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November 20, 2015

By Email (Diana.Kitching@lacity.org) and U.S. Mail

Diana Kitching
City of Los Angeles
Department of City Planning
Environmental Analysis Section
200 N Spring Street, Room 750
Los Angeles, CA 90012

Re: Comments of Notice of Preparation and Initial Study for Abode at Glassell Park Project, Case Number: ENV-2015-2354-EIR

Dear Ms. Kitching,

On behalf of NELA Greenspace, we submit these comments on the Initial Study for the proposed Abode at Glassell Park Project (the "Project"). NELA Greenspace's mission is to advocate for the preservation of green space in the hillsides of Glassell Park in order to provide park equity through passive recreation parks to those in Glassell Park and Northeast Los Angeles' densely populated, underserved communities and in doing so, help enrich the lives of those in Northeast Los Angeles.

We appreciate your providing us notice of the scoping process being conducted for the environmental impact report ("EIR") for the Project. The Project proposes to construct 32, three-story single-family homes on 4 acres in the Glassell Park area of Los Angeles. Specifically, the Project would be developing a portion of the largest remaining open space in Glassell Park—Walnut Canyon. The Project would also require extension of Haverhill Drive and Brilliant Drive. NELA Greenspace is concerned that the Project represents continued piecemeal development in an area with insufficient infrastructure to support it. The 32 additional houses proposed by the Project will increase traffic and congestion along the area's narrow and windy roads, with adverse impacts on the already-poor police and fire emergency response times. The Project will also result in the loss of the area's only remaining open space, where residents have used the existing trail for recreation and enjoyment of nature for decades. Given the admitted adverse environmental impacts that this Project will have on Glassell Park and its residents,

thorough environmental analysis and the implementation of concrete and enforceable mitigation measures that address these impacts is required.

More importantly, the EIR must consider less impactful alternatives to the proposed development. NELA Greenspace is advocating for the protection of one of the last and the largest open space areas in the parkless Glassell Park through the acquisition of Walnut Canyon as a park. We are supported in this goal by over 1,500 residents, the Santa Monica Mountains Conservancy, Senator Kevin de Leon, Supervisor Hilda Solis, the Hillside Federation and many other politicians and organizations. Funding is available to acquire the Project site as open space for this park-starved area. Thus, preservation of the Project site as a park is a feasible alternative that must be considered.

More than 100 members of NELA Greenspace have prepared comments in response to the Initial Study for the Project, objecting to its many impacts and urging the City to adopt a park alternative. These letters are included as an attachment to this letter. (**Attachment 1:** NELA Greenspace Individual Comment Letters.)

I. A Legally Adequate EIR Must be Prepared.

When a project may have a significant impact on the environment, the California Environmental Quality Act (CEQA) requires the preparation and certification of an EIR. “[S]ince the preparation of an EIR is the key to environmental protection under CEQA, accomplishment of the high objectives of that act requires the preparation of an EIR whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) The Initial Study acknowledges that the Abode at Glassell Park Project will likely have adverse impacts on aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, land use and planning, noise, and transportation and traffic. (Initial Study p. III-5.) NELA Greenspace agrees with the City that preparation of an EIR is only proper way to address and mitigate these potential environmental impacts under CEQA and appreciates the City’s release of the Notice of Preparation and Initial Study to solicit community input on this important Project.

To be legally adequate, an EIR must comprehensively identify and address all of the “significant environmental effects” of a proposed project. (Public Resources Code § 21100(b)(1); CEQA Guidelines § 15126.2.) “All phases of a project,” including “planning, acquisition, development, and operation,” must be addressed. (CEQA Guidelines § 15126.) And both “[d]irect and indirect significant environmental effects” must be analyzed, “giving due consideration to both the short-term and long-term effects.” (CEQA Guidelines § 15126.2(a).) As set forth in detail below, the Initial Study fails to adequately and accurately consider the Project and the existing environment, incorrectly identifies impacts as insignificant and fails to indicate whether all potentially significant impacts will be considered in the EIR.

