

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS
ZA-2021-9426-ZAD-DRB-SPP-MSP-HCA

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2021-9427-CE

PROJECT TITLE

Design Review and Project Permit Compliance

COUNCIL DISTRICT

3

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

☐ Map attached.**4337 N. Tosca Road**

PROJECT DESCRIPTION:

☒ Additional page(s) attached.

Construction of a new single-family home with an attached garage, swimming pool, retaining walls, and attached ADU located within the Girard Tract.

NAME OF APPLICANT / OWNER:

Fred Omary and Terry Cher

CONTACT PERSON (If different from Applicant/Owner above)

Pouya Payan- Labyrinth Design Studio Inc.

(AREA CODE) TELEPHONE NUMBER | EXT.

(818)219-8210

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

☐ STATUTORY EXEMPTION(S)

Public Resources Code Section(s) _____

☒ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)CEQA Guideline Section(s) / Class(es) **15303 (3)**☐ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

☒ Additional page(s) attached

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

☐ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.

☐ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE

Tiffany Corrales

Tiffany Corrales

STAFF TITLE

Planning Assistant

ENTITLEMENTS APPROVED

Mulholland Design Review and Specific Plan Project Permit Compliance

FEE:

RECEIPT NO.

REC'D. BY (DCP DSC STAFF NAME)

DISTRIBUTION: County Clerk, Agency Record

Rev. 3-27-2019

Please return to OZA:
200 N. Spring Street, Room 763
Los Angeles, CA 90012

I hereby certify and attest this to be a true and correct
copy of the original record on file in the office of the
Department of City Planning of the City of Los Angeles
designated as Office of Planning
Margie Cernantes 1/27/2011
Department Representative

CITY PLANNING COMMISSION

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DEPUTY DIRECTOR

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DEPUTY DIRECTOR

JUSTIFICATION FOR PROJECT EXEMPTION CASE NO. ENV-2021-9427-CE

4337 N. Tosca Road

Project Description

The Project located at 4337 N. Tosca Road will be analyzed for the purpose of the California Environmental Quality Act (CEQA) review for the construction of a new single-family dwelling with an attached garage, swimming pool, patio space, retaining walls, and attached Accessory Dwelling Unit. The Project is in compliance with the Baseline Hillside Ordinance and requires no further discretionary actions. The project is proposing to remove zero (0) non-protected trees, which would otherwise be required to be replaced on a 1:1 basis. As a single-family dwelling developed in a residential area, this Project qualifies for the Class 15303 Categorical Exemptions.

The Project is for the new construction of a 2-story 2,999 square foot single-family home with a maximum height of 27 feet. The project includes an attached 2-car garage and total of 6 parking spaces, two retaining walls, a swimming pool, and an attached 353 square foot Accessory Dwelling Unit. The proposed project is located within the Girard Tract. The project is in the Outer Corridor and subject to the Baseline Hillside ordinance. The project site is downslope and visible from the Mulholland Drive right-of-way. The project proposes 347 cubic yards of cut, 72 cubic yards of fill, 275 cubic yards of export, and zero cubic yards of import grading. The project does not propose the removal of any trees.

CEQA Section 15300.2: Exceptions to the Use of Categorical Exemptions.

The City has considered whether the Proposed Project is subject to any of the six (6) exceptions that would prohibit the use of a categorical exemption as set forth in State CEQA Guidelines Section 15300.2. The six (6) exceptions to this Exemption are: (a) Location; (b) Cumulative Impacts; (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources.

Location. *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located— a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous*

or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The subject site is located 9.7 Kilometers from the Malibu Coast Fault, in a Hillside Area, is identified as a, Urban Agricultural Incentive Zone, Very High Fire Hazard Severity Zone, and BOE Special Grading Area; however, specific Regulatory Compliance Measures (RCMs) 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. Specifically, the following RCMs would apply:

- **Regulatory Compliance Measure RC-GEO-1 (Seismic):** The design and construction of the project shall conform to the California Building Code seismic standards as approved by the Department of Building and Safety.
- **Regulatory Compliance Measure RC-GEO-2 (Hillside Grading Area):** The grading plan shall conform with the City's Landform Grading Manual guidelines, subject to approval by the Advisory Agency and the Department of Building and Safety's Grading Division. Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- **Regulatory Compliance Measure RC-GEO-3 (Landslide Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any landslide and soil displacement, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to:
 - ground stabilization
 - selection of appropriate foundation type and depths
 - selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter dated April 12, 2021, for the proposed project, and as it may be subsequently amended or modified.

- **Regulatory Compliance Measure RC-GEO-4 (Liquefaction Area):** The project shall comply with the Uniform Building Code Chapter 18. Division1 Section 1804.5 Liquefaction Potential and Soil Strength Loss. Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to:
 - ground stabilization

- selection of appropriate foundation type and depths
- selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.

The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.

