanza and Arroyo Vista neighborhoods have recently faced broken main lines causing flooding and water outages.

The City has failed to demonstrate that there is adequate water and wastewater infrastructure to support the Project. About one-fifth of the City's water pipes were installed before 1931 and nearly all will reach the end of their useful lives in the next 15 years. The water and wastewater pipes in the Project area are 50 to nearly 100 years old. Frequent water pipe leaks already occur in this area:

<http://graphics.latimes.com/la-aging-water-infrastructure/>.

I. False/Omitted/Incorrect or Misleading Information in application.

We incorporate the objections raised in the HHPNC Community Impact Statement regarding the False/Omitted/Incorrect and/or Misleading Information contained in the application. Please see Exhibit A (HHPNC Community Impact Statement) pages 15 and 16.

We further incorporate all of the objections raised in the HHPNC Community Impact Statement.

Conclusion

For the aforementioned reasons, the appeal of the Letter of Decision for the Project should be granted. Appellants reserve the right to supplement this Appeal at future hearings and proceedings for this Project. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120.) Finally, we request notification for all future hearings, decisions, determinations, and other similar actions related to the Project Approvals per state/local law requiring local agencies to mail such notices to any person who has filed a written request for them. (See e.g., Pub. Res. Code §§ 21092.2, 21167(f); Gov. Code § 65092;

On Behalf of La Prada, Hillandale, Delphi Concerned Residents

A handwritten signature in black ink, appearing to be a stylized name, possibly "John" or "Jon", with a long horizontal line extending to the right.

EXHIBITS TO STATEMENT OF APPEAL

EXHIBIT NUMBER	DESCRIPTION
EXHIBIT A	HHPNC CIS
EXHIBIT B	Noise Pollution Info Graphic
EXHIBIT C	Los Angeles County SEA
EXHIBIT D	Treeology
EXHIBIT E	LETTER OF DETERMINATION