A. The EIR Must Contain a Complete Project Description.

The minimal description of the Project included in the Initial Study failed to comply with CEQA's requirement that the environmental review document provide "[a]n accurate project description" which "is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." (*McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District* (1988) 202 Cal.App.3d 1136, 1143.) The EIR must correct this problem by including a complete and accurate Project description that sets forth all aspects of the Project including answers to the following questions and inclusion of the requested information and analysis:

- Haul route that will be used during construction;
- The Project phasing;
- Grading plan for the Project so that geotechnical, flooding, biological and aesthetic impacts of the project can be disclosed;
- How many stories and what square footage the houses will be;
- Setbacks that will be provided;
- Whether the Project will be clustered to avoid impacts to protected oak and walnut trees
- The height and location of retaining walls and the impact of these walls on nearby existing homes;
- An analysis of the structural impacts construction of this development could have existing homes;
- Whether any excavation at existing homes would be required to implement this Project;
- A detailed plan for the hook up of water and sewer lines;
- The design characteristics and styles of the proposed residences to assess compliance with the Mount Washington/Glassell Park Specific Plans requirement for variety in the design of residences to preserve neighborhood character.

B. Careful and Complete Studies are Needed to Determine the Baseline for CEQA Analysis.

Before the impacts of a project can be assessed and alternatives and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined. (CEQA Guidelines, §§ 15125, 15126.2, subd. (a).)

The adequacy of the CEQA analysis contained in the Project's EIR will hinge on the accuracy of baselines used for environmental analysis. An accurate baseline is required to ensure that the Project's likely environmental impacts are neither exaggerated

nor obscured. Mere projections of baseline information are insufficient for baseline analysis. Further, *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931 states that recitation of raw data without explanation of how such levels were derived or maintained “does not provide an adequate description of the existing environment.” *Citizens for East Shore Parks v. State Lands Commission*, (2011) 202 Cal.App.4th 549 held the proper baseline for analysis of environmental impacts is “what [is] actually happening,” not what might happen or should be happening.

The baseline is particularly important for evaluating traffic impacts. Traffic data for “current conditions” should be collected on a variety of days that are truly representative of the great congestion that plagues Glassell Park’s windy and narrow roads. Data collection should not be restricted to periods of artificially low vehicular congestion (i.e., holidays).

Additionally, in anticipation of this Project, the Project proponent removed several protected Southern California Black Walnut trees from the Project site. These trees must be considered in the baseline conditions and their removal must be analyzed as part of the Project.

Further, under existing conditions, the Project site is used as a hiking trail by many area residents. This must be considered the baseline condition for environmental review.

C. All Traffic Related Impacts Must Be Analyzed.

The existing roads adjacent to the Project site are significantly substandard hillside limited streets. (Los Angeles Municipal Code § 12.21.A(17)(e).) Haverhill Drive is only approximately 18 feet wide and Brilliant Drive is a mere 14 feet wide. Standard roadway width is 28 feet of pavement. At these widths, it is incredibly difficult for two cars to pass each other on these two-way streets. In the case of Brilliant Drive, it is essentially impossible for two cars to pass each. The vehicles must signal to one another and one must pull off of the road to let the other vehicle pass. In addition to being hazardously narrow, the roadways are not properly engineered consisting of only asphalt on top of dirt. This results in crumbling of the existing roadway, increasing the hazards of driving in the area.

1. The EIR Must Analyze Construction Traffic Impacts.

The proposed Project would require 13,000 tons of material to be exported from the site, resulting in numerous truck trips on the hazardously narrow roadways leading to and from the Project site. When a large dump truck is driving down these narrow roads, there is no way for residents to also use the road. The EIR must analyze the proposed haul routes and routes construction vehicles and construction workers would use to access the Project site. The impacts from the construction traffic can be incredibly

significant in this area, as they have been at other recent project sites near this Project site. The attached comments from NELA members include descriptions of the hazards that have been personally experienced at other project sites recently. Several residents were driven off of the roads by construction traffic and several serious accidents were narrowly avoided. The EIR must include a fully enforceable construction traffic mitigation plan to address the construction traffic impacts.