- **Regulatory Compliance Measure RC-GEO-5 (Subsidence Area):** Prior to the issuance of building or grading permits, the applicant shall submit a geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The geotechnical report shall assess potential consequences of any subsidence and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity and discuss mitigation measures that may include building design consideration. Building design considerations shall include but are not limited to ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-GEO-6 (Expansive Soils Area):** Prior to the issuance of grading or building permits, the applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the Department of Building and Safety, for review and approval. The geotechnical report shall assess potential consequences of any soil expansion and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity and discuss mitigation measures that may include building design consideration. Building design considerations shall include but are not limited to ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
- **Regulatory Compliance Measure RC-AE-1 (Hillside): Compliance with Baseline Hillside Ordinance.** To ensure consistency with the Baseline Hillside Ordinance, the project shall comply with the City's Hillside Development Guidelines, including but not limited to setback requirements, residential floor area maximums, height limits, lot coverage and grading restrictions.
- **Regulatory Compliance Measure RC-AQ-1 (Demolition, Grading and Construction Activities): Compliance with provisions of the SCAQMD District Rule 403.** The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:
 - All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.

- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.
- **Regulatory Compliance Measure RC-NOI-1 (Noise Ordinance):** The project shall conform with the City's noise regulations that have taken effect pursuant to Ordinance 144,331 et sequentia. These measures include but are not limited to LAMC Section 41.40 for Construction Noise, LAMC Section 113.01 for Rubbish and Garbage Collection, LAMC Section 114.0 for Vehicle loading or unloading (Deliveries), LAMC Section 112.01(c) for Noise Emitting.
- **Regulatory Compliance Measure RC-WQ-1: National Pollutant Discharge Elimination System General Permit.** Prior to issuance of a grading permit, the Applicant shall obtain coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System No. CAS000002) (Construction General Permit) for Phase 1 of the proposed Modified Project. The Applicant shall provide the Waste Discharge Identification Number to the City of Los Angeles to demonstrate proof of coverage under the Construction General Permit. A Storm Water Pollution Prevention Plan shall be prepared and implemented for the proposed Modified Project in compliance with the requirements of the Construction General Permit. The Storm Water Pollution Prevention Plan shall identify construction Best Management Practices to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in stormwater runoff as a result of construction activities.
- **Regulatory Compliance Measure RC-WQ-2: Dewatering.** If required, any dewatering activities during construction shall comply with the requirements of the Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2008-0032, National Pollutant Discharge Elimination System No. CAG994004) or subsequent permit. This will include submission of a Notice of Intent for coverage under the permit to the Los Angeles Regional Water Quality Control Board at least 45 days prior to the start of dewatering and compliance with all applicable provisions in the permit, including water sampling, analysis, and reporting of dewatering-related discharges.

Regulatory Compliance Measure RC-WQ-3: Low Impact Development Plan. Prior to issuance of grading permits, the Applicant shall submit a Low Impact Development Plan and/or Standard Urban Stormwater Mitigation Plan to the City of Los Angeles Bureau of Sanitation Watershed Protection Division for review and approval. The Low Impact Development Plan and/or Standard Urban Stormwater Mitigation Plan shall be prepared consistent with the requirements of the Development Best Management Practices Handbook.

- **Regulatory Compliance Measure RC-WQ-4: Development Best Management Practices.** The Best Management Practices shall be designed to retain or treat the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period, in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a licensed civil engineer or licensed architect confirming that the proposed Best Management Practices meet this numerical threshold standard shall be provided.

These RCMs have been historically proven to work to the satisfaction of the City Engineer to reduce any impacts from the specific environment in which the Project is located. In addition, all haul routes applications require the submittal of a Geology and Soils Report to the Department of Building and Safety (DBS). A Geology and Soils Report Approval Letter for the subject properties, which details conditions of approval that must be followed, has been issued by DBS on April 12, 2021, (attached). In addition, roof and site drainage as well as sewer availability must comply with Bureau of Engineering and Bureau of Sanitation standards; and hydrants, Fire Department Access, and Fire Safety must be reviewed and approved by the Los Angeles Fire Department before permits can be issued. Furthermore, the project must comply with the Baseline Hill Ordinance No. 181, 624 adopted after May 9, 2011, Modifications to Single-Family Zones and Single-Family Zone Hillside Area Regulations ZI-2462 effective March 17, 2017 and State Enterprise Zone ZI-2374. Thus, in conjunction with the above RCMs and compliance with other applicable regulations, the location of the Project's will not result in a significant impact based on its location.

Cumulative Impacts. *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

According to the Zoning Information and Map Access System (ZIMAS) there are no (zero) other haul route approvals, and no (zero) other haul route applications being processed within 500 feet of the subject Site.