2. The EIR Must Analyze Operational Traffic Hazards.

The Initial Study downplays the potential for traffic impacts, claiming that operational traffic would only be significant if it would result in area intersections exceeding a LOS E. (Initial Study IV-22.) First, this fails to consider the existing hazardous conditions that will be made worse by the Project. In an area where the flow of traffic depends solely on Los Angeles drivers being able to clearly communicate with one another from separate moving vehicles, the addition of any additional vehicles will surely have a significant impact. Adding at least 42 new peak hour trips on these narrow roads, and numerous additional trips throughout the day will result in an increase in traffic hazards and congestion on these narrow roadways that must be addressed.

Additionally, the Northeast Los Angeles Community Plan sets a lower threshold of significance for collector and local streets in the area. According to the Policy 10-1.1, the level of service on these streets should not exceed LOS D. The EIR must analyze the Project's consistency with this Community Plan policy. Further, the EIR should address whether the Project complies with the Traffic Improvement and Mitigation Program for Northeast Los Angeles. (Northeast Los Angeles Community Plan III-25.)

3. Development on Substandard Hillside Streets Is Only Allowed If Conditions Are Met.

"For any new construction of, or addition to, a One-Family Dwelling on a Lot that does not have a vehicular access route from a Street improved with a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area, no Building permit or Grading permit shall be issued unless" the City is able to make specific findings regarding the Project. The Zoning Administrator must be able to find that:

- (i) the vehicular traffic associated with [the Project] will not create an adverse impact on Street access or circulation in the surrounding neighborhood; and
- (ii) [The Project] will not be materially detrimental or injurious to the adjacent property or improvements; and
- (iii) [The Project] will not have a materially adverse safety impact on the surrounding neighborhood.

(Los Angeles Municipal Code § 12.24 X.28.) These findings cannot be made due to the hazardous situation that will be made worse by the Project's construction and operational traffic.

4. Cumulative Traffic Impacts

When the possible effects of a project are "individually limited but cumulatively considerable" a finding that the project may have a significant effect on the environment must be made. (Pub. Resources Code § 21083.) "Cumulatively considerable" means that the increased effects of a project are considerable when viewed in connection with the effects of past, current, and probable future projects. (*Ibid.*) New homes are sprouting up all over the hillside areas of Glassell Park. The cumulative construction and operational traffic impacts of these projects must be disclosed and thoroughly analyzed, especially in light of the already existing hazardous traffic conditions.

D. The Air Quality Analysis Must Include a Health Risk Analysis that Employs the Newest Standards to Analyze Potential Impacts on Sensitive Receptors.

The Office of Environmental Health Hazard Assessment (OEHHA) adopted a new version of the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (Guidance Manual).¹ As discussed in Section 8.2.10 of the Guidance Manual, "[t]he local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation."

The Project's construction impacts must be analyzed with a Health Risk Assessment (HRA). Agency guidance indicates that new OEHHA methodology will substantially increase the estimated significance of toxic air contaminants. Because the new OEHHA methodology includes a number of conservative assumptions about potential impacts to infants and children, short term construction emissions could lead to significant HRA results. For example, SCAQMD staff estimate that a six-month construction project for a typical one-acre office project could cause a significant HRA impact.²

The Project will result in development of 32 houses on 4 hilly acres of the City of Los Angeles. The construction that this will entail will result in significant construction

¹ See http://www.oehha.ca.gov/air/hot_spots/hotspots2015.html.

² See SCAQMD Staff presentation, Potential Impacts of New OEHHA Risk Guidelines on SCAQMD Programs, Agenda Item 8b, <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2014/may-specsess-8b.pdf>.

and operational air quality impacts, which must be carefully calculated, analyzed, and mitigated.

The EIR should analyze health risk impacts at congested intersections. The analysis should not be limited to carbon monoxide emissions, but rather should include ambient concentrations of criteria pollutants (which can cause localized health impacts from vehicle emissions) and toxic air contaminants. This is critical for intersections such as:

- Haverhill Drive and Cazador Street;
- Cazador Street and Division Street;
- Brilliant Drive and Cazador Street;
- Sundown Drive and Cazador Street;
- Cazador Street and Lavell Drive;
- Lavell Drive and Hines Drive; and
- Kinney Street and Crestmoore Drive.

Numerous studies have identified asthma impacts associated with diesel particulate matter exposure. The EIR should analyze the impact of such exposure from construction and operations on nearby residences, including offsite traffic. This is particularly important, given that the Project will require the haul of over 13,000 cubic yards of fill from the site in diesel trucks.

Further, according to CalEnviroScreen 2.0, a tool that the California Environmental Protection Agency (CalEPA) uses to identify disadvantaged communities pursuant to Senate Bill 535, the Glassell Park neighborhood is in the 84 percentile of communities that are disproportionately burdened with multiple sources of pollution. CalEPA identifies the Glassell Park neighborhood as among 25 percent of the highest scoring census tracts to bear the burdens of pollution in CalEnviroScreen 2.0. The addition of construction and operational emissions will add to this neighborhoods burden.

E. The Project Would Have Numerous Biological Impacts.

1. Ecological Assessment of the Project Site Found Numerous Resources.

The Project would have significant adverse impacts on numerous biological resources that must be thoroughly analyzed in the EIR. Biological experts Cooper Ecological Monitoring, Inc. prepared an ecological assessment of the few remaining open space areas in Northeast Los Angeles, including Walnut Canyon. (**Attachment 2: Ecological Assessment of Open Space Remnants in Northeast Los Angeles.**) This assessment, which refers to the Project site and surrounding area as "Maricopa", found the Project site to support globally-rare species and habitats. The Project site was found to be dominated by two important habitats: walnut-oak woodland and coastal sage scrub.

Both of these habitats are protected and supported numerous sensitive species. The site was also found to support at least 40 bird species, with many nesting on the site.

The Santa Monica Mountains Conservancy has also found the Project site to be part an important wildlife corridor as it is one of the few remaining open space areas in Northeast Los Angeles.

2. The Habitat on the Project Site is Legally Protected.

The oak trees found on the Project site are protected by state law. (Pub. Resources Code § 21083.4.) The oak trees and Southern California Black Walnut trees found on the site are also “protected trees” under the City’s Protected Trees Ordinance. (Los Angeles Municipal Code § 46.01.) Removal of these protected trees is only allowed in limited circumstances, which do not exist here. (Los Angeles Municipal Code § 46.02.) As set forth in Section II below, the removal of these trees is not necessary for reasonable development of the Project site.

3. The City Should Place a Moratorium on Development Due to Illegal Tree Removal.

The developers of the Project site illegally removed Black Walnut trees from the Project site in April of 2015. (**Attachment 3**: photos of removed trees.) As discussed in Section I.B, those illegally removed trees must be considered as part of the baseline conditions for the Project site.

Additionally, the City’s Protected Trees Ordinance provides that when protected trees have been removed without the required permits, the City may “withhold issuance of building permits...for a period of time up to a maximum of ten years.” (Los Angeles Municipal Code § 46.06.) NELA Greenspace hereby requests the City withhold issuance of any permits for the proposed Project until 2025 due to the illegal tree removal.

F. Recreation and Open Space Must Be Analyzed.

The Initial Study claims the Project would no recreational impacts. (Initial Study p. IV-21.) That fails to consider the baseline conditions at the Project site. A hiking trail across the Project site has been openly used by area residents for at least 40 years. This is one of the few open space areas within Glassell Park. It is also one of the only safe places for residents to walk in the area, since there are no sidewalks on the streets and the streets are even more hazardous for walkers than they are for pedestrians. The loss of one of the only hiking trails and open space areas in this park-starved region must be analyzed in the EIR.

G. The Project Will Have Adverse Impacts on Already-Poor Emergency Response Times.

Surprisingly, the Initial Study finds that the Project will not have significant impacts with regard to the provision of police and fire protection, meaning that it will not adversely impact response emergency times. (Initial Study p. III-11.)