Significant Effect. *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

All adjacent lots are developed with single-family dwellings, and the subject sites are of a similar size and slope to nearby properties. The applicant is proposing for the removal of zero (0) trees. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

The Project proposes to construct a single-family dwelling in an area zoned and designated for such development. All adjacent lots are developed with single-family dwellings, and the Subject Site is of a similar size and slope to nearby properties. The Project proposes to be 2,999 square feet on a Site that is permitted to have a maximum Residential Floor Area of 3,076 square feet.

This type of project is not unusual for the vicinity of the Subject Site and is similar in scope to other existing residential uses in the area. Thus, there are no unusual circumstances which may lead to a significant effect on the environment, and this exception does not apply.

According to the Biological Resources Report prepared by Matthew South from South Environmental in March 2023, the project site is not a habitat for special-status species or plants. The project site will not have any impacts to special-status wildlife or wildlife movement. With the implementation of the Regulatory Compliance Measures #1 and #2, listed below, the project impacts would be less than significant.

Regulatory Compliance Measure #1: General Tree Protection Guidelines

- Observation- all work within the protected zone should be observed by a certified arborist experienced with each specific tree's requirements. The arborist should be contacted in a timely manner to ensure their availability.
- Hand Tools- All work should be performed utilizing hand tools only. To reduce compaction in the root zone, no large equipment, such as backhoes or tractors should be utilized in this protected zone.
- Root pruning- Should there be a need to perform any light root pruning, it should be done carefully. The roots should be exposed through hand digging. The roots should be cut at a 90-degree angle and cut cleanly. No roots should be torn or jagged; this can lead to rotting and decay in the root zone and reduced stability and health in the tree. I caution excessive root pruning, and encourage you to err on the conservative side. If a tree is in any existing stress or is lacking in health and vigor, the root pruning can contribute to the quick decline of a tree.
- Protective Fencing- If necessary, the arborist should be contacted to develop a specific fencing plan for your trees. Fencing may be of a flexible configuration and be a minimum of 4 feet in height. A warning sign must be displayed on the street side of the fence, stating the requirements of all workers in the protected zone. Throughout the course construction, maintain the integrity of the tree protection zone fencing and keep the site clean and maintained at all times.
- Irrigation- Irrigate trees for the duration of the project. If the tree is newly planted, deep watering should be weekly during its establishment period. If the tree is quite mature, deep water once per month during spring and summer months.

Regulatory Compliance Measure #2: Preconstruction Nesting Bird Survey

- If possible, ground disturbing activities and vegetation removal (including tree trimming) should be timed to occur outside the bird nesting season (September 1- January 31).
- If ground disturbing activities or vegetation removal (including tree trimming) are scheduled during the bird nesting season (February 1- August 31) a preconstruction survey for nesting birds should be conducted within 72 hours prior to construction activities. The survey should be conducted by a qualified biologist with prior experience conducting nesting bird surveys for construction projects. The study area should include the project site and suitable habitat within a 300-foot buffer, or a buffer size determined by the qualified biologist based on level of proposed disturbance and access. If no active nests are found, no additional measures are required.
- If active nests are found the biologist will map the location and document the species and nesting stage. A no-work buffer will be established around the active nest as determined by the qualified biologist based on the species sensitivity to disturbance and the type and duration of the disturbance. No construction activities shall occur within the no-work buffer until the biologist has determined the nest is no longer active.

Additionally, According to the Tree Report prepared by Lisa Smith on May 2, 2023, and reviewed

by the Urban Forestry Division, the 12 protected trees located on site will be protected and there are zero proposed tree removals.

Scenic Highways. *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.*

The only State Scenic Highway within the City of Los Angeles is the Topanga Canyon State Scenic Highway, State Route 27, which travels through a portion of Topanga State Park. The project is approximately 0.9 miles east of State Route 27. Therefore, the project will not result in damage to any scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, and this exception does not apply.

Hazardous Waste. *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

According to Envirostor, the State of California's database of Hazardous Waste Sites, neither the subject site, nor any site in the vicinity, is identified as a hazardous waste site. Furthermore, the building permit history for the Project Site does not indicate the Site may be hazardous or otherwise contaminated and this exception does not apply.

Historic Resources. *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The Project Site has not been identified as a historic resource by local or state agencies, and the project site has not been determined to be eligible for listing in the National Register of Historic Places, California Register of Historical Resources, the Los Angeles Historic-Cultural Monuments Register, and/or any local register; and was not found to be a potential historic resource based on the City's HistoricPlacesLA website or SurveyLA, the citywide survey of Los Angeles. Finally, the City does not choose to treat the Site as a historic resource. Based on this, the project will not result in a substantial adverse change to the significance of a historic resource and this exception does not apply.

CEQA Determination – Class 3 Categorical Exemption Applies

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. The proposed project qualifies for the Class 3 Categorical Exemption because it involves the construction of 2,999 square foot single family home with an attached 2-car garage and total of 6 parking spaces, swimming pool, retaining walls, and attached Accessory Dwelling Unit.