1. Fire Response Times.

Generally, the City considers a Project to have significant fire response impacts if it is located more than 1.5 miles from a fire station that houses and engine or truck company. (Initial Study p. IV-17.) However, the Project site's closest fire station is 2.1 miles away, and all of the Project is located within a Very High Fire Hazard Severity Zone. (Initial Study p. IV-18.) Thus, it seems unlikely that requiring sprinkler systems, vegetation clearance, and other measures is sufficient to overcome the presumption of a significant impact. Los Angeles Fire Department response times in the Project area are already slower than National Standards, with an average response time of nearly 8 minutes. (See, Los Angeles Times, "How Fast is LAFD Where you Live?," available at <http://graphics.latimes.com/how-fast-is-lafd/#13/34.1131/-118.2534>.) A public agency must presume that projects that have a substantial adverse effect on humans would cause a significant impact. (CEQA Guidelines § 15065 subd. (a)(2).) Increasing the time it would take to bring critically ill patients to the hospital would have a substantial adverse affect on humans and must be adequately analyzed and mitigated in the EIR. The same goes for increasing the time it takes to respond to wildfires in a designated Very High Fire Hazard Severity Zone. In addition to adding 88 residents to an area that is already underserved by fire and ambulance services, the Project would increase traffic on the Project area's windy and narrow roads, further slowing response times. This also must be analyzed and mitigated in the EIR. CEQA does not tolerate attempts to sweep important public safety issues "under the rug." (*Concerned Citizens of Costa Mesa v 32nd Dist. Ag. Ass'n*. (1986) 42 Cal.3d 929, 935.)

2. Police Response Times.

The Initial Study agrees that the 88 new Project residents would increase the need for police protection services at the Project site, but finds that the Project would not cause a significant impact on police services if the developer "refers" to the City's Crime Prevention Guidelines. (Initial Study p. IV-19.) While complying with these Guidelines, if actually mandated by the EIR and Project approval, might reduce the Project's ability to attract crime, these Guidelines do not address police response times or the adequacy of the existing police response to the Project area. This information must be disclosed, analyzed, and mitigated to the extent feasible, in the EIR.

H. The EIR Must Study the Project's Impacts on Public Services, Including Schools and Parks.

The Initial Study also finds that the Project would have a less than significant impact on the provision of school services and "no impact" on the City's provision of parks. (Initial Study p. III-11.) While the Project may be able to adequately and legally mitigate its impacts on local school by paying mitigation fees, these fees must be based upon a realistic number of students. The Initial Study concludes that the Project will generate only 8 students out of a total of 88 new residents. (Initial Study p. IV-19; see also section M below regarding an underestimation of new residents.) This number is unrealistic and must be recalculated with analysis of its basis disclosed in the EIR.

The Initial Study's conclusion regarding the provisions of parks is suspect, given that the City of Los Angeles has not met its goal of providing park acreage for its residents. The City's claim that a Project cannot have impacts on parks unless they propose 50 dwelling units lacks substantial evidence. (Initial Study p. IV-20.) Further, the Project would directly impact residents of Glassell Park by developing houses on 4 of the only acres of existing open space in the area. As discussed above, Glassell Park has few parks. The Project site currently has a trail that is used for recreational purposes by residents. The Project would not only eliminate this unofficial park space, but it would impact what little remaining park space remains with 88 new residents. (Initial Study p. IV-17.) This would induce demand for more park space in the Project area, a significant impact on public services. The EIR must analyze and mitigate this loss of park space.

I. Land Use Impacts May Be Significant.

The EIR must carefully consider the Project's compliance with the Northeast Los Angeles Community Plan, the Mount Washington/Glassell Park Specific Plan and the City's Hillside Ordinance. There are several policies that this Project appears to violate. For example, the Community Plan Policy 1-5.1 requires development to be limited according to the adequacy of the existing and assured street circulation system. As discussed above, the existing and assured street circulation system is inadequate to serve existing traffic, let alone the traffic associated with 32 new homes.

J. Careful Analysis of Geotechnical Impacts is Required.

The preliminary geotechnical analysis has identified several potential significant geotechnical impacts, including expansive soils. The Initial Study improperly considers this to be a less than significant impact. (Initial Study p. IV-8.) The EIR must consider this to be a significant impact and then must consider whether measures, such as compliance with recommendations in a geotechnical report, can reduce the impacts to less than significant level. Any mitigation measures must be made fully enforceable through permit conditions, agreements, or other measures. (Pub. Resources Code, §

21081.6.)

The EIR must also carefully analyze the potential for landslides, liquefaction and soil instability that would result from more development in this fragile hillside area.

K. The EIR Must Carefully Analyze Impacts to Water and Wastewater Systems.

In addressing water and wastewater impacts of the Project, the Initial Study limits its consideration to treatment facility capacity and water supply capacity. This fails to consider that water and wastewater pipes are aging and may not be able to handle the additional capacity that would result from this Project on its own and cumulatively with other Projects proposed and approved in the area.

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 90 years old. Frequent water pipe leaks already occur in this area: <http://graphics.latimes.com/la-aging-water-infrastructure/>. The EIR must analyze whether the Project would exacerbate these existing adverse conditions.

L. Water Quality and Hydrological Impacts of Increased Impervious Surfaces Must Be Analyzed.

The Project would convert many square feet of vegetated open space into impervious surfaces. The EIR must analyze whether these additional impervious surfaces will exacerbate existing flooding problems. Currently, sections of the substandard roads flood during heavy rains, making hazardous driving conditions worse. The Project would add to the flooding already experienced.

Additionally, a geological expert has previously informed NELA Greenspace that the Project site is underlain by an aquifer. Residents of the area can attest that this aquifer has been used for well water and as a water source for Sparkletts. The Project's impacts on this aquifer must be analyzed. This includes the Project limiting recharge of the aquifer due to an increase in impervious surfaces and water quality impacts.

M. The Initial Study Miscalculates the Project's Population Growth.

The Initial Study claims that the Project would result in an estimated population growth of 88 residents based on a claimed household rate of 2.74 persons per household. (Initial Study p. IV-17.) The citation for this rate included in the Initial Study provides only an overall rate for the City of Los Angeles, not a rate specific to the Project area.³ The EIR should instead rely on the more specific household rate contained in the

³ Moreover, the rate in that citation is 2.82 persons per household, not 2.74.

Northeast Los Angeles Community Plan. The Plan sets a household rate of 3.49 persons per dwelling unit in low density residential development in Northeast Los Angeles. (Northeast Los Angeles Community Plan p. III-4.) This would result in 112 new residents to the area, an increase that is significant considering the public service deficits for the area discussed above.

N. The Project Would Result in Growth Inducing Impacts.

Under section 15126.2(d) of the CEQA Guidelines, the EIR must discuss “the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” It also must discuss the Project’s potential to “encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.” (*Ibid.*) CEQA Guidelines Section 15064, subdivision (d) mandates that both primary (direct) and “reasonably foreseeable” secondary (indirect) consequences be considered in determining the significance of a project’s environmental effect. In this case, construction of an access road and the extension of water, sewer lines and other utilities may induce such growth on the adjacent open space property.

II. The EIR Must Comprehensively Analyze Alternatives To The Project.

The City has a duty under CEQA to evaluate a reasonable range of alternatives to the Project as currently proposed. (*Laurel Heights I, supra*, 47 Cal.3d at 400.) The City “bears the burden of *affirmatively demonstrating* that . . . the agency’s *approval* of the proposed project *followed meaningful consideration of alternatives* and mitigation measures.” (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134, emphasis added; accord *Village Laguna of Laguna Beach v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1035.) As the Court has said, while an EIR is “the heart of CEQA”, the “core of an EIR is the mitigation and alternatives sections.” (*Citizens of Goleta Valley v. Bd. Of Supervisors* (1990) 52 Cal.3d 553, 564.) Preparation of an adequate EIR with analysis of a reasonable range of alternatives is crucial to CEQA’s substantive mandate to “prevent significant avoidable damage to the environment” when alternatives or mitigation measures are feasible. (Guidelines § 15002(a)(3).)

While “[a]n EIR need not consider every conceivable alternative to a project, ‘it must consider ‘a reasonable range of *potentially* feasible alternatives...’” (Guidelines § 15126.6(a), emphasis added.) “The range of feasible alternatives [for an EIR] shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.” (Guidelines § 15126.6 (f).) “[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives

would impede to some degree the attainment of the project objectives, or would be more costly.” (Guidelines § 15126.6(b).)

Moreover, CEQA prohibits approval of projects with adverse environmental impacts if there are feasible alternatives. (CEQA Guidelines § 15021, subd. (a)(2).) The “policy of the state” reflected in CEQA is that projects with significant environmental impacts *may not* be approved “if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects . . .” (Pub. Resources Code § 21002.) More specifically, CEQA states:

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless . . . :

(a) . . . (3) Specific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code § 21081.) The Guidelines that implement CEQA restate this requirement. (CEQA Guidelines § 15091 (a)(3); CEQA Guidelines § 15021(a)(2).)

An affirmative obligation is thus imposed by CEQA. It is settled law that: CEQA contains *substantive* provisions with which agencies must comply. The most important ... is the provision requiring agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.

(*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41, italics added.)

“Feasible” is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (Pub. Resources Code § 21061.1.) “Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves *whenever* it is feasible to do so.” (*Lincoln Place Tenants Ass'n v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508, emphasis added.)

The EIR should focus on a good faith analysis of real alternatives to the Abode at Glassell Park Project’s current proposal. These alternatives should include, but are not limited to the following feasible alternatives.

Walnut Canyon Park Alternative. The EIR should analyze the alternative of acquisition of the Project site for creation of a Walnut Canyon Park, which would be the

first passive recreation park to be located in Glassell Park. This alternative would eliminate or substantially lessen all or most of the Project's significant adverse impacts. It would reduce traffic and air quality, public service and other impacts, preserve important habitat, and provide recreational opportunities. Funding is available for this alternative through State and County sources. NELA Greenspace is working closely with the Santa Monica Mountains Conservancy to obtain such funding. Thus, this is a feasible less impactful alternative.

Reduced Density Alternative. The EIR should also consider a reduced density alternative with at 4 units per acre. This is still within the range of density identified by the Community Plan for sites with low density residential land use. (Northeast Los Angeles Community Plan p. III-4.) A reduced density alternative would allow for approximately 16 homes on the Project site. This reduction in density would help lessen the significant impacts that would otherwise result from the Project by reducing the amount of grading required, traffic, air quality impacts and drains on public services. Additionally, if those 16 homes are clustered, as encouraged by the Community Plan, a conservation easement on the existing trail could be dedicated as part of the Project and significant open space would remain. (see Northeast Los Angeles Community Plan Policy 1-5.5.)

Very Low Density Alternative. Impacts would be further reduced by an alternative with very low density residential development, with only 1 to 2 homes per acre. This would provide a less impactful financially feasible project while preserving a majority of the site's open space, the trail and the existing oak and black walnut trees.

III. Mitigation of Any Potentially Significant Impacts is Required.

Finally, NELA Greenspace seeks to ensure that any direct, indirect, or cumulative impacts of the Project are fully mitigated as required by CEQA. This will require an environmental review process that fully discloses the Project's likely significant environmental impacts and provides a thorough discussion of alternatives and mitigation measures designed to "avoid or substantially lessen" those environmental impacts as required by Public Resources Code § 21002. Any mitigation measures developed must be concrete and enforceable. (Pub. Res. Code 21081.6(b); *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2007) 155 Cal. App. 4th 425, 445 ["mitigation measures must be feasible and enforceable"]). Additionally, the environmental review document prepared for CEQA compliance must evaluate the efficacy of the mitigation measures proposed, as well as any significant environmental impacts that the mitigation measures may cause. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; Guidelines s. 15126.4.)

Diana Kitching
November 20, 2015
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Conclusion.

Thank you again for soliciting feedback from NELA Greenspace as you begin the environmental review process for the Abode at Glassell Park Project. We appreciate the City's acknowledgement in the Initial Study of the Project's potentially significant impacts on nearly every subject area covered by CEQA and its stated commitment to mitigating any significant adverse impacts that are identified in the EIR. We look forward to the release of a full environmental impact report that thoroughly evaluates the Project's potential impacts on traffic congestion, safety, recreation and open space, public services, and air quality, as well as its conflicts with existing City plans, and that carefully considers less impactful alternatives. Please contact us if you have any questions about these comments.

Sincerely,



Amy C. Minter

cc: Senator Kevin de Leon
Assemblymember Jimmy Gomez
Supervisor Hilda Solis
Councilmember Gilbert Cedillo
Amanda Mejia, Northeast LA District Deputy for Mayor Eric Garcetti
Santa Monica Mountains Conservancy
Federation of Hillside & Canyon Associations, Inc.
Aguacate Alliance

Enclosures:

Attachment 1: NELA Greenspace Individual Comment Letters

Attachment 2: Ecological Assessment of Open Space Remnants in Northeast LA

Attachment 3: Photos of illegally removed trees